

## **UPDATE INFORMATION**

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

## **September 30, 2021 – 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).
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Contact the Auditor's Office Council Clerk/Contracts  
Section if you have questions: 503-823-4082.

Previous Update Packet June 30, 2021



**CODE OF THE CITY OF PORTLAND, OREGON**  
**Insertion Guide for Code Revisions**  
**Office of the City Auditor 503-823-4082**  
**3rd Quarter 2021 (September 30, 2021)**

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**CHAPTER 3.98 - TOWING BOARD OF  
REVIEW**

(Chapter repealed by Ordinance No. 190511,  
effective July 28, 2021.)

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**CHAPTER 3.99 - FAIR WAGE POLICIES**

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

**Sections:**

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

**3.99.005 Policy.**

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

**3.99.010 Covered Services and Agreements.**

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

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

**3.99.015 Compliance.**

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

**3.99.020 Adjustments.**

(Amended by Ordinance Nos. 187124 and 190405, effective June, 18 2021.) State and Federal law sets the base minimum wage. Unless otherwise directed by Council, minimum wage shall be no less than \$15 per hour. The Office of Management and Finance shall provide City bureaus with a yearly minimum hourly wage rate for covered services which is anticipated to be adjusted annually by the change in the consumer price index identified

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for use by the City of Portland and provided by the City Economist or pursuant to the terms of a City collective bargaining agreement for such represented employees if it differs from the City Economist. The adjustment shall be effective for all contracts on July 1 of each year. In determining the adjustment amount, the Office of Management and Finance shall take into account the City's overall financial picture, and OMF shall not interpret this Code to require any increase which is inconsistent with the City's financial health and capabilities.

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

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

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**CHAPTER 3.100 - EQUAL OPPORTUNITY**

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

**Sections:**

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

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

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

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

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

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**3.100.021 Identification of Handicapped.**

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

**3.100.022 Management Commitment.**

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

**3.100.023 Objectives.**

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

**3.100.030 Contractor Equal Employment Opportunity Program.**

(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

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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)

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- A.** No contractor on a City contract shall discriminate by policy or practice in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following exceptions:
- 1.** In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.
  - 2.** The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.
- B.** Other options for compliance allowed. Provided that a contractor does not discriminate in the provision of benefits between employees with spouses and employees with domestic partners, a contractor may:
- 1.** Elect to provide benefits to individuals in addition to employees' spouses and employees' domestic partners;
  - 2.** Elect to provide benefits in a manner unrelated to spousal or domestic partner status; or
  - 3.** Provide benefits neither to employees' spouses nor to employees' domestic partners.
- C.** Requirements inapplicable under certain conditions. The Director may waive the requirements of this chapter where it is found not to be in the best interest of the City. Examples of situations that require waiving the requirements of this chapter include but are not limited to:
- 1.** Award of a contract or amendment is necessary to respond to an emergency;
  - 2.** No compliant contractors are capable of providing goods or services that respond to the City's requirements;
  - 3.** The contractor is a public entity;
  - 4.** The requirements are inconsistent with a grant, subvention or agreement with a public agency;

- 5. The City is purchasing through a cooperative or joint purchasing agreement;
- D. Requests for waivers of the terms of this Chapter are to be submitted to the Bureau of Purchases in a manner prescribed by the Bureau. Decisions by the Bureau to issue or deny waivers are final.
- E. The Director may reject an entity's bid or proposal, or terminate a contract, if the Director determines that the entity was set up, or is being used, for the purpose of evading the intent of this Chapter.
- F. The City shall not execute a contract with a contractor unless such contractor has agreed not to discriminate in the provision of employee benefits as provided for in this chapter.
- G. All contracts awarded by the City shall contain provisions developed by the Bureau of Purchases prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by Section 3.100.054, except as exempted by this chapter or rule.

**3.100.054 Limitations.**

(Added by Ordinance No. 180077, effective May 19, 2006) The requirements of this Chapter only shall apply to those portions of a contractor's operations that occur:

- A. Within the City;
- B. On real property outside of the City if the property is owned by the City or if the City has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the City; and
- C. Elsewhere in the United States where work related to a City contract is being performed.

The requirements of this Chapter shall not apply to subcontracts or subcontractors of any contract or contractor.

**3.100.055 Powers and duties of the Director.**

(Added by Ordinance No. 180077, effective May 19, 2006) The Director of the Bureau of Purchases shall have the power to:

- A. Adopt rules and regulations, in accordance with this chapter and the Administrative Code of The City of Portland (PCC 3.02), establishing standards and procedures for effectively carrying out this chapter;
- B. Examine contractor's benefit programs covered by this chapter;
- C. Allow for remedial action after a finding of non-compliance, as specified by rule.

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- D.** Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but are not limited to:
  - 1.** Disqualification of the contractor from bidding on or being awarded a City contract for a period of up to 3 years; and
  - 2.** Contractual remedies, including, but not limited to, termination of the contract.
- E.** Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;
- F.** Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

**3.100.056 Severability of Provisions.**

(Added by Ordinance No. 180077, effective May 19, 2006) If any part or provision of this Chapter, or application thereof to any person or circumstance, is held invalid, the remainder of this Chapter and the application of the provision or part thereof, to other persons not similarly situated or to other circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable.

**3.100.060 Grant Equal Opportunity Compliance Program.**

**3.100.061 Definitions.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) As used in this Section:

- A.** “Equal Opportunity” or “EO” means the concepts and practice of nondiscrimination on the basis of race, religion, color, national origin, sex, age or handicap in employment, purchasing, contracting, or utilization of firms or individuals on the basis of demographics as may be prescribed by grants awarded to the City of Portland by other governmental agencies.

**3.100.062 Purpose.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) The purpose of the Grant Equal Opportunity Compliance Program is:

- A.** To provide a uniform and consistent review of all equal opportunity and labor standard requirements associated with grants from other governmental agencies to the City of Portland.
- B.** To establish guidelines, instructions, uniform reporting formats, related administrative support, and assistance necessary to comply with grant equal opportunity requirements.

- C. To provide a single, initial contact for grantor agencies and others seeking information about, or contact with, grantee bureaus or offices on EO matters.

**3.100.063 Responsibility.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) Affected City agencies shall have responsibilities under this Section as follows:

- A. Federal Grants Coordinator shall submit all grant applications to the Contract and Grants Compliance Division for determination of equal opportunity requirements. No grant application shall be submitted to the City Council unless the Contract and Grants Compliance Division has reviewed the applicable equal opportunity requirements and obligations.

Following the award of any grant, the Federal Grants Coordinator shall provide the Contract and Grants Compliance Division with copies of the grant and applicable related documents.

- B. Contract and Grants Compliance Division shall serve as the point of contact for all communications relating to grant equal opportunity compliance, and shall review all grants as follows:
  - 1. Pre-Application. Before any grant application is submitted to the grantor agency, the equal opportunity provisions shall be reviewed to determine compliance requirements. A report of such review shall be submitted to the Federal Grants Coordinator.
  - 2. Post Award. Immediately after the award of any grant, the Contract and Grants Compliance Division shall advise the grantee bureau or office of applicable requirements and provide guidelines, instructions, forms, and assistance, as required to assist the bureau or office to implement compliance.
- C. Grantee Bureaus or Offices. Shall be fully responsible for compliance with all equal opportunity requirements imposed by applicable grants. In the discharge of such responsibility, grantee bureaus or offices shall cooperate fully with the Contract and Grants Compliance Division including, but not limited to, accumulation of applicable data, preparation of suitable records, and submission of such records and forms as may be required.

**3.100.064 Compliance Monitoring.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) The Contract and Grants Compliance Division shall monitor the program at appropriate intervals to assure compliance with requirements. Where difficulties are noted, recommendations shall be made to the appropriate bureau, office supervisor or project manager.

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**3.100.065 Rules and Regulations.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) The Contract and Grants Compliance Division shall establish and maintain suitable rules and regulations for administration of the Grant Equal Opportunity Compliance Program.

**3.100.080 Minority/Female Purchasing Program.**

(Amended by Ordinance No. 150738, effective December 13, 1980.)

**3.100.081 Definitions.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) As used in this Section:

- A. **“Minority”** or **“minorities”** means Blacks, Hispanic Americans, Pacific Islanders, Asian Americans, American Indians, Aleuts and Eskimos.
- B. **“Members of Other Groups”** (MOG) means members of other groups or other individuals than those specified in A above, found to be economically and socially disadvantaged by the Small Business Administration under Section 8(a) of the Small Business Act, as amended (15 U.S.C. 637(a)). These MOGs shall also be eligible to participate in this program.
- C. **“Minority business enterprise”** (MBE) means a business at least 50 percent of which is owned by minorities or, in the case of publicly owned business, at least 51 percent of the stock of which is owned by minorities and whose management and daily business operations are controlled by one or more such individuals.
- D. **“Female business enterprise”** (FBE) means a business at least 50 percent of which is owned by females or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by females and whose management and daily business operations are controlled by one or more individuals.

**3.100.082 Purpose.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) The purpose of the Minority/Female Purchasing Program is to encourage and promote the sale of goods and/or services by minority and female business enterprises to the City of Portland. When such services are provided by federal funds encouraging or requiring MBE/FBE participation, the City shall take necessary action to comply with federal laws, regulations and contracting requirements.

**3.100.083 Liaison Officer.**

(Added by Ordinance No. 150738, effective December 13, 1980.) The designated Liaison Officer shall be the Purchasing Agent, who will be responsible for the day to day management of all elements of the program.

**3.100.084 Minority/Female Business Enterprise List.**

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Contract and Grants Compliance Division of the Office of Fiscal Administration shall establish and maintain a current list of minority/female business enterprises, with indications of product and service areas. Such lists shall be consulted when requests for quotations for supply of goods and/or services are received.

**3.100.085 Advertising.**

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Agent shall advertise periodically in local publications (including the Daily Journal of Commerce, female and minority publications) that the City encourages bidding by MBEs and FBEs and that the City will assist such firms to understand and participate in formal bidding process.

**3.100.086 Minority/Female Purchasing Associations.**

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Grants Compliance Division shall develop and implement certification and review criteria for authorization of eligible MBE/FBE participants. Such certification shall be no less often than annually.

**3.100.089 Rules and Regulations.**

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Agent (Bureau of Financial Affairs) shall establish and maintain rules and regulations for administration of the Minority/Female Purchasing Program.

**3.100.090 Metropolitan Human Relations Commission Review and Evaluation.**

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

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

(Chapter added by Ordinance No. 157768, effective  
August 29, 1985.)

**Sections:**

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

**3.101.010 Definitions.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.) As used in this Chapter:

**A. “Low income” means:**

1. For the initial year that persons occupy property for which an application for exemption is filed under ORS 307.545, income at or below 60 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development; and
2. For every subsequent consecutive year that the persons occupy the property, income at or below 80 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

**B. “Eligible property” means land and improvements thereon:**

1. Which are either single or multi-family residential units intended for the exclusive occupancy by low-income persons during the tax year for which approval of the application has been granted or properties which are not residential units but which will become residential units through rehabilitation improvements or new construction to be occupied by low-income persons;

2. Which are owned, being purchased, or held under leasehold interest in the property which meet the standards of Subsections 3.101.030 B. 1.-2. by a charitable organization and non-profit corporation for the purpose of occupancy by low-income persons as described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.540 to 307.548; and
3. Which the owner or leaseholder has met all eligibility requirements and made all required agreements described in this Chapter.

**3.101.020 Eligible Organizations.**

(Amended by Ordinance No. 185043, effective December 7, 2011.) “Eligible organizations” means only charitable non-profit corporations certified by the Internal Revenue Service of the federal government as a 501 (c) (3) or (4) organization which also provides housing for occupancy by low-income persons as defined by Section 3.101.010 in this Chapter. No other types of non-profit or for-profit organizations are eligible.

**3.101.030 Eligible Property.**

(Amended by Ordinance Nos. 167356 and 185043, effective December 7, 2011.) As used in this Chapter:

- A. “Eligible property” as defined in Subsections 3.101.010 B. 1.-3. which meets all of the following criteria, pursuant to ORS 307.541, and other conditions of this Chapter shall be exempt from taxation:
  1. The property is owned or being purchased by a corporation that is exempt from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.541(a);
  2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary, or educational purposes or to the State of Oregon;
  3. The property is occupied by low-income persons as defined by ORS 307.540(2) or held for future development for low income housing pursuant to ORS 307.541(1)(c)(B).
  4. The property or portion of the property receiving the exemption is actually and exclusively used for the purposes described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984.
  5. The exemption has been approved as provided in Section 3.101.040 and 3.101.050 of this Chapter.

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- B.** For the purposes of this Chapter, pursuant to ORS 307.541(2), a corporation that has only a leasehold interest in property is deemed to be a purchaser of that property if:
- 1.** The corporation is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or
  - 2.** The rent payable by the corporation has been established to reflect the savings resulting from the exemption from taxation.
- C.** Pursuant to ORS 307.541(3), a partnership shall be treated the same as a corporation if the corporation is a general partner of the partnership and responsible for the day-to-day operation of the property that is the subject of the exemption.

**3.101.040 Application Procedure.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.)

- A.** To qualify for the exemption the corporation shall file an application for exemption with the Portland Housing Bureau acting on behalf of the City of Portland for each assessment the year the corporation wants the exemption. The application shall be filed on or before March 1 of the assessment year for which the exemption is applied for, except that when the property designated is acquired after March 1 and before July 1, the claim for that year shall be filed within 30 days after the date of acquisition. The application shall include the following information:
- 1.** The applicant's name, address, and telephone number;
  - 2.** The assessor's property account number for each site;
  - 3.** The number of units and the exempted amount of each property being applied for under this Chapter;
  - 4.** A description of the property for which the exemption is requested;
  - 5.** A description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose;
  - 6.** A description of how the tax exemption will benefit project residents; and
  - 7.** A description of how the benefits in the case of leasehold interest in the eligible property accrue to the non-profit and its resident tenants;
  - 8.** A certification of income levels of low-income occupants;

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9. A declaration that the corporation has been granted an exemption from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984;
  10. A description of the development of the property if the property is being held for future low income housing development; and
  11. Any other information required by state law or local law or otherwise which is reasonably necessary to effectuate the purposes of this Chapter at the time the application is submitted.
- B.** The application shall include the following statements:
1. That the applicant is aware of all requirements for property tax exemption imposed by this Chapter;
  2. That the applicant's property qualified or, upon completion of the rehabilitation improvements and subsequent occupancy by low income, will qualify for exemption at the time of application approval or within 30 days of the March 1 application deadline;
  3. That the applicant acknowledges responsibility for compliance with the Code of the City of Portland regardless of whether the applicant obtains the exemption provided by this Chapter.
  4. The applicant shall furnish other information which is reasonably necessary to fulfill the objectives of this Chapter.
- C.** The applicant shall verify the information in the application, in accordance with Subsections 3.101.040 B. 1. through 3. above, by oath or affirmation.
- D.** Applicants for an exemption under this Chapter shall pay fees for an initial application and any renewals as set by the Portland Housing Bureau. The Portland Housing Bureau shall pay the County Assessor any reasonable cost incurred to process the exemption onto the tax rolls. In addition to paying the basic fee, the applicant may be required to pay other reasonable costs, which are incurred by the Portland Housing Bureau or the County Assessor in processing the application. The Portland Housing Bureau shall collect the additional payment, if any, and pay itself, the County Assessor, or any other City bureau an amount equal to the additional costs incurred.

**3.101.050 Review of Application.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.)

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- A.** Within 30 days after the March 1 deadline for the application and payment of the application fee, the Portland Housing Bureau shall approve or deny the application. The application shall be approved if the Portland Housing Bureau finds that the property is “eligible property” within the meaning of the paragraphs 1. through 3. of Subsection B. of Section 3.101.010 of this Chapter, and that the applicant has submitted the application and paid the fees pursuant to Section 3.101.040 of this Chapter.
- B.** If the application is approved, the Portland Housing Bureau shall send written notice of approval to the applicant.
- C.** The Portland Housing Bureau shall file a certified list of approved properties with the County Assessor on or before April 1.
- D.** If the application is denied, the Portland Housing Bureau shall state in writing the reasons for denial and send the notice to the applicant at his or her last known address within 10 days after the denial. The Portland Housing Bureau shall retain that portion of the application fee which is attributable to its own administrative costs and shall refund the balance to the applicant.
- E.** Upon denial by the Portland Housing Bureau, an applicant may appeal the denial to the City Council within 30 days after receipt of the notice of denial. Appeal from the decision of the City Council may be taken as provided by law.
- F.** The application shall be assigned an application and receipt number.

**3.101.060 Annual Application Renewal.**

(Amended by Ordinance Nos. 167356, 178286, 185043 and 187660, effective April 6, 2016.)

- A.** Applicants for property tax exemption must apply each year no later than April 1 in order to be qualified for property tax exemption for the upcoming tax year.
- B.** The annual application renewal fee shall be set by the Portland Housing Bureau.

**3.101.070 Assessment Exemption.**

(Amended by Ordinance Nos. 167356, 178286 and 185043, effective December 7, 2011.)

- A.** Property for which an application for a property tax exemption has been approved under the provisions of this Chapter shall be exempt from ad valorem taxation for 1 year beginning July 1 of the tax year immediately following approval of the exemption, or when, pursuant to ORS 307.330, the property would have gone on the tax rolls in the absence of the exemption provided for in this Chapter. The exemption provided in this Section shall be in addition to any other exemption provided by law.

- B.** Applications for property tax exemption under this Chapter shall apply to and may be approved for assessment years beginning on or after January 1, 1985, but no later than January 1, 2027.
- C.** The exemption as provided by this Chapter shall apply to the tax levy of all taxing districts in the City of Portland in which property certified for exemption is located as long as the City of Portland has achieved the approval from such taxing districts whose governing boards agree to the policy of exemption, equal to 51 percent or more of the total combined rate of taxation on the property certified for exemption.

**3.101.080 Termination.**

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)

- A.** If, after a certificate of qualification approving the exemption has been filed with the County Assessor, the Portland Housing Bureau finds that non-compliance has occurred or that any provision of this Chapter is not being complied with, the Portland Housing Bureau shall give notice in writing to the owner, mailed to the owner's last-known address and to every known lender, by mailing the notice to the last-known address of every known lender, of the proposed termination of the exemption. The notice shall state the reasons for the proposed termination of the exemption and require the owner to appear before City Council to show cause at a specified time, not less than 20 days after mailing of the notice, why the exemption should not be terminated.
- B.** If the owner does not appear or if he or she appears and fails to show cause why the exemption should not be terminated, the Portland Housing Bureau shall notify every known lender and shall allow any lender not less than 30 days after the date the notice of the failure to appear and show cause is mailed to cure any noncompliance or to provide adequate assurance that all noncompliance shall be remedied.
- C.** If the owner fails to appear and show cause why the exemption should not be terminated and the lender fails to cure or give adequate assurance of the cure of any noncompliance, City Council shall adopt an ordinance or resolution stating its findings that terminate the exemption. A copy of the ordinance or resolution shall be filed with the County Assessor and a copy sent to the owner at the owner's last-known address and to the lender at the last-known address of the lender, within 10 days after its adoption.
- D.** Upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.216 to 311.232, to provide for the assessment and taxation of any value not included in the valuation of the property during the period of exemption prior to termination by City Council or by a court, in accordance with the findings of City Council or the court as the assessment year in which the exemption is to

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terminate. The County Assessor shall make the valuation of the property necessary to permit correction of the rolls, and the owner may appeal the valuation in the manner provided under ORS 311.216 to 311.232. Where there has been a failure to comply, as provided in Subsection A of this Section, the property shall be revalued beginning July 1 of the calendar year in which the non-compliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th day of the months next following the month of correction. If not paid within such period, the additional taxes shall thereafter be considered delinquent on the date they would normally have become delinquent if the time extended on the roll or rolls in the year or years for which the correction was made.

#### **3.101.090 Implementation.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.) The Portland Housing Bureau shall establish procedures and prepare forms for immediate implementation and administration of this Chapter in order to accept applications prior to the March 1 filing deadline imposed by ORS 307.545.

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

(Chapter replaced by Ordinance No. 185477,  
effective August 1, 2012.)

**Sections:**

- 3.102.010 Purpose.
- 3.102.020 Definitions.
- 3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.
- 3.102.040 Exemption Requirements.
- 3.102.050 Application Review and Approval.
- 3.102.060 Compliance.
- 3.102.080 Termination of the Exemption.
- 3.102.090 Implementation.

**3.102.010 Purpose.**

- A. The City of Portland adopts the provisions of Oregon Revised Statutes 307.651 through 307.687, and administers a property tax exemption program for new construction of single-unit housing authorized under those provisions.
- B. In addition to meeting the legislative goals set forth in ORS 307.654, the program also seeks to accomplish the following additional core goals:
  - 1. Stimulate the construction of affordable housing and other public benefits where such housing or benefits may not otherwise be made available.
  - 2. Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau's Strategic Plan.
  - 3. Provide transparent and accountable stewardship of public investments.

**3.102.020 Definitions.**

(Amended by Ordinance No. 186700, effective July 1, 2014.) As used in this Chapter:

- A. **“Administrative Rules”** means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes and procedures.
- B. **“Applicant”** means the individual who or entity which owns the property and is submitting an application for the tax exemption program and is legally bound to the

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terms and conditions of an approved tax exemption, including but not limited to any compliance requirements under this Chapter.

- C. “**Single-unit housing**” has the meaning set forth in ORS 307.651(4).

**3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.**

- A. Single-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.664 and the Administrative Rules.
- B. However, the Portland Housing Bureau may, upon action by City Council on an annual basis, determine a limit on the number of applications accepted under this Chapter.

**3.102.040 Exemption Requirements.**

(Amended by Ordinance No. 186700, effective July 1, 2014.) In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the proposed construction will meet the following requirements and public benefits upon completion of construction:

- A. Property
1. Single-unit housing must be located within the City of Portland;
  2. Each qualified dwelling unit in the single-unit housing must have a market value at the time of completion of no more than the amount determined annually by Portland Housing Bureau according to ORS 307.651(3) and 307.661;
  3. Construction of the single-unit housing must be completed according to ORS 307.681(1), except as provided in ORS 307.374;
  4. Each qualified dwelling unit must sell to the initial homebuyer within two years of activation of the exemption;
  5. Each qualified dwelling unit must have at least three bedrooms unless built within an approved transit-oriented area as determined by the Portland Bureau of Planning and Sustainability and included on the map defining eligibility areas where two bedroom homes are allowed; and
  6. The single-unit housing must comply with all other requirements under the Code of the City of Portland.
- B. Affordability

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1. Each dwelling unit of the single-unit housing must be sold to a household with an annual gross household income not greater than one hundred percent of the area median income for a family of four as determined annually for the Portland Metropolitan Area by the United States Department of Housing and Urban Development, which income may be adjusted upward for households with more than four persons.
2. For the purposes of this program, household income is the annual gross income of the titleholder who will occupy the dwelling unit.

**C. Owner-Occupancy**

1. Once sold to the initial buyer, the dwelling unit shall remain owner-occupied as the principal residence of the titleholder receiving the tax exemption during the tax exemption period;
2. Hardship exception to the owner-occupancy requirement may be granted by the Portland Housing Bureau in accordance with its policies. Such hardship exceptions may include, but are not limited to, the following circumstances:
  - a. Active military duty outside of the area;
  - b. Temporary relocation to care for an ill or dying family member; or
  - c. Temporary relocation caused by an employer; and
3. The single-unit housing may not be rented at any time during the exemption period.

**D. Equity**

1. Applicant must acknowledge familiarity with Portland Housing Bureau's Minority, Women, and Emerging Small Businesses (MWESB) guidelines and contracting opportunity goals, and report on past contracting relationships.
2. Applicant must acknowledge awareness and understanding of Portland Housing Bureau's Guiding Principles on Equity and Social Justice and Strategic Priority of Helping Portlanders from Communities of Color buy a home and agree to partner with Portland Housing Bureau to assure that communities of color are aware of properties for sale with exemptions.

- E. Green Building.** The new construction must be built to meet healthy and resource efficient environmental building standards.

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- F.** Application Fee. The applicant must pay an application fee determined by the Portland Housing Bureau as described in ORS 307.674 (5).

**3.102.050 Application Review and Approval.**

- A.** The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.667 through 307.674.
- B.** Applicants must apply for the tax exemption prior to issuance of the building permit for the single-unit housing.
- C.** If construction of the single-unit housing is not completed within the timeframe described in ORS 307.674, Portland Housing Bureau may extend the deadline as consistent with ORS 307.677.
- D.** The issuance of final building permits shall indicate compliance with the Code of the City of Portland and shall be sufficient to meet the design standards as described in ORS 307.651(4)(a)
- E.** Any exemption under this Chapter must be approved by City Council by resolution, and Portland Housing Bureau will deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.674.

**3.102.060 Compliance.**

(Amended by Ordinance Nos. 186700 and 188932, effective June 8, 2018.)

- A.** Upon approval, Portland Housing Bureau will record a notice on title of the property requiring Portland Housing Bureau verification of homebuyer eligibility and owner-occupancy qualification prior to the sale of each property to an initial homebuyer, as well as to subsequent purchasers throughout the duration of the exemption for any HOLTE applications approved after July 1, 2018.
- B.** Single-unit housing which sells to homebuyers who do not meet the affordability or owner occupancy qualifications, will have the tax exemption removed as of the next tax year.
- C.** Single-unit housing not meeting the exemption requirements by selling over the established sale price at initial sale will have the tax exemption terminated according to Section 3.102.080 and require the applicant to repay any exempted taxes consistent with ORS 307.687.

**3.102.070 Designation of Homebuyer Opportunity Areas.**

(Repealed by Ordinance No. 186700, effective July 1, 2014.)

**3.102.080 Termination of the Exemption.**

If the Portland Housing Bureau determines that the single-unit housing fails to meet any of the provisions of ORS 307.651 to 307.687 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.681 through 307.687.

**3.102.090 Implementation.**

Portland Housing Bureau may adopt, amend and repeal the administrative rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

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

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

**Sections:**

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

**3.103.010 Purpose.**

- A.** The City of Portland adopts the provisions of Oregon Revised Statutes 307.600 through 307.637, and administers a property tax exemption program for multiple-unit housing development authorized under those provisions.
- B.** In addition to meeting the legislative goals set forth in ORS 307.600, the program also seeks to accomplish the following additional core goals:
  - 1.** Stimulate the inclusion of affordable housing where it may not otherwise be made available.
  - 2.** Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau’s Strategic Plan.
  - 3.** Provide transparent and accountable stewardship of public investments.

**3.103.020 Definitions.**

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

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

- B.** “**Applicant**” means the individual or entity who is either the owner or a representative of the owner who is submitting an application for the tax exemption program.
- C.** “**Regulatory Agreement**” means a low-income housing assistance contract recorded agreement between the owner and the Portland Housing Bureau stating the approval and compliance criteria of a project’s tax exemption.
- D.** “**Multiple-unit housing**” has the meaning set forth in ORS 307.603(5).
- E.** “**Owner**” means the individual or entity holding title to the exempt project and is legally bound to the terms and conditions of an approved tax exemption, including but not limited to any Regulatory Agreement and any compliance requirements under this Chapter.
- F.** “**Project**” means property on which any multiple-unit housing is located, and all buildings, structures, fixtures, equipment and other improvements now or hereafter constructed or located upon the property.

**3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.**

- A.** Multiple-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.612 and the Administrative Rules.
- B.** However, the maximum amount of estimated foregone tax revenue provided as a benefit of the exemption under this Chapter may not exceed the amount approved by Council.

**3.103.040 Program Requirements.**

(Amended by Ordinance 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

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1. Projects must be located within the taxing jurisdictions of the City of Portland and Multnomah County.
2. Projects must conform to City of Portland's zoning and density requirements.
3. Projects must include 20 or more units.

**C. Affordability**

1. For rental projects, for applications received on or before December 31, 2018, during the term of the exemption, a minimum of 15 percent of the number of units or bedrooms must be affordable to households earning 80 percent or less of the area median family income, or a minimum of 8 percent of the number of units or bedrooms must be affordable to households earning 60 percent or less of the area median family income. For applications received after December 31, 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.

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**3.103.110 Implementation.**

Portland Housing Bureau may adopt, amend and repeal the Administrative Rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

**CHAPTER 3.104 - PROPERTY TAX  
EXEMPTION FOR NEW, MULTIPLE-UNIT  
HOUSING**

(Chapter repealed by Ordinance No. 185477,  
effective August 1, 2012.)

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**CHAPTER 3.105 - BULL RUN ADVISORY  
COMMITTEE**

(Chapter added by Ordinance No. 143520; repealed  
by Ordinance No. 161853, effective May 27, 1989.)

**CHAPTER 3.106 -  
EXPOSITION-RECREATION COMMISSION**

(Chapter added by Ordinance No. 143806, effective  
June 15, 1977.)

**Sections:**

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

**3.106.010 Commission Action.**

All action by the Exposition - Recreation Commission shall be by resolution adopted in accordance with the Commission's bylaws.

**3.106.020 Filing Copies of Resolutions with City Auditor.**

Within 5 days after the passage of any resolution, the Exposition - Recreation Commission shall file a copy of the resolution with the City Auditor, who shall maintain a special record of the Exposition - Recreation Commission's resolutions which shall be accessible to the public under like terms as ordinances of the City of Portland. Except as provided in Section 3.106.040, no resolution of the Exposition - Recreation Commission shall become effective until 5:00 p.m. on the 10th day following the filing of a copy thereof with the City Auditor.

**3.106.030 Council Review.**

Except as provided in Section 3.106.040, resolutions of the Commission shall not become effective, if, within 10 days after the filing by the Exposition - Recreation Commission of a copy of a resolution with the City Auditor, a member of the City Council files a request with the Auditor for City Council review of the Commission action. Upon receipt of a request for City Council review of Commission action, the City Auditor shall forthwith notify the General Manager of the Exposition - Recreation Commission of the request for review and shall deliver to him a copy of the request for review. The Auditor shall place the resolution on the Council agenda for Council review at the next regular Council meeting. In placing the resolution on the Council calendar, the Auditor shall act consistently with the regular filing deadline for Council calendar items established by this Code; provided, the Council may review any Exposition - Recreation Commission resolution as a four-fifths item, or under suspension of Council rules. At the time of requesting Council review of Exposition - Recreation Commission action, the Council member shall state the reason such review is necessary and what action the Council should take on the matters.

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**3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.**

(Amended by Ordinance No. 170667, effective October 23, 1997.) Resolutions of the Exposition - Recreation Commission which pertain solely to the following matters shall be effective upon adoption or at such other time as specified by the Commission.

- A. Scheduling the use of the Exposition - Recreation Commission's buildings and facilities.
- B. Entering into agreements for the use of the Exposition - Recreation Commission's buildings and facilities, including all of the terms and conditions of such agreements, provided such agreements do not transfer operation, management or control of the Memorial Coliseum.
- C. Personnel policy or matters of employment, dismissal or disciplining of employees.
- D. Purchasing supplies, consumables, and services and equipment, in accordance with a budget approved by City Council and in accordance with City Council purchasing procedures.

**3.106.050 Council Initiation of Exposition - Recreation Commission Action.**

The Council may, by regularly adopted ordinance, take action on behalf of the Commission. A Council member introducing an ordinance pertaining to the Exposition - Recreation Commission on the Council calendar shall, at the time of filing the proposed ordinance with the City Auditor, have a copy of the ordinance delivered to the General Manager of the Exposition - Recreation Commission.

**3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.**

- A. Contracts and agreements entered into by the Exposition - Recreation Commission or on behalf of the Commission by employees or agents, within the scope of their authority, shall be binding and effective from the times designated in sections 3.106.030 or 3.106.040, whichever is applicable.
- B. The Council may, by regularly adopted ordinance, repeal, amend or alter any resolution adopted by the Exposition - Recreation Commission. Any such repeal, amendment or alteration may be made retroactive or prospective in effect but shall not be construed to invalidate any contract or agreements made in accordance with Subsection A of this Section.

**3.106.070 Special Services Personnel as Special Police.**

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

CHAPTER 3.107 - WATER QUALITY  
ADVISORY COMMITTEE

(Chapter added by Ordinance No. 161853, effective  
May 27, 1989.)

**Sections:**

- 3.107.010 Created - Appointments.
- 3.107.020 Duties.
- 3.107.030 Meetings.
- 3.107.040 Chairperson.
- 3.107.050 Rules - Quorum.
- 3.107.060 Staff.

**3.107.010 Created - Appointment.**

(Amended by Ordinance No. 168939, effective June 14, 1995.) There hereby is created the Water Quality Advisory Committee. The Committee shall consist of nine members, appointed by the Commissioner In Charge of the Bureau of Water Works and confirmed by the Council. Appointments shall be for terms of 3 years except that 4 of the initial appointments shall be for terms of 2 years. When a vacancy occurs, the Commissioner In Charge shall appoint and the Council shall confirm a member to fill a new 3-year term. The Commissioner In Charge of the Bureau of Water Works may remove a member from the Committee at any time, subject to approval by the Council. The Commissioner In Charge of the Bureau of Water Works shall appoint members to the Committee with expertise or association in areas such as water quality, water treatment, public health policy, the environmental community, civic and business organizations, major industrial or commercial users, neighborhood associations and the public at large of which at least 3 members shall have relevant technical expertise. Committee members may serve a maximum of two 3-year terms, with the 4 appointees serving the initial terms of 2 years to serve a total maximum of 5 years. Within the maximum service limit of 6 years the Council may extend, for a period of less than 3 years, the terms of committee members who were appointed to serve or who have served the balance of a retiring committee member's term. All members shall serve without compensation from the City.

**3.107.020 Duties.**

The Committee shall act in an advisory capacity to the City Council through the Commissioner In Charge of the Bureau of Water Works as follows:

- A. The Committee shall have the authority to offer policy advice to the Council and the Bureau of Water Works on issues such as management of the Bull Run Watershed, protection of groundwater quality, and other related water quality issues.
- B. The Committee shall have the authority to issue periodic reports to the Council and the Bureau of Water Works.

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- C. The Committee shall have the authority to inform the public at large and take public testimony before offering policy advice to the Council and the Bureau of Water Works.

**3.107.030 Meetings.**

The Committee shall have the authority to conduct public meetings to gather input; the Committee shall provide for notification no less than 5 days prior to the meeting to the general public.

**3.107.040 Chairperson.**

A chairperson shall be elected annually from among the Committee members by a majority vote of a quorum. The Chairperson shall serve for a period of 1 year. A vacancy in the Chairperson's position shall be filled from among Committee members by majority vote of a quorum as soon as practical after the vacancy occurs.

**3.107.050 Rules - Quorum.**

The Committee shall establish its own rules and provide procedures for consideration or action on all matters before the Committee. Such rules and procedures may be adopted and amended only upon an affirmative vote of five or more Committee members. Election of officers and regular business shall be passed upon by the majority of a quorum. Not less than five members shall constitute a quorum. Each member shall be entitled to one vote. Provisions shall be made for public participation in Committee meetings.

**3.107.060 Staff.**

The Committee shall be staffed by personnel from the Bureau of Water Works and such additional staff or consultants as may be deemed necessary by the City Council for the committee to fulfill its responsibilities.

**CHAPTER 3.110 - BUREAU OF  
HYDROELECTRIC POWER**

(Chapter added by Ordinance No. 147822, effective  
July 9, 1979.)

**Sections:**

- 3.110.010      Creation and Function.
- 3.110.020      Jurisdiction.

**3.110.010      Creation and Function.**

(Amended by Ordinance No. 161850, effective May 27, 1989.) There is hereby established a Bureau of Hydroelectric Power. The Bureau shall be administered by a Bureau Manager and shall have such other employees as the Council may provide. The Bureau shall supervise the construction and administer the operation of hydroelectric generating facilities owned by the City. It shall perform the duties and responsibilities required by any Federal Energy Regulatory Commission license and any agreements for the disposition of energy. The Bureau of Hydroelectric Power shall report to the Administrator of the Bureau of Water Works.

**3.110.020      Jurisdiction.**

The Bureau shall supervise the construction and administer the operation of the City owned hydroelectric power generating facilities.

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**CHAPTER 3.111 - OFFICE OF SUSTAINABLE  
DEVELOPMENT**

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

**CHAPTER 3.112 - SUSTAINABLE  
DEVELOPMENT COMMISSION**

(Chapter repealed by Ordinance No. 184046,  
effective September 10, 2010.)

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**CHAPTER 3.114 - OFFICE FOR  
COMMUNITY TECHNOLOGY**

(Chapter added by Ordinance No. 149053; amended  
by Ordinance Nos. 151338, 160424 and 184882,  
effective September 21, 2011.)

**Sections:**

- 3.114.010 Creation.
- 3.114.020 Functions.
- 3.114.030 Jurisdiction.
- 3.114.040 Policy.
- 3.114.050 Administration.

**3.114.010 Creation.**

(Amended by Ordinance Nos. 185568 and 186746, effective August 6, 2014.) There is hereby established an Office for Community Technology. The Office shall be supervised by a manager who shall report to the Director of the Revenue Division, as provided under Subsection 3.15.040 E., or the Director's designee. As used in this Chapter and elsewhere in the City Code when referring to the Office for Community Technology, the term "Director" shall mean the Director of the Revenue Division or the Director's designee. The Office shall have such other employees as the Council may provide.

**3.114.020 Functions.**

(Amended by Ordinance No. 181155, effective August 17, 2007.)

- A.** The Office shall be responsible for coordinating Citywide broadband planning, communications policy advocacy, technology grants and related consumer protection activities.
- B.** The Office shall be responsible for supervising and coordinating all franchising processes engaged in by the City, for monitoring the performance of all franchisees for franchise compliance and for performing all other necessary work relating to franchises in the City.
- C.** The Office shall be responsible for promoting the orderly development of City-owned or City-partnered broadband and cable communication systems, for providing staff support needed by the Mt. Hood Cable Regulatory Commission and for performing all other necessary work related to broadband planning, communications policy advocacy, related technology grants and cable communications in the City.
- D.** The Office shall be responsible for overseeing franchise and utility audits and revenues in coordination with the City Auditor's Office, the Office of Management and Finance and other City agencies and bureaus.

**3.114.030 Jurisdiction.**

- A. The Office shall have jurisdiction over all franchisees and utility licensees. The Office shall have jurisdiction over all public or private utilities or other entities seeking similar rights to use City rights-of-way.
- B. The Office shall have jurisdiction over all cable communications and broadband policy matters affecting the City of Portland.

**3.114.040 Policy.**

In order to establish and ensure a stable, predictable basis for long-term relations, it is the policy of the City of Portland that public or private utilities and other entities seeking similar rights to utilize City rights-of-way should be subject to franchise agreements with the City.

**3.114.050 Administration.**

(Added by Ordinance No. 185059, effective December 7, 2011.)

- A. In exercising the Office's jurisdiction under Subsection 3.114.030 A. over the use of City rights-of-way by franchisees, licensees and permittees, the Director may adopt procedures, forms, written policies, and rules to ensure orderly administration.
  - 1. Before adopting a new rule, the Director must hold a public hearing. Prior to the hearing, the Director will notify the public and affected franchisees, licensees, and permittees under the jurisdiction of the Office. Such notice, which may be provided by mail or electronic means, must be distributed not less than ten or more than thirty days before the hearing. The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.
  - 2. At the public hearing, the Director will receive oral and written testimony concerning the proposed rule. The Director will either adopt the proposed rule, modify it or reject it, taking into consideration the testimony received during the public hearing. If a substantial modification is made, additional public review will be conducted, but no additional public notice is required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Office. Copies of all current rules will be posted on the Office's website and made available to the public upon request.

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3. Notwithstanding Subsections 3.114.050 A.1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 180 days.

**CHAPTER 3.115 - MT. HOOD CABLE  
REGULATORY COMMISSION**

(Chapter replaced by Ordinance No. 181155,  
effective August 17, 2007.)

**Sections:**

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

**3.115.010 Definitions.**

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

- A. **"Agreement"** means the Intergovernmental Agreement creating the Mt. Hood Cable Regulatory Commission among and between the various Jurisdictions, dated December 24, 1992, including later amendments approved by the City Council.
- B. **"Commission"** means the Mt. Hood Cable Regulatory Commission.
- C. **"Franchise"** means an ordinance approved by the City Council authorizing use of the City's public right-of-way for operation of a cable communications system.
- D. **"Grantee"** means any person authorized by a franchise agreement to construct, operate and maintain a cable communications system within the City of Portland.

**3.115.020 Cable Regulatory Commission.**

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A. The City is a party to the Intergovernmental Agreement dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission. The Intergovernmental Agreement establishes the responsibilities and powers of the Commission, as delegated by the various participating

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jurisdictions. The City Council approved the City of Portland's participation in the MHCRC by Ordinance No. 166168, enacted on January 20, 1993.

- B.** As provided in the Agreement, the City is represented by three members on the Commission, appointed by the Commissioner in Charge of the Office for Community Technology and confirmed by the Council. Appointments are for staggered terms of 3 years. When an interim vacancy occurs, the Commissioner in Charge appoints, and the Council confirms, a member to fill the balance of the unexpired term. All members representing the City must be residents of the City. The Commissioner in Charge shall appoint members to the Commission so as to provide for an appropriate level of expertise taking into account the powers and duties of the Commission and in making appointments shall take into consideration the desirability of diverse representation, including without limitation, of racial and ethnic minorities, gender, different geographic areas, and different socioeconomic groups. All members shall serve without compensation from the City or from any grantee. No member may have an ownership interest in any grantee. The Commissioner in Charge may remove a member appointed by the City from the Commission at any time, subject to approval by the Council.

#### **3.115.030 General Powers & Duties.**

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A.** To the extent provided in the Agreement and in this Chapter, the Commission may exercise all cable communications system regulatory powers of the City over grantees operating within the City, whether such powers are granted to the City by law or under franchises issued to grantees.
- B.** The Commission shall act in an advisory capacity to the City Council through the Commissioner in Charge of the Office for Community Technology on all other matters pertaining to franchise agreements to construct, maintain and operate cable communications systems or proposed franchise agreements for such systems.
- C.** All powers granted to the Commission by the Agreement shall be subject to the provisions of franchises issued to grantees.. In the event of any conflict between the Agreement and a grantee franchise, the provisions of the franchise shall prevail.
- D.** The Commission may adopt such regulations as it deems necessary or desirable in order to exercise its powers and carry out its duties under the Agreement and this Chapter.

#### **3.115.040 Portland Community Media.**

(Amended by Ordinance No. 184882, effective September 21, 2011.) The Mayor and the Commissioner in Charge of the Office for Community Technology shall each appoint one member of the board of directors of Portland Community Media, for staggered terms of two years. All appointments shall be confirmed by the Council. In appointing these

directors, consideration shall be given to representation on the board of directors of the fields of arts, education, government, and community media; and of diverse representation including, without limitation, racial and ethnic minorities, non-English speaking people, gender, and low-income people. In addition, the Commission shall appoint one non-voting ex-officio director of the Portland Community Media board of directors.

**3.115.060 Annexations.**

- A. In the event the City annexes territory for which another public body having jurisdiction to issue a franchise has issued a franchise to construct, operate and maintain a cable communications system, then franchisee's rights and obligations shall continue after annexation as they existed before annexation until expiration of that franchise, except that:
  - 1. After annexation the City shall have all rights under the franchise of the issuing public body, including without limitation all rights to regulate, to collect and use franchise fees, regulation of system construction and operation within the annexed area, and rights to insurance, indemnification and other protections; and
  - 2. After annexation the franchisee's obligations under the franchise regarding system construction and operation and other franchise requirements within the annexed area shall be to the City rather than to the issuing public body.
- B. Nothing in this Section shall be deemed to modify the rights or obligations of the City or grantees under other franchises.

**3.115.070 Cable Television Consumer Protection.**

On behalf of the City, the Commission shall enforce the cable television consumer protection standards set forth in Sections 3.115.080 through 3.115.140.

**3.115.080 Definitions.**

Unless the context indicates otherwise, words used in Sections 3.115.080 through 3.115.140 have the following meanings:

- A. **"Normal Business Hours"** means those hours during which most similar businesses in the City are open to serve customers. In all cases, Normal Business Hours must include some evening hours at least one night per week and some weekend hours.
- B. **"Normal Operating Conditions"** means those service conditions which are within grantee's control. Conditions which are not within grantee's include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the grantee's control include, but are not limited to, special promotions, pay-

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per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system. Grantees must adjust staffing and operations to maintain compliance with the service standards in anticipation of events and conditions within grantee's control.

- C. **“Service Interruption”** means the loss of picture or sound on one or more cable channels.

#### **3.115.090 Local Office and Office Hours.**

Grantees shall have customer service center and bill payment locations open at least during Normal Business Hours. Grantees shall locate customer service center and bill payment offices at locations that are convenient to subscribers and the public. Grantee customer service centers must be adequately staffed and able to respond to subscribers and the public not less than 50 hours per week, with a minimum of nine hours per day on weekdays and five hours on weekends excluding legal holidays. As used herein, "adequately staffed" means customer service representatives are available to respond to customers who come to the service center in at least the following ways:

- A. To accept payments;
- B. To exchange or accept returned converters or other company equipment;
- C. To respond to inquiries; and
- D. To schedule and conduct service or repair calls.

#### **3.115.100 Telephone Answering Standard.**

- A. Cable system office hours and telephone availability. Grantees shall maintain a local, toll-free or collect call telephone access line which shall be available to its subscribers 24 hours a day, seven days a week. Grantees shall provide, in at least one prominent location, an easily identifiable telephone number for local customer service on all bills, account statements or statements of service to grantee subscribers. Toll-free telephone lines, either staffed or with answering capability, providing at least emergency referral information, must be operational 24 hours a day, including weekends and holidays. Grantee must have trained representatives available to respond to customer telephone inquiries during Normal Business Hours. After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received by grantee after Normal Business Hours must be responded to by a trained representative on the next business day.
- B. Telephone Answering Time. Under Normal Operating Conditions, telephone answer time by grantee's customer representatives including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be

transferred, transfer time shall not exceed thirty (30) seconds. Grantees shall meet these standards no less than ninety (90) percent of the time under Normal Operating Conditions, measured on a calendar quarterly basis.

- C. Busy Phones. Under Normal Operating Conditions, the customer shall receive a busy signal less than three (3) percent of the time.

**3.115.110 Installations, Disconnections, Outages And Service Calls.**

Under Normal Operating Conditions, grantees shall meet each of the following standards shall be met no less than ninety five (95) percent of the time measured on a quarterly basis:

- A. Standard installations shall be performed within seven (7) business days after an order has been placed.
- B. Under Normal Operating Conditions, grantee shall begin work on Service Interruptions promptly and no later than 24 hours after the interruption becomes known. Grantee must begin working on other service problems the next business day after notification of the service problem. Working on Service Interruptions must be more than merely acknowledging that a service interruption has occurred.
- C. The appointment alternatives for installations, service calls and other installation activities shall be either a specific time or, at maximum, a four-hour time block during Normal Business Hours. Grantee may schedule service calls and other installation activities outside of Normal Business Hours for the express convenience of the customer.
- D. Grantee shall be deemed to have honored a scheduled appointment under the provisions of this section when a technician arrives within the agreed upon time and, if the subscriber is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the grantee.
- E. Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. Rescheduling an appointment is an independent obligation and does not necessarily excuse the missed appointment.
- F. If grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer shall be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient for the customer.

**3.115.120 Notice Requirements.**

(Amended by Ordinance No. 184882, effective September 21, 2011.)

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- A.** Notifications to subscribers. Grantee shall provide written information on each of the following areas at the time of service installation, at least annually to all subscribers, and at any time upon request:
1. Products and services offered;
  2. Prices and options for programming services and conditions of subscription to programming and other services;
  3. Installation and service maintenance policies;
  4. Instructions on how to use the cable service;
  5. Channel positions programming carried on the system; and,
  6. Billing and complaint procedures, including the address and telephone number of the City's Office for Community Technology.
- B.** Grantee shall notify customers of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the grantee. In addition, grantee shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by this Section. Grantees are not required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.

**3.115.130 Billing.**

- A.** Bill Statements. Grantee bills shall be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills shall also clearly delineate all activity during the billing period, including optional charges, rebates and credits. In case of a billing dispute, grantee must respond to a written complaint from a subscriber within seven (7) calendar days.
- B.** Refunds. Grantee shall issue refund checks promptly to customers, but no later than either the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier. Grantee may withhold a refund pending the customer returning the equipment supplied by grantee if service is terminated.
- C.** Credits. Grantee shall issue credits for service no later than the customer's next billing cycle following the determination that a credit is warranted.

**3.115.140 Reporting.**

Grantees shall file reports to the Commission on a quarterly basis showing the performance of grantee customer service standard obligations under Sections 3.115.080 through 3.115.140. The quarterly reports shall cover the periods January 1 through March 31; April 1 through June 31; July 1 through September 31; and October 1 through December 31. The reports shall be due no later than 30 days following the end of a quarter. The reports shall include, at a minimum, figures and narrative indicating performance of the following standards for:

Local office hours

Telephone call center hours

Telephone answering

Busy signal statistics

Standard installations

Service interruptions

Appointment windows: made, cancelled, and rescheduled

Notice requirements

Billing (refunds and credits)

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**CHAPTER 3.116 - WATERWAYS ADVISORY  
COMMITTEE**

(Chapter added by Ordinance No. 150413, effective  
September 17, 1980.)

**Sections:**

- 3.116.010 Created - Organization.
- 3.116.020 Procedures and Rules.
- 3.116.030 Duties.

**3.116.010 Created - Organization.**

(Amended by Ordinance Nos. 182671 and 184046, effective September 10, 2010.) There hereby is created an advisory committee to the Commissioner In Charge of the Bureau of Planning and Sustainability to be known as the Waterways Advisory Committee, consisting of not less than 7 nor more than 11 voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members of the Committee, the members to serve for a term of 2 years at the pleasure of the Commissioner In Charge. The president of the Planning and Sustainability Commission or his or her representative shall be a member of the Committee.

**3.116.020 Procedures and Rules.**

The Waterways Advisory Committee shall establish its own rules, bylaws, and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold meetings at such time as is set by the body at any other time at the call of the Chairman.

**3.116.030 Duties.**

(Amended by Ordinance No. 184046, effective September 10, 2010.) Members of the Waterways Advisory Committee shall:

- A.** Review any zoning Code amendment relating to waterways before it is presented to the Planning and Sustainability Commission, make its finds available to the Planning Commission and City Council;
- B.** Review and comment to the Planning and Sustainability Commission and City Council on public or private riverfront development proposals that are potentially in conflict with the City's Greenway Plan.
- C.** Identify opportunities for City encouragement of commercial, residential, recreational, transportation and educational development that fulfills public goals.
- D.** Review the status of plans for publicly constructed segments of the Greenway path and suggest priorities for those segments.

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- E.** Make recommendations to the Planning and Sustainability Commission and City Council for the development of City procedure to facilitate applicants' needs for a speedy and certain regulatory process and City policies consistent with such a goal.
- F.** Make recommendations to the Planning and Sustainability Commission and City Council on City policies governing use and development of the City's waterways.

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**CHAPTER 3.120 - METROPOLITAN ARTS  
COMMISSION**

(Chapter added by Ordinance No. 157240; repealed  
by Ordinance No. 168592, effective March 8,  
1995.)

**CHAPTER 3.122 - ECONOMIC  
IMPROVEMENT DISTRICTS**

(Chapter replaced by Ordinance No. 164665,  
effective September 18, 1991.)

**Sections:**

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

**3.122.010 Purpose.**

The purpose of this Chapter is to establish procedures for the creation of two types of Economic Improvement Districts, one in which the assessment is mandatory and applied to all properties except Exempt Properties, the second type in which the property owner can decide whether to be assessed, a voluntary assessment, as authorized by state law. The City will be ultimately responsible for administering and operating any Economic Improvement District, although the administration and operation may be carried out by others under contract with the City. All costs of administering and operating any Economic Improvement District will be paid entirely from assessments and fees actually received from the District; the City will not pledge its credit on behalf of the District; and the City will not loan funds to the District.

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**3.122.020 Definitions.**

(Amended by Ordinance No. 189413, effective March 6, 2019.) The following words and phrases when used in this Chapter shall have the following meanings, except where the context requires a different meaning:

- A. “Advisory Committee”** means a committee of persons representative of the owners and tenants of property within an Economic Improvement District and may consist of an existing association of property owners or tenants or both.
- B. “Commissioner In Charge”** means the commissioner in charge of the lead bureau.
- C. “Economic Improvement”** means:
  - 1. The planning or management of development or improvement activities.
  - 2. Landscaping, maintenance and provision of security for public areas.
  - 3. The promotion of commercial activity or public events.
  - 4. The conduct of activities in support of business recruitment and development.
  - 5. The provision of improvements in parking systems or parking enforcement.
  - 6. Any other economic improvement activity that specially benefits property. “Economic improvement” does not include any services to be provided on private property.
- D. “Preliminary Economic Improvement Plan”** means a plan prepared by the property owners or tenants within the proposed District or their designees setting out:
  - 1. A description of economic improvements proposed to be carried out;
  - 2. The number of years, to a maximum of three, in which assessments are proposed to be levied;
  - 3. A preliminary estimate of annual cost of the proposed economic improvements;
  - 4. The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvements;
  - 5. The proposed formula for assessing the cost of the economic improvements against subject properties;

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6. A preliminary estimate of the cost of City administration of the proposed Economic Improvement District;
7. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
  - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
  - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
8. A statement of why the proposed economic improvements are not likely to be satisfactorily and equitably accomplished except through establishment of an Economic Improvement District.

**E. “Final Economic Improvement Plan” means a plan setting out:**

1. A description of economic improvements to be carried out;
2. The number of years, to a maximum of three, in which assessments will be levied;
3. The annual cost of the proposed economic improvements;
4. The boundaries designated by map or perimeter description of the Economic Improvement District within which subject properties will be assessed to finance the costs of the Economic Improvement District;
5. The formula for assessing the cost of the economic improvements against subject properties;
6. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
  - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
  - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
7. The cost of City administration of the Economic Improvement District.

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- F.** “**Lead bureau**” means the City office, bureau or commission determined by the Mayor to have the principal interest in a proposed Economic Improvement District.
- G.** “**Lot**” means a lot, block, or parcel or land.
- H.** “**Owner**” means the owner of the title to real property or the contract purchaser of record as shown on the last available complete assessment roll in the Office of the County Assessor.
- I.** “**Subject Properties**” means the real property within an Economic Improvement District except for Exempt Property.
- J.** “**Exempt Property**” means:
  - 1.** Residential real property and any portion of a structure used for residential purposes. In the event a structure is used for both residential and non-residential purposes, the land on which the structure is located shall not be Exempt Property. For purposes of this subsection, “residential real property” and “residential purposes” shall not include hotels and hotel uses, as defined in Section 33.12.420 of this Code, and motels and motel uses, as defined in Section 33.12.560 of this Code, but shall include hotel and hotel uses if, for the entire hotel or entire hotel use:
    - a.** The average rent per unit is less than \$2 per day, or
    - b.** A majority of the units regularly are occupied by the same tenants for more than 30 consecutive days, or
    - c.** A majority of the units regularly are occupied by occupants who pay for lodging on a monthly basis.
  - 2.** Property owned or being purchased by religious organizations including:
    - a.** All houses of public worship; and other additional buildings and property used solely for administration, education, literary, benevolent, charitable, entertainment, and recreational purposes by religious organizations, the lots on which they are situated, and the pews, slips, and furniture therein. However, any part of any house of public worship or other additional buildings or property which is kept or used as a store or shop or for any purpose other than those stated in this Section shall not be exempt property.
    - b.** Parking lots used for parking or any other use as long as that parking or other use is permitted without charge.

- c. Land and the buildings thereon held or used solely for cemetery or crematory purposes, including any buildings solely used to store machinery or equipment used exclusively for maintenance of such lands.

**K.** “**Task Force**” means a committee whose membership consists of representatives of those City offices, bureaus, and commissions that have a significant interest in a proposed Economic Improvement District and a representative appointed by the Advisory Committee. A representative designated by the Director of the Revenue Division shall be a member of each Task Force.

**3.122.030 Council Control.**

Whenever the Council determines that economic improvements would be appropriate and would afford a special benefit to subject properties within a particular District, the Council, subject to the provisions of this Chapter, may establish an Economic Improvement District and provide for payment of all or a portion of the cost by collection of assessments on either a mandatory or voluntary basis. The Council may decline for any reason within its sole discretion to establish a proposed Economic Improvement District. This Chapter shall not give to any person the right to have an Economic Improvement District established.

**3.122.040 Statutory Provisions Applicable.**

Statutory provisions applicable to Economic Improvement Districts shall be followed by the City and by owners in all cases. The provisions of this Chapter are intended to supplement and to implement the statutory provisions.

**3.122.050 Preliminary Institution of Economic Improvement District.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. The Council shall consider creation of an Economic Improvement District whenever owners of Subject Properties file with the Revenue Division a petition for the establishment of a District containing the signatures of the owners of 33 percent or more of the area or of the assessed value of subject properties within the proposed District or whenever a City Commissioner or the Mayor files a report recommending the establishment of a District. A petition or report shall contain a Preliminary Economic Improvement Plan.
- B. The Council may adopt a resolution directing the lead bureau to begin the Economic Improvement District formation process if the Council finds that:
  - 1. The costs of administering the proposed Economic Improvement District would not be substantial in relationship to the cost of the economic improvements;

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2. It is not likely that the economic improvements would be satisfactorily and equitably accomplished except through establishment of the Economic Improvement District;
  3. Establishment of the Economic Improvement District would be in the public interest;
  4. In the case of a District intended to impose a mandatory assessment, that the assessment can be accommodated within the property tax limitation and City budget; and
  5. The economic improvements would afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public.
- C. The resolution may contain such revisions to the preliminary economic improvement plan as the Council deems appropriate based on the criteria set out in Paragraphs 1 through 5 of this Subsection and shall designate those City offices, bureaus, and commissions to be represented on the task force for the proposed District.
- D. Upon adoption by the Council of a resolution under Subsection B of this Section, the Mayor shall designate a lead bureau for the proposed Economic Improvement District from among those designated to be represented on the task force and shall refer the matter to the Commissioner In Charge.
- E. Immediately following the referral under Subsection D of this Section, the Commissioner In Charge shall appoint an advisory committee to assist the task force in development of the final economic improvement plan. The Commissioner shall strongly consider appointment of owners of property within the Economic Improvement District to the advisory committee. The Commissioner may appoint as the advisory committee an existing association of property owners or tenants or both. The task force shall encourage participation of the advisory committee in the plan development and administration process. The advisory committee shall appoint a representative to the task force.

**3.122.060 Final Plan and Ordinance Preparation.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. Immediately following Council adoption of a resolution under Section 3.122.050 B, the head of each office, bureau and commission to be represented on the task force shall appoint its representative and notify the head of the lead bureau of the appointment.

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- B.** The Revenue Division’s representative shall provide to the task force a report setting out:
- 1.** Whether the petitioners under Section 3.122.050 A are owners of subject property in the proposed District;
  - 2.** Delinquencies in taxes or City liens on subject properties in the proposed District;
  - 3.** The true cash value of all real property located within the proposed District; and
  - 4.** The zoning of land within the District, including verification that only land zoned for commercial or industrial use is included within the District.
- C.** The lead bureau shall be responsible for preparing the documents referred to in Subsection D.
- D.** The task force shall prepare for the Commissioner In Charge a report recommending whether the owners of property within the proposed Economic Improvement District shall be formally notified of the proposal to establish the District, taking into consideration the criteria set out in Section 3.122.050 B. If the report recommends formal notification, the report shall include a proposed Final Economic Improvement Plan and the report of the Revenue Division’s representative provided under Subsection B. The report also shall include a proposed ordinance that:
- 1.** States the Council’s intention to proceed with formal notification regarding the proposed Economic Improvement District;
  - 2.** States whether the assessments will be mandatory or voluntary;
  - 3.** Contains the information in the Final Economic Improvement Plan, which may be included by attachment of the Plan as an exhibit; and
  - 4.** Directs notice to be given in the manner provided by PCC 3.122.080.

**3.122.070 Consideration of Final Plan and Ordinance.**

- A.** If the Commissioner in Charge deems it appropriate, the Commissioner shall file for Council consideration the report and ordinance prepared under Section 3.122.060 D.
- B.** On consideration of the report and ordinance, the Council may approve, modify, or reject the report including any aspect of the Final Economic Improvement Plan, and the ordinance. If the Council determines that the proceedings for the proposed

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Economic Improvement District should go forward, the Council shall adopt the ordinance including any modifications.

**3.122.080 Notice to Owners.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A.** Following adoption of the ordinance under Section 3.122.070 B, the Revenue Division shall mail notice to the property owners within the proposed Economic Improvement District which contains the following information:
- 1.** The Council's intent to form an Economic Improvement District.
  - 2.** Benefitted properties will be assessed unless it is a voluntary assessment in which case only property owners who specifically request to be assessed will be assessed. An owner who fails to submit a written objection before or at the public hearing on assessment shall be deemed to have made a specific request to be assessed.
  - 3.** The formula for determining the amount of the assessment.
  - 4.** The scope of the improvements and that the description of the boundaries of the proposed District and the full scope of the project are on file with the Revenue Division and where the file can be viewed. It should state that:
    - a.** In the case of a voluntary assessment the scope and level of the improvements may be reduced depending on the amount of money collected; or
    - b.** In the case of a mandatory assessment the scope and level of the improvements may be reduced if the amount of the assessment is compressed to fit within the property tax limitation imposed by the Oregon Constitution, Art. XI § 11b.
  - 5.** The estimated cost of the proposal, and that it may be reduced to the amount of money actually received.
  - 6.** The date, time and place of the hearing and that the proposal could be modified as a result of public testimony.
  - 7.** The classification or types of properties which are exempt and that a request for an exemption on an enclosed form must be filed not later than 21 days after the notice is mailed.
  - 8.** In the case of a voluntary assessment that it is an incurred charge and is not a tax and is a charge outside the property tax limitations in the Oregon Constitution, Art. XI, §11b.

**3.122.090 Exemption Process.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A.** Property within the proposed District is conclusively presumed subject to assessment unless the owner files with the Revenue Division a claim for exemption not later than 21 days after the date of mailing or personal delivery of the notice.
- B.** The Revenue Division, in its discretion, may examine a claim or claims for exemption to determine whether property claimed to be exempt from assessment is exempt property. The examination may include review of such evidence as the Revenue Division deems appropriate and may include a viewing of the property. In the event the Revenue Division determines that the property for which an exemption is claimed is not exempt, the Revenue Division shall give the owner written notice of the determination and the reasons, by mail or personal delivery. The notice shall give the owner 10 days time within which to provide written evidence as to why the property is exempt. In the event the owner provides no written evidence within the time allowed, the property conclusively shall be presumed not to be exempt property. In the event the owner submits written evidence, the Revenue Division shall review the evidence and either approve or disapprove the claim for exemption and provide written notice to the owner, including a statement of the reasons for the Revenue Division's decision. The Revenue Division's approval or disapproval following review of the evidence shall be final.

**3.122.100 Hearing and Resolution Establishing District.**

- A.** The Council shall hold a public hearing on the proposed Economic Improvement District at the time and place stated in the notice to owners of properties. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to such other time and place as it may deem appropriate. At the hearing, persons supporting or objecting to the proposed improvement and assessment shall be entitled to be heard.
- B.** If the Council, at the conclusion of the hearing, finds that the economic improvements will afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public and that the Economic Improvement District should be established, then the Council may adopt a resolution stating those findings and establishing the District.

**3.122.110 Preparation and Notice of Assessments.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A.** Following Council adoption of a resolution establishing an Economic Improvement District based on the final Economic Improvement Plan, the Revenue Division shall

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prepare the proposed assessment for each lot in the District that is a subject property and shall file a proposed assessment ordinance, with a list of proposed assessments attached, with the City Council. The amount of assessment shall be based on the cost of the economic improvements and the cost of City administration of the Economic Improvement District.

- B.** Following preparation of the proposed assessments, the Revenue Division shall mail to the owner of each lot to be assessed a notice containing the following information:
1. The description of the property being assessed.
  2. The name of the District and whether it is a voluntary or mandatory assessment. In the case of a voluntary assessment a statement that the property will be assessed unless the property owner specifically requests in writing not to be assessed.
  3. The length of the District and the total cost of the project, the assessment formula, and the amount of the assessment on the property.
  4. The assessment will not change unless the Council finds it exceeds the benefit of the improvements, but the total amount and scope of the improvements and level of services could change to correspond to the amount of money collected. Further, the scope of the improvements and level of services could change as a result of the testimony.
  5. The time, date and place of the hearing and that the following forms of objection may be filed:
    - a. A written objection to being assessed in which case no assessment will be placed on the property if it is a voluntary assessment. An owner who fails to submit a written objection before or at the public hearing shall be deemed to have made a specific request for the economic improvement service to be provided during the time specified in the assessment ordinance;
    - b. An objection to the amount of the assessment on the grounds it is incorrect or exceeds the amount of benefit; and
    - c. An objection to the formation of the District.
  6. A written objection may be filed with the Revenue Division prior to the hearing or made orally at the hearing. An objection to the assessment must explain the reasons the assessment is incorrect or exceeds the amount of benefit.

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7. The assessment is due and payable immediately, and whether it may be paid in installments. The amount of interest if any and the fact there will be billing charges. The unpaid balance will become a lien on the property and failure to pay could result in foreclosure.
8. A voluntary assessment is an incurred charge and is a charge outside the property tax limitation imposed by the Oregon Constitution, Art. XI, §11b.
9. Property included in the District and assessed cannot be withdrawn from the District and the assessment will continue through the life of the District.
10. The name and phone number of a City staff person who can answer questions.

**3.122.120 Hearing on Assessments.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. The Council shall hold a public hearing on the proposed assessment ordinance. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to a date and time certain. At the hearing, property owners supporting or objecting to being assessed, to the amount of the assessment or to the formation of the District, shall be entitled to be heard.
- B. Written objections shall be considered to have been received by the Council at the hearing if actually received at the hearing or if received by the Revenue Division prior to commencement of the hearing. A written objection signed by a person purporting to have authority as agent or attorney to sign an objection on behalf of an owner shall be considered received from the owner only if there is included with the objection a copy in writing of the authority to act on behalf of the owner.
- C. If the Council at the hearing receives written objections to the formation of the District from owners of property upon which more than 33 percent of the total value of assessments are levied, then the Economic Improvement District shall not be established and assessments shall not be made.
- D. At the hearing, the Council shall consider any objections and may adopt, correct, modify, revise the proposed assessment ordinance. In the case of a voluntary assessment, the Council shall exclude from assessment property which the owner has requested be omitted from assessment. The request shall be made in writing and submitted prior to the close of the hearing.

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**3.122.130 Amendments to Ordinance.**

- A.** At the hearing under Section 3.122.100, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070. The procedures required by Sections 3.122.080 and 3.122.100 shall be repeated if the amendment:
  - 1.** Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment;
  - 2.** Increases the likely assessment upon one or more properties; or
  - 3.** Enlarges the Economic Improvement District;
- B.** At the hearing under Section 3.122.120, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070 as subsequently amended. If the amendment increases the likely assessment upon one or more properties, then the procedures required by Sections 3.122.110 and 3.122.120 shall be repeated. The procedures required by Section 3.122.080 through 3.122.120 shall be repeated if the amendment:
  - 1.** Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment; or
  - 2.** Enlarges the Economic Improvement District.

**3.122.140 Assessments.**

- A.** The Council shall not levy assessments in an Economic Improvement District in any year that exceed one percent of the true cash value of all the real property located within the District.
- B.** Any new owner of benefitted property or any owner of benefitted property who excluded the property from assessment by submitting written objections may subsequently agree to the assessment of the property. The Council shall apply the assessment formula to the property and apportion the costs to the property for the remaining time in which the assessment is levied.
- C.** The assessed property may not be relieved from liability for that assessment for any reason including change of ownership.

**3.122.150 Limitation on Boundaries.**

The Council shall not include within an Economic Improvement District any area of the City that is not zoned for commercial or industrial use.

**3.122.160 Continuation of Assessments.**

If the Council has established an Economic Improvement District and thereafter determines that it is necessary to levy assessments upon subject property in the District for longer than the period of time specified in the assessment ordinance that created the District, the Council shall enact an ordinance that provides for continued assessments for a specified number of years, to a maximum of three. The assessment of lots under such an ordinance shall be subject to the procedures required by Sections 3.122.110 and 3.122.120.

**3.122.170 Expenditure of Moneys.**

Money derived from assessments levied under this Chapter and from interest earned on that money shall be spent only for the economic improvements and for the cost of City administration of the Economic Improvement District described in the final Economic Improvement Plan. Subject to the requirements of any labor agreements to which the City is a party and to any applicable requirements of state law, the Council in its discretion may authorize an agreement or agreements with the advisory committee appointed under Section 3.122.050 D for the committee to provide all or part of the economic improvements described in the final economic improvement plan.

**3.122.180 Cost of Administration.**

The cost of City administration of an Economic Improvement District shall include the actual cost of administrative services provided by the City related to the District.

**3.122.190 Limitation on Expenditures.**

Money spent for carrying out a final Economic Improvement Plan shall be limited to money actually received from assessments or from other public or private contributions to assist in carrying out the Plan.

**3.122.200 Administration.**

The task force for an Economic Improvement District shall be responsible for administration of the economic improvements to be carried out. With the concurrence of the head of the lead bureau, the task force may designate an employee of the lead bureau as the person responsible for day to day administration of the economic improvements. In the event the task force determines that the economic improvements should be performed by a contractor or contractors, the task force shall prepare for Council consideration contracts for the work. In each case, the contract for work shall include not less than the following:

- A. A description of the work to be done;
- B. A description of the method of compensation for the work;
- C. A description of records to be kept by the contractor to evidence performance of the work and of the documentation to be provided to the City to justify payment for work;

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- D. A description of any liability to be born and insurance to be provided by the contractor; and
- E. A description of the rights of the City to terminate the contract prior to its completion.

**3.122.210 Early Termination.**

The City Council may terminate the activities of an Economic Improvement District in whole or in part prior to the normally scheduled termination date for the District by an ordinance. However, all applicable contract issues shall be resolved before activities are terminated. In the event of early termination, those funds remaining from assessments for the District, following payment of all obligations and costs of administration incurred on behalf of the District, shall be returned to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District. In the event of early termination of only a part of the activities of an Economic Improvement District, the City Council, in the termination ordinance, may elect to apply remaining funds on a similarly proportionate basis as a credit against future District assessments against subject properties, with any funds remaining being returned to the owners as otherwise provided herein.

**3.122.220 Surplus.**

In the event, following the normally scheduled termination of an Economic Improvement District, including the payment of all obligations and costs of administration incurred on behalf of the District, there remain excess funds from assessments paid by owners of subject properties, then the City Council, by ordinance, shall provide for either:

- A. The return of the excess funds to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District;
- B. Use of the excess funds for continued provision of the economic improvements until the excess funds are fully spent; or
- C. Use of part of the excess funds as provided in B and return of the balance of the excess funds as provided in A.

**3.122.230 Entry and Collection of Assessments.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. On adoption of an assessment ordinance under Section 3.122.120 D, the Revenue Division shall enter each assessment in the docket of City liens. All such assessments shall be collected in the same manner as local improvement assessments and failure to pay may result in foreclosure in the same manner as provided for other assessments.

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- B.** The assessments may be paid in semi-annual payments, however the City may charge a billing fee.

**3.122.240 Economic Improvement Fund.**  
(Repealed by Ordinance No. 170223, effective July 1, 1996.)

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**CHAPTER 3.123 - PORTLAND UTILITY  
BOARD**

(Chapter replaced by Ordinance No. 187174,  
effective July 31, 2015.)

**Sections:**

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

**3.123.010 Created - Purpose.**

A Portland Utility Board is hereby created. The Board's purpose is to advise the City Council, on behalf of and for the benefit of the citizens of Portland, on the financial plans, capital improvements, annual budget development and rate setting for the City's water, sewer, stormwater, and watershed services. The Board will advise Council on the establishment of fair and equitable rates, consistent with balancing the goals of customer needs, legal mandates, existing public policies, such as protecting water quality and improving watershed health, operational requirements, and the long-term financial stability and viability of the utilities.

**3.123.020 Scope.**

- A.** The Portland Water Bureau and the Bureau of Environmental Services use multi-year financial planning to prioritize programs and to project operating and capital costs associated with policies and programs, and to estimate overall rate impacts. The Board will fully participate in the bureaus' financial planning and budgeting processes. The Board will work with the bureaus to develop long-term, 20-year mission plans. The bureaus update their financial plans throughout the year to reflect significant changes in revenues or requirements, and revise the plans annually. The Board will review the proposed financial plans and revisions, and submit its findings and recommendations to the Council as part of the City's annual financial planning process. The Board will actively monitor bureau spending through the fiscal year and be briefed on final fiscal year accounting including status of debt load and rate stabilization funds. The Board will monitor bureau and City Council responses to and implementation of audits, in consultation with the Commissioner(s)-in-Charge. The Board will monitor City Council budget amendments, capital improvement plans (CIP) and implementing actions

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throughout the fiscal year. The Board will participate in evaluating the performance of the bureaus. The bureaus will engage with the Board throughout the fiscal year when developing budgets. The Board may serve, at the Mayor's pleasure, as an advisor in the development of Mayor's budgets for the Portland Water Bureau and the Bureau of Environmental Services.

- B.** The Board will periodically consult the bureaus and the Commissioner(s)in-Charge on strategic communications, public education and involvement, as well as review audits and other reports. The Board will identify and report to the Commissioner(s)-in-Charge, the Mayor or the Council on important issues and challenges for the Portland Water Bureau and the Bureau of Environmental Services. The Board will monitor the bureaus' efforts to achieve equity in the provision of services throughout the City.
- C.** Participate in the rate design process: The Board will report on proposed rate changes to the Council during the annual budget hearings and development processes for water, sanitary sewer, watershed health, and stormwater. The Board shall report on other city activities or proposed policies with significant impacts to water, sanitary sewer, and stormwater rates.
- D.** When the bureaus form other advisory groups on utility matters such as facility or project specific concerns, the Board and its staff will exchange information with these other advisory groups to coordinate policy advice to the Council and the bureaus.
- E.** Relationship to other interested parties: The Board's primary responsibility and duties are to advise the Council, and its deliberations and recommendations shall be directed to Council accordingly. The Board may also share the results of its deliberations and recommendations delivered to Council with interested individuals and groups including neighborhoods, business associations, and public interest groups.

**3.123.030 Membership.**

(Amended by Ordinance No. 188015, effective September 29, 2016.) The Board shall have 11 permanent members. Board members shall be appointed by the Mayor in consultation with the Commissioner(s)-in-Charge of the bureaus, and confirmed by the Council. Any Council member may submit nominations to the Commissioner(s)-in-Charge. In consultation with the Commissioner(s)-in-Charge, the Mayor shall appoint the Chair of the Board. Six members shall constitute a quorum of the Board. Board members serve without compensation, except they may receive from their employer their regular salary during time spent on Board matters.

**3.123.040 Appointments - Composition.**

(Amended by Ordinance No. 188015, effective September 29, 2016.)

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- A.** General Criteria. All members must reside in or work predominantly in the city of Portland and have an interest in water, sewer, stormwater, and watershed health issues, such as system development and maintenance, service delivery, service costs and impacts on low-income households, economic development, public health, conservation, green infrastructure or the environment. In making Board appointments, the Mayor and Council shall strive to have a Board which reflects the diversity of the Portland community, including, but not limited to, the following factors: areas of expertise, advocacy, experience, community involvement, profession, education and/or, economic status. Preferred appointees should have a range of qualified professional and academic expertise, and community volunteer experience. Appointees will include a current employee in a represented bargaining unit with the Portland Water Bureau or the Bureau of Environmental Services. Skills that will serve the Board well include: technical knowledge of water, stormwater, and sewer utility operation and issues, accounting, civil engineering, conservation, environmental sciences, equity, health sciences, public administration, urban planning, or utility economics, financial and capital improvement analysis, ecosystem science, environmental protection, political process, group process, and communications.
- B.** Restrictions. No individual with any direct financial interest in either city utility other than as a rate-paying customer or as an employee of the utility bureaus.
- C.** The Mayor shall, in consultation with the Commissioner(s)-in-Charge, appoint three non-voting, ex officio members annually, to engage utility bureau employees in the budget process. The ex officio members shall be one represented and two non-represented utility bureau employees, appointed to participate in the process of developing recommendations on the bureaus' annual budgets. The voting and ex officio members shall be evenly distributed between the utility bureaus. The term of ex officio members shall be for 1 year. Ex officio members may be re-appointed up to three times.

**3.123.050 Terms.**

- A.** Board members will be appointed to serve for a term of 3 years. The terms of each member shall run from the date of the City Council's confirmation of the member's appointment, or such other date as the Council may establish.
- B.** The Board may make recommendations to the Mayor regarding the reappointment of existing members. Notwithstanding the limitations of this Section, a Board member may continue to serve until his or her replacement is appointed.
- C.** If any member of the Board is absent more than three regularly scheduled meetings of the Board during any 12 month period, without having notified the Chair in advance of such absence, such member shall be deemed to have resigned from the

Board. The member's position shall thereafter be vacant and subject to appointment by the Mayor.

- D.** The Mayor may remove any member of the Board at his or her discretion for due cause, including but not limited to malfeasance or neglect of duties.

**3.123.060 Standing Committees.**

- A.** The Board may at any time establish standing committees of at least three individuals to address specific issues related to the Board's purpose.
- B.** The Board may designate more specific roles and responsibilities for any standing committee in the Board by-laws.

**3.123.070 Staffing.**

- A.** The City Budget Office will provide staffing for the Board, with logistical and topic-related support from the Portland Water Bureau, the Bureau of Environmental Services, and other bureaus or agencies as may be needed. Staffing should be experienced and skilled in financial analysis, utilities, and government operations within the context of environmental stewardship.
- B.** Commissioner(s)-in-Charge liaisons to the two utility bureaus shall serve as a resource to the Board and attend its meetings.

**3.123.080 Meeting Schedule.**

The Board shall meet at least once monthly on a regular date established by the Board. Additional meetings may also be scheduled during annual budget and rate review periods as determined by the Board Chair. The Board Chair, with assistance from the Board's staff, will develop meeting agendas in consultation with others including Board members, the utility bureaus, and the Commissioner(s)-in-Charge.

**3.123.090 By-Laws.**

- A.** The Board shall adopt by-laws to govern its procedures within the purposes of this Chapter that shall not conflict with any portion of this Chapter and which are subject to the prior review and approval of the Mayor, with approval as to legal sufficiency by the City Attorney. These by-laws shall include specifications concerning selection and tenure of standing committee chairs, division of responsibilities, attendance policies, meeting schedules, as well as communications between the Board and City agencies, the media and the general public, and any other appropriate matters. As an initial action, the PUB will establish operating procedures that define expectations for member participation and roles and address transparency in its deliberations, public information and participation, and equity.

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- B.** The by-laws shall specify procedures for public testimony, including opportunities for public comments at each Board meeting.

**3.123.100 Annual Report and Work Session.**

- A.** Annually, the Board shall prepare and submit to the Council a report summarizing the work performed by the Board during the previous year. The Board shall submit the annual report within the first 3 months following the beginning of each fiscal year for the utility bureaus. The annual report shall include, but need not be limited to, a summary of issues reviewed and analyzed; a list of briefings and reports received from staff, outside experts and other informed parties; a summary of recommendations forwarded to the Council; and a summary of Council action on the recommendations.
- B.** The Board's report will be presented to the Council in a work session. In addition, the Board will present a work plan outline for the next year and seek input from the Council on potential next steps.

**CHAPTER 3.124 - PORTLAND BUREAU OF  
EMERGENCY MANAGEMENT**

(Chapter replaced by Ordinance No. 184740;  
Amended by Ordinance No. 185304, effective June  
1, 2012.)

**Sections:**

- 3.124.010 Definitions.
- 3.124.020 Portland Bureau of Emergency Management.
- 3.124.030 Purpose.
- 3.124.040 Organization.
- 3.124.050 Director's Powers and Duties.
- 3.124.060 Staff and Delegation.
- 3.124.070 Neighborhood Emergency Team Program.
- 3.124.080 Neighborhood Emergency Teams.
- 3.124.090 Neighborhood Emergency Team Leaders.

**3.124.010 Definitions.**

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019.) The following definitions apply to Chapters 3.124 through 3.126:

- A.** “Comprehensive Emergency Management Plan (CEMP)” means a written document that describes the City’s overall emergency management plan. A CEMP specifies the purpose, organization, responsibilities and facilities of the agencies and officials of the City in the mitigation of, preparation for, response to, and recovery from emergencies and disasters.
- B.** “Director” means the director of the Portland Bureau of Emergency Management.
- C.** “Emergency” means any natural, technological or human-made, event or circumstance causing or threatening: widespread loss of life, injury to persons or property, human suffering or financial loss, including but not limited to fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war.
- D.** “Emergency Coordination Center (ECC)” means the centralized location where local officials gather during an emergency to coordinate emergency response activities and implement direction from the Mayor.
- E.** “Emergency Management” means an approach to prevent, protect against, respond to, recover from, and mitigate the effects of incidents.

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- F.** “Emergency Notices” means information that is disseminated primarily in anticipation of or during an emergency. In addition to providing situational information to the public, it frequently provides directive actions required to be taken by the general public.
- G.** “Emergency Plan” means an ongoing plan for responding to a wide variety of potential hazards.
- H.** “Incident” means an occurrence, natural or human-made, that requires a response to protect life or property in an emergency.
- I.** “National Incident Management System” (NIMS) means the Federal Government’s standardized framework of doctrines, concepts, principles, terminology, and organizational processes for emergency management.
- J.** “Continuity of Operations” (COOP) Plan means a plan that describes how a bureau will continue to perform its essential functions following an event that disrupts normal operations.

**3.124.020 Portland Bureau of Emergency Management.**

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019.) There is established by the City Council the Portland Bureau of Emergency Management (PBEM).

**3.124.030 Purpose.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The purpose of PBEM is to centralize leadership and coordination of emergency management.

**3.124.040 Organization.**

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019). The Portland Bureau of Emergency Management shall consist of the Director and such other employees as the Council may provide. The Director shall be immediately responsible to the Mayor or its commissioner-in-charge if other than the Mayor, and, thereafter, to the City Council.

**3.124.050 Director's Powers and Duties.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Director of the Portland Bureau of Emergency Management’s duties and powers include, but are not limited to the following:

- A.** Overall administrative authority for the Office;
- B.** Serve as principal strategic advisor to the Mayor concerning emergency management;
- C.** Implement policy directives of the City Council and the Disaster Policy Council and enforce the schedules and plans approved by them;

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- D.** Manage the Emergency Coordination Center (ECC), establishing the overall structure, roles, responsibilities and direction for the operation of the ECC and ensuring that the ECC is appropriately sited, staffed, equipped, and maintained. The Director may reassign employees to ECC duties as required;
- E.** Maintain written emergency plans, including all chapters, annexes and appendices of the Comprehensive Emergency Management Plan (CEMP) and annually submit a report with any recommendations for revisions;
- F.** Maintain records documenting compliance with requirements of federal and state emergency management programs, including NIMS. When a bureau other than PBEM possesses such records, the bureau shall immediately produce them upon the request of the Director;
- G.** Develop and implement training and exercise programs for responders that test the effectiveness of the CEMP and other emergency management plans;
- H.** Develop and implement processes, procedures, and systems for communicating emergency notices to the public and responders about incidents;
- I.** Develop and implement programs to educate the public about emergency preparedness, including volunteer programs, and train citizens to assist in emergencies;
- J.** Evaluate the effectiveness of the City's response to an emergency event.

**3.124.060 Staff and Delegation.**

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019).

- A.** The Director may appoint an Operations Manager who is accountable to the Director and may appoint other personnel necessary to carry out the provisions of this Chapter, when in keeping with the adopted budget for PBEM or specially funded projects.
- B.** The Director may delegate to staff members any of the Director's duties.
- C.** In the event of an emergency, the line of succession for the PBEM is: the succession plan described in the Bureau's COOP plan.
- D.** When a succession occurs, all duties and responsibilities of the Director are transferred to the successor and any delegations remain in place unless withdrawn by the new Director.

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**3.124.070 Neighborhood Emergency Team Program.**

The purpose of the Neighborhood Emergency Team Program is to prepare neighborhoods for self-sufficiency during an emergency by providing individuals with information, training, and exercises related to emergency preparedness and response.

**3.124.080 Neighborhood Emergency Teams.**

- A.** As part of the Neighborhood Emergency Team Program, the Director is authorized to:
  - 1.** Create Neighborhood Emergency Teams (NET) and define the qualifications for membership therein;
  - 2.** Develop written processes and procedures governing the conduct of members;
  - 3.** Conduct or cause to be conducted such inquiries or investigations into the fitness of an individual to serve as a NET member that the Director believes are necessary and appropriate;
  - 4.** Conduct or approve of ongoing training for NET members;
  - 5.** Designate certain NET members as team leaders for the purpose of supervision;
  - 6.** Dismiss or remove NET members.
- B.** When acting as agents of the City, NET members are entitled to defense and indemnification pursuant to ORS 30.285.

**3.124.090 Neighborhood Emergency Team Leaders.**

- A.** All NET members shall be immediately responsible to a team leader and thereafter the Director. The Director may dismiss or remove a NET Leader.
- B.** NET leaders may designate one assistant for each five NET members or fraction thereof for purposes of maintaining adequate supervision of NET members during training or deployment.
- C.** NET leaders are responsible for the organization, ongoing training, communication with and operational safety of the NET members assigned to their teams.
- D.** NET leaders shall attend regularly scheduled meetings for the purposes of training and communicating with NET members.

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- E.** NET leaders shall evaluate the performance of NET members and may recommend to the Director the dismissal or removal of NET members.

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**CHAPTER 3.125 - DISASTER POLICY  
COUNCIL**

(Chapter replaced by Ordinance No. 184740,  
effective July 13, 2011.)

**Sections:**

- 3.125.010 Disaster Policy Council.
- 3.125.020 Duties.
- 3.125.030 Membership.
- 3.125.040 Procedures.
- 3.125.050 Staff Support to Disaster Policy Council.

**3.125.010 Disaster Policy Council.**

The Disaster Policy Council (DPC) is hereby created for the purpose of promoting interbureau cooperation in furtherance of the City's integrated emergency management goals.

**3.125.020 Duties.**

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019.) The DPC's duties include, but are not limited to, the following:

- A. During an emergency, advise the Mayor on policy matters pertaining to management of the emergency;
- B. Approve strategic, response and work plans developed by the Portland Bureau of Emergency Management and the Emergency Management Steering Committee defining the City's emergency management program goals and priorities;
- C. Monitor individual bureau progress on work plan tasks, strategic plan tasks, and response plan updates. The Mayor, in consultation with the DPC, may compel bureaus to create and complete plans and updates;
- D. Convene meetings no less than twice a year whenever:
  - 1. The President of the City Council changes
  - 2. Requested by the Mayor.
- E. Keep records of meetings and decisions.

**3.125.030 Membership.**

(Amended by Ordinance Nos. 185304, 186729 and 189462, effective May 17, 2019.) The DPC shall consist of the following members:

- A. The Mayor, who shall be Chair;

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- B.** Commissioner serving as President of the City Council, who shall be Vice Chair;
- C.** If the Mayor or the President of the Council is not the Commissioner-in-Charge of the Portland Bureau of Emergency Management, the Commissioner-in-Charge of the Portland Bureau of Emergency Management or his or her designee, unless it would create a quorum of the City Council;
- D.** Chief Administrative Officer;
- E.** City Attorney;
- F.** City Auditor;
- G.** Director, Portland Bureau of Emergency Management;
- H.** Chief of Portland Fire & Rescue;
- I.** Chief of Portland Police Bureau;
- J.** Director, Bureau of Emergency Communications;
- K.** Administrator, Portland Water Bureau;
- L.** Director, Bureau of Transportation;
- M.** Director, Human Resources;
- N.** Director, Bureau of Environmental Services;
- O.** Director, Portland Parks and Recreation;
- P.** Director, Bureau of Development Services;
- Q.** Director, Joint Office of Homeless Services
- R.** Director, Bureau of Revenue and Financial Services
- S.** Director, Bureau of Technology Services
- T.** If the Mayor is unavailable to Chair the DPC, the duties shall be performed and authority exercised by the first of the City officials in the order of membership listed in Subsections A.-S. above who is able and available.

**3.125.040 Procedures.**

When the DPC is required to approve plans under subsection 3.125.020 C., the decision making process shall be by consensus. The consensus shall be determined by the Chair.

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**3.125.050 Staff Support to Disaster Policy Council.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the DPC, including recording and communicating its decisions.

**CHAPTER 3.126 - EMERGENCY  
MANAGEMENT STEERING COMMITTEE**

(Chapter replaced by Ordinance No. 184740,  
effective July 13, 2011.)

**Sections:**

- 3.126.010 Emergency Management Steering Committee.
- 3.126.020 Duties.
- 3.126.030 Membership.
- 3.126.040 Staff Support to the Emergency Management Steering Committee.

**3.126.010 Emergency Management Steering Committee.**

(Amended by Ordinance No. 189462, effective May 17, 2019.) The Emergency Management Steering Committee (EMSC) is hereby created for the purpose of assisting the Portland Bureau of Emergency Management in developing emergency management policies and procedures for incidents requiring significant interbureau coordination.

**3.126.020 Duties.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The EMSC's duties include, but are not limited to, the following:

- A. Assign lead author responsibility to specific bureaus for the development of emergency plans, including annexes and appendices to the CEMP, and approve schedules for plan completion, plan exercise, review and revision;
- B. Develop strategic, response, and work plans in coordination with the Portland Bureau of Emergency Management defining the City's emergency program goals and priorities;
- C. Devise bureau-specific protocols for mobilizing resources to respond to emergencies;
- D. Assess individual Bureau compliance with emergency plans;
- E. Keep records of decisions;
- F. Convene meetings at least monthly and at other times as requested by the Director;
- G. Make periodic reports to the Disaster Policy Council so that the DPC can fulfill its duty under PCC 3.125.020.

**3.126.030 Membership.**

(Amended by Ordinance Nos. 185304, 189078 and 189462, effective May 17, 2019.) The EMSC shall consist of qualified staff from the following Bureaus:

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- A. Water Bureau;
- B. Portland Fire & Rescue;
- C. Portland Police Bureau;
- D. Bureau of Environmental Services;
- E. Portland Parks & Recreation;
- F. Bureau of Transportation;
- G. Bureau of Emergency Communications;
- H. Portland Bureau of Emergency Management;
- I. Bureau of Development Services;
- J. Bureau of Technology Services;
- K. Office of Community & Civic Life;
- L. Bureau of Human Resources;
- M. Joint Office of Homeless Services; and
- N. Bureau of Revenue and Financial Services.

**3.126.040 Staff Support to the Emergency Management Steering Committee.**  
(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the EMSC.

**CHAPTER 3.127 - BUREAU OF PORTLAND  
FIRE AND POLICE DISABILITY AND  
RETIREMENT**

(Chapter added by Ordinance No. 180690, effective  
December 20, 2006.)

**Sections:**

- 3.127.010 Bureau of Portland Fire and Police Disability and Retirement.
- 3.127.020 Purpose.
- 3.127.030 Organization.
- 3.127.040 Director's Powers and Duties.
- 3.127.050 Staff and Delegation.

**3.127.010 Bureau of Portland Fire and Police Disability and Retirement.**

In conjunction with Chapter 5 of the Charter of the City of Portland, there is established by the City Council, the Bureau of Portland Fire and Police Disability and Retirement as a part of the Mayor's portfolio and charged with the implementation of Chapter 5 of the Charter.

**3.127.020 Purpose.**

The purpose of this office is to administer Chapter 5 of the Charter of the City of Portland. This purpose may be accomplished by direction from the Board of Trustees of the Fire and Police Disability and Retirement Fund ("FPDR") and in accordance with the provisions of Chapter 5 of the Charter of the City of Portland.

**3.127.030 Organization.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) The Bureau of Portland Fire and Police Disability and Retirement shall be directly responsible to its Board of Trustees and to the Mayor. Pursuant to Chapter 5 of the Charter, the FPDR Board shall have the powers listed in Section 5-202 of the Charter. Other bureaus may provide FPDR with necessary information and assistance in accordance with Chapter 5 of the Charter and include, but are not limited to, Portland Fire & Rescue, the Bureau of Police, and the Bureau of Human Resources.

**3.127.040 Administrator's Powers and Duties.**

The Administrator of the Fire and Police Disability and Retirement Fund shall:

- A. Be the Director of the Bureau of Portland Fire and Police Disability and Retirement, in accordance with Charter Chapter 5 Section 5-202;
- B. Be responsible for administering the terms of the FPDR plan;

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- C.** Serve as the principle administrator of the FPDR plan and have the power to initially approve or deny claims filed with the FPDR and to subsequently suspend, reduce or terminate benefits as provided in Charter Chapter 5;
- D.** Lead and direct the activities of the staff of the FPDR;
- E.** Oversee and direct other agents or advisers of the FPDR including actuaries and attorneys;
- F.** Be responsible for integrating disability, retirement, and return-to-work programs with other bureaus within the City where applicable; and
- G.** Review and propose amendments as necessary to the FPDR to conform to changes in federal or state law and, as appropriate, provide Council with the documentation necessary for its review and approval of the same.

**3.127.050 Staff and Delegation.**

The Administrator may delegate to his or her staff members any of the Administrator's duties when the Administrator is not available or able to perform those duties.

**CHAPTER 3.128 - OFFICE OF EQUITY AND  
HUMAN RIGHTS**

(Chapter replaced by Ordinance No. 184880,  
effective September 21, 2011.)

**Sections:**

- 3.128.010 Creation and Organization.
- 3.128.020 Purpose.
- 3.128.030 Director's Powers and Duties.
- 3.128.040 Administrative Rulemaking Procedures.

**3.128.010 Creation and Organization.**

There is established the Office of Equity and Human Rights. The Office of Equity and Human Rights shall consist of the Director and such other employees as the Council may provide. The Director shall report to the Commissioner in Charge.

**3.128.020 Purpose.**

The purpose of the Office of Equity and Human Rights is to:

- A. Promote equity and reduce disparities within City government;
- B. Provide guidance, education and technical assistance to all bureaus as they develop sustainable methods to build capacity in achieving equitable outcomes and service;
- C. Work with community partners to promote equity and inclusion within Portland and throughout the region, producing measurable improvements and disparity reductions;
- D. Support human rights and opportunities for everyone to achieve their full potential; and
- E. Work to resolve issues rooted in bias and discrimination, through research, education, and interventions.

**3.128.030 Director's Powers and Duties.**

(Amended by Ordinance No. 186898, effective November 19, 2014.) The duties of the Director of the Office of Equity and Human Rights include, but are not limited to:

- A. Overall administration of the Office and supervision of its staff;
- B. Implementing the policy directives of the City Council and the Commissioner in Charge, and proposing policies and practices to achieve the purpose of the Office, and adopt administrative rules, procedures and forms to assist in implementing City policies;

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- C. Developing an annual work plan to organize and prioritize the work of the Office;
- D. Working with the Human Rights Commission, the Portland Commission on Disability and all other City bureaus, offices, boards and commissions, as well as regional partners in government, business and the community, to increase equitable outcomes and reduce disparities;
- E. Recommending implementation strategies, accountability mechanisms, evaluation standards, and specific actions to the City Council that will achieve the goals of the Portland Plan Equity initiative, and other equity and human rights policies adopted by City Council;
- F. Providing reports to Council and the community annually and as requested.

**3.128.040 Administrative Rulemaking Procedures.**

(Added by Ordinance No. 186898, effective November 19, 2014.)

- A. Purpose. The Director has been delegated the authority to adopt and administer administrative rules appropriate to perform the duties set forth in Section 3.128.030. Administrative rules shall be adopted according to the procedures in this Section.
- B. Adopting Rules.
  - 1. Prior to the adoption or amendment of a permanent rule, the Director shall:
    - a. Give notice of the proposed rule at least 15 days prior to the effective date of the rule to City Commissioners, Bureau Directors and other parties of interest. The notice shall include a brief description of the subjects covered by the proposed rule, the final date for acceptance of written comments, the location to submit comments, and the location where copies of the full set of the proposed rules may be obtained.
    - b. During the comment and review process, the Director will analyze written comments, engage stakeholders and solicit legal review. The Director may either adopt the proposed rule, modify it or reject it.
    - c. If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for review and comment prior to adoption.
    - d. Unless otherwise stated, all rules will be effective upon adoption by the Director. Permanent rules shall be filed in the Portland Policy Documents repository.

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- e. Upon consultation with the Commissioner in Charge, the Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the City's interest. Interim rules will be effective for a period of no longer than 180 days. No later than 15 days after adoption, notice of the interim rule shall be given to City Commissioners, Bureau Directors and other parties of interest as identified by the Director.
- 2. All administrative rules shall be posted on the Bureau's website.
- 3. The Director may repeal any adopted rules upon consultation with the Commissioner in Charge. Notice of repeal will be given to City Commissioners, Bureau Directors and other parties of interest.

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**CHAPTER 3.129 - HUMAN RIGHTS  
COMMISSION**

(Chapter added by Ordinance No. 181670; effective  
March 19, 2008.)

**Sections:**

- 3.129.010 Staffing and Membership.
- 3.129.020 Mission.
- 3.129.030 Jurisdiction.

**3.129.010 Staffing and Membership.**

(Amended by Ordinance No. 184880, effective September 21, 2011.) There is established in the City of Portland a Human Rights Commission. The Commission shall be staffed by the Office of Equity and Human Rights. The Commission shall consist of 11 to 15 members. All members shall serve without compensation. Appointments are for staggered terms of three years. No member may serve more than two consecutive three year terms. When a vacancy occurs, a Human Rights Commission workgroup – after consultation with the Commissioner in Charge of the Office of Equity and Human Rights – nominates, the Mayor appoints, and the Council confirms, a member to fill the vacancy. This same process shall be used when an interim vacancy occurs to appoint a member to fill the balance of the unexpired term. Members shall be appointed by the Mayor so as to provide representation from a reasonably broad spectrum of the community, including without limitation the following factors: areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification. Members must live, work, worship or be enrolled in school within the City of Portland. Members are encouraged to establish constructive relationships with each member of Council, the City Auditor and other elected officials. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commission and subject to approval by the Council.

**3.129.020 Mission.**

(Amended by Ordinance No. 184880, effective September 21, 2011.) The Human Rights Commission shall work to eliminate discrimination and bigotry, to strengthen intergroup relationships and to foster greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the City of Portland. In doing so, the Human Rights Commission shall be guided by the principles embodied in the United Nations Universal Declaration of Human Rights and by the Portland Plan Equity initiative. The Human Rights Commission shall report at least annually to the Council on the activities of the Human Rights Commission (to include any subcommittees or task forces as may be established) on the progress of the Commission and any recommendations to the Council for further action.

**3.129.030 Jurisdiction.**

The jurisdiction of the Commission will include all practices and incidents occurring in the City of Portland which affect people who live, work, study, worship, travel or play in the City. The Commission shall have jurisdiction to address such practices and incidents through education, research, advocacy and/or intervention, but shall not have civil rights enforcement authority.

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**CHAPTER 3.130 - ADMINISTRATIVE  
APPEALS**

(Chapter added by Ordinance No. 187151; effective  
September 1, 2015.)

**Sections:**

- 3.130.010 Definitions.
- 3.130.020 Timely and Adequate Notification of Right to Appeal Required.

**3.130.010 Definitions.**

(Amended by Ordinance No. 189614, effective August 23, 2019.) For the purpose of this Chapter:

- A. “Administrative Act” means a final action, decision, determination, or order of Council, a bureau, department, or office. Administrative acts do not include legislative acts of Council, any City employment action, decision, determination, or order, or any action, decision, determination, or order that is subject to the review procedures set forth in Title 33 of the Code.
- B. “Administrative Appeal” means appeals of administrative acts by appellants when the right to appeal is provided by Code or rule, and the Code or rule requires the appeal to be decided by a bureau, department, office, board, hearings officer, or Council acting in its quasi-judicial capacity.
- C. “Appellant” includes any person given the right to appeal an administrative act by Code or a rule. As used in this Chapter, “appellant” does not include prospective, current, or former City employees contesting any administrative act related to their employment, employment benefits, application for employment, termination of employment, or internal complaint arising out of or connected with their employment.
- D. “Rule” means an administrative rule or bureau policy, as each term is defined in Section 1.07.020.
- E. "Timely" means that written notice is provided to the appellant in accordance with the time period specified in the Code or rule providing for the right of appeal. If the applicable Code or rule does not specify a time period, “timely” means that written notice is provided as soon as practicable after the right to request an administrative appeal is triggered but no later than:
  - 1. Three business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is less than 15 days; or

2. Ten business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is 15 days or more.

**3.130.020 Timely and Adequate Notification of Right to Appeal Required.**

- A. Timely and Adequate Notification Required. When there is a right to appeal an administrative act through an administrative appeal, the bureau, department or office must provide timely notice to appellant in accordance with Subsection 3.130.020 B.
- B. Form and Content of the Notice. An adequate notice must:
  1. Be in writing;
  2. Provide a short, plain statement describing the underlying administrative act and the basis for the administrative act, including citation to the applicable Code provision or rule;
  3. Explain any right to request an administrative appeal, including:
    - a. citation of the applicable Code provision or rule providing the right to appeal;
    - b. the time limit for requesting an administrative appeal, specifying calendar or business days;
    - c. the method for requesting an administrative appeal, including a City address and phone number;
    - d. the cost, if any, for requesting an administrative appeal, including accepted payment methods and whether there is a low-income fee waiver; and
    - e. disclosure of whether effect of administrative act will be stayed pending resolution of the requested administrative appeal.
- C. A bureau, department or office may adopt a rule specifying when and how notice of the right to request an administrative appeal will be provided so long as it is consistent with Subsections A and B of this Section 3.130.020.

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**CHAPTER 3.131 - NEW PORTLANDERS  
POLICY COMMISSION**

(Chapter added by Ordinance No. 187805; effective  
July 8, 2016.)

**Sections:**

- 3.131.010 Mission.
- 3.131.020 Membership and Staffing.
- 3.131.030 Purpose.
- 3.131.040 Organization and Meetings.

**3.131.010 Mission.**

There is established in the City of Portland a New Portlanders Policy Commission. The New Portlanders Policy Commission shall advise the City on policies and practices to integrate immigrant and refugee communities' voices and needs into the provision of City services, City decision-making and civic engagement in Portland, and to seek constructive relationships with each member of Council and the City Auditor.

**3.131.020 Membership and Staffing.**

The Commission shall consist of 25 voting members. All members shall serve without compensation from the City. Appointments to serve on the Commission are for staggered terms of three years. No member may serve more than two 3-year terms. The Commissioner(s)-in-Charge of the New Portlanders Policy Commission recommends, the Mayor nominates, and the Council approves members to the Commission. Members shall be appointed to provide representation from a reasonably broad spectrum of immigrant and refugee communities, striving to include a range of areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification. Members must live, work, worship or be enrolled in school within the city of Portland and/or volunteer for a nonprofit within the city of Portland. If any member of the Commission is absent more than three regularly scheduled meetings of the Commission during any 12 month period, without having notified the Co-Chairs in advance of such absence, such member shall be deemed to have resigned from the Commission. The member's position shall thereafter be vacant. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commissioner-in-Charge. City Elected Officials may appoint City bureau staff to the Commission as non-voting members. Staffing for the Commission shall be provided, subject to the annual City Budget process.

**3.131.030 Purpose.**

The purpose of the New Portlanders Policy Commission is to:

- A. Review, develop, evaluate and refine policy and practice recommendations for improving immigrant and refugee community integration in all City activities.

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- B.** Facilitate constructive working partnerships between City leaders and newcomer community leadership.
- C.** Provide a forum for setting integration goals between City bureaus and community organizations.
- D.** Provide technical support and policy advice to City Council offices and City bureaus.
- E.** Serve as a consultant and advocate to local, state and federal agencies on policies impacting immigrant and refugee communities, as capacity allows.
- F.** Provide a report to City Council on policy and practice outcomes on an annual basis.
- G.** Engage in the City's annual budget process.

**3.131.040 Organization and Meetings.**

The Commission shall adopt bylaws and rules of procedure, and specify procedures for public testimony. The Commission shall elect each year a Chair or Co-Chairs and such other officers as the Commission may from time to time establish. The Commission shall meet at least quarterly, and may meet more often. The Commission Chair(s), in consultation with the Commissioner-in-Charge and the Director of the Bureau staffing the New Portlanders program, or their designee, shall set the agenda for Commission meetings.

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**CHAPTER 3.132 - COMMUNITY  
INVOLVEMENT COMMITTEE FOR  
LEGISLATIVE PROJECTS UNDER THE  
COMPREHENSIVE PLAN.**

(Chapter added by Ordinance No. 188177, effective  
January 1, 2018.)

**Sections:**

- 3.132.010 Purpose.  
3.132.020 Membership, Meetings, and Organization.

**3.132.010 Purpose.**

The Community Involvement Committee (CIC), an independent advisory body, is charged with reviewing, commenting and advising City staff on the community involvement elements of legislative projects that implement Portland's Comprehensive Plan. The Committee will:

- A. Recommend changes to and assessments of ongoing and project-specific community involvement practices to bring them closer into alignment with the Comprehensive Plan Community Involvement goals and policies.
- B. Approve and update the Community Engagement Manual over time to reflect emerging best practices.

**3.132.020 Membership, Meetings, and Organization.**

The Community Involvement Committee members shall be appointed by the Commissioner-in-Charge of the Bureau of Planning and Sustainability and confirmed by the City Council. The Committee will consist of at least 5 and no more than 12 members. The appointed membership shall be broadly representative of geographic areas and interests and from a reasonably broad spectrum of lived experience, particularly in under-served and under-represented communities. Members must live, work, worship or be enrolled in school within the City of Portland and/or volunteer for a nonprofit within the City of Portland.

- A. **Appointments and Terms.** The Commissioner-in-Charge of the Bureau of Planning and Sustainability shall appoint members of the Community Involvement Committee. Appointment to the Community Involvement Committee shall be for a three-year term, renewable for a second term. If a position is vacated during a term, the Commissioner-in-Charge of the Bureau shall appoint a member to serve for the unexpired term. Members appointed to the Community Involvement Committee serve at the pleasure of the Commissioner-in-Charge of the Bureau of Planning and Sustainability. Members of the Committee may be dismissed at the discretion of the Commissioner-in-Charge.

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- B.** Meetings, Officers, and Subcommittees.
- 1.** The Community Involvement Committee shall meet at least five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with bylaws adopted by the Director of the Bureau of Planning and Sustainability.
  - 2.** The Community Involvement Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose, such as gathering information.
- C.** Attendance. Members of the Community Involvement Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from two or more consecutive meetings or more than 50 percent of the meetings in any year.
- D.** Compensation. Community Involvement Committee members shall serve without compensation.

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**CHAPTER 3.133 - RENTAL SERVICES  
COMMISSION (RSC)**

(Chapter added by Ordinance No. 188633, effective  
October 4, 2017.)

**Sections:**

- 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.

**3.133.010 Rental Services Commission Established.**

There is established in the City of Portland, the Rental Services Commission (RSC). The RSC is designated as the primary public forum for discussion of landlord-tenant housing regulation and programs in the City of Portland.

**3.133.020 Mission.**

The mission of the RSC is to advise the Director of the Portland Housing Bureau (PHB), the Housing Commissioner, and the Portland City Council on issues related to landlord-tenant housing regulation and programs, and to provide a forum for public input on the rental housing market.

**3.133.030 Duties.**

The RSC is delegated to carry out the following functions:

**A. Landlord-Tenant Policy Initiatives**

1. Advise PHB on landlord-tenant policy issues and initiatives
2. Provide feedback and recommendations on landlord-tenant policy initiatives and policy changes

**B. Landlord-Tenant Regulation and Programs**

1. Advise PHB on landlord-tenant regulation and programs
2. Monitor PHB landlord-tenant regulation and programs

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3. Advise PHB on the effectiveness of landlord-tenant regulation and programs.
  4. Recommend improvements to PHB's landlord-tenant regulation and programs
  5. Recommend annual performance goals for PHB's landlord-tenant regulation and programs
- C. Budget
1. Advise the Portland Housing Advisory Commission (PHAC), the Housing Commissioner, and City Council on the budget for PHB's landlord-tenant regulation and programs
  2. Provide feedback on landlord-tenant funding priorities
- D. Community Involvement
1. Provide an inclusive forum for the community's discussion of its landlord-tenant housing needs and priorities
  2. Assist PHB in strengthening community partnerships

**3.133.040 Membership.**

- A. The RSC shall consist of at least 7 members and no more than 13 members.
- B. The Housing Commissioner shall appoint all members.
- C. The Housing Commissioner may designate a staff representative to serve as a non-voting ex officio member.
- D. Membership appointment shall take into account the socio-economic, gender, racial, ethnic, cultural, and geographic diversity of the City of Portland.
- E. Membership appointment shall achieve a balanced citizen-based perspective encompassing knowledge of fair housing, rent-regulated and market-rate rental housing, landlord-tenant law, property management, renter-owner advocacy, rental housing access, and rental housing health & safety.
- F. Members shall not simultaneously serve on the PHAC and the RSC.
- G. For the initial appointments to the RSC, the following terms will apply: five to seven members shall be appointed for a term of 2 years; and six to eight members for a term of 3 years.

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ADMINISTRATION**

- H.** All subsequent appointments to the RSC shall be for terms of 2 years.
- I.** Members shall be eligible to renew their appointment at the discretion of the Housing Commissioner.
- J.** The Housing Commissioner may rescind the appointment of a member if the duties and responsibilities of appointment are not being fulfilled.
- K.** Members shall serve without compensation.
- L.** PHB may approve the reimbursement of reasonable expenses of the appointed members that are incurred while a member is fulfilling authorized duties of the RSC.
- M.** The RSC shall adopt necessary bylaws and rules of procedure for the governance of its proceedings.

**3.133.050 Meetings.**

The RSC will hold regularly scheduled meetings at least every 2 months, at a schedule established by the RSC.

**3.133.060 Quorum.**

Quorum shall be defined as one-half plus one of all appointed members. A quorum shall be necessary for the RSC to take any action. Actions of the RSC shall be passed upon a majority vote of the members present.

**3.133.070 Chairperson.**

A chairperson shall be selected from the appointed members by the Housing Commissioner.

**3.133.080 Committees.**

- A.** The RSC will have the following standing committees, whose membership shall be determined by the Chairperson and the Housing Commissioner:
  - 1.** Executive Committee
  - 2.** Bylaws and Rules Committee
- B.** The RSC may create non-standing committees and task forces to address issues within the parameters of the RSC's duties and responsibilities.

**3.133.090 Staffing.**

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

**3.133.100 Cooperation.**

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

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**CHAPTER 3.134 - OFFICE OF THE  
PORTLAND CHILDREN'S LEVY**

(Chapter added by Ordinance No. 189192, effective  
November 9, 2018.)

**Sections:**

- 3.134.010 Creation, Organization, and Purpose.
- 3.134.020 Director's Powers and Duties.
- 3.134.030 Duration and Dissolution.

**3.134.010 Creation, Organization, and Purpose.**

There is established the Office of the Portland Children's Levy. The Office of the Portland Children's Levy shall consist of the Director and such other employees as the Council may provide. The Director shall report to the Commissioner in Charge. The purpose of the Office of the Portland Children's Levy is to administer the Children's Investment Fund in accordance with the current measure enacted by voters of the City of Portland, Oregon.

**3.134.020 Director's Powers and Duties.**

The duties of the Director of the Office of the Portland Children's Levy include, but are not limited to:

- A. Overall administration of the Office and supervision of its staff;
- B. Implementing the policy directives of the City Council, the Commissioner in Charge, and the tax levy approved by voters to fund the Children's Investment Fund;
- C. Proposing policies and practices to achieve the purpose of the Office, and adopt procedures and forms to assist in implementing City policies.

**3.134.030 Duration and Dissolution.**

The Office of the Portland Children's Levy shall remain in existence so long as the voters renew the Children's Investment Fund and associated tax levy. In the event the tax levy is not renewed by voters, the Office may exist thereafter only for such reasonable time as is necessary for the orderly closing of affairs of the Children's Investment Fund.

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**14A.30.010 Unlawful Noise Disturbance.**

It is unlawful to make any excessive, unreasonable, or unusually loud sound which disturbs the peace and quiet of any neighborhood or which injures or endangers the comfort, repose, health, peace, or safety of any person.

**14A.30.020 Unlawful Operation of Sound Producing Equipment.**

- A.** It is unlawful to operate or use or permit the use of any sound producing equipment:
  - 1.** Between the hours of 10 p.m. and 7 a.m. so as to be plainly audible within any dwelling unit which is not the source of the sound; or
  - 2.** While on public property so as to be plainly audible 100 feet or more from the device.
- B.** Sound producing equipment includes but is not limited to any radio, television set, musical instrument, phonograph, loud speaker, bell or chime.

**14A.30.030 Unauthorized Use of a Police Vehicle.**

It is unlawful for any person other than a police officer or designee to possess or operate a vehicle marked or identified by the word "police" or any other marking, insignia, or equipment identifying it as a police vehicle.

**14A.30.040 Unlawful Use of Badges.**

It is unlawful for any person not a regular member of the police force of the City to use in any manner a City of Portland police officer's badge, or any replica or imitation thereof, except by special permission of the Chief of Police.

**14A.30.050 Tampering with Animals Used for Law Enforcement Purposes.**

It is unlawful for any person to torture, torment, beat, kick, strike, choke, cut, stab, stone, shoot, mutilate, injure, disable, kill, or tamper with any animal while it is being caged,

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kenneled, transported, exhibited, exercised, or used in discharging or attempting to discharge any lawful duty or function or power of office, by any police officer or his or her representative, for any police agency.

**14A.30.060 Unlawful Possession or Use of Devices Used to Open Coin Boxes.**

It is unlawful for any unauthorized person to have in his or her possession or use any tool, key, implement, or device designed for forcing, breaking, or otherwise gaining entry to a pay telephone coin box, coin vending machine, parking meter or other coin-operated machine or device.

**14A.30.070 Unlawful Transfer of a Recreational Vehicle.**

(Added by Ordinance No. 188632, effective October 4, 2017.)

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

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

**14A.30.080 Unlawful Street Takeover and Unlawful Staging of a Street Takeover Event.**

(Added by Ordinance No. 190541, effective August 18, 2021.)

- A.** The following definitions apply to this section:
1. Highway means the entire width of a public right-of-way when any portion thereof is intended for motor vehicle movement or motor vehicle access to abutting property.
  2. Public place means an area, whether publicly or privately owned, generally open to the public and includes, without limitation, the grounds surrounding buildings or dwellings, streets, sidewalks, bridges, tunnels, alleys, plazas, parks, driveways, and parking lots.
  3. Motor vehicle has the meaning provided by Section 14A.10.010 K.
  4. Unlawful street takeover event means an activity that is:
    - a. Unpermitted;



**CHAPTER 14A.40 - INTERFERENCE WITH  
PERSONS AND SEXUAL MISCONDUCT**

**Sections:**

- 14A.40.010 Interfering with Privacy.
- 14A.40.020 Offensive Physical Contact Prohibited.
- 14A.40.030 Indecent Exposure.
- 14A.40.040 Loitering to Solicit Prostitution.
- 14A.40.050 Unlawful Prostitution Procurement Activities.

**14A.40.010 Interfering with Privacy.**

- A. It is unlawful for any person to look through a window, transom, or door into the dwelling of another with the intent to interfere with the privacy of an occupant.
- B. As used in this Section, “dwelling” includes a building or part of a building in which a person temporarily lodges.

**14A.40.020 Offensive Physical Contact Prohibited.**

- A. No person shall cause or attempt to cause another person reasonably to apprehend that they will be subjected to any offensive physical contact either to their person or to personal property in their immediate possession.
- B. Violation of this Section is subject to a maximum \$500 fine and/or 10 days in jail.
  - 1. In lieu of the penalty provided for above, a judge may sentence a person found in violation of this Section to community service for such period as is provided for misdemeanors pursuant to ORS 137.126 to ORS 137.129.

**14A.40.030 Indecent Exposure.**

It is unlawful for any person to expose his or her genitalia while in a public place or place visible from a public place, if the public place is open or available to persons of the opposite sex.

**14A.40.040 Loitering to Solicit Prostitution.**

- A. For the purposes of this Section, the following definitions apply:
  - 1. Prostitution: engaging in, offering, or agreeing to engage in sexual conduct or sexual contact in return for a fee or paying, offering, or agreeing to pay a fee to engage in sexual conduct or sexual contact.
  - 2. Sexual Conduct: sexual intercourse or deviate sexual intercourse.

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3. Sexual Contact: any touching of one person's sexual organs or other intimate parts, used with the intention of touching another person not married to the actor, for the purpose of arousing or gratifying the sexual desire of either party.
- B.** It is unlawful for any person to loiter in or near any street or public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are that the person repeatedly contacts, stops or attempts to stop pedestrians, or repeatedly stops or attempts to stop motor vehicle operators or passengers by hailing them or gesturing to them.

**14A.40.050 Unlawful Prostitution Procurement Activities.**

- A.** As used in this Section, "prostitution" means that unlawful conduct defined in Section 14.A40.040 of this Code. As used in this Section, "prostitution procurement activity" means any conduct by any person that constitutes a substantial step in furtherance of an act of prostitution. Such activity includes, but is not limited to, lingering in or near any street or public place, repeatedly circling an area in a motor vehicle, or repeatedly beckoning to, contacting, or attempting to stop pedestrians or motor vehicle operators.
- B.** It is unlawful for any person to engage in any prostitution procurement activity with an intent to induce, entice, solicit, procure, locate, or contact another person to commit an act of prostitution.

**CHAPTER 14A.50 - CONDUCT PROHIBITED  
ON PUBLIC PROPERTY**

**Sections:**

- 14A.50.010 Alcohol on Public Property and Public Rights of Way.
- 14A.50.020 Camping Prohibited on Public Property and Public Rights of Way.
- 14A.50.030 Sidewalk Use.
- 14A.50.035 Pedestrians.
- 14A.50.040 Conducting Business on City Property or Public Rights of Way.
- 14A.50.050 Erecting Permanent or Temporary Structures on Public Property or Public Rights of Way.
- 14A.50.060 Resale of Tickets to Events at Municipal Facilities at Premium Price Prohibited
- 14A.50.070 Misuse of Public Property.
- 14A.50.110 Misuse of a Public Restroom.
- 14A.50.120 Misuse of Public Drinking Fountain.
- 14A.50.130 Misuse of Reservoirs.

**14A.50.010 Alcohol on Public Property and Public Rights of Way.**

(Amended by Ordinance No. 184596, effective June 17, 2011.)

- A.** It is unlawful for any person to drink alcoholic liquor upon any street, sidewalk, or other public right of way.
- B.** It is unlawful for any person to have in his possession while upon any street, sidewalk, or other public right-of-way any bottle, can, or other receptacle containing any alcoholic liquor which has been opened or a seal broken or the contents of which have been partially removed.
- C.** This Section does not apply to prohibit the consumption of alcoholic liquor in sidewalk cafes which have been issued permits under Chapter 17.25 of this Code.
- D.** This Section does not prohibit the use of alcohol in the street area where a Community Event Street Closure–Alcohol Allowed permit has been issued by the Bureau of Transportation under PCC Chapter 17.44 provided the Permittee is in compliance with all applicable Oregon Liquor Control Commission requirements.

**14A.50.020 Camping Prohibited on Public Property and Public Rights of Way.**

- A.** As used in this Section:
  - 1.** "To camp" means to set up, or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary place to live.

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2. "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- B.** It is unlawful for any person to camp in or upon any public property or public right of way, unless otherwise specifically authorized by this Code or by declaration by the Mayor in emergency circumstances.
- C.** The violation of this Section is punishable, upon conviction, by a fine of not more than \$100 or by imprisonment for a period not to exceed 30 days or both.

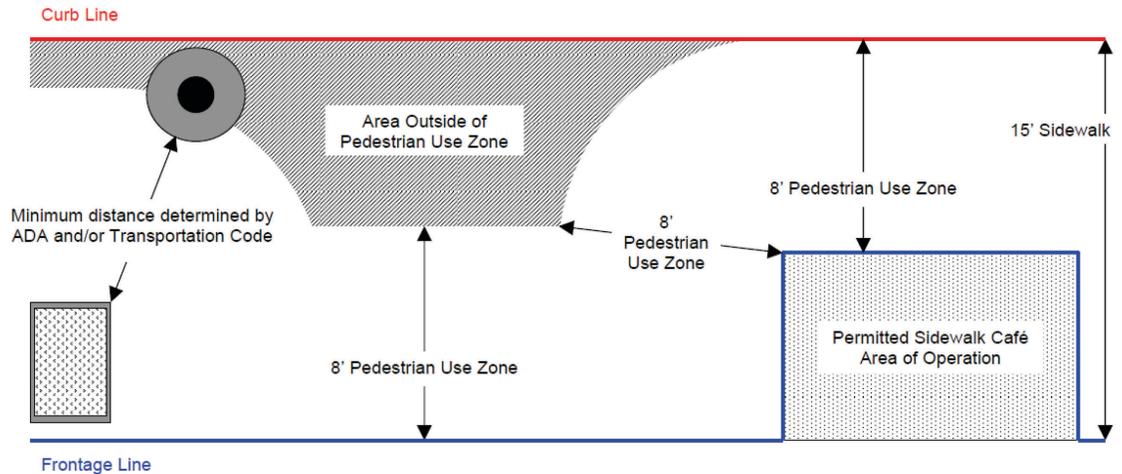
**14A.50.030 Sidewalk Use.**

(Replaced by Ordinance No. 183754; amended by Ordinance No. 188556, effective August 16, 2017.)

**A.** Definitions:

1. Pedestrian: A person who is on foot or assisted by a mobility device and able to move immediately to accommodate other sidewalk users.
2. Frontage line: On sidewalks bounded by a street, the frontage line is the edge of the public sidewalk opposite the curb where the area dedicated to sidewalk use by the City meets either private property or public property that is not dedicated to sidewalk use. On sidewalks not bounded by a street and lying between public property and private property, the frontage line is the edge of the public sidewalk bounded by private property. On sidewalks not bounded by a street and bordered on both sides by public property or bordered on both sides by private property, the frontage line is the west or north lateral edge of the sidewalk.
3. Pedestrian Use Zone: The surface of a public sidewalk extending from the frontage line of the sidewalk and any fixture or use authorized or allowed by City permit or regulation that is centered on the frontage half of the sidewalk. Except as otherwise established and marked by the Director of the Bureau of Transportation, the pedestrian use zone extends eight feet on sidewalks more than ten feet wide and six feet on sidewalks ten feet wide or less. At street corners, the pedestrian use zone encompasses the entire area bounded by the extended frontage lines and the streets.

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4. Mobility device: A wheelchair, crutch, cane, walker or device that functions similarly to allow an injured or disabled person increased mobility for sidewalk travel.

**B. Improper Use Of Sidewalk In A High Pedestrian Traffic Area – Use Of Pedestrian Use Zone By A Person Who Is Not A Pedestrian:**

1. Between 7:00 a.m. and 9:00 p.m., only pedestrians may use the pedestrian use zone in the high pedestrian traffic areas described in Subsection F.
2. The prohibition in Subsection B.1. does not apply to:
  - a. Persons who use a conveyance to move freight or merchandise.
  - b. Persons crossing the sidewalk pedestrian zone in a conveyance directly to or from an entrance.
3. It is an affirmative defense to a prosecution under this subsection that the behavior occurred within one foot of the curbside boundary of the pedestrian use zone, that the boundary of the zone was not marked, and the person believed in good faith the person was not in the pedestrian use zone.

**C. Improper Use Of Sidewalk In A High Pedestrian Traffic Area - Placing Objects In Pedestrian Use Zone:** Between 7:00 a.m. and 9:00 p.m., in the high pedestrian traffic areas described in Subsection F., unless authorized or allowed by ordinance, permit or a regulation issued by the Director of the Bureau of Transportation, no person may deposit, install, place, fix or leave any object or item in, on or above a pedestrian use zone except:

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1. Personal baggage or luggage that is within arm's reach of the pedestrian possessor;
  2. Merchandise in course of receipt or delivery that presents a continuous vertical rise of at least 36 inches to the cane of vision-impaired pedestrians, unless that merchandise is permitted to remain upon the sidewalk for a period longer than 2 hours. The vehicle in which merchandise is delivered is subject to all parking regulations as described in Title 16.
  3. It is an affirmative defense to a prosecution under this subsection that the behavior occurred within one foot of the curbside boundary of the pedestrian use zone, that the boundary of the zone was not marked, and the person believed in good faith the object or item was not in the pedestrian use zone.
- D. Improper Use Of Sidewalk In A High Pedestrian Traffic Area – Mismanaging A Dog:** Between 7:00 a.m. and 9:00 p.m., on all parts of sidewalks in the high pedestrian traffic areas described in Subsection F.:
1. All dogs must be in hand or, if leashed, the dog's neck must be within two feet of the handler;
  2. A dog may be present in a pedestrian use zone in the high pedestrian traffic areas described in Subsection F. only if under the control of a pedestrian;
  3. A person who brings a dog onto a public sidewalk or who possesses or controls the dog is responsible for compliance with this Subsection. This Subsection does not apply to police animals.
  4. It is an affirmative defense to a prosecution under Subsection D.2. that the dog was within one foot of the curbside boundary of the pedestrian use zone, that the boundary of the zone was not marked, and the person believed in good faith the dog was not in the pedestrian use zone.
- E. Improper Use Of Sidewalk – Failing To Allow Use By A Disabled Person:** On all sidewalks at all times, at the reasonable request of a person using a mobility device or relying for guidance on a cane, helper or guide animal, all persons must immediately yield use of the sidewalk to allow a reasonable opportunity for passage.
- F. High Pedestrian Traffic Areas:**
1. The Downtown Area, defined as the public sidewalks in the area bounded by the west bank of the Willamette River, I-5 from the west bank of the Willamette River to its junction with I-405, I-405, the north edge of the

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north sidewalk of Northwest Irving Street and a line extended from the northeast corner of the north sidewalk of Northwest Irving Street to the west bank of the Willamette River;

2. The Rose Quarter / Lloyd Area, defined as the public sidewalks in the area bounded by North Interstate Avenue, the north edge of the north sidewalk of Broadway Street, Northeast 16th Avenue and Northeast Lloyd Boulevard.

**G. Exceptions**

1. The prohibitions in this Section do not apply to a person:
  - a. Unable to comply due to suffering a medical emergency;
  - b. Unable to comply due to physical or mental incapacitation;
  - c. Acting as authorized or allowed by ordinance, permit or a regulation issued by the City Traffic engineer;
  - d. Performing a City-approved public safety, maintenance or construction function;
  - e. Participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to and in compliance with a street use or other applicable permit;
2. The prohibitions in Subsection B. do not apply to a person:
  - a. Sitting on a chair or bench located in a pedestrian use zone supplied or permitted by a public agency;
  - b. Waiting in line for goods or services unless the person refuses to comply with a lawful order of a peace officer to form the line in a way that moderates impact on passage along the sidewalk;
  - c. Performing street music while complying with the Street Musician Partnership Agreement;
3. The prohibitions on this Section do not apply to pedestrian plazas as defined under Chapter 17.43.

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- H.** No person shall be cited under this Section unless the person engages in conduct prohibited by this Section after having been notified in writing by an Oregon peace officer that the conduct violates this Section.
- I.** The prohibitions in this Section do not apply when they are waived by permit.
- J.** Nothing in any of the exceptions listed in Subsection G. shall be construed to permit any conduct which is prohibited by PCC 14A.50.035 - Pedestrians.
- K.** Nothing in this Section shall be construed to permit conduct which is prohibited by a lawful order restricting the time, place or manner of speech.
- L.** An object or deposit that is on or above a sidewalk in violation of this Section is hereby declared to be a public nuisance. The Director of the Bureau of Transportation or a police officer may summarily abate any such nuisance, or it may be abated as set forth in Chapter 29.20.
- M.** Violation of this Section subjects a person to a maximum penalty of a \$250 fine only.
- N.** In lieu of the penalty provided for above, a judge may sentence a person found in violation of this Section to community service for such period as is provided for violations pursuant to ORS 137.126 to ORS 137.129.
- O.** This Section shall not apply to any activity otherwise made lawful.

**14A.50.035 Pedestrians.**

- A.** No person with the intent to interfere with free passage shall block or attempt to block or interfere with any person(s) along the public sidewalks by any means, including but not limited to standing on that part of the sidewalk used for pedestrian travel or by placing any object or vehicle in such area.
- B.** No person with the intent to interfere with the free ingress to or egress from shall block or attempt to interfere with or block pedestrian or vehicular entrances to public or private property abutting the public sidewalk.
- C.** Violation of this Section subjects a person to a maximum penalty of a \$250 fine only.
- D.** In lieu of the penalty provided for above, a judge may sentence a person found in violation of this Section to community service for such period as is provided for misdemeanors pursuant to ORS 137.126 to ORS 137.129.
- E.** This Section shall not apply to any activity otherwise made lawful.

**14A.50.040 Conducting Business on City Property or Public Rights of Way.**

It shall be unlawful for any person to sell or attempt to sell any merchandise or services in or upon any sidewalk, street, alley, lane, public right of way, or under any bridgeway or viaduct:

- A. Within the Central City Plan District;
- B. With 250 feet of any:
  - 1. Public library grounds;
  - 2. Public park grounds without a permit from the Bureau of Parks and Recreation;
  - 3. Grounds or stadium while athletic games are being played;
  - 4. Public or private school grounds during the hours of regular school classes or sessions;
  - 5. Vendor already parked or stopped, or any commercial establishment, while open, if the other vendor or establishment offers similar merchandise; unless specifically authorized by ordinance, permit, or other valid City approval. Possession of a valid City business license does not constitute “other valid City approval” within the meaning of this Section.

**14A.50.050 Erecting Permanent or Temporary Structures on Public Property or Public Rights of Way.**

- A. It shall be unlawful to erect, install, place, leave, or set up any type of permanent or temporary fixture or structure of any material(s) in or upon non-park public property or public right-of-way without a permit or other authorization from the City.
- B. In addition to other remedies provided by law, such an obstruction is hereby declared to be a public nuisance. The City Engineer, City Traffic Engineer, or Chief of Police may summarily abate any such obstruction, or the obstruction may be abated as prescribed in Chapter 29.60 of this Code.
- C. The provisions of this Section do not apply to merchandise in the course of lawful receipt or delivery, unless that merchandise remains upon the public right of way for a period longer than 2 hours, whereupon the provisions of this Section apply.
- D. The provisions of this Section do not apply to depositing material in public right-of-way for less than 2 hours, unless the material is deposited with the intent to

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interfere with free passage or to block or attempt to block or interfere with any persons(s) using the right-of-way.

**14A.50.060 Resale of Tickets to Events at Municipal Facilities at a Premium Price Prohibited.**

Tickets to all events at municipally-owned facilities, including the Memorial Coliseum, PGE Park, and the public plaza at the Rose Quarter, and tickets to all events at the Rose Garden Arena other than season tickets, shall have printed thereon the retail price thereof. It shall be unlawful for any person to sell or offer for sale any ticket for an event at any municipally-owned facility, or for any event at the Rose Garden Arena, at a price greater than the retail price printed thereon or at a price greater than the original retail price. Notwithstanding the above, this Section shall not be construed to prohibit service fees or charges imposed or collected by ticket outlets where service fees or charges are specifically authorized by the management of the facilities.

**14A.50.070 Advertising on Streets.**

- A. It is unlawful for any person to scatter notices or advertisements on any street right-of-way or to post a notice or advertisement anywhere on a street right-of-way or upon the exterior of a public building.
- B. It is unlawful for any person whose name appears upon, or who is responsible for posting, any notice or advertisement posted in violation of this Section to permit the notice or advertisement to remain posted after having received a request to remove it.
- C. Any notice or advertisement found in violation of this Section may be removed by a peace officer.

**14A.50.110 Misuse of a Public Restroom.**

- A. This Section applies to permanent and temporary structures erected or placed for use as a public restroom.
- B. It is unlawful to stand, climb, sit upon, or lay down on any fixture or floor located inside of or at the entrance of any restroom located in a public building or on public property, unless that fixture or floor is intended to be used for standing, climbing, sitting or lying upon.
- C. It is unlawful for two or more persons to occupy any restroom that is specifically designed for use by only one person and that is located in a public building or on public property, unless one of those persons is assisting a handicapped person or persons, a child or children under 12 years of age, or an elderly person, or persons in need of assistance.

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- D.** It is unlawful to interfere with any attendant in the discharge of his or her duties within any restroom located in a public building or on public property.
- E.** It is unlawful for any male person to enter a restroom marked “Women.” This Section does not apply to a male child with his mother or female guardian, or an authorized person in the discharge of his regular duties.
- F.** It is unlawful for any female person to enter a restroom marked “Men.” This Section does not apply to a female child with her father or male guardian, or an authorized person in the discharge of her regular duties.
- G.** It is unlawful for any person to engage in disorderly or disruptive conduct inside of or at the entrance to any restroom located in a public building or on public property.
- H.** The above requirements do not excuse a failure to provide reasonable and appropriate accommodations permitting all persons access to restrooms consistent with their expressed gender.

**14A.50.120 Misuse of a Public Drinking Fountain.**

- A.** It shall be unlawful to deposit material of any kind into a drinking fountain located on public property.
- B.** It shall be unlawful to obstruct the flow of water or tamper in any way with a drinking fountain located on public property or right of way, unless permission to do so is granted by the appropriate City bureau, official, or other authorized person.

**14A.50.130 Misuse of Reservoirs.**

It is unlawful for any person to throw, dump, or deposit any material or substance in a reservoir maintained by the Bureau of Water Works.

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**CHAPTER 14A.55 - PARADE EVENT  
MARKING**

(Chapter added by Ordinance No. 181684, effective  
April 18, 2008.)

**Sections:**

- 14A.55.010 Access to Public Property for Parade Event.
- 14A.55.020 Enforcement and Notice of Violation.
- 14A.55.030 Penalties.
- 14A.55.040 Administrative Review.
- 14A.55.050 Appeals to the Code Hearings Officer.
- 14A.55.060 Further Appeals.
- 14A.55.070 Additional Regulations.

**14A.55.010 Access to Public Property for Parade Event.**

- A.** It is unlawful to paint, tape, or otherwise mark public property or place objects in the right-of-way for the purpose of reserving space for a parade event.
- B.** City of Portland may remove unauthorized materials left on public property or the right-of-way.
- C.** Camping overnight, to reserve a space in the public right-of-way along side the parade route, may be allowed as set forth in administrative rule. Overnight camping under this section is a limited exception to Portland City Code 14A.50.020 and 14A.50.030.

**14A.55.020 Enforcement and Notice of Violation.**

- A.** The Director of the Bureau of Development Services, or designee, upon determining that a violation of this code or administrative rule has occurred, may issue a notice of violation by direct delivery of said notice to the violator.
- B.** The violator shall, upon receipt of a notice of violation, correct the violation and pay to the City a civil penalty as set forth in Portland City Code 14A.55.030.

**14A.55.030 Penalties.**

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

- A.** A \$100 fine for the first violation;
- B.** A \$500 fine for each subsequent violation.

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**14A.55.040 Administrative Review.**

A person, who is issued a notice of violation, may challenge the findings in the notice by requesting an administrative review from the Bureau of Development Services.

**14A.55.050 Appeals to the Code Hearings Officer.**

A determination issued pursuant to Portland City Code 14A.55.040 may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of Portland City Code.

**14A.55.060 Further Appeals.**

All appeals from the Code Hearings Officer's determination pursuant to Portland City Code 14A.55.050 shall be by writ of review as authorized by Portland City Code 22.04.010 and ORS 34.010 – 34.100.

**14A.55.070 Additional Regulations.**

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

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**CHAPTER 14A.60 -WEAPONS AND  
EXPLOSIVES**

**Sections:**

- 14A.60.010 Possession of a Loaded Firearm in a Public Place.
- 14A.60.020 Discharge of a Firearm.
- 14A.60.030 Tear Gas Bombs and Stun Guns.
- 14A.60.040 Explosives and Bottle Bombs.
- 14A.60.050 Endangering a Child By Allowing Access to a Firearm.
- 14A.60.060 Failure to Report Theft.

**14A.60.010 Possession of a Loaded Firearm in a Public Place.**

(Amended by Ordinance No. 184274, effective December 31, 2010.)

- A.** It is unlawful for any person to knowingly possess or carry a firearm, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the firearm.
- B.** It is unlawful for any person to knowingly possess or carry a firearm and that firearm's clip or magazine, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the clip or magazine.
- C.** The following are exceptions and constitute affirmative defenses to a violation of this Section:
  - 1.** A police officer or other duly appointed peace officers, whether active or honorably retired.
  - 2.** A member of the military in the performance of official duty.
  - 3.** A person licensed to carry a concealed handgun.
  - 4.** A person authorized to possess a loaded firearm while in or on a public building under ORS 166.370.
  - 5.** A government employee authorized or required by his or her employment or office to carry firearms.
  - 6.** A person summoned by a police officer to assist in making arrests or preserving the peace, while such person is actually engaged in assisting the officer.
  - 7.** A merchant who possesses or is engaged in lawfully transporting unloaded firearms as merchandise.

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8. Organizations which are by law authorized to purchase or receive weapons from the United States or from this state.
  9. Duly authorized military or civil organizations while parading, or their members when going to and from the places of meeting of their organization.
  10. A corrections officer while transporting or accompanying an individual convicted of or arrested for an offense and confined in a place of incarceration or detention while outside the confines of the place of incarceration or detention.
  11. Persons travelling to and from an established target range, whether public or private, for the purpose of practicing shooting targets at the target ranges.
  12. Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.
  13. A person authorized by permit of the Chief of Police to possess a loaded firearm, clip, or magazine in a public place in the City of Portland.
  14. A security guard employed at a financial institution insured by the Federal Deposit Insurance Corporation while the security guard is on duty.
- D.** It is unlawful for any person who possesses a firearm, clip or magazine in or upon a public place, or while in a vehicle in a public place, to refuse to permit a police officer to inspect that firearm after the police officer has identified him or herself as a police officer. This Section does not apply to law enforcement officers or members of the military in the performance of official duties, nor persons licensed to carry a concealed handgun or persons authorized to possess a loaded firearm, clip or magazine while in or on a public building or court facility.
- E.** Penalty
1. In the absence of the aggravating factors listed in Subsection 14A.60.010 E.2., the court may impose a sentence of up to 6 months imprisonment and a fine not to exceed \$500 for violation of this section.
  2. When this offense is committed by carrying a loaded firearm containing ammunition that employs gunpowder as a propellant in a vehicle, including a transit vehicle, the court must impose a mandatory minimum sentence of 30 days for violation of this Section.

**14A.60.020 Discharge of a Firearm.**

(Amended by Ordinance No. 178428, effective May 26, 2004.)

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- A. It is unlawful for any person to discharge a firearm in the City or upon its boundaries.
- B. This Section does not apply to:
  - 1. A person discharging a firearm in the lawful defense of person or property;
  - 2. A person discharging a firearm on a public or private shooting range, shooting gallery, or other area designed, built, and lawfully operating for the purpose of target shooting;
  - 3. A person conducting an athletic contest who fires blank ammunition toward the sky;
  - 4. A person authorized to fire blank ammunition as part of military or police ceremonies;
  - 5. A person authorized by permit of the Chief of Police to discharge blank ammunition for a lawful purpose;
  - 6. Hunter safety instructors of the Oregon State Game Commission or their pupils who are engaged in hunter safety training classes sponsored by the Commission;
  - 7. A police officer in the performance of official duty;
  - 8. Employees or contractors of the Port of Portland engaged in flight safety hazard abatement at and around Portland International Airport to comply with FAR Part 139.337.

**14A.60.030 Tear Gas and Stun Guns.**

- A. For the purposes of this Section, the following definitions apply:
  - 1. Tear gas, mace, pepper mace, or any similar deleterious agent: a sternutator, lacrimator, or any substance composed of a mixture of a sternutator or lacrimator, including, but not limited to chloroacetophenone, alpha-chloroacetophenone, phaenylchloro-methylketone, orthochloro-benzalmalonitrile, oleoresin capsicum, or any chemical or combination of chemicals, whether in liquid, solid form, or gas capable of generating offensive, noxious or suffocating fumes, gases, or vapor capable of producing temporary discomfort, permanent injury, paralysis, immobilization, tears, nausea, or other illness.

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2. Tear gas weapon: includes but is not limited to any shell, cartridge, or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gas or oleoresin capsicum, mace, pepper mace or other similar deleterious agent.
  3. Stun gun: an electrical device that transmits an electrical charge designed to incapacitate humans or animals.
- B.** It is unlawful for any person, corporation, or association to offer for sale, sell, furnish, transport, carry, possess, or use, within the City limits, any tear gas weapon or stun gun. This Subsection does not apply to:
1. Police officers in the performance of their duties;
  2. Members of the armed forces of the State of Oregon and the United States in the performance of their official duties;
  3. Manufacturers, distributors, or commercial sellers when selling tear gas to any governmental agency for official use;
  4. Manufacturers, distributors, or commercial sellers when selling tear gas to any person, corporation or association when such sale is not in violation of this Section;
  5. Persons involved in the bona fide scientific, educational, or industrial use of tear gas;
  6. Persons, who have not been convicted of any felony, who possess or use tear gas, provided that it is contained in a device that is commercially manufactured to dispense tear gas from an aerosol tube as a self-defense weapon, and is designed to contain not more than 4 fluid ounces per device;
  7. Persons, who have not been convicted of any felony, and who are 18 years of age or older who possess or use a stun gun for the purpose of self-defense.
- C.** Exemptions numbers 4., 5., and 6. of this Subsection, above, do not apply to devices that project tear gas by means of firing any type of cartridge by powder discharge, spring action, compressed air, or any other means.
- D.** It is unlawful for any person to use, or attempt or threaten to use tear gas or a stun gun against any person known to be, or who should reasonably be known to be, a police officer engaged in the performance of official duties.

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**14A.60.040 Explosives and Bottle Bombs.**

- A.** The following definitions apply to this Section:
- 1.** Explosive: any substance or material that on ignition by heat, impact, friction, or detonation will explode with such force as to injure a person or damage property in the immediate vicinity of the explosion.
  - 2.** Bottle bomb: any sealed device containing dry ice (CO<sub>2</sub>) or other chemically reactive substances assembled for the purpose of causing an explosion by chemical reaction.
- B.** It is unlawful for any person, other than a peace officer or member of the armed forces of this State or of the United States acting in the performance of official duty, to possess or have under his or her control an explosive or bottle bomb.
- C.** This Section does not apply to the possession or use of explosives or bottle bomb by a police officer or member of the armed forces of this State or of the United States, members of regularly organized fire departments while in the performance of their official duties, or where otherwise authorized by Federal Law, Oregon Law, or this Code.

**14A.60.050 Endangering A Child By Allowing Access To A Firearm.**

(Added by Ordinance No. 184274, effective December 31, 2010.)

- A.** A person commits the offense of endangering a child if a person fails to prevent access to a firearm by a minor when the person knew or reasonably should have known that a minor could gain access to the firearm under the following circumstances:
- 1.** A person possesses or controls an operable firearm, whether loaded or unloaded, within premises under the person's custody or control and a minor gains access to the firearm without the permission of the person, a parent or guardian.
  - 2.** A person possesses or controls an operable firearm, whether loaded or unloaded, within premises under the person's custody or control and a minor gains access to the firearm without the permission of the person, a parent or guardian and the minor carries the firearm off the premises.
- B.** Violation of Subsection A.1. is punishable by incarceration for not more than 10 days and a fine of not more than \$500.
- C.** Violation of Subsection A.2. is punishable by incarceration for not more than 20 days and a fine of not more than \$750.

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- D. Violation of Subsection A.2. is punishable by incarceration for not more than 30 days and a fine of not more than \$2,500 when the firearm is carried by the child off premises to any school, school-sponsored or school-related event.
- E. Defenses: This section shall not apply if any one of the following circumstances exists:
  - 1. The minor obtains the firearm as a result of an illegal entry into any premises by any person.
  - 2. The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure from entry by the minor.
  - 3. The firearm is locked with a device that has rendered the firearm inoperable and is designed to prevent minors and unauthorized users from firing the firearm. The device may be installed on the firearm, be incorporated into the design of the firearm, or prevent access to the firearm.

**14A.60.060 Failure to Report Theft.**

(Added by Ordinance No. 184274, effective December 31, 2010.)

- A. Any person who possesses, owns or controls a firearm in the City of Portland shall report the theft or misplacement of the firearm to the Chief of Police or designee, providing a description of the firearm including serial number, within 48 hours of knowing, or having reason to know, the firearm is stolen or cannot be located through reasonable effort.
- B. A person who possesses, owns or controls a firearm in the City of Portland and fails to provide the serial number of the firearm when reporting the firearm is stolen or cannot be located is subject to a \$200 administrative fee.
- C. Violation of Subsection 14A.60.060 A. is punishable by a fine of \$2,500.

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**CHAPTER 14A.70 - GAMBLING, SOCIAL  
GAMES, AND UNLAWFUL AMUSEMENT  
GAMES OR CONCESSIONS**

**Sections:**

- 14A.70.010 Definitions.
- 14A.70.020 Unlawful Frequenting of a Place Where Unlawful Gambling Activity is Conducted.
- 14A.70.030 Unlawful Chain Letter or Pyramid Scheme.
- 14A.70.040 Social Games Authorization Limited.
- 14A.70.050 Social Games Permit Required.
- 14A.70.060 Social Games Permit Application Process.
- 14A.70.070 Social Games Permit Issuance and Denial.
- 14A.70.080 Revocation and Suspension of Social Games Permit.
- 14A.70.090 Appeal of Denial, Revocation, or Suspension of Social Games Permit.
- 14A.70.100 Inspection of Premises Permitted for Social Games.
- 14A.70.110 Notice of Social Games Required.
- 14A.70.120 Unlawful Amusement Games and Concessions.

**14A.70.010 Definitions.**

For the purposes of this Chapter, the following definitions shall apply:

- A. "Chain letter or pyramid scheme" includes, but is not limited to the following:
  - 1. Any system, scheme, or device, operated by letters, circulars, cards, or other written or printed instrumentality, or orally, or by any other system, whereby it is represented that upon surrender of any sum of money or any other thing of value, a person may receive in return money or any other thing of value in an amount greater than the sum or value surrendered; or
  - 2. Receipt of money or other thing of value in a sum greater than the value of the money, or other thing of value surrendered, dependent either wholly or in part, upon that person's surrendering money or any other thing of value; or
  - 3. Determination of when persons shall receive a greater sum of money or other thing of value, effected by any system or scheme where the names of persons surrendering any sum of money or other thing of value are arranged so that the payment, donation, or contribution to them depends upon a scheme whereby their names appear at the top or other designated place upon a list according to the number order or rotation of such persons who have, or who may thereafter surrender any sum of money or other thing of value in order to participate.

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- B.** "Contest of chance" means any contest, game, gaming schemes, or gaming device in which the outcome materially depends upon an element of chance, notwithstanding that the contestants' skill may also be a factor.
- C.** "Gambling" shall have the same definition as provided in ORS 167.117(7).
- D.** "Lottery" means a game in which:
  - 1.** The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated as winning ones; and
  - 2.** The winning chances are to be determined by a drawing or by some other similar method; and
  - 3.** The holders of the winning chances are to receive something of value.
- E.** "Social game" means a game, other than a lottery, between players in a private home where no house player, house bank or house odds exist and there is no house income from the operation of the social game.
- F.** "Something of value" means any money, item of value, or any form of credit or promise directly or indirectly contemplating transfer of money or thing of value or any interest.

**14A.70.020 Unlawful Frequenting of a Place Where Unlawful Gambling Activity is Conducted.**

It is unlawful for any person to frequent or remain at any place where unlawful gambling activity is being conducted.

**14A.70.030 Unlawful Chain Letter or Pyramid Scheme.**

It is unlawful for any person, whether acting as principal, agent, servant or employee to establish, maintain, conduct, manage, profit from, or operate any chain letter or pyramid scheme; or to solicit or advertise any such scheme; or to list persons who have surrendered any sum of money or any other thing of value to any such scheme. It is unlawful for any person, firm, or corporation to let, lease, or rent any real property and allow any such scheme to be established, maintained, conducted, managed or operated therein or thereon.

**14A.70.040 Social Games Authorization Limited.**

A social game between players in a private business, private club, or place of public accommodation is authorized only when each of the following conditions are met:

- A.** No house player, house bank, or house odds exist; and

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- B.** There is no house income from the operation of a social game; and
- C.** The game cannot be observed from a public right of way; and
- D.** Persons under 18 years of age are not permitted in the room or enclosure where the social game takes place; and
- E.** A valid permit issued pursuant to this Chapter is conspicuously displayed in the room or enclosure where the social game takes place; and
- F.** The room or enclosure where the social game takes place is open to free and immediate access by any police officer. Doors leading into the social game room must remain unlocked during all hours of operation; and
- G.** No player shall bet more than \$1 in money or other thing of value in any one game, and the amount awarded the winner of a game shall not exceed \$1 in money or other thing of value multiplied by the number of players in the game.

**14A.70.050 Social Games Permit Required.**

A permit shall be required for any person to conduct or permit to be conducted in any private business, private club, or place of public accommodation any social game. Any violation of the conditions set forth in Section 14A.70.040 shall be considered grounds for suspension or revocation of such permit. Such permit is not subject to transfer or assignment, is not valid at any location other than the premises described therein, and shall be dated as of the first day of the month in which issued and shall expire 1 year from that date.

**14A.70.060 Social Games Permit Application Process.**

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

- A.** The application for a permit to conduct any social game activity shall set forth all information deemed necessary by the Director of the Revenue Division consistent with the regulations provided in this Chapter, including but not limited to a description of the premises subject to the permit, and the fingerprints of the owner(s), officers, principal managing employees, and all employees who are involved in conducting the game activities or operating the game premises of the applicant. The permittee shall notify the Director within 10 days of any change in owners, officers, or principal managing employees that occurs subsequent to permit issuance.
  - 1.** For the purposes of this Section, "principal managing employee" shall include:
    - a.** Any person who is a proprietor or partner of the applying organization;



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1. That within 5 years of the present application date, the applicant or any person having a financial interest in the private business, private club, or place of public accommodation, or any of the applicant's officers or principal managing employees has been convicted of, or if evidence exists that supports a finding by a preponderance of evidence, that such person has committed any felony or misdemeanor under federal or state law or this Code relating to theft, fraud, gambling, controlled substances, or prostitution activities; or
  2. That the applicant or any person having a financial interest in the private business, private club, or place of public accommodation, or any of the applicant's officers or principal managing employees has falsified any statement in the application for permit.
  3. That any violation of federal or State law or this Code relating to gambling has occurred on the premises described in the application. It shall be prima facie evidence of such violation if any person has forfeited bail on, pleaded nolo contendere to, or been convicted of any offense in violation of federal or State law or this Code relating to gambling or gambling devices where the act charged occurred on the premises described in the permit application.
  4. That the applicant has permitted the commission of any criminal act on the premises described in the application or has failed to maintain the premises in conformance with all the requirements of this Code.
- B.** If one or more grounds for denial of a permit as described in Subsection A. of this Section are not established after investigation of the application by the Director with assistance from the Bureau of Police, then the permit shall be issued as soon as practicable.

**14A.70.080 Revocation, Suspension of Social Games Permit.**  
(Amended by Ordinance No.186746, effective August 6, 2014.)

- A.** The permit required under this Chapter may be temporarily suspended for up to 30 days or revoked by the Revenue Division for any reason that would be grounds for denial of an application for a permit. Additionally, such permit may be suspended or revoked when investigation reveals that:
1. Any violation of the provisions of this Chapter or any violation of federal or State law or City ordinance relating to minors, theft, fraud, gambling, obscenity, controlled substances, prostitution, or alcoholic beverages has occurred on or in such premises, or that any such violation was connected

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in time and manner with the operation of such premises and occurred within the proximity of same; or

2. Conducting of social games in such location as authorized by the permit causes disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other similar problems in the area around the permitted premises.
- B.** Suspension or revocation shall become effective 5 days after the Revenue Division makes reasonable attempts to notify the permittee in writing of the grounds for revocation or suspension. If the permittee gives notice of appeal to the Revenue Division prior to the effective date of the revocation or suspension, suspension or revocation shall not become effective until the appeal is finally determined. If the permittee cannot be found after a reasonable effort to locate him or her has been made, then such notice may be sent by certified mail to the permit address, or posted at the same, and shall be deemed acceptable alternative means of service in lieu of personal service.
- C.** On a case-by-case basis, depending upon the severity of the violation and the likelihood of continued unlawful activity on such premises, in lieu of suspending or revoking a permit or to reduce the penalty period involved, with the concurrence of the permittee and the Chief of Police, the Director may order a fine of up to \$500 per violation of this Code to be paid to the City's General Fund. Failure to pay the fine within 30 days shall be grounds for revocation or suspension of the social games permit.

**14A.70.090 Appeal of Denial, Revocation, or Suspension of Social Games Permit.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) The sole method of appeal of a denial, revocation, or suspension of a permit shall be as follows:

- A.** When denying an application for permit, the Revenue Division shall immediately make reasonable attempts to notify the applicant who may appeal within 10 days thereafter.
- B.** Upon receipt of notice of appeal of a permit denial, revocation, or suspension, the Director shall appoint a Hearings Officer to hear the appeal. The Hearings Officer shall conduct a hearing on the matter, giving the permittee and the Revenue Division 10 days notice of the date thereof. The hearing shall be conducted according to the procedures established for contested case hearings in ORS Chapter 183. The Hearings Officer shall issue a report within 10 days of the hearing, making findings of fact and determining whether the grounds for revocation or suspension given in the notice have been established by a preponderance of the evidence. The Hearings Officer's determination shall be final and effective within 10 days of giving notice to the Revenue Division and the permittee, unless appealed

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to the Council before such time by the aggrieved party. The Council shall hear and determine the appeal based on the record made at the hearing, but may, at its discretion, hear other evidence. In all cases, the decision of the Council shall be final.

**14A.70.100 Inspection of Premises Permitted for Social Games.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) All persons who have been issued permits pursuant to this Chapter shall permit entry to premises where social games are conducted to any member of the Revenue Division or any officer of the Bureau of Police, upon presentation of official identification, for the limited purpose of inspecting the premises and any activities, records, or devices involved in such games to ensure compliance with this Chapter. Failure to permit an authorized inspection shall be grounds for suspension or revocation of the involved social games permit.

**14A.70.110 Notice of Social Games Required.**

Where social games are conducted, each permittee shall continuously and conspicuously post notice that is clearly readable and in letters at least 1 inch high that such games must be conducted in accordance with the conditions set forth in this Chapter, which shall be listed in their entirety.

**14A.70.120 Unlawful Amusement Games and Concessions.**

- A. It is unlawful for any person to manage, operate, or profit from any unlawful amusement game or concession.
- B. As used in this Section, "unlawful amusement game or concession" includes the following:
  - 1. Any amusement concession or game in which any physical limitations affecting the degree of skill necessary to win the amusement concession or game are not readily visible to the player, unless notice disclosing such physical limitations is displayed continuously and conspicuously at the location where the amusement concession or game is played, so as to be readily visible to patrons and contestants.
  - 2. Any amusement concession or game where winning depends upon the patron or contestant's ability to throw or project an object, unless all such objects available for use by any single patron or contestant are uniform in size and weight.
  - 3. Any amusement concession or game in which the ability of the patron or contestant to win depends upon throwing or projecting of an object, unless there exists an unobstructed air space of at least 18 inches in height above

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the highest point of any surface, object, or place upon which that object must land to win the amusement concession or game.

4. Any amusement concession or game in which any target, which must be struck, hit, overturned, broken, or passed through is tilted or inclined in any manner so as to give any advantage to the manager or operator.
5. Any amusement concession or game in which any material has been placed on any target so as to give any advantage to the manager or operator.
6. Any amusement concession or game that utilizes any device, other than the target and the objects to be thrown or projected at that target, which increases or decreases the opportunity of any patron or contestant to win the amusement concession or game.
7. Any amusement concession or game in which the patron or contestant is required to shoot a firearm, air gun, pellet gun, BB gun, or similar device at a target in order to win the amusement concession or game, unless all of the ammunition used in such devices is uniform in type, size, and weight, and the devices are physically attached or controlled to ensure that they can only be pointed toward the target area at all times.
8. Any amusement concession or game in which, as a condition of winning the amusement concession or game, a part or all of a target must be destroyed, unless the patron or contestant is permitted, at his or her request, to inspect the target at any time(s) after he or she has paid to play and has concluded such contest but before he or she has left the amusement concession or game location.

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**CHAPTER 14A.80 - MINORS**

**Sections:**

- 14A.80.010 Curfew.
- 14A.80.020 Truancy Reduction.
- 14A.80.030 Unlawful Tattooing of a Minor.
- 14A.80.040 Unattended Minors in Vehicles.

**14A.80.010 Curfew.**

(Amended by Ordinance No. 184274, effective December 31, 2010.)

- A.** It is unlawful for any minor to be in or upon any public property or public right of way between the hours specified in this Section, unless such minor is accompanied by a parent, guardian or other person 21 years of age or over and authorized by the parent or by the law to have care and custody of the minor, or unless such minor is then engaged in a school activity or lawful employment that makes it necessary to be in or upon any city property or public right of way during the hours specified in this Section. For minors under the age of 14 years who have not begun high school, curfew is between 9:15 p.m. and 6 a.m. of the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the City, the curfew is between 10:15 p.m. and 6 a.m. of the following morning. For children 14 years of age or older who have begun high school, curfew is between 10:15 p.m. and 6 a.m. of the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the City, curfew is between 12 midnight and 6 a.m. of the following morning. For minors who have been found by a court to have possessed, purchased, used, transferred or transported a firearm unlawfully and are under the jurisdiction of the court as a result of that adjudication, curfew is between 7 p.m. and 6 a.m. of the following morning except for minors attending, or traveling directly to or from, a school-sponsored event, or a church, with written approval from the school, organization or church or to any activity or place with the permission of the minor's probation or parole officer or juvenile court counselor.
- B.** If a minor is taken into protective custody in violation of curfew, it is the responsibility of the parent, guardian, or other person having legal care and custody of the minor to come immediately and take custody of the minor from the police.

**14A.80.020 Truancy Reduction.**

- A.** For purposes of this Section, "regular school hours" are the hours of the full-time school that the minor would attend in the school district where the minor resides, on any day that school is in session, or, if the school in the school district of residence is unknown, "regular school hours" are the school hours of the Portland School District No. 1J on any day that school is in session.

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- B.** A minor who is at least seven (7) years of age and under eighteen (18) years of age and who has not completed the 12th grade may not be upon any public property or public right of way during regular school hours except while attending school as required by ORS 339.010 to 339.065, unless the minor is:
1. Absent from the school with the school's permission, but not including students who have been suspended or expelled; or
  2. Engaged in a lawful pursuit or activity that requires the minor's presence somewhere other than school during regular school hours, and which is authorized by the parent, guardian, or other person having legal care and custody of the minor; or
  3. Lawfully emancipated pursuant to ORS 419B.550 to 419B.558; or
  4. Exempt from compulsory school attendance pursuant to ORS 339.030.
- C.** If a police officer has reasonable suspicion to believe that a minor is in violation of this Section, the officer is authorized to detain the minor and make reasonable inquiry regarding a potential violation of Subsection B of this Section.
- D.** If a police officer has probable cause to believe that a minor is in violation of this Section, the officer is authorized to take the minor into protective custody pursuant to ORS 419B.150.

**14A.80.030 Unlawful Tattooing of a Minor.**

It is unlawful for any person to tattoo a minor or to assist or permit such tattooing, without the written permission of that minor's parent or legal guardian.

**14A.80.040 Unattended Minors in Vehicles.**

It is unlawful for any person having the care and custody of a minor under 6 years of age to leave the minor unattended in a locked vehicle, or to leave the minor unattended in an unlocked vehicle for more than 15 minutes. A minor is unattended within the meaning of this Section if the oldest person with the minor is under the age of 10 years.

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**CHAPTER 14A.90 - ILLEGAL FIREARMS  
USE HOTSPOTS**

(Chapter added by Ordinance No. 184274, effective  
December 31, 2010.)

**Sections:**

- 14A.90.010 Illegal Firearms Use Hotspots.
- 14A.90.020 Designation of Illegal Firearms Use Hotspots.
- 14A.90.030 Civil Exclusion.
- 14A.90.035 Violation of an Exclusion – Penalties.
- 14A.90.040 Issuance of Exclusion Notices.
- 14A.90.050 Procedure.
- 14A.90.060 Appeal, Review and Variances.
- 14A.90.070 Listing of Illegal Firearms Use Hotspots.

**14A.90.010 Illegal Firearms Use Hotspots.**

- A.** For the purposes of this chapter, the following definitions apply:
  - 1.** Essential needs: food, physical care, and medical attention.
  - 2.** Reside: to occupy one’s principal dwelling; including transient occupancy in a hotel or motel.
  - 3.** Travel: the movement on foot or within or upon a vehicle within a Illegal Firearms Use Hotspot from one point to another without delay other than to obey traffic control devices.
- B.** Illegal Firearms Use Hotspots are those areas of the City as designated by the City Council or designee under Chapter 14A.90 of this Code, which are areas where the number of firearms-related crimes or illegal discharges for a 12 month period within the 18 months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within an Illegal Firearms Use Hotspot.

**14A.90.020 Designation of Illegal Firearms Use Hotspots.**

- A.** The City Council may designate a geographic area meeting the criteria of Section 14A.90.010 of this Code to be an Illegal Firearms Use Hotspot. If Council makes the designation, it shall do so by ordinance. The designation shall be valid for a period of 3 years and shall be posted on the City’s website, the Police Bureau’s website, and listed on subsequent notices of exclusion. Notices of exclusion shall require excluded persons to check the City and Police Bureau websites for changes in Hotspot locations and boundaries.

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- B.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least 90 days before the end of the period referred to in Subsection 14A.90.020 A., as to whether there is a need to re-configure the Illegal Firearms Use Hotspots.

**14A.90.030 Civil Exclusion.**

- A.** A person is subject to exclusion under the process described in this chapter from any City-owned space, public right of way and park within an Illegal Firearms Use Hotspot designated in Code Chapter 14A.90 for the duration of a sentence of probation or parole or the duration of juvenile court jurisdiction over the person if the probation, parole or jurisdiction is based on a court finding the person committed any of the following offenses:
1. Any state firearm use or possession crime; or
  2. Any City of Portland firearm use crime.
- B.** An exclusion from all Illegal Firearms Use Hotspot shall take effect upon the day after conviction or finding of jurisdiction for any of the offenses enumerated in Subsection 14A.90.030 A. of this Section when the person has both been given actual notice prior to the exclusion that the City would impose an exclusion upon conviction or adjudication and notified of the right of appeal and the process for initiating an appeal.
- C.** A person excluded from an Illegal Firearms Use Hotspot under authority of this Section may not enter that Illegal Firearms Use Hotspot except to travel to and from and be present at the events and locations listed below:
1. Attend a meeting with an attorney;
  2. Attend a scheduled initial interview with a social service provider;
  3. Comply with court-ordered or corrections-ordered obligations;
  4. Contact criminal justice personnel at a criminal justice facility;
  5. Attend any administrative or judicial hearing relating to an appeal of:
    - a. the person's notice of exclusion; or
    - b. the denial, revocation, or amendment of the person's variance;
  6. Travel through that Illegal Firearms Use Hotspot on a Tri-Met vehicle; or

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7. Travel through that Illegal Firearms Use Hotspot on the I-5, I-84 or I-405 freeways within its boundaries;
8. Reside in a dwelling or facility;
9. Satisfy, or attempt to satisfy an essential need by accessing a public or private place that provides an essential need or service when the essential need cannot reasonably be satisfied by the excluded person without entering the Illegal Firearms Use Hotspot;
10. Obtain social services when:
  - a. the excluded person is in need of social services;
  - b. the social services are sought for reasons relating to the health or well-being of the excluded person; and
  - c. the social services agency has written rules and regulations prohibiting the unlawful use and sale of controlled substances by their clients.
11. Obtain education by:
  - a. Enrolling as a student at an educational facility; or
  - b. attending school at an educational facility.
12. Work as the owner, principal, agent or employee at a place of lawful employment;
13. Perform work directly related to lawful employment;
14. Be present at any place or event as specified by a variance issued by the Chief of Police or designee pursuant to Subsection 14A.90.060 B.

- D.** An exclusion is valid only if the person to be excluded received actual notice of the exclusion as required by Section 14A.90.050; including notice of the limitations to the exclusion contained in Section 14A.90.020.

**14A.90.035 Violation of an Exclusion - Penalties.**

- A.** It is unlawful for a person to enter or remain in an Illegal Firearms Use Hotspot in violation of a valid exclusion imposed pursuant to this Code. For violation of this subsection, a court may impose a fine of no more than \$500 or imprisonment of no more than 30 days, or both.

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- B.** A person who enters or remains in an Illegal Firearms Use Hotspot in violation of a valid exclusion issued pursuant to this Code is subject to arrest for Criminal Trespass (ORS 164.245).

**14A.90.040 Issuance of Exclusion Notices.**

The Chief of Police and/or designees are the persons in charge of City property, the public rights of way and parks in the Illegal Firearms Use Hotspots for purposes of issuing notices of exclusion in accordance with this Chapter.

**14A.90.050 Procedure.**

- A.** When a court has entered a judgment that a person has committed any of the offenses enumerated in Subsection 14A.90.030 A. and the person is on probation, parole or under the jurisdiction of the court for that offense, the Chief of Police and/or designees may exclude that person from all Illegal Firearms Use Hotspots. The exclusion takes effect immediately once the requirements of this subsection are met.
- B.** At the time a person is issued a notice of exclusion from Illegal Firearms Use Hotspots, the Chief of Police and/or designees may discuss with the excluded person whether the person has a plausible need for a variance and may issue a variance pursuant to the process described in Subsection 14A.90.060 B.
- C.** The notice of exclusion shall be in writing and a copy delivered to the excluded person. The notice of exclusion shall include the following:
  - 1.** A description of the areas designated as an Illegal Firearms Use Hotspot from which that person is excluded;
  - 2.** Information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code;
  - 3.** A statement identifying the conviction or adjudication that supports the exclusion;
  - 4.** Notice that the exclusion will remain in effect for the duration of any probation, parole or jurisdiction resulting from the supporting conviction or adjudication; and
  - 5.** Conviction of the offense for which the person was arrested and excluded will result in exclusion for the duration of any resulting probation, parole or juvenile court jurisdiction and information concerning the right to appeal exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

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**14A.90.060 Appeal, Review and Variances.**

- A. APPEAL.** A person to whom notice of exclusion is issued shall have a right to appeal as follows:
- 1.** Appeals shall be made to the Code Hearings Officer of the City of Portland. Any hearings regarding such appeals shall be conducted in accordance with Chapter 22.10 of this Code.
  - 2.** Copies of documents in the City's control which are intended to be used at the hearing shall be made available, upon request, to the appellant.
  - 3.** An appeal of an exclusion must be filed, in writing, by 5 p.m. of the fifth business day following the date the exclusion takes effect.
  - 4.** An appeal of:
    - a.** a denial of a request for a variance; or
    - b.** a denial of a request for an amendment to a variance; or
    - c.** a revocation or amendment of a variance must be filed, in writing, by 5 p.m. of the fifth business day following the action regarding the variance.
  - 5.** A 1 year conviction-based exclusion shall take effect at 12:01 a.m. on the calendar day following the date of conviction and, notwithstanding an appeal of the exclusion, shall remain in effect unless the Code Hearings Officer issues a contrary decision.
  - 6.** At the hearing on an appeal of an exclusion, the City shall have the burden to show by a preponderance of the evidence that the appellant was convicted of, or found to be within the jurisdiction of the court as a result of having committed, any of the offenses enumerated in Subsection 14A.90.030 A.
  - 7.** At the hearing on an appeal of a denial of a request for a variance as provided in Subsection 14A.90.060 A.4.a., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.
  - 8.** At the hearing on an appeal of a denial of a request for an amendment to a variance as provided in Subsection 14A.90.060 A.4.b., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.

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9. At the hearing on an appeal of a revocation or amendment of a variance as provided in Subsection 14A.90.060 A.4.c., the City shall have the burden to show by a preponderance of the evidence that any of the conditions enumerated in this Section supporting revocation or amendment existed at the time of revocation or amendment.
10. At the hearing on an appeal of a 90 day exclusion, the following shall be prima facie evidence that the exclusion was based on probable cause to believe that the appellant committed any of the offenses enumerated in Subsection 14A.90.030 A.

**B. VARIANCES.** Variances modify an exclusion, and shall be granted, denied, amended or revoked in accordance with the following provisions:

1. All variances shall be in writing and shall state the purpose for which they are granted and the period of time during which they are effective. A variance that does not describe its period of effectiveness is effective for the duration of the exclusion. A variance allows relief from exclusion only for travel to and from specified locations, activities or events, and presence at specified locations, activities and events within an Illegal Firearms Use Hotspot.
2. All Police Bureau Precincts shall receive and process requests for variances during regular business hours if they are otherwise open to the public. This capability will be maintained at the main precinct station or at a sub-station.
3. Variance. The Chief of Police and/or designees may, for any reason, grant an excluded person a variance from an exclusion at any time during an exclusion period. Except as described in Subsection 14A.90.050 B., the Chief of Police and/or designees shall grant an appropriate variance to an excluded person who presents a plausible need to engage in any non-criminal activity that is not associated with the behavior supporting the person's exclusion. A variance granted under this Subsection allows travel within a Hotspot only in accordance with the terms specified in the variance. The Chief of Police or designees will ask a person requesting a variance to provide and update an address through which the person can be reached for the duration of the variance in the event the City determines there is a need to amend or revoke the variance.

**C. REVOCATION OR AMENDMENT OF VARIANCES.** A variance may be revoked or amended for the following reasons and in the following manner:

1. The excluded person provided false information in order to obtain the variance;

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2. There is probable cause to believe the person has committed any of the offenses enumerated in Subsection 14A.90.030 A. in a Hotspot subsequent to the issuance of the variance;
3. The circumstances giving rise to the issuance of the variance no longer support a continuation of the variance or a term thereof;
4. If the person presents new circumstances that would support amending the variance; or
5. A revocation or amendment of a variance becomes effective at 5 p.m. of the fifth business day following mailing of notice of the action to the excluded person at the address provided pursuant to Subsection 14A.90.060 B.3. unless the excluded person appeals the determination by following the procedures in Section 14A.90.060.

**14A.90.070 Listing of Illegal Firearms Use Hotspots.**

The following descriptions shall comprise the boundaries of the Illegal Firearms Use Hotspots listed, and the Hotspots shall include the entire area on and within the listed boundaries.

- A. Central Hotspot: The area encompassed by the west bank of the Willamette River, the centerlines of SW Madison Street, SW Naito Parkway, SW Jefferson Street, the center divider of I-405, the centerline of NW Glisan Street and a line extended from the centerline of NW Glisan to the west bank of the Willamette River.
- B. North / Northeast Hotspot: The area encompassed by the centerlines of N. Interstate Avenue, N and NE Russell, NE Martin Luther King Blvd. and N and NE Lombard.
- C. East Hotspot: The area encompassed by the centerlines of NE Glisan Street, 148th Avenue, SE Stark Street and 162nd Avenue.

**CHAPTER 14A.100 - REGULATIONS**  
**GOVERNING THE SAFETY AND CONDUCT**  
**ON PORTLAND STREETCAR, CITY OF**  
**PORTLAND PROPERTY**

(Chapter added by Ordinance No. 185369, effective  
June 29, 2012.)

**Sections:**

14A.100.010 Purpose.

14A.100.020 Definitions.

**14A.100.010 Purpose.**

For the safety, convenience and comfort of passengers, and for the safety of personnel and the region, and for the preservation of service quality in pursuit of the City of Portland's duty to provide a cost-effective source of reliable transportation, and to prevent system security vulnerabilities, it is necessary to establish rules and regulations governing conduct on Portland Streetcar system and protection of City of Portland property. Any violations of this Chapter is punishable in accordance with Chapter 14A.110.

**14A.100.020 Definitions.**

For the purposes of Chapters 14A.100 and 14A.110, the following definitions shall apply:

- A.** "Citations" mean any forms as authorized pursuant to ORS Chapter 153 and issued for violation this Chapter or Chapter 14A.110.
- B.** "City" means the City of Portland, Oregon.
- C.** "Emergency" means an on-board Portland Streetcar vehicle fire, any incident that presents the risk of actual or threatened serious physical injury to persons, any apparently urgent medical need or any other circumstances in which a state of emergency has been declared.
- D.** "Fare Enforcement Agent" means a person authorized by the Director of Transportation to inspect proof of fare payment and to issue citations as provided by Chapters 14A.100, 14A.110 and the associated administrative rules.
- E.** "Fare Instrument" means any fare media, pass or transfer issued by TriMet or the Portland Streetcar authorizing the bearer to ride the Portland Streetcar.
- F.** "Hearings Officer" includes any person designated by the City of Portland to conduct hearings upon the request of a person who has received an exclusion.
- G.** "Honored Citizen" means

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1. transit rider that is 65 or older and has a government-issued photo ID (with proof of age) or a TriMet Honored Citizen ID Card; or
  2. is a person with a physical or mental disability and is the holder of a TriMet Honored Citizen ID Card.
- H.** “Pay Station” means a machine, facility or kiosk where a person may purchase a fare instrument.
- I.** “Peace Officer” means a Portland police officer, sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and such other persons as maybe designated as a peace officer by Oregon law.
- J.** “Portland Streetcar Platform” means an area used exclusively for boarding and de-boarding, or waiting for a Portland Streetcar or TriMet bus (if co-designated as a bus stop), including the designated loading area, stairways, ramps, and shelters.
- K.** “Portland Streetcar Station” means any designated place where streetcars stop to board and de-board passengers, or designated layover zones, including the platform.
- L.** “Portland Streetcar Transit System” means the Streetcar platforms, the Streetcar stations, fare machines, comfort stations, maintenance facilities, vehicles and rails.
- M.** “Portland Streetcar Vehicle” means the rail vehicles used to transport passengers operated on behalf of the City of Portland, and other non rail vehicles operated by Portland Streetcar.
- N.** “Proof of Payment” means a validated fare instrument issued by TriMet or Portland Streetcar including but not limited to a circulator transfer, Portland Streetcar Annual Pass, other fare media fare identification or documentation authorized by Chapters 14A.100 and 14A.110 or the administrative rules.
- O.** “Qualified Exclusion” means an exclusion from use of the Portland Streetcar Transit System with geographic or time exceptions that permit an excluded individual with a disability or a transit-dependent individual to use the Portland Streetcar Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, or to obtain food, clothing and necessary household items, or to access a critical service.
- P.** “Service Animal” means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.
- Q.** “Transit Dependent” means a person who has no independent source of transportation and relies solely on public transit for local movement access.

**CHAPTER 14A.110 - PROHIBITED CONDUCT**

(Chapter added by Ordinance No. 185369, effective  
June 29, 2012.)

**Sections:**

- 14A.110.005 Purpose.
- 14A.110.010 Failure to Vacate Elderly and Disabled Priority Seating.
- 14A.110.020 Smoking Prohibited.
- 14A.110.030 Food and Beverages.
- 14A.110.040 Sound-Emitting Devices Without Earphones.
- 14A.110.050 Shopping Carts.
- 14A.110.060 Animals.
- 14A.110.070 Noxious Fumes or Foul Smelling Materials or Substances.
- 14A.110.080 Oversize Packages.
- 14A.110.090 Skateboards, Roller skates and In-Line Skates.
- 14A.110.100 Bicycles.
- 14A.110.120 Motorized Human Transporters and other Two Wheeled Transportation Devices.
- 14A.110.130 Excessive Noise.
- 14A.110.140 Display of Lights.
- 14A.110.150 Use of Portland Streetcar System for Non Transit Purposes.
- 14A.110.160 Destructive Conduct Involving a Portland Streetcar Vehicle.
- 14A.110.170 Refuse and Waste.
- 14A.110.180 Destruction of Signs.
- 14A.110.190 Posting of Unauthorized Signs or Notices.
- 14A.110.200 Violation of Signage.
- 14A.110.210 Unlawful Gambling.
- 14A.110.220 Alcoholic Beverages.
- 14A.110.230 Sexual Activity.
- 14A.110.240 Damaging or Defacing Portland Streetcar Property.
- 14A.110.250 Misuse of Portland Streetcar Ticket Vending or Ticket Validating Equipment.
- 14A.110.260 Criminal Activity.
- 14A.110.270 Flammable Substances and Ignition Devices.
- 14A.110.280 Weapons.
- 14A.110.290 Discharge or Detonation of a Weapon.
- 14A.110.300 Activation of the Emergency Stop Device Except in an Emergency.
- 14A.110.310 Interference with or Trespass on Portland Streetcar Trackway.
- 14A.110.320 Hazardous and Toxic Material or Substances.
- 14A.110.330 Harassment and Intimidation.
- 14A.110.340 Explosive Materials or Device.
- 14A.110.350 Interference with Emergency Response.
- 14A.110.360 Abandonment of Packages.
- 14A.110.370 Failure to Pay Fare.

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- 14A.110.380 Possession of Un-validated Transfer.
- 14A.110.390 Administrative Rules.
- 14A.110.400 Exclusion.
- 14A.110.410 Enforcement.
- 14A.110.420 Other Remedies.
- 14A.110.430 Violations Punishable by Fine.
- 14A.110.440 Administrative Rules.

**14A.110.005 Purpose.**

The purpose of this Chapter is to ensure the safety and comfort of the public and to enhance the orderly administration of the Portland Streetcar, by prohibiting conduct that unreasonably interferes with the administration and lawful use of the Portland Streetcar. The purpose of this Chapter is not to punish any person for prior conduct, but, rather, to provide civil and non-punitive regulations the Council finds necessary to prevent nuisances and to protect the health, welfare and safety of the public using the Portland Streetcar. Any violation of the provisions of this Chapter is punishable in accordance with Chapter 14A.110.

**14A.110.010 Failure to Vacate Elderly and Disabled Priority Seating.**

No person shall fail to vacate seats on a Portland Streetcar vehicle designated for use by individuals with disabilities and those qualified for an honored citizen fares, when requested to do so by a peace officer, Enforcement Agent, Portland Streetcar employee or other person designated by the Director of Transportation.

**14A.110.020 Smoking Prohibited.**

No person shall smoke tobacco or any other substance or shall carry any lighted or smoldering substance in any form aboard a Portland Streetcar vehicle, at a Portland Streetcar station or within any space where posted signage prohibits smoking.

**14A.110.030 Food and Beverages.**

No person shall bring or carry aboard a Portland Streetcar vehicle food or beverages in open containers, nor consume food aboard a Portland Streetcar vehicle.

**14A.110.040 Sound-Emitting Devices Without Earphones.**

No person unless authorized by the Director of Transportation or the Director's Designee shall operate a sound-emitting device aboard any Portland Streetcar vehicle at a Portland Streetcar station unless the only sound produced by such item is emitted by a personal listening attachment (earphone) and is plainly audible only to the person using the device producing the sound.

**14A.110.050 Shopping Carts.**

No person shall bring or carry a commercial shopping cart aboard any Portland vehicle or to a Portland Streetcar Station.

**14A.110.060 Animals.**

No person shall bring or carry aboard a Portland Streetcar vehicle or be present at a Portland Streetcar station with an animal except:

- A.** A person accompanied by a service animal or a person training a service animal and that service animal is under the control of the person by leash, harness or other device made for the purpose of controlling the movement of an animal; or
- B.** A person transporting an animal if:
  - 1.** the animal is kept and held at all times within a secure container appropriate for carrying the size and type of animal; and
  - 2.** the animal can be transported
    - a.** without risk of injury to the animal and without risk of harm or inconvenience to other riders or Portland Streetcar personnel, and
    - b.** in accordance with all other provisions of Chapters 14A.100 and 14A.110.
  - 3.** A trained police dog accompanied by a police officer.

**14A.110.070 Noxious Fumes or Foul Smelling Materials or Substances.**

No person shall carry aboard a Portland Streetcar vehicle any substance or material emitting a foul smell or releasing noxious fumes.

**14A.110.080 Oversize Packages.**

No person shall bring or carry aboard a Portland Streetcar vehicle any package or article of a size which cannot be positioned in a way that allows entry and exit through doors and passage in aisles.

**14A.110.090 Skateboards, Roller skates and In-Line Skates.**

No person shall ride a skateboard, in-line skates or roller-skates at a streetcar station or upon a Portland Streetcar vehicle.

**14A.110.100 Bicycles.**

No person shall ride a bicycle on a Portland Streetcar vehicle or at a streetcar station unless authorized by the Director of Transportation. No person shall transport a bicycle on a Portland Streetcar vehicle in violation of the Portland Streetcar administrative rules issued by the Director of Transportation or the Director's designee.

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**14A.110.120 Motorized Human Transporters and other Two Wheeled Transportation Devices.**

No person shall operate or ride upon a motorized human transporter or other two wheeled device upon a Portland Streetcar vehicle or station/platform except in accordance with administrative rules as issued by the Director of Transportation or the Director's designee or otherwise permitted by law.

**14A.110.130 Excessive Noise.**

No person shall make excessive or unnecessary noise, including boisterous, disruptive and unreasonably loud conduct, within any Portland Streetcar vehicle or Portland Streetcar station that may cause inconvenience or annoyance to the public, Portland Streetcar personnel, designated Enforcement Agents or a police officer, or with a negligent disregard to the risk thereof; or perform vocal or instrumental music, without the prior authorization the Director of Transportation or the Director's designee.

**14A.110.140 Display of Lights.**

No person shall light a flashlight, scope light, or laser light or object that projects a flashing light or emits a beam of light while inside a Portland Streetcar vehicle except in an emergency.

**14A.110.150 Use of Portland Streetcar System for Non Transit Purposes.**

No person shall enter or remain upon, occupy or use a Portland Streetcar station for purposes other than boarding, disembarking or waiting for a Portland Streetcar vehicle, in an area where non-transit uses are prohibited by posted signage. A person is in violation of this section only after having occupied a Portland Streetcar station for a period of time that exceeds that which is necessary to wait for, board or disembark a Portland Streetcar vehicle or other designated public transportation vehicle using a designated shared station.

**14A.110.160 Destructive Conduct Involving a Portland Streetcar Vehicle.**

No person shall interfere with the safe and efficient operation of a Portland Streetcar vehicle through conduct which includes, but is not limited to:

- A.** Extend any portion of his or her body through any door or window of a Portland Streetcar vehicle while it is in motion;
- B.** Attempt to board or de-board a moving Portland Streetcar vehicle;
- C.** Lie down on the floor in a Portland Streetcar vehicle or across the seats of a Portland Streetcar vehicle or station in a manner which inhibits the proper use of seats provided for waiting or boarding riders;
- D.** Unreasonably prevent or delay the closure of an exterior door on a Portland Streetcar vehicle;

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- E. Strike or hit a Portland Streetcar vehicle, station or shelter; or
- F. Stop or cross in front of a Portland Streetcar vehicle for the purpose of stopping the vehicle or gaining passage after the vehicle has concluded boarding in any manner hang onto; or attach him or her to, any exterior part of a Portland Streetcar vehicle while the vehicle is resting or in motion.

**14A.110.170 Refuse and Waste.**

No person shall:

- A. discard or deposit or leave any rubbish, trash, debris, offensive substance or other solid or liquid waste in or upon a Portland Streetcar vehicle, or Portland Streetcar station, except in receptacles provided for that purpose; or
- B. spit, defecate or urinate in or upon a Portland Streetcar vehicle or Portland Streetcar station except in the confines of a lavatory where lavatories are available for public use.

**14A.110.180 Destruction of Signs.**

No person shall mutilate, deface or destroy any sign, notice or advertisement authorized by Portland Streetcar Staff or located on any Portland Streetcar vehicle or any other Portland Streetcar property.

**14A.110.190 Posting of Unauthorized Signs or Notices.**

Except as otherwise authorized by the Director of Transportation, the Director's Designee, or allowed by Portland Streetcar regulations, no person shall place, permit or cause to be placed any notice or sign upon any Portland Streetcar vehicle or Portland Streetcar station.

**14A.110.200 Violation of Signage.**

In addition to the prohibitions set forth in Chapter 14A.110, no person shall fail to abide by specific directives authorized by a peace officer or Portland Streetcar staff and provided in the form of a fixed permanent or temporary sign posted in or upon the Portland Streetcar vehicles or station. The Director of Transportation, or the Director's designee, may establish and post such signage in a manner to provide sufficient notice concerning the conduct required or prohibited. Any violation of the specific directives authorized by the Director of Transportation shall constitute a violation of this Subsection.

**14A.110.210 Unlawful Gambling.**

No person shall engage in illegal gambling, or solicit others to engage in illegal gambling, aboard any Portland Streetcar vehicle or in or upon a Portland Streetcar station, in violation of ORS 167.117 to 167.162

**14A.110.220 Alcoholic Beverages.**

No person shall:

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- A. possess an open container of alcoholic beverage on a Portland Streetcar vehicle or at a Portland Streetcar station, unless authorized by the Director of Transportation, the Director's Designee, or City of Portland permit; or
- B. be under the influence of alcohol or a controlled substance while on a Portland Streetcar vehicle or at a Portland Streetcar station.

**14A.110.230 Sexual Activity.**

No person shall engage in sexual conduct as defined under ORS 167.060, including, but not limited to, the physical manipulation or touching of a person's sex organs through a person's clothing in an act of apparent sexual stimulation or gratification.

**14A.110.240 Damaging or Defacing Portland Streetcar Property.**

No person shall draw graffiti or any other writing on any Portland Streetcar vehicle or Portland Streetcar property; or in any manner damage, destroy interfere with or obstruct in any manner, the property, services or facilities of the Portland Streetcar system.

**14A.110.250 Misuse of Portland Streetcar Ticket Vending or Ticket Validating Equipment.**

No person shall:

- A. Deface, injure, tamper with, break or destroy or impair the usefulness of any Portland Streetcar Ticket Vending Machine or Ticket Validating machine; or
- B. Remove any coin box or the money content from any Portland Streetcar Ticket Vending Machine or Portland Streetcar property; or
- C. Open or remove the contents of same without lawful authority.

**14A.110.260 Criminal Activity.**

No person shall engage in activity prohibited by the criminal laws of any state, county or municipality in which the criminal incident occurs, while on a Portland Streetcar vehicle or at a Portland Streetcar station.

**14A.110.270 Flammable Substances and Ignition Devices.**

No person shall bring, possess or carry aboard onto a Portland Streetcar vehicle or to a Streetcar station any flammable or caustic substance or device that can cause a spark or flame, except for matches and cigarette lighters. No spark or flame may be lit or initiated at any time by any device on a Portland Streetcar vehicle, including matches and lighters.

**14A.110.280 Weapons.**

No person, except a peace officer, shall bring or carry aboard a Portland Streetcar vehicle or to a station any firearm, knife (except a folding knife with a blade less than 3 ½ inches in length) or any other instrument, article, device, material or substance specifically designed to inflict or cause bodily harm to another. Where possession of such weapons cannot be prohibited by law, a person in possession of a weapon may not display or carry

the weapon in a manner which is likely to result in fear or alarm by other persons or Portland Streetcar employees.

**14A.110.290 Discharge or Detonation of a Weapon.**

No person may throw an object at or discharge a bow and arrow, air rifle, rifle gun, revolver or other firearm at a Portland Streetcar vehicle or any part of a Portland Streetcar station, or any person on a Portland Streetcar vehicle or at a Portland Streetcar station, except that a peace officer or other persons authorized this code or the Director of Transportation in the course of employment is exempt from this paragraph.

**14A.110.300 Activation of the Emergency Stop Device Except in an Emergency.**

No person shall activate the “emergency stop” device of a Portland Streetcar vehicle in the absence of an emergency.

**14A.110.310 Interference with or Trespass on Portland Streetcar Trackway.**

No person shall:

- A. Enter upon or remain upon the Portland Streetcar trackway so as to create a hazard to that person or interfere with the passage of the Portland Streetcar vehicle; or
- B. Stop or park a vehicle on the Portland Streetcar trackway in such a manner as to interfere with the passage of the Portland Streetcar vehicle; or
  - 1. Fail to obey a Portland Streetcar authorized posted directive or prohibition pertaining to entering, crossing or traveling upon the trackway; or
  - 2. Fail to obey a request by a peace officer, a Portland Streetcar enforcement agent, a Portland Streetcar Superintendent or Manager, or any other person authorized by the Director of Transportation to not enter, cross or travel upon the Portland Streetcar trackway.

**14A.110.320 Hazardous and Toxic Material or Substances.**

No person shall carry, possess or transport any hazardous material, toxic chemical, combustible liquid, biological contagion or agent, radioactive substance or any other inherently dangerous substance onto a Portland Streetcar vehicle or other Portland Streetcar property unless the person is a Portland Streetcar employee or a person authorized by the Director of Transportation and acting in the course of employment.

**14A.110.330 Harassment and Intimidation.**

While at a Portland Streetcar station, on a vehicle or on any streetcar property, no person shall engage in a course of conduct:

- A. Which places another person in reasonable fear of imminent physical harm, including, but not limited to, following such person around or about the vehicle or

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platform, or by preventing or delaying the movement or departure of such person through coercion or intimidation; or

- B. that may reasonably be expected to result in fear, alarm or serious offense to other persons.

**14A.110.340 Explosive Materials or Device.**

No person may carry, possess or transport any explosive material or device, assembled or disassembled, onto a Portland Streetcar vehicle or other Portland Streetcar property, or state a threat to cause disruption to Portland Streetcar operations through the use of a bomb, explosive, or any other destructive device or weapon, or release of any harmful substance, while on a Portland Streetcar vehicle or other Portland Streetcar property, or state a threat of physical harm to a any person on a Portland Streetcar vehicle, or any peace officer, Portland Streetcar personnel, Fare Enforcement Agent or other person acting in the course of employment and authorized by the Director of Transportation.

**14A.110.350 Interference with Emergency Response.**

No person may impede the efforts of Portland Streetcar personnel, peace officers, persons authorized by the Director of Transportation or medical responders in the course of an emergency response, including the failure to obey a lawful order uttered in the course of an emergency by Portland Streetcar personnel, peace officers, Enforcement Agents, or other persons authorized by the Director of Transportation.

**14A.110.360 Abandonment of Packages.**

No person shall knowingly abandon an unauthorized package on a Portland Streetcar vehicle or Portland Streetcar station where the abandonment of such package is likely to cause

- A. suspicion or alarm about its contents; or
- B. require the dispatch of emergency response personnel to remove and inspect the package.

**14A.110.370 Failure to Pay Fare.**

- A. It is unlawful for any person to occupy, ride in or use, any Portland Streetcar vehicle without paying the applicable fare.
- B. It shall be unlawful for any person to occupy, ride in or use, any Portland Streetcar Vehicle without carrying proof of fare payment as defined in the Bureau of Transportation's Administrative Rules.
- C. It shall be unlawful for any person occupying a Portland Streetcar Vehicle, or occupying a streetcar platform upon disembarking a streetcar vehicle, to fail to

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carry or to fail to exhibit proof of fare payment upon demand of an Inspector or a peace officer.

- D.** It shall be unlawful for any person to fail to provide his or her name, address or identification to a Fare Inspector, peace officer or any other person Designated by the Director of Transportation, who requests the information for the purpose of issuance or service of a citation.
- E.** It shall be unlawful for any person, required by Chapter 14A.110 to provide his or her name, address or identification to provide a false name, address or identification.

**14A.110.380 Possession of Un-validated Transfer.**

- A.** No person shall, without proper authority, possess an un-validated Portland Streetcar or TriMet District fare instrument nor shall any person tender a transfer as proof of fare payment if the transfer was not furnished to that person by a representative of the Portland Streetcar or TriMet District.
- B.** Possession of an un-validated Streetcar or TriMet District passenger transfer by any person whose possession of the transfer is not in the course and scope of employment as a Portland Streetcar or TriMet District employee shall be prima facie evidence that the transfer is stolen and possessed without proper authority.

**14A.110.390 Administrative Rules.**

The Director of Transportation may adopt such procedures and promulgate rules as may be necessary from time to time for the administration of Chapters 14A.100 and 14A.110.

**14A.110.400 Exclusion.**

In addition to other measures provided for violation of the laws of the City of Portland or the laws of the State of Oregon, the City may exclude an individual from all or any part of the Portland Streetcar Transit System for a violation of any provision of Chapter 14A.110 or a violation of any criminal law of the City of Portland or State of Oregon while on the Portland Streetcar System, for a period of time not to exceed 180 days.

- A.** A person excluded under Chapter 14A.110 may not during the period of exclusion, enter or remain upon any part of the Portland Streetcar Transit System. Exclusion takes effect on the 5th business day following service of a Notice of Exclusion unless the person initiates the administrative review described in Subsection 14A.110.400 D. Except as specifically authorized by the terms of a qualified exclusion issued pursuant to Subsection 14A.110.400 K., an excluded person who enters or remains upon any part of the Portland Streetcar Transit System may be charged with the crime of Interfering with Public Transportation (ORS 166.116) or the crime of Criminal Trespass in the Second Degree (ORS 164.245).

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- B.** A Notice of Exclusion may be issued by a peace officer or by any person authorized by the Director of Transportation or the Director's Designee based upon probable cause to believe that an individual has engaged in conduct in violation of the laws of the City of Portland or the State of Oregon while on the Portland Streetcar System.
- C.** A Notice of Exclusion shall include:
- 1.** The title or citation of the offense for which the exclusion is issued;
  - 2.** An explanation of the administrative review procedures and timeline, a description of the Code Hearings process, and an explanation of the evidentiary burdens; and,
  - 3.** A statement of the duration of the exclusion, or alternatively, a statement of the mechanism by which the duration of the exclusion may be determined in accordance with Section 14A.110.400.
- D.** Every person who receives a Notice of Exclusion shall be entitled to an administrative review by the Director of Transportation or the Director's Designee. To initiate an administrative review, a person who receives a Notice of Exclusion must submit a request for review within 5 business days of the date of the Notice at the Bureau of Transportation office indicated in the Notice. The Portland Bureau of Transportation shall have 7 business days to perform the administrative review. All exclusions shall be subject to a stay pending administrative review. The purpose of the administrative review shall be to determine whether a Notice of Exclusion conforms to the administrative rules promulgated by the Director of Transportation. If the Director of Transportation or the Director's Designee determines, after conducting an administrative review, that the Notice of Exclusion does not conform to Portland Streetcar administrative rules, the Director of Transportation or the Director's Designee shall notify the individual that the Notice of Exclusion is invalid and withdrawn by contacting the individual at the address they submitted with the review. If the administrative review confirms that a Notice of Exclusion was issued in conformity with Portland City Code and Portland Streetcar administrative rules, it shall be deemed valid and the individual shall be notified at the address submitted with the appeal. If the exclusion is deemed valid the exclusion shall take effect and begin on the 12th business day following the date in which the Notice of Exclusion was issued or 2 business days following mailing or transmission of the decision, whichever is later. If a person does not provide a mailing or electronic address, an upheld exclusion becomes effective 2 business days after the decision is posted at the Portland Bureau of Transportation office indicated in the notice.

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- E.** A person wishing to appeal the result of an administrative review may do so by filing an appeal as provided in Section 22.10.030 within 10 calendar days at the Portland Bureau of Transportation office specified in the exclusion notice. All appeals will be heard by the City of Portland Code Hearings Officer in accordance with the provisions of Title 22 Hearings Officer of this Code. The Hearings Officer shall uphold the exclusion if, upon the Hearings Officer's de novo review, the preponderance of evidence admissible under the provision of Title 22 convinces the Code Hearings Officer that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with the law.
- F.** A person subject to exclusion who has no prior exclusion record shall be excluded for 30 days.
- G.** A person subject to exclusion who has been previously excluded within two years shall be excluded for 90 days.
- H.** A person subject to exclusion who has been previously excluded two or more times within the past two years shall be excluded for 180 days.
- I.** A person subject to exclusion for violation of State criminal law shall be excluded for 180 days.
- J.** No person shall enter the Streetcar Transit System at any time during which there is in effect a notice of exclusion issued under this Section excluding that person from the system.
- K.** Notwithstanding any other provision of Chapters 14A.100 and 14A.110, the Director of Transportation, or the Director's Designee, upon a review of sufficient evidence, and the Hearings Officer, upon review of the Notice of Exclusion or the evidence presented at the hearing, must modify an exclusion under the circumstances provided for below:

  - 1.** An individual with a disability shall not be issued a complete exclusion from the Portland Streetcar Transit System unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, if a Hearings Officer determines that a violation occurred the Hearings Officer shall order a qualified exclusion to permit an individual with a disability to use the Portland Streetcar Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, to obtain food, clothing and necessary household items, or to access any critical service.

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2. A transit dependent person shall not be issued a complete exclusion for the District Transit System unless the person engaged in violent, seriously disruptive, or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, if a Hearings Officer determines that a violation occurred, the Hearings Officer shall order a qualified exclusion to permit a transit dependent individual to use the District Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, to obtain food, clothing and necessary household items, or to access a critical service. Any person asserting the right to a qualified exclusion on the basis of transit dependence shall have the burden of establishing transit dependence by a preponderance of the evidence.
- L. The Director of Transportation may adopt such procedures and promulgate rules as may be necessary from time to time for the administration of this or other chapters.

**14A.110.410 Enforcement.**

- A. Any peace officer, manager or superintendent and any other persons authorized by the Director of Transportation has the authority to
1. detain and issue a citation; or
  2. refuse entrance to a Portland Streetcar Vehicle or Portland Streetcar station or any property owned or controlled by Portland Streetcar; or
  3. require departure from a Portland Streetcar Vehicle or Portland Streetcar property of any person
    - a. who violates any provision of Chapter 14A.110; or
    - b. has been issued a notice of exclusion.
- B. A streetcar Vehicle Operator has the authority to
1. refuse entrance to a Portland Streetcar Vehicle or Portland Streetcar station or any property owned or controlled by Portland Streetcar; or
  2. require departure from a Portland Streetcar Vehicle or Portland Streetcar property of any person
    - a. who violates any provision of Chapter 14A.110; or
    - b. has been issued a notice of exclusion.

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**14A.110.420 Other Remedies.**

Nothing herein is intended to compromise or waive the right to enforce concurrently, or in the alternative, other remedies available pursuant to the Oregon Criminal Code or Portland City Code, including those applicable to the crime of Theft of Services or Trespass.

**14A.110.430 Violations Punishable by Fine.**

Any person who violates any provision this code commits a violation as defined in ORS 153.005 and ORS 153.008 punishable by a fine as outlined in the Administrative Rules of the Bureau of Transportation.

**14A.110.440 Administrative Rules.**

The Director of Transportation may adopt such procedures and promulgate rules as may be necessary from time to time for the administration of this or other Chapters.

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**CHAPTER 14B.10 - BURGLARY AND  
ALARM SYSTEMS**

(Chapter replaced by Ordinance No. 189329,  
effective February 1, 2019.)

**Sections:**

- 14B.10.010 Purpose and Scope.
- 14B.10.020 Definitions.
- 14B.10.030 Permitting Required; Application and Renewal; Violations and Remedies.
- 14B.10.040 Duty of an Alarm Business to Educate an Alarm User.
- 14B.10.050 Duties of the Alarm User.
- 14B.10.060 Duties of the Alarm System Monitoring Company.
- 14B.10.070 Requirement for Posting Notice of an Alarm; Violation; Remedy for Failure to Post.
- 14B.10.080 Burglary, Robbery, and Other Police Alarm System Fines and Penalties.
- 14B.10.090 No Response to Excessive Alarms and/or Premises with Cancelled Permits.
- 14B.10.100 Special Permits.
- 14B.10.110 Automatic Dialing Device; Certain Interconnections Prohibited.
- 14B.10.120 Appeals.
- 14B.10.130 Sound Emission Cutoff Feature.
- 14B.10.140 Confidentiality and Statistics.
- 14B.10.150 Code Enforcement Actions; Penalties.
- 14B.10.160 Liability.

**14B.10.010 Purpose and Scope.**

- A.** The purpose of this chapter is to provide guidance and policy for alarm users and alarm businesses regarding responsible use of personal and business security and emergency alarms. The procedures herein ensure that owners or leasers of alarm systems and alarm companies know their responsibilities for maintaining the mechanical reliability and the proper use of alarm systems to prevent unnecessary police emergency response to false alarms. Proper use of alarms and accountability for improper use contributes to the protection of the emergency response capability of the City.
  
- B.** This chapter governs burglary and robbery alarm systems, states the requirements of permitting systems, provides guidance for excessive false alarm fines, provides for discontinuation and/or reactivation of police response to locations with excessive false alarm occurrences, and establishes a system of administration within the Portland Police Bureau (PPB). Other chapters of the Portland City Code will continue to govern other emergency alarm types, such as fire or environmental hazard alarms.

**14B.10.020 Definitions.**

- A.** “Alarm business” means any individual, partnership, corporation, or other entity whose business objective, in whole or in part, as direct provider of parts and services or agent for the direct provider of parts and services, is the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing of any alarm system (as defined below).
- B.** “Alarm site” means the location at which a subscriber's alarm system is installed.
- C.** “Alarm system” means a device or series of devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual, or electronic signal indicating an alarm condition and intended to summon law enforcement, including Local Alarm System. For purposes of this Chapter, “alarm system” shall be limited to alarms whose primary purposes is the detection or prevention of burglaries, robberies, or other acts generally requiring a police (as opposed to fire or medical) response.
- D.** “Alarm system monitoring company,” means any individual, partnership, corporation, or other form of association that engages in the business of monitoring property, burglary, or robbery alarm systems. For purposes of this Chapter, alarm system monitoring companies include those dealers and installers who contract with a property owner, subscriber, or customer, to perform alarm system monitoring services and then subcontract with another alarm system monitoring company to provide the actual monitoring service.
- E.** “Alarm system user” means a person having (whether through ownership or lease) or maintaining an alarm system or alarm device where such system is connected to or in communication with an alarm system monitoring company.
- F.** “Alarm user’s permit” means a document applied for by an alarm system user and issued by the System Administrator (as defined below) of their designee pursuant to the criteria established by this Chapter.
- G.** “Audio / Video verification” means the alarm incident has been verified by the alarm system monitoring company by means of audio and/or video, prior to the request to dispatch police.
- H.** "Automatic dialing device" means a device that is interconnected between an alarm system (as defined above) and a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

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- I.** “Bureau of Emergency Communications” (BOEC) is the City/County Public Safety Answering Point entity that receives emergency and general information from the public, and then dispatches appropriate emergency services from respective police, fire, or medical agencies.
- J.** “Burglary alarm system” means an alarm system signaling an entry or attempted entry into the area protected by the system.
- K.** “Cancellation of alarm dispatch” means the process by which an alarm system monitoring company providing monitoring services verifies with the alarm user or responsible party that a false dispatch has occurred and that there is not an existing situation at the alarm site requiring law enforcement agency response.
- L.** “Chief” means the Chief of the City of Portland's Bureau of Police or their designated representative.
- M.** “Commercial properties” means any building or location used to operate a business that is not the alarm user’s primary dwelling.
- N.** “Days,” for purposes of calculating any time frames herein, shall mean calendar days (and not business days).
- O.** “Do It Yourself” (DIY) means the alarm system and components are purchased through a retail center or online provider by the alarm user and are typically installed by the alarm user.
- P.** “Duress alarm” means a silent alarm system signal generated by the manual activation of a device intended to signal a life-threatening situation or a crime in progress requiring law enforcement response.
- Q.** “Enhanced call verification” means a type of alarm verification in which an alarm monitoring company places two or more phone calls to different contact numbers in an attempt to verify that a real alarm has occurred and not a false alarm.
- R.** "False alarm" means a notification to the PPB from any source that any of the following scenarios have occurred:
  - 1.** If, once police arrive at the alarm site, the investigating police officer or first officer on-scene finds that there is no evidence of a crime or other activity that warrants the assistance of the Portland Police Bureau on the premises, as indicated by the investigation of a police officer on the scene or, if upon police arrival, by the property owner, or the property owner’s tenant(s) or employee(s), refuse cooperation with police or deny the need for police assistance;

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2. The person who contacted BOEC and requested a police response, and/or who set off an alarm system to alert emergency services and/or who confirmed a video communication is no longer on or near the premises of the alleged emergency and/or at the time of police arrival now denies the need for police response; or
  3. BOEC has already dispatched police to a call from an alarm system monitoring company, and the alarm system monitoring company later informs BOEC or police that the alarm was cancelled. A false alarm occurs regardless of whether it is before or after the arrival of police at the alarm site, so long as the dispatch has already occurred. A false alarm does not result if the alarm system monitoring company cancels a dispatch request before BOEC dispatches officers to an alarm site.
- S. "Monitoring" means the process by which an alarm system monitoring company receives signals from an alarm system or alarm device.
- T. "Multiple Device Triggers" means at least two sensors, devices or combination of both have been activated, prior to the request to dispatch police.
- U. "Police Response" occurs when BOEC treats an alarm signal as a valid alarm and dispatches police resources.
- V. "Primary trunk line" means a telephone line serving BOEC that is designated to receive emergency calls.
- W. "Residential properties" means a dwelling where individuals are living. Residential property includes both private and rented accommodations.
- X. "Robbery alarm system" means an alarm system signaling a robbery or attempted robbery. May be referred to as a "duress alarm" system generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring law enforcement response.
- Y. "Sheriff" means Sheriff of Multnomah County or their designated representative.
- Z. "Senior permit" means any alarm user who is over the age of 62 and provides documentation of proof of age whose primary address is the location of the alarm site.
- AA. "System Administrator or Administrator" means the individual designated by the Chief of Police to manage the Alarms Administration Unit. The unit is responsible for permit issuance, assessments of charges, education of alarm system users, and the conducting of appeals hearings.

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- BB.** "Sound emission cutoff feature" means a feature of an alarm system which will cause an audible alarm to stop emitting sound.
- CC.** "Special permit" means any alarm site required by federal, state, county or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system.
- DD.** "System becomes operative" means when the alarm system is capable of eliciting a response by police.
- EE.** "Unpreventable conditions" means those acts of nature which cause activation of an Alarm System without fault of the Alarm System, or Alarm User, criminal activity, or any other emergency. Such acts include, but are not limited to, earthquakes, floods, and high-speed winds, and acts of wild animals. Acts of domesticated animals, regardless of that animal's ownership, are not considered unpreventable conditions.

**14B.10.030 Permitting Required; Application and Renewal; Violations and Remedies.**

- A.** Every alarm system user shall obtain an alarm user's permit for each system installed in their home (owned or rented) or business from the Alarm Administration Office prior to the installation of a monitored alarm system. Each permit shall bear the signature of the Chief of Police and shall be valid for a 1-year period immediately following issuance of the permit. The permit shall be kept upon the premises using the alarm system and shall be available for inspection by responding law enforcement entities.
- B.** An alarm system monitoring company that establishes a new client account with any residential and/or business consumer shall ensure that an alarm user's permit has been issued through the Alarm Administration Office prior to activating a new alarm account. Requirement of this proof is a one-time requirement; responsibility for renewal transfers to the alarm user after initial activation of the alarm system.
- C.** A yearly alarm permit fee, permit surcharge, late payment fee, and permit renewal fee shall be established by PPB and provided with the bureau's annual budget submission subject to the City's Financial Policy FIN. 2.06 cost recovery methodology.
- D.** If a residential alarm user is over the age of 62 and resides where the permitted alarm is located and if no business is conducted in the residence, a senior's permit may be obtained from the Alarms Administration Office according to Subsection 14B.10.030 A. without the payment of a fee.
- E.** Calls for emergency response to an alarm event by an alarm business must include the corresponding alarm permit number.

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- F.** In addition to the fee provided in Subsection 14B.10.030 C., a surcharge penalty will be charged to any alarm service user that fails to obtain a permit within 30 days after the system becomes operative.
- G.** The alarm user will be in violation of Subsection 14B.10.030 A. if they fail to annually renew the alarm permit within 30 days after the permit expires. The alarm user may cure this violation and not face a code enforcement action if they renew their permit and pay all fees and fines within 45 days from the date of expiration.
- H.** Police will not respond to any alarm dispatches where the alarm system user's permit has expired and 45 days have passed since expiration with no attempt by the alarm system user to cure their defaults.
- I.** The remedy for a failure to cure after 45 days from permit expiration is the cancellation of the permit and notice by the System Administrator or designee to the alarm system monitoring company of the cancellation. Any reinstallations or reactivations after a cancellation under this Section will require a new permit application and the payment of fees for a new permit. If cancelled under this Subsection, the alarm system monitoring company will have to obtain proof of a new permit prior to reactivation.

**14B.10.040 Duty of an Alarm Business to Educate an Alarm User.**

- A.** In addition to an alarm business' duty to inspect permits prior to initial activation as outlined in Subsection 14B.10.030 B. above, every alarm business selling, leasing or furnishing to any user an alarm system that is installed on the premises located in the area subject to this Chapter shall furnish the user with instructions that provide information to enable the user to properly operate the alarm system at any time. Alarm businesses shall create and maintain a standard instruction form for this purpose and document the dissemination of this form to consumers.
- B.** All alarm businesses shall, on an annual basis, submit their standard instruction form to the System Administrator no later than January 31 of each year. If the System Administrator reasonably finds such instructions to be incomplete, misleading, unclear or inadequate, the System Administrator may require the alarm business to revise the instruction to comply with this Chapter and to re-distribute the revised instruction to its alarm users. Penalties for noncompliance should re-instruction be required may include, but not be limited to, fines, costs, or restrictions on local business licenses.

**14B.10.050 Duties of the Alarm User.**

All alarm users shall:

- A.** Obtain a permit from the Systems Administrator as outlined above and provide proof of same to the alarm system monitoring company before initial activation.

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- B.** Renew the permit annually for as long as the alarm systems remains at the alarm site.
- C.** Maintain the premises of the alarm site and the alarm system in a manner that will minimize or eliminate false alarms.
- D.** Personally come to the alarm site or cause a representative familiar with the system to respond to the alarm site's location within 30 minutes when notified by a representative of PPB to deactivate a malfunctioning alarm system, to provide access to the premises, and/or to provide alternative security for the premises, if necessary.
- E.** If a business, train all persons who activate the alarm system with its proper codes and operation.
- F.** If a homeowner or renter, train all adults residing in the home on proper codes and operation.
- G.** Ensure that an alarm system is repaired within seventy-two (72) hours of notification that the system is malfunctioning. The permit holder may cause the alarm system to be deactivated rather than having such system repaired. A deactivated system may not be reactivated until the user verifies that it has been repaired.
- H.** Not manually activate an alarm for any reason other than the occurrence of an event that the alarm system was intended to report.
- I.** Notify the alarm system monitoring company of any extended period of time away from the alarm site, such as vacation, and will leave a responsible person's name and phone numbers with the alarm system monitoring company. This responsible person must be fully trained in the use of the alarm system and have keys and access codes.
- J.** Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site shall not sound for longer than 15 minutes after being activated.
- K.** Have a licensed alarm repair company inspect the alarm system after four false alarms within a one calendar year period. If the inspection company finds fault with the system, the alarm user shall ensure, at their own cost, modification or repair of the system to be more false alarm resistant. If the inspection company finds no fault with the system and finds likely user error, the alarm user shall seek additional user training from the manufacturer or seller of the alarm and/or better train other members of the household or business not to set off the alarm.

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- L. Not use automatic voice dialers.
- M. Maintain at each alarm site a set of written operating instructions for each alarm system, as well as a copy of the alarm permit.
- N. Provide the alarm system monitoring company with the assigned permit number for the alarm site.
- O. Retain the option to choose a (DIY) alarm. If their alarm is linked to an alarm monitoring service, then the following direction applies:
  - 1. The alarm user must obtain a permit from the Alarms Administration Unit prior to activation of the monitoring service.
  - 2. If their alarm is not linked to an alarm monitoring service, the alarm user does not need to obtain a permit from the System Administrator for an unmonitored system.
  - 3. Alarm users choosing to have DIY systems with a monitoring service shall be required to have professional installation prior to activation. Proof of professional installation must be provided to the Alarms Administration Unit prior to the issuance of the alarm permit.

**14B.10.060 Duties of the Alarm System Monitoring Company.**

An alarm system monitoring company performing monitoring services shall:

- A. Provide training on the proper use and disarming of the purchased alarm system at no additional cost to an alarm user. This training must be offered and, if accepted by the alarm user, provided during the first seven days after installation of an alarm system. If there is a false alarm in the first seven days after installation and prior to the time the alarm system monitoring company provides training, any fees or fines assessed for the false alarm will be charged against and paid by the alarm system monitoring company and not the alarm user. For this reason, alarm system monitoring companies should seek to and may provide this training contemporaneously with installation. If the alarm user declines the offered training, or once the alarm user has already received the training, any fines and fees as a result of a false alarm will be assessed against the alarm user.
- B. Attempt to verify every alarm signal, except a duress and hold-up alarm activation, before requesting a law enforcement response to an alarm system signal by contacting at least two responsible parties for the alarm system, unless there is only one responsible party listed in customer documents. The first call placed should be to the alarmed premise for a request for the false alarm password. If there is no answer, the alarm system monitoring company must try one or more additional

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phone numbers in an attempt to reach the alarm user(s) or a designated responsible party.

- C. Ensure that all alarm users of alarm systems equipped with a duress or hold-up alarm are given adequate training as to the proper usage of these features.
- D. Communicate to BOEC operators and/or dispatchers any available information about the specific type and location of the alarm signal, e.g., north door, back door, second floor window east side, etc. (as opposed to “Zone 1” or a nondescript term that will not communicate to the responding officer where the problem occurred).
- E. Communicate to BOEC operators and/or dispatchers the type of alarm activation (silent, audible, interior, perimeter etc.) during an alarm event.
- F. Provide the alarm user permit number when requested by BOEC.
- G. Notify the permit holder or their designee of the activation of the alarm system.
- H. Obtain proof of an active alarm permit from the alarm user prior to installation or activation of the alarm system (or reinstallation or reactivation if the prior permit was canceled by PPB for nonrenewal or nonpayment), document same, and notify the Alarm Administration Unit that proof was supplied prior to installation.

**14B.10.070 Requirement for Posting Notice of an Alarm; Violation; Remedy for Failure to Post.**

- A. For a business alarm user (and not a homeowner alarm user), it is unlawful for a person having control of premises where a burglar alarm and/or robbery alarm system exists to fail to have conspicuously posted, where it may be plainly seen by persons outside the premises, notice of the existence of an alarm. The notice must include the name, address, and telephone number of a person who possesses a key and has access to the premises.
- B. A violation of this Section may subject the violator to a fine or other civil penalties at the discretion of the System Administrator; however, the System Administrator shall assess no penalties until or unless notice of the violation is provided to the business owner and they fail to cure the violation within 30 days of notification.

**14B.10.080 Burglary, Robbery, and Other Police Alarm System Fines and Penalties.**

- A. Fines shall be assessed by the System Administrator for excessive false alarms during a permit year. The fine and fee schedule shall be set through the annual budget process and subject to review by the City Budget Office with all Portland Police Bureau fees and charges. This is in accordance with guidelines provided in FIN-2.06.

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- B.** The Alarm Administration Unit will send a written notification of any false alarm incident to notify the alarm user, alarm business, and/or alarm system monitoring company. The notice will set forth the fine and the consequences of the failure to pay the fine. The notice shall also acquaint the recipient with the relevant appeals process and their right to appeal the validity of the false alarm to the Administrator or designee in case of absence or leave of service, as provided in Section 14B.10.120.
- C.** The first false alarm notice in a permit year will not be assessed a fine and instead will act as a warning. No further warnings without a fine may be assessed in a permit year.
- D.** If the payment of the fine has not been received in the Alarm Administration Unit within 30 days of the date the written notice of fine was mailed by the Administrator, and there is no appeal pending on the validity of the false alarm, the Administrator will send an overdue notice to the alarm user, alarm business, or alarm system monitoring company by certified mail, along with a notice of late fee.
- E.** If payment of all fines and late fees is not received within 10 days of the day the notice of late fee was mailed, the System Administrator will initiate the no response process according to Section 14B.10.090 and may initiate the enforcement of penalties according to Section 14B.10.150.
- F.** The payment of any fine shall not be deemed to extend the term of the permit.

**14B.10.090 No Response to Excessive Alarms and/or Premises with Cancelled Permits.**

- A.** After a second false alarm, the System Administrator shall send a notification to the alarm user by certified mail, which will contain the following information:
  - 1.** That a second false alarm has occurred.
  - 2.** That if four or more false alarms occur within the permit year, the System Administrator will direct the Bureau of Emergency Communications to suspend response to further alarm signals.
  - 3.** That the alarm user has the right to contest the validity of a false alarm determination by requesting a false alarm validity hearing, and that a request for such a hearing will stay the effect of a false alarm determination and must be in writing and filed within 10 days of the receipt of the notice of alarm.
- B.** After a third false alarm in a permit year, the System Administrator need only send to the alarm user via regular mail a Notice of False Alarm and appeal rights. No other communication or action is required of the System Administrator.

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- C. After a fourth false alarm within the permit year, the System Administrator shall:
1. Direct BOEC to suspend response to subsequent alarms unless instructed to respond by the Chief's Office or their designee pursuant to Section 14B.10.090.
  2. Send a suspension notification to the alarm user by certified mail, indicating that PPB will no longer respond to alarms at the alarm site, but that PPB will resume alarm response services if the following conditions are met:
    - a. Additional monitoring services are added to the permit location, consisting of either audio and/or video verification monitoring or multiple-device trigger systems;
    - b. any outstanding fees and fines associated with the alarm permit account are paid in full; and
    - c. the alarm user agrees in writing that a fifth or more false alarm in a permit year will result in a permanent cancellation of all premises use permits and the suspension of police response services for alarm calls for five years, plus triple the amount of fines and fees in the fines and fees schedule.
- D. In addition to the notice provided to the alarm user, the System Administrator shall also send a copy of the notice of suspension to BOEC and the alarm system monitoring company.

**14B.10.100 Special Permits.**

An alarm user required by federal, state, county or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system shall be subject to this Chapter, provided:

- A. A permit shall be designated a special alarm user's permit. An alarm user seeking this type of special permit must submit proof of their eligibility for a special use permit (i.e., the federal, state, or local law requiring an alarm system) along with their permit application. Special alarm use permits shall be issued at the same cost as a regular alarm user permit (except for alarm users over age 62 as outlined in this Chapter).
- B. A special alarm user's permit for a system which has four false alarms in a permit year shall not be subject to the no response procedure specified but shall pay any fines according to the regular fine schedule according to this Chapter.
- C. The payment of any fine provided for in Subsection 14B.10.100 B. shall not be deemed to extend the term of the permit.

**14B.10.110 Automatic Dialing Device; Certain Interconnections Prohibited.**

- A.** It is unlawful for any person to program an automatic dialing device to select a primary trunk line, and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within 12 hours of receipt of written notice from the Administrator that it is so programmed.
- B.** It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the City, and it is unlawful for an alarm user to fail to disconnect or reprogram such device within 12 hours of receipt of written notice from the Administrator that an automatic dialing is so programmed.
- C.** A violation of this Section may subject the violator to a fine or other civil penalties at the discretion of the System Administrator; however, the System Administrator shall assess no penalties until or unless notice of the violation is provided to the alarm user and they fail to cure the violation within 30 days of notification.

**14B.10.120 Appeals.**

- A.** An alarm user may challenge the validity of a false alarm determination by appealing the determination. The appeal request must be in writing (email or standard mail) and must be submitted to the System Administrator within ten days of the alarm user having received Notice of False Alarm. Failure to contest the determination in the required time period results in a conclusive presumption that the alarm was false and waiver of any claims or defenses regarding the false alarm or penalties therefore.
  - 1.** All first time offenses shall be considered a warning and no economic penalty will be applied. Because there are no economic damages, no appeal of a first offense warning will be allowed.
  - 2.** However, first offenses will count toward the cumulative number of offenses in any permit year. Should an alarm user wish to raise on appeal the impropriety of the first offense for purposes of having it not count toward the cumulative permit year total, the alarm user may challenge the validity of their first offense in addition to the validity of the offense that they are currently appealing. The effect of a finding that the first offense was improper shall only act to strike that offense from the permit year total; no economic or other relief is available.
- B.** Appeal requests must include all documentation that a cited alarm user wishes the System Administrator to review. An alarm user appellant may include in this documentation a written statement setting forth their arguments as to facts and defenses. Any written statement shall not exceed 15 pages.

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- C.** The Appeal request and all documentation will be reviewed and decided by the System Administrator or designee. In no event will the person reviewing and deciding the appeal also be the person that issued the false alarm determination. The appeal will be decided solely on the documentation presented without testimony, except as noted in Subsection D. below.
- D.** Alarm users over the age of 62 who have obtained a senior permit and alarm users with a verifiable disability may, as part of their Appeal Request, ask for a telephonic hearing in lieu of submitting written documentation. (Deaf persons or persons with a hearing impairment may also request additional accommodations such as an in-person hearing with the presence of a sign-language interpreter.)
- 1.** If the request for a telephonic hearing is made and approved, the Alarms Administration Unit will contact the requester by telephone or email to schedule a hearing. While the Alarm Administration Unit will schedule the hearing, the alarm user is obligated to attend or call in to the hearing. An alarm user's failure to do so waives their right to present any additional information for consideration of the appeal and will be justification for dismissal of the appeal.
  - 2.** In any case where a telephonic hearing (or in-person hearing as a reasonable accommodation) has been held, the appeal will be decided on the basis of the testimony provided and any other relevant documentation submitted, but alarm users will not also be allowed to present a written statement for consideration.
  - 3.** Any hearing held shall be informal and not subject to Oregon Rules of Civil Procedure or Oregon Rules of Evidence. The appellant is limited to giving a statement and/or submitting additional documentary evidence and will not engage in eliciting direct testimony or conducting cross-examination.
  - 4.** The hearing will be audio tape recorded, but not transcribed. The alarm user may request a copy of the audiotape to be transcribed at their own cost.
- E.** The System Administrator or designee deciding the appeal will render a decision within 30 days after receipt of the appeal request or after any hearing, as applicable. The System Administrator shall document the decision in writing, setting forth the reasons for the decision, and take any further steps necessary to effectuate their decision. The System Administrator shall, contemporaneously with rendering the written decision, send a copy of the written decision to the alarm user either via regular mail or email (as indicated in their permit application).
- F.** If the appeal is granted and it is determined that the false alarm at issue did not occur, then the findings will be waived and expunged from an alarm user's record as appropriate, and will not be counted toward the yearly permit amount for any

other purposes of this Chapter. If the appeal is denied and the false alarm designation remains on the alarm user's record, the Administrator may pursue fine collection and/or permit cancellation as set out in this Chapter.

**14B.10.130 Sound Emission Cutoff Feature.**

- A. Alarm systems which can be heard outside a building, structure or facility of the alarm user shall be equipped with a sound emission cutoff feature which will stop the emission of sound 15 minutes or less after the alarm is activated.
- B. When an alarm system may be heard outside a building, structure or facility for more than 15 minutes continuously or intermittently, and the alarm owner or alarm system monitoring company is not readily available or able to silence the device, PPB is authorized to enter the premises and physically disconnect the sounding device. The alarm owner shall be liable for the cost of, or associated with, disconnecting and reconnecting the alarm. Neither the City nor its officers, agents or employees shall be liable for such costs.

**14B.10.140 Confidentiality and Statistics.**

- A. All information submitted in compliance with this Chapter shall be deemed a public record. Applicable privacy and confidentiality exemptions pursuant to ORS 192.502 shall be applied to any requests to records regarding this Chapter. The Administrator shall be charged with the sole responsibility for the maintenance, disclosure, retention, and destruction after expiration of the retention schedule of all records of any kind whatsoever under this Chapter.
- B. Subject to the requirements of confidentiality, the Administrator may develop and maintain statistics having the purpose of assessing alarm system, alarm business, and alarm system monitoring company performance and compliance.

**14B.10.150 Code Enforcement Actions; Penalties.**

- A. Enforcement of this ordinance may be by civil action as provided in ORS 30.315, or by criminal prosecution.
- B. Violation of this ordinance shall be punishable upon conviction by a fine of not more than \$500.
- C. The failure or omission to comply with any Section of this ordinance shall be deemed a violation and may be so prosecuted, subject to the penalty provided in paragraph B. of this Section.

**14B.10.160 Liability.**

Law enforcement response to an alarm may be based on factors such as: availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions,

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staffing levels and other factors. For these reasons, the permitting of an alarm system and regulation thereof by PPB is not intended to, nor will it, create a contract, duty or obligation, or special relationship, either expressed or implied, between the City and an alarm user, assuring police response to the alarm. Any and all liability and consequential damages that may result from PPB's failure to respond to an alarm notification is subject to governmental immunity as provided by law and is retained.

**CHAPTER 14B.20 - DRUG-FREE ZONES**

(Chapter replaced by Ordinance No. 179995,  
effective date April 14, 2006)

**Sections:**

- 14B.20.010 Drug-Free Zones.
- 14B.20.020 Designation of Drug-Free Zones.
- 14B.20.030 Civil Exclusion.
- 14B.20.035 Violation of an Exclusion – Penalties.
- 14B.20.040 Issuance of Exclusion Notices.
- 14B.20.050 Procedure.
- 14B.20.060 Appeal, Review and Variances.
- 14B.20.070 Listing of Drug-Free Zones.

**14B.20.010 Drug-Free Zones.**

- A.** For the purposes of this chapter, the following definitions apply:
  - 1.** Arrest: to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging that person with an offense.
  - 2.** Essential needs: food, physical care, and medical attention.
  - 3.** Reside: to occupy one’s principal dwelling; including transient occupancy in a hotel or motel.
  - 4.** Travel: the movement on foot or within or upon a vehicle within a drug-free zone from one point to another without delay other than to obey traffic control devices.
- B.** Drug-free zones are those areas of the City as designated by the City Council under Chapter 14B.20 of this Code, which are areas where the number of arrests where there was probable cause to believe a person has committed any of the offenses enumerated in Section 14B.20.030 for a twelve (12) month period within the 18 months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within a drug-free zone.

**14B.20.020 Designation of Drug-Free Zones.**

(Amended by Ordinance No. 180884, effective April 11, 2007.)

- A.** If the City Council designates an area meeting the criteria of Section 14B.20.010 of this Code to be a drug-free zone, Council shall do so by ordinance. The designation shall be valid for a period of three (3) years.

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- B.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the end of the period referred to in section 14B.20.020 A., as to whether there is a need to re-configure the drug-free zones enumerated in 14B.20.070.
- C.** This Chapter, and the procedures and exercise of exclusion authority it contains, are valid until September 30, 2007.
- D.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the expiration of this Chapter as to whether there is a need to re-authorize this Chapter.

**14B.20.030 Civil Exclusion.**

(Amended by Ordinance No. 180213, effective June 14, 2006.)

- A.** A person is subject to exclusion under the process described in this chapter for a period of ninety (90) days from any public right of way and park within a drug-free zone designated in Code Chapter 14B.20 if that person has been arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the following offenses within that drug-free zone, unless the offense was committed entirely within a private residence:
  - 1.** Attempt to unlawfully possess a controlled substance, in violation of ORS 161.405;
  - 2.** Criminal solicitation to unlawfully possess a controlled substance in violation of ORS 161.435;
  - 3.** Criminal conspiracy to unlawfully possess a controlled substance in violation of ORS 161.450;
  - 4.** Any violation of any of the controlled substance offenses described in:
    - a.** ORS 475.840;
    - b.** ORS 475.846 through 475.894;
    - c.** ORS 475.904; or
    - d.** ORS 475.910; except
    - e.** Possession of less than an ounce of marijuana under ORS 475.864(3) shall not be a basis for exclusion.

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5. Criminal conspiracy to unlawfully deliver a controlled substance in violation of ORS 161.450;
  6. Attempt to unlawfully deliver an imitation controlled substance, in violation of ORS 161.405;
  7. Criminal conspiracy to unlawfully deliver an imitation controlled substance in violation of ORS 161.450; or
  8. Unlawful delivery of an imitation controlled substance, in violation of ORS 475.912.
- B.** A one (1) year exclusion from any public right of way and park within a drug-free zone shall take effect upon the day after conviction for any of the offenses enumerated in Subsection A of this Section if that offense was committed within that drug-free zone and the person was both given actual notice prior to the exclusion that the City would impose a one-year exclusion upon conviction and notified of the right of appeal and the process for initiating an appeal.
- C.** A person excluded from a drug-free zone under authority of this Section may not enter that drug-free zone except to travel to and from and be present at the events and locations listed below:
1. Attend a meeting with an attorney;
  2. Attend a scheduled initial interview with a social service provider;
  3. Comply with court-or corrections-ordered obligations;
  4. Contact criminal justice personnel at a criminal justice facility;
  5. Attend any administrative or judicial hearing relating to an appeal of:
    - a. the person's notice of exclusion; or
    - b. the denial, revocation, or amendment of the person's variance;
  6. Travel through that drug-free zone on a Tri-Met vehicle; or
  7. Travel through that drug-free zone on the I-5, I-84 or I-405 freeways within its boundaries;
  8. Reside in a dwelling or facility;
  9. Satisfy, or attempt to satisfy an essential need by accessing a public or private place that provides an essential need or service when the essential

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need cannot reasonably be satisfied by the excluded person without entering the drug-free zone;

- 10.** Obtain social services when:
    - a.** the excluded person is in need of social services;
    - b.** the social services are sought for reasons relating to the health or well-being of the excluded person; and
    - c.** the social services agency has written rules and regulations prohibiting the unlawful use and sale of controlled substances by their clients.
  - 11.** Obtain education by:
    - a.** Enrolling as a student at an educational facility; or
    - b.** attending school at an educational facility.
  - 12.** Work as the owner, principal, agent or employee at a place of lawful employment;
  - 13.** Perform work directly related to lawful employment;
  - 14.** Be present at any place or event as specified by a variance issued by the Chief of Police or designee pursuant to 14B.20.060 B.
- D.** An exclusion is valid only if the person to be excluded received actual notice of the exclusion as required by 14B.20.050; including notice of the limitations to the exclusion contained in 14B.20.020.
- E.** An exclusion is not valid if the probable cause on which it is based consists of mere use or effects of use of controlled substances rather than criminal acts concerning controlled substances as defined by Oregon statute, whether or not the person subject to exclusion pursues an appeal of the exclusion.

**14B.20.035 Violation of an exclusion - penalties.**

- A.** It is unlawful for a person to enter or remain in a drug-free zone in violation of a valid exclusion imposed pursuant to this Code. For violation of this subsection, a court may impose a fine of no more than \$500 or imprisonment of no more than 30 days, or both.

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- B. A person who enters or remains in a drug-free zone in violation of a valid exclusion issued pursuant to this Code is subject to arrest for Criminal Trespass (ORS 164.245).

**14B.20.040 Issuance of Exclusion Notices.**

The Chief of Police and/or designees are the persons in charge of the public rights of way and parks in the drug-free zones for purposes of issuing notices of exclusion in accordance with this Chapter.

**14B.20.050 Procedure.**

- A. If a person is arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the offenses enumerated in Subsection A. of Section 14B.20.030 within a drug-free zone, the Chief of Police and/or designees may exclude that person from that drug-free zone. Every person excluded shall be provided a notice of exclusion and variances substantially similar to Exhibit C attached to Ordinance No. 179995. Additions to the notice of exclusion that increase the scope of the exclusion from that described in Exhibit C render the notice and the exclusion invalid.
- B. At the time a person is issued a notice of exclusion from a drug-free zone, the Chief of Police and/or designees may discuss with the excluded person whether the person has a plausible need for a variance and may issue a variance pursuant to the process described in subsection B of Section 14B.20.060.
- C. The notice of exclusion shall be in writing and a copy delivered to the excluded person. The notice of exclusion shall include the following:
  - 1. A description of the areas designated as a drug-free zone in Section 14B.20.070 from which that person is excluded; and
  - 2. Information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.
  - 3. Notice that conviction of the offense for which the person was arrested and excluded will result in a one-year exclusion and information concerning the right to appeal a conviction-based exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

**14B.20.060 Appeal, Review and Variances.**

- A. A ninety (90) day exclusion shall take effect at 12:01 a.m. on the 22nd calendar day following issuance of the notice of exclusion if the person issued the notice of exclusion has not filed an appeal as provided in this Chapter and a Code Hearing

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Officer has reviewed a police report documenting the exclusion notice and has found that the report presents credible evidence that supports probable cause to believe the person:

1. committed any of the offenses enumerated in Subsection A of Section 14B.20.030 within a drug-free zone.
  2. received the notice required by 14B.20.050 A.
- B.** If a person issued a notice of exclusion files an appeal as provided in this Chapter, imposition of a ninety (90) day exclusion shall be stayed pending a final, enforceable decision upholding the exclusion.
- C.** APPEAL. A person to whom notice of exclusion is issued shall have a right to appeal as follows:
1. Appeals shall be made to the Code Hearings Officer of the City of Portland. Any hearings regarding such appeals shall be conducted in accordance with Chapter 22.10 of this Code.
  2. Copies of documents in the City's control which are intended to be used at the hearing shall be made available, upon request, to the appellant.
  3. An appeal of a ninety (90) day notice of exclusion must be filed, in writing, by 5:00 p.m. of the fifteenth calendar day following issuance of the notice of exclusion.
  4. An appeal of a one (1) year conviction-based exclusion must be filed, in writing, by 5:00 p.m. of the fifth business day following the date of conviction.
  5. An appeal of:
    - a. a denial of a request for a variance; or
    - b. a denial of a request for an amendment to a variance; or
    - c. a revocation or amendment of a variance must be filed, in writing, by 5:00 p.m. of the fifth business day following the action regarding the variance.
  6. A ninety (90) day exclusion shall not take effect during the time that an appeal of the ninety (90) day exclusion is pending.
  7. A one (1) year conviction-based exclusion shall take effect at 12:01 a.m. on the calendar day following the date of conviction and, notwithstanding an

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appeal of the exclusion, shall remain in effect unless the Code Hearings Officer issues a contrary decision.

8. At the hearing on an appeal of a ninety (90) day exclusion, the City shall have the burden to show by a preponderance of the evidence that the appellant committed any of the offenses enumerated in Subsection A. of Section 14B.20.030, and that the conduct supporting the exclusion occurred within a drug-free zone.
9. At the hearing on an appeal of a one (1) year conviction-based exclusion, the City shall have the burden to show by a preponderance of the evidence that the appellant was convicted of any of the offenses enumerated in Subsection A. of Section 14B.20.030, and that the conduct supporting the conviction occurred within a drug-free zone.
10. At the hearing on an appeal of a denial of a request for a variance as provided in 14B.20.060 C.5.a., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.
11. At the hearing on an appeal of a denial of a request for an amendment to a variance as provided in 14B.20.060 C.5.b., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.
12. At the hearing on an appeal of a revocation or amendment of a variance as provided in 14B.20.060 C.5.c., the City shall have the burden to show by a preponderance of the evidence that any of the conditions enumerated in this Section supporting revocation or amendment existed at the time of revocation or amendment.
13. At the hearing on an appeal of a ninety (90) day exclusion, the following shall be prima facie evidence that the exclusion was based on probable cause to believe that the appellant committed any of the offenses enumerated in Section 14B.20.030 A.:
  - a. A determination by a court having jurisdiction over the offense that forms the basis for the exclusion, that probable cause existed to arrest the person to whom the initial ninety (90) day notice of exclusion was issued for violation of any of the offenses enumerated in Section 14B.20.030 A.; or
  - b. An accusatory instrument charging the person to whom a ninety (90) day notice of exclusion was issued, for violation of any of the offenses enumerated in Section 14B.20.030 A.

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14. At the hearing on an appeal of a one (1) year conviction-based exclusion, a judgment of conviction for any of the offenses that formed the basis for the exclusion, as enumerated in Section 14B.20.030 A., shall be conclusive evidence that the described conduct occurred, but, absent a finding of fact by the court of conviction, is not conclusive evidence that the conduct occurred in a drug-free zone.
- D. VARIANCES.** Variances modify an exclusion, and shall be granted, denied, amended or revoked in accordance with the following provisions:
1. All variances shall be in writing and shall state the purpose for which they are granted and the period of time during which they are effective. A variance that does not describe its period of effectiveness is effective for the duration of the exclusion. A variance allows relief from an exclusion only for travel to and from specified locations, activities or events, and presence at specified locations, activities and events within a drug-free zone.
  2. All Police Bureau Precincts shall receive and process requests for Drug-Free or Prostitution Free Zone variances during regular business hours if they are otherwise open to the public. This capability will be maintained at the main precinct station or at a sub-station.
  3. Variance. The Chief of Police and/or designees may, for any reason, grant an excluded person a variance from an exclusion at any time during an exclusion period. Except as described in 14B.20.050 B., the Chief of Police and/or designees shall grant an appropriate variance to an excluded person who presents a plausible need to engage in any non-criminal activity that is not associated with the behavior supporting the person's exclusion. A variance granted under this Subsection allows travel within the drug-free zone only in accordance with the terms specified in the variance. The Chief of Police or designees will ask a person requesting a variance to provide and update an address through which the person can be reached for the duration of the variance in the event the City determines there is a need to amend or revoke the variance.
- E. REVOCATION OR AMENDMENT OF VARIANCES.** A variance may be revoked or amended for the following reasons and in the following manner:
1. The excluded person provided false information in order to obtain the variance;
  2. There is probable cause to believe the person has committed any of the offenses enumerated in Section 14B.20.030 A. in the drug-free zone subsequent to the issuance of the variance;

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3. The circumstances giving rise to the issuance of the variance no longer support a continuation of the variance or a term thereof;
4. If the person presents new circumstances that would support amending the variance; or
5. A revocation or amendment of a variance becomes effective at 5:00 p.m. of the fifth business day following mailing of notice of the action to the excluded person at the address provided pursuant to 14B.20.060 B.1. unless the excluded person appeals the determination by following the procedures in 14B.20.060 A.5.c.

**14B.20.070 Listing of Drug-Free Zones.**

(Amended by Ordinance No. 180125, effective May 10, 2006) The following descriptions shall comprise the boundaries of the drug-free zones listed, and the drug-free zones shall include the entire area on and within the listed boundaries.

- A. Central Zone: Beginning at a point on the north edge of the Steel Bridge directly above the west shore of the Willamette River; thence westerly along the north edge of the Steel Bridge and continuing along the north edge of the northern most off-ramp from the Steel Bridge until it intersects with the east curb line of N.W. 3rd Avenue; thence northerly along an extension of the east curb line of N.W. 3rd Avenue until that line intersects with an extension of the north curb line of N.W. Hoyt Street; thence westerly along the extension of the north curb line of N.W. Hoyt Street until it intersects with the east curb line of N.W. 4th Avenue; thence in a northwesterly direction along the east curb line becoming the north curb line of N.W. 4th Avenue as it intersects with N.W. 5th Avenue and becomes N.W. Irving Street; thence continuing westerly along the north curb line of N.W. Irving Street until it intersects with the west curb line of N.W. Broadway Avenue; thence southerly along the west curb line of N.W. Broadway Avenue until it intersects with the north curb line of N.W. Hoyt Street; thence westerly along the north curb line of N.W. Hoyt Street until it intersects with the west curb line of N.W. 15th Avenue; thence southerly along the west curb line of N.W. 15th Avenue until it intersects with north curb line of N.W. Glisan Street; thence westerly along the north curb line of N.W. Glisan Street until it intersects with the east curb line of N.W. 16th Avenue; thence northerly along the east curb line of N.W. 16th Avenue until it intersects with the north curb line of N.W. Irving Street; thence westerly along the north curb line of N.W. Irving Street until it intersects with the west curb line of N.W. 23rd Avenue; thence southerly along the west curb line of N.W. 23rd Avenue until it intersect with the south curb line of West Burnside Street; thence easterly along the south curb line of West Burnside Street until it intersects with the west curb line of S.W. King Avenue; thence southerly along the west curb line of S.W. King Avenue until it intersects with the south curb line of S.W. Salmon Street; thence easterly along the south curb line of S.W. Salmon Street until it intersects with the west curb line of S.W. 14th Avenue; thence southerly along the west curb

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line of S.W. 14th Avenue until it intersects with the south curb line of S.W. Columbia Street; thence easterly along the south curb line of S.W. Columbia Street until it intersects with the west curb line of S.W. 13th Avenue; thence southerly along the west curb line of S.W. 13th Avenue until it intersects with the south curb line of S.W. Market Street; thence easterly along the south curb line of S.W. Market Street to a point where the extension of the south curb line of S.W. Market Street intersects with the east curb line of S.W. Naito Parkway; thence easterly from that point continuing in a direct line due east to the west shore of the Willamette River; thence northerly along the west shore of the Willamette River until it intersects with the south edge of the Hawthorne Bridge; thence easterly along the south edge of the Hawthorne Bridge until it intersects with the east edge of the area known as the East Bank Esplanade, including the circular ramp on the east end and south side of the Hawthorne Bridge; thence northerly along the east edge of the area known as the East Bank Esplanade, including all of its floating walkways, until it intersects with the south side of the East Bank Esplanade pedestrian overpass to N.E. Lloyd Boulevard; thence easterly along the south edge of the area known as the East Bank Esplanade pedestrian overpass, including the walking ramp, until it intersects with the west curb line of N.E. Lloyd Boulevard; thence southeasterly along the south curb line of N.E. Lloyd Boulevard until it intersects with the west curb line of N.E. Martin Luther King Boulevard; thence southerly along the west curb line of N.E. Martin Luther King Boulevard until it intersects with the north curb line of N.E. Davis Street; thence westerly along the north curb line of N.E. Davis as it crosses N.E. 3rd Avenue and projects in a straight line to a point on the west curb of N.E. 2nd Avenue; thence southerly along the west curb line of N.E. 2nd Avenue as it passes under the Burnside Bridge, including the entire Burnside Bridge, until it intersects with the south curb line of S.E. Belmont Street; thence easterly along the south curb line of S.E. Belmont Street until it intersects with the east curb line of S.E. 12th Avenue; thence northerly along the east curb line of S.E. 12th Avenue as it crosses E. Burnside Street and becomes N.E. 12th Avenue; thence northerly along the east curb line of N.E. 12th Avenue until it intersects with the south curb line of N.E. Lloyd Boulevard; thence easterly along the south curb line of N.E. Lloyd Boulevard until it becomes N.E. 16th Avenue; thence northerly along the east curb line of N.E. 16th Avenue until it becomes N.E. 15th Avenue; thence northerly along the east curb line of N.E. 15th Avenue until it intersects with the north curb line of N.E. Halsey Street; thence westerly along the north curb line of N.E. Halsey Street until it intersects with the west curb line of N.E. Martin Luther King Boulevard; thence southerly along the west curb line of N.E. Martin Luther King Boulevard until it intersects with the north curb line of N.E. Multnomah Street; thence westerly along the north curb line of N.E. Multnomah Street as it merges onto the Steel Bridge; thence westerly along the north edge of the Steel Bridge to a point above the west shore of the Willamette River and continuing down to the point of the beginning.

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- B.** East Zone: Beginning at a point 1000 feet west of the intersection of the north curb line of N.E. Killingsworth and the west curb line of N.E. 82nd Avenue; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of N.E. 82nd Avenue as it crosses E. Burnside Street and becomes S.E. 82nd Avenue; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of S.E. 82nd Avenue to a point that is 1000 feet to the west of the southwest corner of S.E. Crystal Springs Boulevard; thence easterly along the south curb line of S.E. Crystal Springs Boulevard to a point that is 1000 feet to the east of the southeast corner of S.E. Crystal Springs Boulevard; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of S.E. 82nd Avenue as it crosses E. Burnside Street and becomes N.E. 82nd Avenue; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of N.E. 82nd Avenue to a point that is 1000 feet east of the north curb line of N.E. Killingsworth; thence westerly along the north curb line of N.E. Killingsworth continuing to the point of beginning.
- C.** North Zone: Beginning at a point on the southwest corner of N. Fremont Street as it intersects with N. Missouri Avenue; thence easterly along the south curb line of N. Fremont Street until it intersects with the west curb line of N. Vancouver Avenue; thence southerly along the west curb line of N. Vancouver Avenue until it intersects with the south curb line of N. Stanton Street; thence easterly along the south curb line of N. Stanton Street as it crosses N. Williams Avenue and becomes N.E. Stanton Street; thence easterly along the south curb line of N.E. Stanton Street until it intersects with the west curb line of N.E. Rodney Avenue; thence southerly along the west curb line of N.E. Rodney Avenue until it intersects with the south curb line of N.E. San Rafael Street; thence easterly along the south curb line of N.E. San Rafael Street until it intersects with the east curb line of N.E. 7th Avenue; thence northerly along the east curb line of N.E. 7th Avenue until it intersects with the south curb line of N.E. Wygant Street; thence easterly along the south curb line of N.E. Wygant Street until it intersects with the east curb line of N.E. 14th Avenue; thence northerly along the east curb line of N.E. 14th Avenue until it intersects with the south curb line of N.E. Wygant Street; thence easterly along the south curb line of N.E. Wygant Street until it intersects with the east curb line of N.E. 20th Avenue; thence northerly along the east curb line of N.E. 20th Avenue until it intersects with the north curb line of N.E. Killingsworth Street; thence westerly along the north curb line of N.E. Killingsworth Street until it intersects with the east curb line of N.E. 15th Avenue; thence northerly along the east curb line of N.E. 15th Avenue until it intersects with the north curb line of N.E. Ainsworth Street; thence westerly along the north curb line of N.E. Ainsworth Street until it intersects with the east curb line of N.E. 10th Avenue; thence northerly along the east curb line of N.E. 10th Avenue until it intersects with the north curb line of N.E. Portland Boulevard; thence westerly along the north curb line of N.E. Portland Boulevard until it intersects with the west curb line of N.E. 6th Avenue; thence southerly along the west curb line of N.E. 6th Avenue until it intersects with the north curb line of N.E.

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Portland Boulevard; thence westerly along the north curb line of N.E. Portland Boulevard until it intersects with the west curb line of N.E. Martin Luther King Jr. Boulevard; thence southerly along the west curb line of N.E. Martin Luther King Jr. Boulevard until it intersects with the north curb line of N.E. Ainsworth Street; thence westerly along the north curb line of N.E. Ainsworth Street as it crosses N. Williams Avenue and becomes N. Ainsworth Street; thence westerly along the north curb line of N. Ainsworth Street until it intersects with the west curb line of N. Missouri Avenue; thence southerly along the west curb line of N. Missouri Avenue until it intersects with the north curb line of N. Killingsworth Street; thence westerly along the north curb line of N. Killingsworth Street until it intersects with the west curb line of N. Concord Avenue; thence southerly along the west curb line of N. Concord Avenue, including all of the Going Street Pedestrian Bridge until it intersects with the south curb line of N. Skidmore Street; thence easterly along the south curb line of N. Skidmore Street until it intersects with a point extending in a straight line from the west curb line of N. Missouri Avenue where it meets Interstate 5; thence southerly along the west curb line of N. Missouri Avenue to the point of beginning.

**CHAPTER 14B.30 - PROSTITUTION-FREE  
ZONES**

(Chapter replaced by Ordinance No. 179996,  
effective April 14, 2006)

**Sections:**

- 14B.30.010 Prostitution-Free Zones.
- 14B.30.020 Designation of Prostitution-Free Zones.
- 14B.30.030 Civil Exclusion.
- 14B.30.035 Violation of an Exclusion - Penalties.
- 14B.30.040 Issuance of Exclusion Notices.
- 14B.30.050 Procedure.
- 14B.30.060 Appeal, Review and Variances.
- 14B.30.070 Listing of Prostitution-Free Zones.

**14B.30.010 Prostitution-Free Zones.**

- A.** For the purposes of this chapter, the following definitions apply:
  - 1.** Arrest: to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging that person with an offense.
  - 2.** Essential needs: food, physical care, and medical attention.
  - 3.** Reside: to occupy one's principal dwelling; including transient occupancy in a hotel or motel.
  - 4.** Travel: the movement on foot or within or upon a vehicle within a prostitution-free zone from one point to another without delay other than to obey traffic control devices.
- B.** Prostitution-free zones are those areas of the City as designated by the City Council under Chapter 14B.30 of this Code, which are areas where the number of arrests where there was probable cause to believe a person has committed any of the offenses enumerated in Section 14B.30.030 for a twelve (12) month period within the eighteen (18) months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within a prostitution-free zone.

**14B.30.020 Designation of Prostitution-Free Zones.**

(Amended by Ordinance No. 180885, effective April 11, 2007.)

- A.** If the City Council designates an area meeting the criteria of Section 14B.30.010 of this Code to be a prostitution-free zone, Council shall do so by ordinance. The designation shall be valid for a period of three (3) years.

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- B.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the end of the period referred to in section 14B.30.020 A., as to whether there is a need to re-configure the prostitution-free zones enumerated in 14B.30.070.
- C.** This Chapter, and the procedures and exercise of exclusion authority it contains, are valid until September 30, 2007.
- D.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the expiration of this Chapter as to whether there is a need to re-authorize this Chapter.

**14B.30.030 Civil Exclusions.**

- A.** A person is subject to exclusion under the process described in this chapter for a period of ninety (90) days from any public right of way and park within a prostitution-free zone designated in Code Chapter 14B.30 if that person has been arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the following offenses within that prostitution-free zone, unless the offense was committed entirely within a private residence:
  - 1.** Attempted prostitution, in violation of ORS 161.405;
  - 2.** Prostitution, in violation of ORS 167.007;
  - 3.** Attempted promoting prostitution, in violation of ORS 161.405;
  - 4.** Promoting prostitution, in violation of ORS 167.012;
  - 5.** Attempted compelling prostitution, in violation of ORS 161.405;
  - 6.** Compelling prostitution, in violation of ORS 167.017;
  - 7.** Loitering to solicit prostitution, in violation of Portland City Code 14A.40.040; or
  - 8.** Unlawful prostitution procurement activity, in violation of Portland City Code 14A.40.050.
- B.** A one (1) year exclusion from any public right of way and park within a prostitution-free zone shall take effect upon the day after conviction for any of the offenses enumerated in Subsection A. of this Section if that offense was committed within that prostitution-free zone and the person was both given notice prior to the exclusion that the City would impose a one-year exclusion upon conviction and notified of the right of appeal and the process for initiating an appeal.

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- C. A person excluded from a prostitution-free zone under authority of this Section may not enter that prostitution-free zone except to travel to and from and be present at the events and locations listed below:
1. Attend a meeting with an attorney;
  2. Attend a scheduled initial interview with a social service provider;
  3. Comply with court-or corrections-ordered obligations;
  4. Contact criminal justice personnel at a criminal justice facility;
  5. Attend any administrative or judicial hearing relating to an appeal of:
    - a. the person's notice of exclusion; or
    - b. the denial, revocation, or amendment of the person's variance;
  6. Travel through that prostitution-free zone on a Tri-Met vehicle;
  7. Travel through that prostitution-free zone on the I-5, I-84, I-205 or I-405 freeways within its boundaries;
  8. Reside in a dwelling or facility;
  9. Satisfy, or attempt to satisfy an essential need by accessing a public or private place that provides an essential need or service when the essential need cannot reasonably be satisfied by the excluded person without entering the prostitution-free zone;
  10. Obtain social services when:
    - a. the excluded person is in need of social services;
    - b. the social services are sought for reasons relating to the health or well-being of the excluded person; and
    - c. the social services agency has written rules and regulations prohibiting the unlawful use and sale of controlled substances by their clients.
  11. Obtain education by:
    - a. Enrolling as a student at an educational facility; or
    - b. Attending school at an educational facility.

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12. Work as the owner, principal, agent or employee at a place of lawful employment;
  13. Perform work directly related to lawful employment;
  14. Be present at any place or event as specified by a variance issued by the Chief of Police or designee pursuant to 14B.30.060 B.
- D.** An exclusion is valid only if the person to be excluded received actual notice of the exclusion as required by 14B.30.050; including notice of the limitations of the exclusion contained in 14B.30.020.

**14B.30.035 Violation of an exclusion - penalties.**

- A.** It is unlawful for a person to enter or remain in a prostitution-free zone in violation of an exclusion imposed pursuant to this Code. For violation of this subsection, a court may impose a fine of no more than \$500 or imprisonment of no more than 30 days, or both.
- B.** A person who enters or remains in a prostitution-free zone in violation of an exclusion issued pursuant to this Code is subject to arrest for Criminal Trespass (ORS 164.245).

**14B.30.040 Issuance of Exclusion Notices.**

The Chief of Police and/or designees are the persons in charge of the public rights of way and parks in the prostitution-free zones for purposes of issuing notices of exclusion in accordance with this Chapter.

**14B.30.050 Procedure.**

- A.** If a person is arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the offenses enumerated in Subsection 14B.30.030 A. within a prostitution-free zone, the Chief of Police and/or designees may exclude that person from that prostitution-free zones. Every person excluded shall be provided a notice of exclusion and variances substantially similar to Exhibit C attached to Ordinance No.179996. Additions to the notice of exclusion that increase the scope of the exclusion from that described in Exhibit C render the notice and the exclusion invalid.
- B.** At the time a person is issued a notice of exclusion from a prostitution-free zone, the Chief of Police and/or designees may discuss with the excluded person whether the person has a plausible need for a variance and may issue a variance pursuant to the process described in 14B.30.060 B.

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- C. The notice of exclusion shall be in writing and a copy delivered to the excluded person. The notice of exclusion shall include the following:
1. A description of the area designated as a prostitution-free zone in Section 14B.30.070 from which that person is excluded;
  2. Information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code; and
  3. Notice that conviction of the offense for which the person was arrested and excluded will result in a one-year exclusion and information concerning the right to appeal a conviction-based exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

**14B.30.060 Appeal, Review and Variances.**

- A. A ninety (90) day exclusion shall take effect at 12:01 on the 22nd calendar day following issuance of the notice of exclusion if the person issued the notice of exclusion has not filed an appeal as provided in this Chapter and a Code Hearings Officer has reviewed a police report documenting the exclusion notice and has found that the report presents credible evidence that supports probable cause to believe the person:
1. committed any of the offenses enumerated in Subsection A of Section 14B.30.030, and ;
  2. received the notice required by 14B.30.050 A.
- B. If a person issued a notice of exclusion files an appeal as provided in this chapter, imposition of a ninety (90) day exclusion shall be stayed pending a final, enforceable decision upholding the exclusion.
- C. APPEAL. A person to whom a notice of exclusion is issued shall have a right to appeal as follows:
1. Appeals shall be made to the Code Hearings Officer of the City of Portland. Any hearings regarding such appeals shall be conducted in accordance with Chapter 22.10 of this Code.
  2. Copies of documents in the City's control which are intended to be used at the hearing shall be made available, upon request, to the appellant.
  3. An appeal of a ninety (90) day notice of exclusion must be filed, in writing, by 5:00 p.m. of the fifteenth calendar day following issuance of the notice of exclusion.

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4. An appeal of a one (1) year conviction-based exclusion must be filed, in writing, by 5:00 p.m. of the fifth business day following the date of conviction.
5. An appeal of:
  - a. a denial of a request for a variance; or
  - b. a denial of a request for an amendment to a variance; or
  - c. a revocation or amendment of a variance must be filed, in writing, by 5:00 p.m. of the fifth business day following the action regarding the variance.
6. A ninety (90) day exclusion shall not take effect during the time that an appeal of the ninety (90) day exclusion is pending.
7. A one (1) year conviction-based exclusion shall take effect at 12:01 a.m. on the calendar day following the date of conviction and, notwithstanding an appeal of the exclusion, shall remain in effect unless the Code Hearings Officer issues a contrary decision.
8. At the hearing on an appeal of a ninety (90) day exclusion, the City shall have the burden to show by a preponderance of the evidence that the appellant committed any of the offenses enumerated in Subsection 14B.30.030 A., and that the conduct supporting the exclusion occurred within a prostitution-free zone.
9. At the hearing on an appeal of a one (1) year conviction-based exclusion, the City shall have the burden to show by a preponderance of the evidence that the appellant was convicted of any of the offenses enumerated in Subsection 14B.30.030 A., and that the conduct supporting the conviction occurred within a prostitution-free zone.
10. At the hearing on an appeal of a denial of a request for a variance as provided in 14B.30.060 C.5.a., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.
11. At the hearing on an appeal of a denial of a request for an amendment to a variance as provided in 14B.30.060 C.5.b., the City shall have the burden to show by a preponderance of the evidence that the amendment was in accordance with this section.
12. At the hearing on an appeal of a revocation or amendment of a variance as provided in 14B.30.060 C.5.c., the City shall have the burden to show by a

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preponderance of the evidence that any of the conditions enumerated in this Section supporting revocation or amendment existed at the time of revocation or amendment.

- 13.** At the hearing on an appeal of a ninety (90) day exclusion, the following shall be prima facie evidence that the exclusion was based on probable cause to believe that the appellant committed any of the offenses enumerated in Subsection 14B.30.030 A.:
  - a.** A determination by a court having jurisdiction over the offense that forms the basis for the exclusion, that probable cause existed to arrest the person to whom the initial ninety (90) day notice of exclusion was issued for violation of any of the offenses enumerated in Subsection 14B.30.030 A.; or
  - b.** An accusatory instrument charging the person to whom a ninety (90) day notice of exclusion was issued, for violation of any of the offenses enumerated in Subsection 14B.30.030 A.
- 14.** At the hearing on an appeal of a one (1) year conviction-based exclusion, a judgment of conviction for any of the offenses that formed the basis for the exclusion, as enumerated in Subsection 14B.30.030 A., shall be conclusive evidence that the described conduct occurred but, absent a finding of fact by the court of conviction, is not conclusive evidence that the conduct occurred in a prostitution-free zone.

**D. VARIANCES.** Variances modify an exclusion, and shall be granted, denied, amended, or revoked in accordance with the following provisions:

- 1.** All variances shall be in writing and shall state the purpose for which they are granted and the period of time during which they are effective. A variance that does not describe its period of effectiveness is effective for the duration of the exclusion. A variance allows relief from an exclusion only for travel to and from specified locations, activities or events, and presence at specified locations, activities and events within a prostitution-free zone.
- 2.** All Police Bureau Precincts shall receive and process requests for Drug-Free or Prostitution-Free Zone variances during regular business hours if they are otherwise open to the public. This capability will be maintained at the main precinct station or at a sub-station.
- 3.** Variance. The Chief of Police and/or designees may, for any reason, grant an excluded person a variance from an exclusion at any time during an exclusion period. Except as described in 14B.30.050 B., the Chief of Police and/or designees shall grant an appropriate variance to an excluded person

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who presents a plausible need to engage in any non-criminal activity that is not associated with the behavior supporting the person's exclusion. A variance granted under this Subsection allows travel within the prostitution-free zone only in accordance with the terms specified in the variance. The Chief of Police or designees will ask a person requesting a variance to provide and update an address through which the person can be reached for the duration of the variance in the event the City determines there is a need to amend or revoke the variance.

- E. REVOCATION OR AMENDMENT OF VARIANCES.** Variances may be revoked or amended for the following reasons and in the following manner:
1. The excluded person provided false information in order to obtain the variance;
  2. There is probable cause to believe the person has committed any of the offenses enumerated in Subsection 14B.30.030 A. in the prostitution-free zone subsequent to the issuance of the variance;
  3. If the circumstances giving rise to the issuance of the variance no longer support a continuation of the variance or a term thereof;
  4. If the person has new circumstances that would support amending the variance; or
  5. A revocation or amendment of a variance becomes effective at 5:00 p.m. of the fifth business day following mailing of notice of the action to the excluded person at the address provided pursuant to 14B.30.060 B.1. unless the excluded person appeals the determination by following the procedures in 14B.30.060 A.5.c.

**14B.30.070 Listing of Prostitution-Free Zones.**

The following descriptions shall comprise the boundaries of the prostitution-free zones listed, and the prostitution-free zones shall include the entire area on and within the listed boundaries.

- A. West Prostitution-Free Zone:** Beginning at a point on the northeast corner of N.W. 14th Avenue as it intersects with N.W. Johnson Street; thence westerly along the north curb line of N.W. Johnson until it intersects with the west curb line of N.W. 23rd Avenue; thence southerly along the west curb line of N.W. 23rd Avenue as it crosses West Burnside Street and becomes S.W. Vista Avenue; thence southerly in a straight line to a point that is 500 feet from the intersection of the south curb line of West Burnside Street and the west curb line of S.W. Vista Avenue; thence easterly following a line that is at all times parallel to and 500 feet from the south curb line of West Burnside Street until it intersects with the east curb line of N.W.

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14th Avenue; thence northerly along the east curb line of N.W. 14th Avenue continuing along to the point of the beginning.

- B.** East Prostitution-Free Zone: Beginning at a point at the intersection of the west curb line of N.E. 82nd and the north curb line of N.E. Skidmore; thence westerly along the north curb line of N.E. Skidmore to a point 1000 feet from the point of beginning; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of N.E. 82nd Avenue as it crosses E. Burnside Street and becomes S.E. 82nd Avenue; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of S.E. 82nd Avenue to a point that is 1000 feet to the west of the southwest corner of S.E. Crystal Springs Boulevard; thence easterly along the south curb line of S.E. Crystal Springs Boulevard to a point that is 1000 feet to the east of the southeast corner of S.E. Crystal Springs Boulevard; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of S.E. 82nd Avenue as it crosses E. Burnside Street and becomes N.E. 82nd Avenue; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of N.E. 82nd Avenue to a point that is 500 feet to the south of the south curb line of N.E. Sandy Boulevard; thence easterly following a line that is at all times parallel to and 500 feet from the south curb line of N.E. Sandy Boulevard until it intersects with the west curb line of N.E. 92nd Avenue; thence northerly along the west curb line of N.E. 92nd Avenue until it intersects with the north curb line of N.E. Sandy Boulevard; thence easterly along the north curb line of N.E. Sandy Boulevard to a point that is 200 feet to the east of the centerline of N.E. 92nd Avenue; thence southerly along a line that is at all times parallel to and 200 feet to the east from the centerline of N.E. 92nd Avenue to a point that is 500 feet from the south curb line of N.E. Sandy Boulevard; thence easterly following a line that is at all times parallel to and 500 feet from the south curb line of N.E. Sandy Boulevard to the east curb line of N.E. 122nd Avenue; thence northerly along the east curb line of N.E. 122nd Avenue to a point 500 feet north of the north curb line of N.E. Sandy Boulevard; thence westerly following a line that is at all times parallel to and 500 feet from the north curb line of N.E. Sandy Boulevard until it intersects with the west curb line of N.E. 82nd; thence southerly along the west curb line of N.E. 82nd to the point of beginning.

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**CHAPTER 14B.40 - IMPOUNDMENT AND  
INVESTIGATION FOR DUII**

**Sections:**

- 14B.40.010 Impoundment.
- 14B.40.020 Investigation.
- 14B.40.030 Administration and Fees.

**14B.40.010 Impoundment.**

A vehicle used by a person arrested in the City of Portland for the offense of Driving Under the Influence of Intoxicants may be seized and impounded. The period of impoundment shall be sufficient to give the Bureau of Police a reasonable period of time to determine whether the person arrested has been previously convicted of or forfeited bail or security for Driving Under the Influence of Intoxicants in violation of the laws of Oregon or of any other jurisdiction, or has been previously convicted of or forfeited bail or security for murder, manslaughter, criminally negligent homicide or assault that resulted from the operation of a motor vehicle in Oregon or another jurisdiction. The vehicles of persons with such a criminal record are subject to forfeiture under state law.

**14B.40.020 Investigation.**

The Bureau of Police is authorized to initiate an investigation in pertinent state and national records databases for information relevant to making the determination described in 14B.40.010 and to compile that information in a readily accessible database.

**14B.40.030 Administration and Fees.**

The Bureau of Police is authorized to develop implementing procedures under this Chapter and to develop a fee structure which ensures that to the extent possible, the Bureau's costs and expenses in undertaking impoundment and investigation are paid by the person arrested for DUII, or other person or entity seeking to recover the vehicle.

**CHAPTER 14B.50 - FORFEITURE**

**Sections:**

- 14B.50.010 Certain Vehicles as Nuisances.
- 14B.50.020 Forfeiture Proceedings.
- 14B.50.030 Prostitution.
- 14B.50.035 Disbursement of Proceeds from Prostitution Forfeiture.
- 14B.50.040 Gambling.
- 14B.50.050 Money Laundering.
- 14B.50.055 Distribution of Proceeds from Money Laundering Forfeiture.
- 14B.50.060 Unlawful Operation of Private For-Hire Vehicle.
- 14B.50.065 Disbursement of Proceeds from Unlawful Operation of Private For-Hire Vehicle Forfeiture.

**14B.50.010 Certain Vehicles as Nuisances.**

(Amended by Ordinance Nos. 184197 and 184648, effective June 8, 2011.) The following motor vehicles are hereby declared to be nuisances and subject to seizure and in rem civil forfeiture:

- A. A motor vehicle operated by a person whose operator's license is criminally suspended or revoked under ORS 811.182.
- B. A motor vehicle used to commit Driving Under the Influence of Intoxicants in violation of ORS 813.010, to the extent forfeiture of such vehicle is permitted under state law.
- C. A motor vehicle used to commit prostitution as defined in ORS 167.007(1)(b).
- D. A motor vehicle used to commit Fleeing or Attempting to Elude Police under ORS 811.540.

**14B.50.020 Forfeiture Proceedings.**

(Amended by Ordinance Nos. 180260 and 184197, effective October 27, 2010.) All civil forfeitures conducted pursuant to this Chapter are subject to the procedures and limitations set forth in ORS Chapter 131A except that the distribution of proceeds in 131A.360 is not applicable.

**14B.50.030 Prostitution.**

(Amended by Ordinance Nos. 184197 and 184648, effective June 8, 2011.) Conduct involving violation of, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 167.002 to 167.027, excluding 167.007(1)(a) is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of Section 14B.50.020.

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**14B.50.035 Disbursement of Proceeds from Prostitution Forfeiture.**

(Replaced by Ordinance No. 184648, effective June 8, 2011.)

- A. Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.030 shall be separately accounted for.
- B. After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.030, the forfeiting agency shall distribute or apply the proceeds in the following order:
  - 1. To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;
  - 2. To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to
    - a. the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;
    - b. special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and
    - c. expenses arising in connection with the sale of any forfeited property.
  - 3. The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this Subsection.
- C. After payment of costs under Subsection 14B.50.035 B., the forfeiting agency shall use seventy-five percent of the remaining proceeds to provide services, including but not limited to shelter services, for victims of human trafficking. The remaining twenty-five percent of the proceeds from any assets forfeited under or Section 14B.50.030 may be used by the Portland Police Bureau for law enforcement purposes relating to the provisions of ORS 167.002, 167.007(1)(b), 167.012 and 167.017.

**14B.50.040 Gambling.**

Conduct involving violation of, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 167.117 to 167.166 is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited

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conduct is hereby declared to be subject to forfeiture, as limited by the provisions of 14B.50.020.

**14B.50.050 Money Laundering.**

(Added by Ordinance No. 185503, effective August 17, 2012.) Conduct involving a violation of, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 164.170 and 164.172 is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of Section 14B.50.020.

**14B.50.055 Distribution of Proceeds from Money Laundering Forfeiture.**

(Added by Ordinance No. 185503, effective August 17, 2012.)

- A. Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.050 shall be separately accounted for.
- B. After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.050, the forfeiting agency shall distribute or apply the proceeds in the following order:
  - 1. To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;
  - 2. To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to
    - a. the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;
    - b. special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and
    - c. expenses arising in connection with the sale of any forfeited property.
- C. To the extent not addressed by a claim filed under ORS 131A.165, restitution awarded under ORS 137.103 et seq. and compensatory fines awarded under ORS 137.101 shall be paid to any victim of the prohibited conduct or similar crime.
- D. After payment of costs under Subsection 14B.50.055 B. and C., the forfeiting agency shall use any remaining proceeds for law enforcement purposes.

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**14B.50.060 Unlawful Operation of Private For-Hire Vehicle.**

(Added by Ordinance No. 187092, effective April 21, 2015.) Conduct involving violation of Portland City Code Sections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., 16.40.190 B., 16.40.560, 16.40.720, 16.40.730, or 16.40.740 is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of 14B.50.020. A motor vehicle may be seized for forfeiture under this section if the person operating the vehicle is arrested or issued a citation for Sections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., 16.40.190 B., 16.40.560, 16.40.720, 16.40.730, or 16.40.740 and the person, within three years prior to the arrest or issuance of the citation, has twice been convicted of any of the listed offenses at either a misdemeanor or violation-level.

**14B.50.065 Disbursement of Proceeds from Unlawful Operation of Private For-Hire Vehicle Forfeiture.**

(Added by Ordinance No. 187092, effective April 21, 2015.)

- A. Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.060 shall be separately accounted for.
- B. After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.060, the forfeiting agency shall distribute or apply the proceeds in the following order:
  - 1. To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;
  - 2. To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to
    - a. the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;
    - b. special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and
    - c. expenses arising in connection with the sale of any forfeited property.
- C. After payment of costs under Subsection B., the forfeiting agency shall use any remaining proceeds for enforcement of the provisions of Chapter 16.40.

**CHAPTER 14B.60 - CHRONIC NUISANCE  
PROPERTY**

**Sections:**

- 14B.60.010 Definitions.
- 14B.60.020 Violation.
- 14B.60.030 Procedure.
- 14B.60.040 Commencement of Actions; Remedies; Burden of Proof.
- 14B.60.050 Summary Closure.
- 14B.60.060 Enforcement.
- 14B.60.070 Attorney Fees.

**14B.60.010 Definitions.**

- A.** Chronic Nuisance Property.
  - 1.** Property on which three or more Nuisance Activities exist or have occurred during any thirty (30) day period; or,
  - 2.** Property on which or within 200 feet of which any Person Associated With the Property has engaged in three or more Nuisance Activities during any thirty (30) day period; or,
  - 3.** Property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, 475.005 through 475.285 and/or 475.940 through 475.995 has occurred within the previous thirty (30) days, and the Chief of Police or a Precinct Commander has determined that the search warrant was based on evidence of continuous or repeated Nuisance Activities at the Property; or,
  - 4.** Property on which continuous or repeated Nuisance Activities as defined in Portland City Code 14B.60.010 D.7.,8.,13., and/or 14. exist or have occurred.
- B.** Commissioner in Charge. The Portland City Commissioner assigned responsibility for the Bureau of Police.
- C.** Control. The ability to regulate, restrain, dominate, counteract or govern Property, or conduct that occurs on a Property.
- D.** Nuisance Activities. Any of the following activities, behaviors or conduct:
  - 1.** Harassment as defined in ORS 166.065(1)(a).

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2. Intimidation as defined in ORS 166.155 through 166.165.
3. Disorderly conduct as defined in ORS 166.025.
4. Assault or menacing as defined in ORS 163.160 through ORS 163.190.
5. Sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as defined in ORS 163.415 through ORS 163.445.
6. Public indecency as defined in ORS 163.465.
7. Prostitution or related offenses as defined in ORS 167.007 through ORS 167.017.
8. Alcoholic liquor violations as defined in ORS Chapter 471.105 through 471.482.
9. Offensive littering as defined in ORS 164.805.
10. Criminal trespass as defined in ORS 164.243 through 164.265.
11. Theft as defined in ORS 164.015 through 164.140.
12. Arson or related offenses as defined in ORS 164.315 through 164.335.
13. Possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, ORS 475.005 through 475.285, and/or 475.940 through 475.995.
14. Illegal gambling as defined in ORS 167.117, and/or ORS 167.122 through ORS 167.127.
15. Criminal mischief as defined in ORS 164.345 through 164.365.
16. Any attempt to commit (as defined in ORS 161.405), and/or conspiracy to commit (as defined in ORS 161.450), any of the above activities, behaviors or conduct.
17. Fire or discharge of a firearm as defined in Portland City Code 14A.60.020.
18. Unlawful operation of sound producing or reproducing equipment as defined in Portland City Code 14A.30.010 and/or excessive noise as defined in Portland City Code Chapters 18.04 and/or 18.14.
19. Unlawful drinking in public places as defined in Portland City Code 14A.50.010.

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- 20.** Curfew as defined in Portland City Code 14A.80.010.
- 21.** Indecent exposure as defined in Portland City Code 14A.40.030.
- E.** Person. Any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using Property in the City of Portland.
- F.** Person Associated With. Any Person who, on the occasion of a Nuisance Activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a Property or Person present on a Property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a Property, Person in Charge, or owner of a Property.
- G.** Person in Charge. Any Person, in actual or constructive possession of a Property, including but not limited to an owner or occupant of Property under his or her ownership or Control.
- H.** Precinct Commander. Any Commander of the Portland Police Bureau in charge of a Precinct.
- I.** Property. Any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For Property consisting of more than one unit, Property may be limited to the unit or the portion of the Property on which any Nuisance Activity has occurred or is occurring, but includes areas of the Property used in common by all units of Property including without limitation other structures erected on the Property and areas used for parking, loading and landscaping.

**14B.60.020 Violation.**

- A.** Any Property determined by the Chief of Police or a Precinct Commander to be Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.
- B.** Any Person in Charge of Property determined by the Chief of Police or a Precinct Commander to be a Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.

**14B.60.030 Procedure.**

- A.** When the Chief of Police or a Precinct Commander receives two or more police reports documenting the occurrence of Nuisance Activities on or within 200 feet of a Property, the Chief of Police or Precinct Commander shall independently review such reports to determine whether they describe the activities, behaviors or conduct

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enumerated under Portland City Code 14B.60.010 D.1.-21. Upon such a finding, the Chief of Police or a Precinct Commander may notify the Person in Charge in writing that the Property is in danger of becoming Chronic Nuisance Property. The notice shall contain the following information:

1. The street address or a legal description sufficient for identification of the Property.
  2. A statement that the Chief of Police or Precinct Commander has information that the Property may be Chronic Nuisance Property, with a concise description of the Nuisance Activities that exist, or that have occurred. The Chief of Police or the Precinct Commander shall offer the Person in Charge an opportunity to propose a course of action that the Chief of Police or the Precinct Commander agrees will abate the Nuisance Activities giving rise to the violation.
  3. Demand that the Person in Charge respond to the Chief of Police or the Precinct Commander within ten (10) days to discuss the Nuisance Activities.
- B.** When the Chief of Police or Precinct Commander receives a police report documenting the occurrence of additional Nuisance Activity on or within 200 feet of a Property after notification as provided by Portland City Code 14B.60.030 A.1.; or, in the case of Chronic Nuisance Property as defined in Portland City Code 14B.60.010 A.3. or 4., for which notice under Portland City Code 14B.60.030A is not required, the Chief of Police or the Precinct Commander shall notify the Person in Charge in writing that the Property has been determined to be a Chronic Nuisance Property. The notice shall contain the following information:
1. The street address or a legal description sufficient for identification of the Property.
  2. A statement that the Chief of Police or the Precinct Commander has determined the Property to be Chronic Nuisance Property with a concise description of the Nuisance Activities leading to his/her determination.
  3. Demand that the Person in Charge respond within ten (10) days to the Chief of Police or the Precinct Commander and propose a course of action that the Chief of Police or the Precinct Commander agrees will abate the Nuisance Activities giving rise to the violation.
  4. Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the Person in Charge at the address of the Property determined to be a Chronic Nuisance Property, or

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such other place which is likely to give the Person in Charge notice of the determination by the Chief of Police or the Precinct Commander.

5. A copy of the notice shall be served on the owner at the address shown on the tax rolls of the county in which the Property is located, and/or the occupant at the address of the Property, if these Persons are different than the Person in Charge, and shall be made either personally or by first class mail, postage prepaid.
- C. If the Person in Charge fails to respond as required by Portland City Code 14B.60.030 B.3., the Chief of Police or the Precinct Commander may refer the matter to the Commissioner in Charge and the City Attorney. Prior to referring the matter to the Commissioner in Charge and the City Attorney, the notice required by Portland City Code 14B.60.030 B. shall also be posted at the property.
- D. If the Person in Charge responds as required by Portland City Code 14B.60.030 B.3. and agrees to abate Nuisance Activities giving rise to the violation, the Chief of Police or the Precinct Commander may postpone referring the matter to the Commissioner in Charge and the City Attorney. If an agreed course of action does not result in the abatement of the Nuisance Activities within sixty (60) days; or, if no agreement concerning abatement is reached within sixty (60) days, the Chief of Police or the Precinct Commander may refer the matter to the Commissioner in Charge and the City Attorney.
- E. When a Person in Charge makes a response to the Chief of Police or the Precinct Commander as required by Portland City Code 14B.60.030 A.3. or B.3. any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any Nuisance Activities have occurred or are occurring. This Subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.
- F. The failure of any Person to receive notice as provided by Portland City Code 14B.60.030 A. or B. shall not invalidate or otherwise affect the proceedings under this Chapter.

**14B.60.040 Commencement of Actions; Remedies; Burden of Proof.**

- A. The Commissioner in Charge may authorize the City Attorney to commence legal proceedings in the Circuit Court to abate Chronic Nuisance Property and to seek closure, the imposition of civil penalties against any or all of the Persons in Charge thereof, and, any other relief deemed appropriate.
- B. If the Court determines Property to be Chronic Nuisance Property, the Court shall order that the Property be closed and secured against all unauthorized access, use and occupancy for a period of not less than six (6) months, nor more than one (1)

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year. The order shall be entered as part of the final judgment. The Court shall retain jurisdiction during any period of closure.

- C.** If the Court determines a Property to be Chronic Nuisance Property, the Court may impose a civil penalty of up to \$100 per day for each day Nuisance Activities occurred on the Property, following notice pursuant to Portland City Code 14B.60.030 B.; or, the cost to the City to abate the Nuisance Activities at the Property whichever is greater. The amount of the civil penalty shall be assessed against the Person in Charge and/or the Property and may be included in the City's money judgment.
- D.** If satisfied of the good faith of the Person in Charge, the Court shall not award civil penalties if the Court finds that the Person in Charge at all material times could not, in the exercise of reasonable care or diligence, determine that the Property had become Chronic Nuisance Property.
- E.** In establishing the amount of any civil penalty, the Court may consider any of the following factors and shall cite those found applicable:

  - 1. The actions taken by the Person in Charge to mitigate or correct the Nuisance Activities at the Property;
  - 2. The financial condition of the Person in Charge;
  - 3. Repeated or continuous nature of the problem;
  - 4. The magnitude or gravity of the problem;
  - 5. The cooperation of the Person in Charge with the City;
  - 6. The cost to the City of investigating and correcting or attempting to correct the Nuisance Activities;
  - 7. Any other factor deemed relevant by the Court.
- F.** The City shall have the initial burden of proof to show by a preponderance of the evidence that the Property is Chronic Nuisance Property.
- G.** Evidence of a Property's general reputation and/or the reputation of persons residing in or frequenting it shall be admissible.

**14B.60.050 Summary Closure.**

Any summary closure proceeding shall be based on evidence showing that Nuisance Activities exist or have occurred on the Property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of summary closure shall be governed by the provisions of ORCP 79 for obtaining temporary

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restraining orders. In the event of summary closure, the City is not required to comply with the notification procedures set forth in Portland City Code 14B.60.030 A. and B.

**14B.60.060 Enforcement.**

- A. The Court may authorize the City to physically secure the Property against all unauthorized access, use or occupancy in the event that the Person in Charge fails to do so within the time specified by the Court. In the event that the City is authorized to secure the Property, the City shall recover all costs reasonably incurred by the City to physically secure the Property as provided by this Section. The City Bureau(s) physically securing the Property shall prepare a statement of costs and the City shall thereafter submit that statement to the Court for its review as provided by ORCP 68.
- B. The Person in Charge shall pay reasonable relocation costs of a tenant as defined by ORS 90.100(28), if, without actual notice, the tenant moved into the Property after either:
  - 1. A Person in Charge received notice of the determination of the Chief of Police or any Precinct Commander pursuant to Portland City Code 14B.60.030 B.; or
  - 2. A Person in Charge received notice of an action brought pursuant to Portland City Code 14B.60.050.
- C. A lien shall be created against the Property for the amount of the City's money judgment. In addition, any Person who is assessed penalties under Portland City Code 14B.60.040 C. and/or costs under Portland City Code 14B.60.060 A. shall be personally liable for payment thereof to the City. Judgments imposed by this Chapter shall bear interest at the statutory rate.

**14B.60.070 Attorney Fees.**

The Court may, in its discretion, award attorneys' fees to the prevailing party.

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**CHAPTER 14B.70 - SHORT TERM MOTEL  
RENTAL**

**Sections:**

- 14B.70.010 Definitions.
- 14B.70.020 Rental of Rooms.
- 14B.70.030 Procedure.
- 14B.70.040 Appeals Process.
- 14B.70.050 City Remedies.

**14B.70.010 Definitions.**

For the purposes of this Chapter, the following definitions shall apply:

- A.** Person in control: an employee or owner with the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on or at the motel, hotel, inn, or other facility designed for overnight rental.
- B.** Customer: any person who pays valuable consideration to occupy any room or rooms in a motel, hotel, inn, or other facility designed for overnight rental.
- C.** Employee: any officer, director, agent, or employee of a motel, or any independent contractor who works on or at the rental property.
- D.** Fee: the consideration charged by the operator for the occupancy of space in a motel, valued in money, goods, labor, credits, or other consideration.
- E.** Motel: any structure, or portion of any structure, which is occupied or intended or designed for dwelling, lodging, or sleeping purposes and includes but is not limited to any hotel, inn, tourist home, studio hotel, bachelor hotel, lodging house, and rooming house.
- F.** Occupancy: the use or possession, or the right to the use or possession, for lodging or sleeping purposes of any room or rooms in a motel.
- G.** Operator: the person who is the proprietor of the motel in any capacity.
- H.** Owner: any person, agent, firm, or corporation having a legal or equitable interest in a motel, and includes, but is not limited to a mortgagee in whom possession is vested all or part of the legal title to the property or all or part of the beneficial ownership and a right to present use and enjoyment of the property.
- I.** Renting by the hour: the use or possession for lodging or sleeping purposes of any room for an amount less than one-half of the minimum daily rental rate.

**14B.70.020 Rental of Rooms.**

- A. A motel becomes a public nuisance when any motel employee or person in control permits on three or more occasions during any thirty (30) day period or twelve (12) or more occasions during any twelve (12) month period, a customer to rent a room designed for dwelling, lodging, or sleeping purposes, by the hour, or rents the same room more than twice within a 24 hour period.
- B. Any motel which becomes a public nuisance is subject to the remedies provided for in this Chapter.

**14B.70.030 Procedure.**

When the City believes the motel property has become a public nuisance as defined in this Chapter, the City shall attempt to notify the owner(s) of record and the person, firm, or corporation in possession of the property, in writing that the property has been determined to be a public nuisance. The notice shall contain the following information:

- A. The street address and a legal description sufficient for identification of the property.
- B. A statement that the City has found the property to be a public nuisance, together with a concise description of the events or conditions leading to this finding, including the date and time of the events or conditions.
- C. Demand that the owner or rightful possessor of the motel property respond within twenty (20) days to the Chief of Police or the Precinct Commander and appeal the City's determination or propose an abatement plan that the Chief of Police or the Precinct Commander agrees will abate the nuisance activities giving rise to the violation.
- D. The City shall attempt to serve a copy of the notice personally on the owner, rightful possessor, or agent, if known, at least ten (10) days before the commencement of any judicial action by the City. In addition, the notice shall be mailed certified mail, return receipt requested, postage prepaid, and addressed to the owner of the business at the address of the property believed to be a public nuisance and to such other address as is shown on Multnomah County tax rolls, or such other place which is believed to give the owner of the business and of the property actual notice of the City's determination.
- E. The failure of any person or owner to receive actual notice of the funding of a public nuisance as defined in this Chapter shall not invalidate or otherwise affect the proceedings under this Chapter.

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**14B.70.040 Appeals Process**

- A.** If the owner, business, agent, or rightful possessor of the property disagrees with the City's findings and determination, the owner or other rightful possessor may file an appeal with Bureau of Police within twenty (20) days of the City's determination that the motel property is a public nuisance.
- B.** The request for the appeal shall be in writing, and include the owner or rightful possessor's full name, street address and legal description sufficient for identification of the property determined a public nuisance, and the reason(s) for disagreement with the City's findings and determination.
- C.** Should the owner or rightful possessor of the property be dissatisfied with the outcome of the appeal, the owner or rightful possessor may issue a further appeal to the City Code Hearings Officer pursuant to Chapter 22.10 of this Code.

**14B.70.050 City Remedies.**

- A.** The Chief of Police or the Precinct Commander may refer the matter to the City Attorney where:
  - 1.** The owner or rightful possessor fails to respond within twenty (20) days from the determination that the motel property constitutes a public nuisance by the Chief of Police or Precinct Commander, either by appealing the City's determination or by submitting a proposed abatement plan as provided in this Chapter;
  - 2.** No agreeable written abatement plan for abatement is reached within thirty (30) days from determination of a public nuisance by the Chief of Police or the Precinct Commander;
  - 3.** The owner or rightful possessor fails to execute commencement of the abatement plan within a reasonable amount of time, not to exceed sixty (60) days of the plan's enactment; or
  - 4.** The owner or rightful possessor fails to comply and maintain compliance with all conditions of the written abatement plan for one year.
- B.** Failure to respond or failure to propose an abatement plan shall be prima facie evidence of the owner or rightful possessor's lack of cooperation. Failure to execute or comply with any abatement plan shall be prima facie evidence of lack of good faith in mitigating or correcting the situation.
- C.** When the owner or rightful possessor makes a response to the Chief of Police or the Precinct Commander as required by this Chapter, any conduct or statements made in connection with the response does not constitute an admission that any

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nuisance activities have occurred or are occurring. This Subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.

- D.** If a court determines a motel to be a public nuisance within the meaning of this Chapter, the court may order any remedy it deems appropriate to abate the nuisance, including a civil penalties not to exceed \$500 for the first occasion and not to exceed \$2,500 for the second occasion, and closure of the motel for up to six months for the third occasion.

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**CHAPTER 14B.80 - GRAFFITI NUISANCE  
PROPERTY**

**Sections:**

- 14B.80.010 Declaration of Purpose.
- 14B.80.020 Graffiti Nuisance Property.
- 14B.80.030 Definitions.
- 14B.80.040 Procedures.

**14B.80.010 Declaration of Purpose.**

- A.** It is the purpose and intent of this ordinance to provide for a procedure for removal of graffiti from buildings, walls and other structures in order to reduce social deterioration within the City and to promote public safety and health.
- B.** The Manager may adopt procedures, forms, and written policies for administering and implementing the provisions of this Chapter.

**14B.80.020 Graffiti Nuisance Property.**

- A.** Any property, building or structure within the City of Portland which becomes a graffiti nuisance property is in violation of this Chapter and is subject to its remedies.
- B.** Any person who permits property under their control to become a graffiti nuisance property shall be in violation of this Chapter and subject to its remedies.

**14B.80.030 Definitions.**

For the purposes of this Chapter, the following definitions shall apply:

- A.** Graffiti: Any unauthorized markings of paint, ink, chalk, dye or other similar substance which is visible from premises open to the public, and that have been placed upon any real or personal property such as buildings, fences, structures, or the unauthorized etching or scratching of such described surfaces where the markings are visible from premises open to the public, such as public rights of way or other publicly owned property.
- B.** Manager: The Graffiti Abatement Manager is the City official, or designated representative, who is responsible for the administration of the Graffiti Nuisance Abatement program under this Chapter. In accordance with adopted procedures, the Manager may appoint such officers, employees and agents as shall be authorized and necessary to enforce the provisions of this Chapter.
- C.** Graffiti Nuisance Property: Property upon which graffiti has been placed and such graffiti has been permitted to remain for more than ten (10) days after the property

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owner of record has been issued written notification pursuant to Section 14B.80.040 B.

- D.** Occupant: Any person or sublessee, successor or assignee who has control over property.
- E.** Owner: Any person, agent, firm or corporation having a legal or equitable interest in a property and includes but is not limited to:
  - 1.** A mortgagor in possession in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and a right to present use and enjoyment of the premises; or
  - 2.** An occupant who has control over the property/premises.
- F.** Permit: Knowingly to suffer, allow, or acquiesce by any failure, refusal or neglect to abate.
- G.** Property: Any real or personal property and that which is affixed incidental or appurtenant to real property but not limited to any premises, house, building, fence, structure or any separate part thereof, whether permanent or not.
- H.** Unauthorized: Without the consent of the owner or the occupant.

**14B.80.040 Procedures.**

(Amended by Ordinance No. 178352, effective May 28, 2004.)

- A.** Required Graffiti Removal. The owner or occupant of any property in the City shall remove any graffiti from such property within ten (10) days of the graffiti's appearance.
- B.** Notification
  - 1.** Whenever the Manager determines that graffiti exists on any structure in the City of Portland, the Manager may issue an abatement notice.
  - 2.** The Manager shall cause the notice to be served upon the property owner and any occupant. The owner or occupant shall have ten (10) days after the date of service of the notice in which to remove the graffiti. The Graffiti Abatement Manager shall have the sole discretion to grant the property owner the option of giving the City written permission to enter on the property and remove the graffiti.
  - 3.** Service shall be accomplished by addressing the notice to the owner and occupant and sending it by personal service, registered mail or certified

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mail. Service on the occupant may also be accomplished by posting the notice in a clearly visible location on the subject property.

4. If graffiti is not removed or written permission is not given to the City to remove the graffiti, the costs of removal may be assessed to the owner and will become a lien on the affected property. For each instance of graffiti abatement, the Manager shall keep an accurate account of all expenses incurred, including an overhead charge of 25 percent for program administration and a civil penalty of \$250 for each abatement. In the event that the measures taken are deemed by the Code Hearings Officer to be appropriate, the cost for the same may be made as an assessment lien upon the property.

**C. Appeal**

1. Within ten (10) days of the receipt of the notice, the property owner or occupant may appeal the notice from the Manager to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10 of this Code.
2. Upon receipt of the appeal request, the Code Hearings Officer shall set the matter for hearing within ten (10) business days. If the Code Hearings Officer finds the property to be a Graffiti Nuisance Property, and the owner or responsible party has been given notice in accordance with Subsection B. above, the Code Hearings Officer shall specify when and under what conditions the graffiti shall be abated.

**D. Removal of Graffiti**

1. The Manager may summarily abate any graffiti on any utility poles and cabinets, on exterior walls and fences immediately abutting public streets or property, or on any public property, including but not limited to traffic signs and lights.
2. Whenever the Manager has reasonable cause to believe that there exists upon any building or structure any graffiti requiring abatement under this Chapter, the Manager may enter upon the graffiti nuisance property at all reasonable times to perform any duty imposed on the Manager under this Chapter, and to enforce the provisions of this Chapter. Upon the failure to comply with the notice of abatement by the designated compliance date, and if the property owner or occupant has not appealed the notice as provided under Subsection C., the following steps may be taken if the graffiti nuisance property is plainly enclosed to create privacy and prevent access by unauthorized persons:

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- a.** If the graffiti nuisance property is occupied, the Manager shall first present proper credentials and demand entry to cause the graffiti to be abated. If entry is refused, the Manager may attempt to secure entry by any legal means.
- b.** If the graffiti nuisance property is unoccupied, the Manager shall first make a reasonable attempt to locate the owner or occupant and demand entry. Such demand may be included in the initial notice sent to the owner or occupant under Subsection B. above. If entry is refused, the Manager may attempt to secure entry by any legal means.

  - (1)** If the Manager has first obtained an administrative search warrant to secure entry onto the graffiti nuisance property to abate the graffiti, no owner or occupant shall refuse, fail or neglect, after proper request, to promptly permit entry by the Manager to abate the graffiti.
  - (2)** It shall be unlawful for any owner or occupant to refuse to permit entry by the Manager to abate graffiti under this Chapter after an administrative search warrant has been obtained. Any violation of this Subsection is punishable upon conviction by a fine of not more than \$500 and a jail sentence of up to six months.
- c.** If the graffiti is not removed and abated, or cause shown, as specified above, the Manager may cause the graffiti to be removed and abated upon issuance of an Administrative Search warrant.

  - (1)** Graffiti Abatement. If the graffiti is not removed and abated, or cause shown, as specified above, the Manager may cause the graffiti to be removed and abated.
  - (2)** Warrants. The Manager may request any Circuit Court judge to issue a graffiti abatement warrant whenever entry onto private property is necessary to remove and abate any graffiti.
  - (3)** Grounds for Issuance of Graffiti Abatement Warrants; Affidavit.

    - (a)** Affidavit. A graffiti abatement warrant shall be issued only upon cause, supported by affidavit, particularly describing: the applicant's status in applying for the warrant; the ordinance or regulation

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requiring or authorizing the removal and abatement of the graffiti; the building or property to be entered; the basis upon which cause exists to remove or abate the graffiti, and a statement of the graffiti to be removed or abated.

- (b) Cause. Cause shall be deemed to exist if there is reasonable belief that a graffiti violation exists, as defined in this Chapter, with respect to the designated property, and that the property owner has been given notice and an opportunity to abate the graffiti, and has not responded in a timely fashion.
- (4) Procedure for Issuance of a Graffiti Abatement Warrant.

  - (a) Examination. Before issuing a graffiti abatement warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.
  - (b) Issuance. If the judge is satisfied that cause for the removal and abatement of any graffiti nuisance exists and that the other requirements for granting the application are satisfied, the judge shall issue the graffiti abatement warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.
  - (c) Police Assistance. In issuing a graffiti abatement warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of the bureau in any way necessary to enter the property and, remove and abate the graffiti.

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**(5)** Execution of Graffiti Abatement Warrants.

- (a)** Occupied Property. Except as provided in 14B.80.040 D.2., in executing a graffiti abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. A copy of the warrant shall be left with the occupant or the person in possession.
- (b)** Unoccupied Property. In executing a graffiti abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in 14B.80.040 D.2.c.(5)(a), but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the graffiti abatement warrant shall be conspicuously posted on the property.
- (c)** Return. A graffiti abatement warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

**E.** Graffiti Abatement Consent Forms.

- 1.** The Manager shall develop consent forms allowing the Manager to enter onto property to abate the graffiti without prior notice from the Manager. The Manager shall make these consent forms available to the public.
- 2.** Property owners and occupants may request and sign consent forms for allowing graffiti abatement. The Graffiti Abatement Manager shall renew the consent forms at least biannually.

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**CHAPTER 14B.85 - GRAFFITI MATERIALS  
AND SALES**

(Chapter added by Ordinance No. 181231, effective  
September 28, 2007.)

Sections:

- 14B.85.010 Definitions
- 14B.85.020 Sales and Display of Graffiti Materials.
- 14B.85.030 Civil Penalties.
- 14B.85.040 Criminal Penalties.

**14B.85.010 Definitions.**

For the purposes of this Chapter, the terms used in this Chapter shall be defined as provided in this Section:

- A. Manager:** means the Manager is the City official, or designated representative, responsible for the administration of the Graffiti Nuisance Abatement program under Chapter 14B.80.
- B. Paint pen.** A tube, marker, or other pen-like instrument with a tip of one-quarter (1/4) inch in diameter or greater that contains paint or a similar fluid and an internal paint agitator.
- C. Graffiti material.** Any can of spray paint, spray paint nozzle, paint pen, glass cutting tool, or glass etching tool or instrument.
- D. Spray paint.** Any aerosol container that is made or adapted for the purpose of applying paint or other substance capable of defacing property.
- E. Spray paint nozzle.** A nozzle designed to deliver a spray of paint of particular width or flow from a can of spray paint.

**14B.85.020 Sale and Display of Graffiti Materials.**

**A. Picture Identification and Tracking.**

- 1.** Any person who owns, conducts, operates, or manages a business where graffiti materials are sold shall obtain current and acceptable identification when selling graffiti material to any person. The purchaser shall sign a sales form that tracks the graffiti material by lot number. The seller completing the transaction shall initial the sales form, confirming that the purchaser is presenting acceptable identification that belongs to and is the same person as the purchaser. The entire sales form is subject to disclosure pursuant to Oregon Public Records Law.

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2. The seller shall maintain a log of all sales of graffiti materials. The log shall include the names of purchasers, a description of the graffiti material sold to the purchaser, the invoice or sales form number for the sale and the date of the sale. The seller shall maintain the log for a period of two years from the date of the sale. Upon presentation of official identification, any representative of the Portland Police Bureau or any designated representative of the Manager may enter the business location of a business where graffiti materials are sold to ensure compliance with the provisions of this Chapter. The inspection shall be for the limited purpose of inspecting the business location, and the log maintained by the seller to determine compliance with the requirements of this Chapter. Any inspection under this Section shall be authorized to occur only during normal business hours of the business location.
3. For purposes of this Chapter, “acceptable identification” shall mean either a valid driver’s license, a State of Oregon Identification Card issued by the Department of Motor Vehicles, or a valid government-issued identification card and a second piece of identification one of which has a photograph of the purchaser. The employee completing the transaction must visually confirm that the photograph on the identification document is of the person presenting the identification and to whom the graffiti materials are being sold.

- B. Display and Storage.** As of November 1, 2007, it shall be unlawful for any person who owns, conducts, operates, or manages a business where graffiti materials are sold or who sells or offers for sale any graffiti material to store or display, or cause to be stored or displayed graffiti material in an area that is accessible to the public without employee assistance in the regular course of business pending legal sale or other disposition. This Ordinance shall not be construed to preclude or prohibit the storage or display of graffiti material in an area viewable by the public so long as such items are not accessible to the public without employee assistance.

**14B.85.030 Civil Penalties.**

- A.** The Manager may file a complaint with the Code Hearings Officer, as provided under Section 22.03.020, for any violation of the provisions of this Chapter, asking the Code Hearings Officer to impose civil penalties as provided in this Section. Having made a determination to ask that the Code Hearings Officer to impose civil penalties as provided by this Section, the Manager shall give the person written notice of the determination by causing notice to be served upon the person at their business or residence address. Service of the notice shall be accomplished by mailing the notice by regular mail, or at the option of the Manager, by personal service in the same manner as a summons served in an action at law. Mailing of the notice by regular mail shall be prima facie evidence of receipt of the notice.

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Service of notice upon the person apparently in charge of a business during its hours of operation shall constitute prima facie evidence of notice to the business owner.

- B.** The Code Hearings Officer may impose civil penalties of up to \$5,000 for any person's first violation of this Chapter. The Code Hearings Officer may impose civil penalties of up to \$15,000 for second violations of this Chapter by the same person. The Code Hearings Officer may impose civil penalties of up to \$25,000 for third or additional violations of this Chapter by the same person.
- C.** In determining the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Code Hearings Officer shall consider:
  - 1.** The extent and nature of the person's involvement in the violation;
  - 2.** The economic or financial benefit accruing or likely to accrue as a result of the violations;
  - 3.** Whether the violations were repeated or continuous, or isolated and temporary;
  - 4.** The magnitude and seriousness of the violation;
  - 5.** The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
  - 6.** Any other factors the Code Hearings Officer may deem to be relevant.
- D.** The Manager's decision to file a complaint under subsection A seeking civil penalties for any violations of this Chapter shall be an exclusive choice of remedies for enforcement of the requirements of this Chapter for those violations. In such cases, no criminal penalties may be imposed under Section 14B.85.040.

**14B.85.040 Criminal Penalties.**

Except as provided in Section 14B.85.030, the intentional or knowing violation of any provision of this Chapter is punishable upon conviction by a fine of not more than \$500 or by imprisonment for not more than 6 months, or both.

**CHAPTER 14B.90 - SECONDHAND DEALERS**

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

**Sections:**

- 14B.90.010 Purpose.
- 14B.90.020 Definitions.
- 14B.90.030 Permit Required.
- 14B.90.035 Minimum Standards.
- 14B.90.040 Application for Permit.
- 14B.90.050 Issuance and Renewal of Permit.
- 14B.90.060 Permit Fees.
- 14B.90.070 Subsequent Locations.
- 14B.90.080 Reporting of Secondhand Dealer Transactions.
- 14B.90.090 Regulated Property Sale Limitations.
- 14B.90.095 Release of Held or Seized Property.
- 14B.90.100 Tagging Regulated Property for Identification.
- 14B.90.110 Inspection of Property and Records.
- 14B.90.120 Prohibited Acts.
- 14B.90.130 Penalties.
- 14B.90.140 Revocation or Suspension of Permit.
- 14B.90.150 Appeals.
- 14B.90.170 Authority of Director to Adopt Rules, Procedures and Forms.

**14B.90.010 Purpose.**

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

**14B.90.020 Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

**14B.90.030 Permit Required.**

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

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

**14B.90.035 Minimum Standards.**

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

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

**14B.90.040 Application for Permit.**

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

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



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

**14B.90.050 Issuance and Renewal of Permit.**

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

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

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

**14B.90.060 Permit Fees.**

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

**14B.90.070 Subsequent Locations.**

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

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

**14B.90.080 Reporting of Secondhand Dealer Transactions.**

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

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

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

**14B.90.090 Regulated Property Sale Limitations.**

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

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

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

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

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

**14B.90.095 Release of Held or Seized Property.**

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

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

**14B.90.100 Tagging Regulated Property for Identification.**

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

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

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

**14B.90.110 Inspection of Property and Records.**

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

**14B.90.120 Prohibited Acts.**

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

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



**14B.90.140 Revocation or Suspension of Permit.**

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

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

**14B.90.150 Appeals.**

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

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- A.** Any Dealer or Person whose initial application or renewal application for a Dealer permit has been denied, or whose permit has been revoked or suspended, or who has been directed to pay a civil penalty by the Director, may appeal the action of the Director to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10 of the Portland City Code. Requests for appeal hearings must be filed with the Code Hearings Office or as specified by Section 22.10.030.
- B.** The filing of a notice of appeal of revocation or suspension of a permit, or of a civil penalty imposed by the Director under this Chapter, will stay the effective date of the action until the Code Hearings Officer issues an opinion.

**14B.90.170 Authority of Director to Adopt Rules, Procedures and Forms.**  
(Amended by Ordinance No. 186746, effective August 6, 2014.)

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

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

**Sections:**

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

**14B.100.010 Purpose.**

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

**14B.100.020 Delegation of Application Recommendation Authority.**

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

**14B.100.030 Application Procedure.**

(Amended by Ordinance Nos. 179351 and 189078, effective July 18, 2018.)

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

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

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

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

  - 1.** If the Chief of Police finds that there are valid grounds to make an unfavorable recommendation to OLCC as provided by Oregon liquor laws, the Chief of Police shall forward an unfavorable recommendation directly to the OLCC.

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2. If there is substantial neighborhood concern or opposition to the application, or there is evidence that noise is or will be a significant and persistent problem at the licensed premises, but the Chief of Police, because of time constraints or other factors, does not find sufficient basis for an unfavorable recommendation as provided by Oregon liquor laws, the Chief of Police shall forward a no endorsement recommendation directly to the OLCC, with supporting documentation of neighborhood concern or opposition and/or evidence of noise as provided by Office of Community & Civic Life, and shall request that the OLCC hear testimony from the neighborhood. Office of Community & Civic Life shall coordinate neighborhood testimony for OLCC hearings.
  3. If the Chief of Police finds no basis for an unfavorable recommendation as provided by Oregon liquor laws, and there is no substantial neighborhood concern or opposition or evidence that noise is or will be a significant and persistent problem at the licensed premises, the Chief of Police shall forward a favorable recommendation directly to the OLCC. The Chief of Police may also attach conditions or restrictions to a favorable recommendation, such as allowing sales only during limited hours, restricting the sale of alcoholic beverages associated with street drinkers, or other conditions or restrictions consistent with the Oregon liquor laws.
- G.** The Chief of Police shall notify the applicant of the recommendation.
- H.** The process for renewal applications shall be as provided by this Section except that the notification requirements of Subsection D shall not apply.
- I.** If Office of Community & Civic Life believes a good neighbor agreement will alleviate substantial neighborhood concern or opposition, Office of Community & Civic Life shall attempt to work with the licensed premises and the neighborhood to achieve a good neighbor agreement. Office of Community & Civic Life shall notify the Chief of Police and the OLCC of any completed good neighbor agreements, or, of its attempts to achieve a good neighbor agreement, in the event Office of Community & Civic Life is unable to complete a good neighbor agreement within a reasonable period of time.

**14B.100.040 Reconsideration of Applications.**

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

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reasonably determines that the circumstances which caused the Chief of Police to make a recommendation other than favorable have substantially changed.

**14B.100.050 Notification of OLCC Proceedings.**

(Amended by Ordinance No. 189078, effective July 18, 2018.) Office of Community & Civic Life shall notify Council of OLCC hearing dates, places and times, and advise Council of applications that will receive unfavorable recommendations, no endorsements recommendations, or favorable recommendations with conditions or restrictions. Office of Community & Civic Life shall advise Council of the OLCC's decisions on applications.

**14B.100.060 Impact Areas.**

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

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- D.** Impact area recommendations shall not apply to licensed premises wherein the sale of alcoholic beverages is incidental to full service restaurant facilities, with meals prepared on the licensed premises, provided that the liquor license applicant(s) and the restaurant owner(s) are one and the same.
- E.** The following areas are declared by Council to be impact areas:
- 1.** Burnside District Impact Area. The Burnside District, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For purposes of this Section, the Burnside District is defined as that area bounded by the Willamette River on the East and North, by NW Ninth Avenue to West Burnside Street, by West Burnside Street to SW Fourth Avenue, by SW Fourth Avenue to SW Ankeny Street, by SW Ankeny Street to the Willamette River.
  - 2.** Central Eastside Industrial District Impact Area. The portion of the Central Eastside Industrial Area, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For the purposes of this Section, the Central Eastside Industrial Area is defined as that area bounded by the Banfield Freeway to the North, by SE 12th Avenue to the East, by SE Clay Street to the South, and by the Willamette River on the West.
  - 3.** Inner North/Northeast Neighborhood Impact Area. The Inner North/Northeast Neighborhood, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For purposes of this Section, the Inner North/Northeast Neighborhood is defined as that area bounded by NE Columbia Blvd. on the North, NE Broadway Blvd. on the South, and Interstate 5 on the West. The area's boundary on the East is NE 42nd Avenue from NE Columbia Blvd. to NE Prescott Street, NE 23rd Avenue from NE Prescott Street to NE Mason Street, NE 21st Avenue from NE Mason Street to NE Fremont Street and NE 7th Avenue from NE Fremont Street to NE Broadway Blvd.

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

**Sections:**

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

**14B.110.010 Purpose.**

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

**14B.110.020 Definitions.**

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

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

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

**14B.110.030 Authorization.**

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

**14B.110.040 Permits Required for Certain Amusement Devices.**

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

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

**14B.110.050 Permits Required, Fees.**

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

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

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

**14B.110.060 Permit Application, Issuance, Denial.**

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

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

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

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

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

**14B.110.070 Requirements of Permit Holders.**

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

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

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

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

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

**14B.110.090 Prohibited Conduct.**

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

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

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

**14B.110.100 Permit Suspension, Revocation.**

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

**14B.110.110 Violations, Sealing Prohibited Amusement Devices.**

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

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

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

**B. Sealing of Amusement Devices.**

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

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

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

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

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

**14B.110.120 Civil Penalties.**

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

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

**14B.110.130 Criminal Penalties.**

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

**14B.110.140 Appeals.**

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

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

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

**Sections:**

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

**14B.120.010 Purpose.**

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

**14B.120.020 Definitions.**

(Amended by Ordinance Nos. 184870 and 189078, effective July 18, 2018.) As used in this Chapter, unless the context requires otherwise:

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

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

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

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

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

**14B.120.030 Nuisance Activity Violations.**

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

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

**14B.120.040 Notice.**

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

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

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

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

**14B.120.050 Nuisance Abatement Plan.**

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

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

**14B.120.055 Responsible Neighbor Program.**

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

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

**14B.120.060 Enforcement.**

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

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

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**14B.120.070 Hearings.**

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

**14B.120.080 Remedies.**

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

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

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**CHAPTER 14B.130 - MARIJUANA**  
**REGULATORY LICENSE PROCEDURE AND**  
**REQUIREMENTS**

(Chapter added by Ordinance No. 187359, effective  
September 30, 2015.)

**Sections:**

- 14B.130.010 Purpose.
- 14B.130.020 Definitions.
- 14B.130.030 License Required.
- 14B.130.040 Minimum Standards.
- 14B.130.050 Application Procedure.
- 14B.130.055 Social Equity Program.
- 14B.130.060 Notice.
- 14B.130.070 Issuance and Renewal of the License.
- 14B.130.080 Requirements.
- 14B.130.090 Inspection of Property and Records.
- 14B.130.100 Penalties.
- 14B.130.110 Revocation or Suspension of License.
- 14B.130.120 Review by the Director and Appeals to the Code Hearings Officer.
- 14B.130.130 Severability.

**14B.130.010 Purpose.**

The purpose of this Chapter is to protect and preserve the public health, safety, and general welfare of Portland communities by setting requirements for the licensing and siting of businesses that produce, process, sell or transfer marijuana and marijuana items. The standards and procedures exercise the City's authority in accordance with applicable Oregon statutes and administrative rules. This Chapter is adopted pursuant to authority under Oregon statutes, as well as in exercise of the City Charter home rule authority, to regulate business operations in producing, processing, selling or transferring marijuana and marijuana items within the City. Nothing in this Chapter is intended to promote or condone the sale, transfer, distribution, possession or use of marijuana in violation of applicable laws.

**14B.130.020 Definitions.**

(Amended by Ordinance Nos. 187557, 188178, 188329, 188602, 189078 and 189183, effective September 26, 2018.) As used in this Chapter, unless the context requires otherwise, the following definitions apply:

- A. "Applicant" means any individual that is directly involved in the management and operation of, or has at least 10 percent ownership interest in, the marijuana business or medical dispensary in the City.

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- B.** “Cannabinoid concentrates” means a substance obtained by separating cannabinoids from marijuana by;
1. A mechanical extraction process;
  2. A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;
  3. A chemical extraction process using the solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or
  4. Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.
- C.** “Cannabinoid edibles” means food or potable liquids into which a cannabinoid concentrate, extract, or dried marijuana leaves or flowers have been incorporated.
- D.** “Cannabinoid extracts” means a substance obtained by separating cannabinoids from marijuana by;
1. A chemical extraction process using hydrocarbon-based solvent, such as butane, hexane, or propane;
  2. A chemical extraction process using the solvent carbon dioxide, if the process uses high heat or pressure, or;
  3. Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.
- E.** “Cannabinoid Product” means an edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contain cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include;
1. Usable marijuana by itself;
  2. A concentrate by itself;
  3. A cannabinoid extract by itself;
  4. Industrial Hemp, as defined in ORS 571.300.
- F.** “Chief of Police” means the Chief of the Bureau of Police, or the Chief’s designee.

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- G.** “Consumer” means a person who purchases, acquires, owns, holds, or uses marijuana seeds, immature marijuana plants, marijuana or marijuana items other than for the purpose of resale.
- H.** "Director" means the Director of the Office of Community & Civic Life, or the Director's designee.
- I.** “Financial consideration” or “For consideration” means value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions or donations.
- J.** “Licensee” means a person who holds a license issued under PCC Chapter 14B.130.
- K.** “Licensee representative” means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.
- L.** “Licensed premises” means all public and private enclosed areas at the location that are used for the business operated at the location, including offices, kitchens, rest rooms and storerooms; all areas outside a building that the City has specifically licensed for the production, processing, wholesale sale, retail sale or transfer of marijuana and marijuana items.
- M.** “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp, as defined in ORS 571.300.
- N.** “Marijuana Business” means any business located within the City that is licensed or has submitted or is required to submit an application to be licensed by the Oregon Liquor Control Commission as any of the following;
- 1.** “Marijuana micro-producer tier I” means a person who produces marijuana in the City with an indoor canopy size of up to 625 square feet in the City.
  - 2.** “Marijuana micro-producer tier II” means a person who produces marijuana in the City with an indoor canopy size 626 to 1250 square feet in the City.
  - 3.** “Marijuana micro-wholesaler” means a person that only purchases or receives seeds, immature plants or usable marijuana from a producer with a micro tier I or tier II canopy for resale to a person other than a consumer in the City.
  - 4.** “Marijuana processor” means a person who processes marijuana items in this City.

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

  - (1)** Cannabinoid edible processor;
  - (2)** Cannabinoid topical processor;
  - (3)** Cannabinoid concentrate processor;
  - (4)** Cannabinoid extract processor; and
  - (5)** Micro-tier processor.
- b.** An applicant must request an endorsement upon submission of an initial application but may also request an endorsement at any time after being licensed by the Director.
- c.** In order to apply for a processing endorsement an applicant or licensee must submit a form prescribed by the Director that includes a description of the type of products to be processed, a description of equipment to be used, and any solvents, gases, chemicals or other compounds proposed to be used to create extracts or concentrates.
- 5.** “Marijuana producer” means a person who produces marijuana in the City.
- 6.** “Marijuana retailer” means a person who sells or makes available for purchase marijuana or marijuana items in the City.
- 7.** “Marijuana retail courier” means a marijuana retailer who sells or makes available for purchase marijuana or marijuana items only by delivery to residences located within the City.
- 8.** “Marijuana wholesaler” means a person who purchases marijuana or marijuana items in this State for resale to a person other than a consumer.
- O.** “Marijuana items” means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.
- P.** “Marijuana Laboratory” means any person who is conducting tests of marijuana under Oregon law.
- Q.** “Marijuana Regulatory License” means a license issued by the City to produce, process, sell or transfer marijuana and marijuana items.

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- R. “Medical Dispensary” means a business located within the City that is registered with the Oregon Health Authority under ORS 475.314 and authorized to transfer usable marijuana, marijuana items and immature marijuana plants, or a site for which an applicant has submitted an application for registration under ORS 475.314.
- S. “Micro-Tier Processor” means a Marijuana Micro-Producer Tier I or Marijuana Micro-Producer Tier II holding an active producer micro-tier processing endorsement issued by the Oregon Liquor Control Commission.
- T. “Primary Contact” means the person designated in the application who has authority to conduct business with the City on behalf of the applicant or licensee.
- U. “Processor” means the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts.
- V. “Produces” means the planting, cultivation, or growing of marijuana.
- W. “Research Certificate Holder” means any person authorized under Oregon law to receive marijuana items for the purpose of medical or public health and safety research.
- X. “Sale” or “Sales” means any transfer, exchange or barter, in any manner or by any means, for consideration, and includes all sales made by any person including gifts for the purposes of advertising by marijuana businesses.
- Y. “Social Equity Applicant” means a Marijuana Business that qualifies for Marijuana Regulatory License fee credit pursuant to this Chapter’s Social Equity Program.

**14B.130.030 License Required.**

(Amended by Ordinance No. 189078, effective July 18, 2018.)

- A. No person shall establish, conduct, maintain or operate a medical dispensary or marijuana business in the City without a valid marijuana regulatory license issued by the Office of Community & Civic Life.
- B. Any person that advertises or otherwise holds themselves to be producing, processing or offering marijuana or marijuana items for sale or financial consideration within the City will be presumed to be a medical dispensary or marijuana business subject to the terms of Chapter 14B.130.
- C. No medical dispensary or marijuana business may lawfully exist in the City absent the issuance of a state license and full regulatory oversight of the marijuana establishment by the State as well as the City. Compliance with the requirements of this Chapter does not provide a defense to criminal prosecution under otherwise applicable law.

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**14B.130.040 Minimum Standards.**

(Amended by Ordinance Nos. 187391, 187557, 188178, 188602, 189078 and 189183, effective September 26, 2018.)

- A.** A marijuana regulatory license may only be issued for a specific, fixed location which shall be considered the licensed premises. The licensed premises must be within a building or structure subject to a building or zoning permit.
- B.** If the location is a medical dispensary, the location may be no closer than 1,000 feet of another medical dispensary. The distance between the dispensaries shall be computed by direct measurement of the nearest portion of the building in which one medical dispensary is located to the nearest portion of the building in which the other medical dispensary is located.
- C.** Except for marijuana retail couriers, if the location is a marijuana retailer, the location may be no closer than 1,000 feet of another marijuana retailer. The distance between the retailers shall be computed by direct measurement of the nearest portion of the building in which one marijuana retailer is located to the nearest portion of the building in which the other marijuana retailer is located.
- D.** Distance Restrictions for Dispensaries and Retailers.
  - 1.** Except for marijuana retail couriers, a marijuana regulatory license will not be granted for a medical dispensary or a marijuana retailer that is within 1,000 feet of another medical dispensary or another marijuana retailer. The distance between the dispensaries and retailers shall be computed by direct measurement of the nearest portion of the building in which one medical dispensary or marijuana retailer is located to the nearest portion of the building in which the other medical dispensary or marijuana retailer is located.
  - 2.** The distance requirement in Subsection 14B.130.040 D.1. shall not apply for applications for medical dispensary licenses received by the Director between November 1, 2015 and January 29, 2016, that meet the following criteria:
    - a.** The medical dispensary has been:
      - (1)** Registered, operating and in good standing with the Oregon Health Authority since on or before July 1, 2015 and had a valid City of Portland Business License on or before July 1, 2015.
      - (2)** Registered and in good standing with the Oregon Health Authority since on or before September 30, 2015, if the



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1. Any public elementary or secondary school for which attendance is compulsory under ORS 339.020 (2013); or
  2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1) (a) (2013).
  3. The distance from a school to a medical dispensary or a marijuana business retailer shall be computed by direct measurement from the nearest property line of the land used for the school to the nearest portion of the building in which the medical dispensary or marijuana retail business is located.
  4. If a school described in Subsection 14B.130.040 D. that has not previously been attended by children is established within 1,000 feet of a medical dispensary, marijuana retailer or marijuana retail courier for which a license has been issued under Chapter 14B.130, the medical dispensary, marijuana retailer or marijuana retail courier located at that premises may remain at that location unless:
    - a. The Office of Community & Civic Life revokes the license of the marijuana business under Section 14B.130.110; or
    - b. A new application is required.
- F. No medical dispensary, marijuana business, marijuana laboratory, or research certificate holder may be located in residential zones RF through RH or where otherwise not allowed per City Code.
- G. A marijuana retail courier may not operate their licensed premises as being generally open to the public for business. All sales must be conducted off-site by delivery to consumers in accordance with the standards established in OAR 845-025-2880, as in effect on December 1, 2016.
- H. A person or business operating a medical dispensary, marijuana business, marijuana laboratory, or research certificate holder must comply with all state and local regulations that apply.

**14B.130.050 Application Procedure.**

(Amended by Ordinance Nos. 188178, 188602, 189078 and 189183, effective September 26, 2018.)

- A. Applications for marijuana regulatory licenses will be processed in the order they are received by the Director. The application shall not be considered received until all the required information and documentation has been submitted and the application fee has been paid. An applicant for a marijuana regulatory license shall complete an application that includes the following information:

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1. All completed forms fully executed and signed, including:
  - a. Personal history forms, as developed by the Office of Community & Civic Life, for any person who will be directly involved in the management or operation of the proposed medical dispensary or marijuana business for review of the application under Subsection 14B.130.070 C.
  - b. An information form, as developed by the Office of Community & Civic Life that includes a description of the planned business operations and a security plan describing how the applicant intends to comply with the requirements of Section 14B.130.080.
  - c. If the application is for a medical dispensary or marijuana retailer, a Marijuana Control Plan to address security protocols, potential nuisance activities and other public safety concerns.
2. A Business License Certificate of Compliance as provided in Section 7.02.300, and;
3. Documentation of having an existing security system and proof of application submittal for an alarm permit from the Portland Police Bureau, and electrical permit from the Bureau of Development Services as needed for the premise.
4. Documentation of having an existing air filtration system or proof of application submittal for applicable permits to ensure odor impacts upon neighboring properties are minimized.
5. Proof of ownership or legal possession of the premises to be licensed for the term of the proposed license. If the licensed premises will be leased, the application shall include, a true and complete copy of the executed lease showing the property owner has authorized the use as a medical dispensary or marijuana business.
6. Marijuana producers and processors must provide documentation showing that an applicable commercial building permit has been issued or obtained. Marijuana processors of cannabinoid extracts must also provide documentation showing that the applicable commercial building permit, mechanical permit(s) for extraction equipment, and tank permit(s) from the City Fire Marshal's Office have been obtained and received final inspection approval. The documentation for a commercial building permit may include a temporary Certificate of Occupancy.

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7. A non-refundable application fee as stated in the fee schedule adopted by City Council. Fees will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Office of Community & Civic Life.
  8. The Director may, at the Director's discretion, require additional documentation associated with the application as may be relevant to the requirements of this Chapter. To the extent any materials have been included with the applicant's state license application and forwarded to the City by the state licensing authority, the Director may rely upon the information forwarded from the state without requiring submittal of the same materials in conjunction with the marijuana regulatory license application.
  9. The licensee shall notify the Office of Community & Civic Life of any changes in the information required in Subsections 14B.130.050 A.1.a.-c. within 10 business days of the change. If ownership of the licensed entity changes by 51 percent or more, a new application is required.
- B.** Applications for renewal of marijuana regulatory licenses must demonstrate compliance with Subsections 14B.130.050 A.1.-9. on a form provided by the Office of Community & Civic Life and pay an annual fee as stated in the fee schedule adopted by City Council.

**14B.130.055 Social Equity Program.**

(Added by Ordinance No. 189183, effective September 26, 2018.)

- A.** Applicants may request participation in the Social Equity Program by demonstrating qualifications on a form provided by the Office of Community & Civic Life.
1. To qualify as a Social Equity Applicant, the applicant must demonstrate at least one of the following qualifying factors:
    - a.** Applicant provides opportunities to individuals directly impacted by criminal prosecutions during cannabis prohibition as demonstrated by:
      - (1)** 25 percent or greater of ownership is represented by individuals with a federal or state conviction for a criminal offense committed prior to July 1, 2015 in which possession, delivery or manufacture of marijuana or marijuana items is an element, whether misdemeanor or felony; or



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2. A Social Equity Applicant that meets one of the qualifying factors shall receive Marijuana Regulatory License fee credits as follows:
  - a. 15 percent credit from the Marijuana Regulatory License fee; and
  - b. If the application is for a producer or processor marijuana regulatory license, the Social Equity Applicant will receive credit in the form of a license fee credit for documented payments to Bureau of Development Services for related Life Safety Preliminary Meetings and Early Assistance Meetings, or substantially similar assistance programs available at Bureau of Development Services. The license fee credit will be up to the lesser of \$750 or the total license fee.
  - c. Requests for credit should be directed to the Office of Community and Civic Life. All such credits will be deducted from the Marijuana Regulatory License fees.
  
3. A Social Equity Applicant that meets at least two of the qualifying factors shall receive Marijuana Regulatory License fee credit as follows:
  - a. 25 percent credit from the Marijuana Regulatory License fee; and
  - b. If the application is for a producer or processor marijuana regulatory license, the Social Equity Applicant will receive credit in the form of a license fee credit for documented payments to Bureau of Development Services for related Life Safety Preliminary Meetings and Early Assistance Meetings, or substantially similar assistance programs available at Bureau of Development Services. The license fee credit will be up to the lesser of \$1,500 or the total license fee.
  - c. Requests for credit should be directed to the Office of Community and Civic Life. All such credits will be deducted from the Marijuana Regulatory License fees.

**14B.130.060 Notice.**

- A. The Director shall provide notice of an application before a final decision is made to the Bureau of Police, Portland Fire & Rescue, Bureau of Revenue and Financial Services, and Bureau of Development Services.
- B. For medical dispensaries and marijuana business retailers, the Director shall provide notice of an application before a final decision is made to:
  1. Property owners and property occupants within 300 feet of the proposed licensed premises except for renewal applications and locations previously licensed for the proposed use with change in ownership;

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2. The District Coalition Office and Neighborhood Association in which the marijuana regulatory Licensee is located, or proposed to be located.
3. Area residents by posting a public notice where the marijuana regulatory licensee is located, or proposed to be located.

**14B.130.070 Issuance and Renewal of the License.**

(Amended by Ordinance Nos. 188178, 188329, 188602, 189078 and 189183, effective September 26, 2018.)

- A. Upon filing of an application and payment of the required application fee, the Director shall ensure that the location proposed to be licensed or registered meets the minimum standards as defined in Section 14B.130.040. If the proposed location meets the minimum standards the Director shall proceed with processing the application. If the location does not meet the minimum standards the Director shall deny the application.
- B. If the proposed location meets the minimum standards as defined in Section 14B.130.040, the Director in consultation with the Chief of Police, shall conduct an investigation of the application and all principals listed according to the requirements in Subsection 14B.130.050 A. If no cause exists for denial, the Director shall issue the license after the following has been received;
  1. Proof that a state license or registration has been issued.
  2. The license fee as stated in the fee schedule adopted by City Council. Fees, including late fees, will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Office of Community & Civic Life.
    - a. Applicant may request a license fee deferred payment plan by submitting a form provided by the Office of Community & Civic Life to demonstrate financial need.
    - b. If the applicant's deferred payment plan request is approved by the Director, fees must be paid as follows:
      - (1) Any marijuana micro-producer tier I, marijuana micro-producer tier II, marijuana micro-wholesaler, or marijuana courier must make an initial payment of \$250 before the Director issues the license. The licensee must pay the remaining license fee of \$750 within 6 months of the license effective date.



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5. The Director finds by preponderance of the evidence that the applicant or any person directly engaged in the management and operation of the medical dispensary or marijuana business has violated local or State law including a permitting or licensing requirement.
- D. Notwithstanding Subsection 14B.130.070 B., the Director may grant a license after consulting with the Chief of Police despite the presence of one or more factors as outlined in Subsection 14B.130.070 C., if the applicant establishes to the Director's satisfaction that,
  1. The behavior evidenced by such factor is not likely to reoccur;
  2. The behavior evidenced by such factor is remote in time; or
  3. The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to this Chapter.
- E. Marijuana regulatory licenses are valid for a term of 1 year and a renewal schedule will be established by rule. The license is non-transferable and valid only for a single fixed location.
  1. When the business location is to be changed, the licensee shall provide the address of the new location in writing to the Director to review for compliance with the requirements of this Chapter at least 60 days prior to the change.
  2. A person with multiple dispensaries or business locations must apply for and obtain a license for each separate location.
- F. Upon denial of an application for a marijuana regulatory license, the Director shall give the applicant written notice of the denial in accordance with the minimum requirements of Chapter 3.130 of Portland City Code.
  1. Service of the notice shall be by mail to the address of the primary contact for the application on file with the Director. In addition, the Director may also send notices to other addresses known for the applicant or person including electronic delivery.
  2. Mailing of the notice will be prima facie evidence of receipt of the notice.
- G. The denial will be effective the date the notice is sent.
- H. Denial of a marijuana regulatory license may be appealed by filing written notice of an appeal within 10 business days of the date of denial in accordance with Section 14B.130.120.

**14B.130.080 Requirements.**

(Amended by Ordinance Nos. 187391, 187611, 188178 and 189183, effective September 26, 2018.)

- A.** A marijuana regulatory licensee must comply with the following regulations:
- 1.** Licensee must display the marijuana regulatory license at the business location in a manner readily visible to patrons.
  - 2.** Licensee may not allow consumption of marijuana or marijuana items on the premises licensed under Chapter 14B.130, except as specifically authorized by Oregon law for employees of medical marijuana dispensaries who are valid, current registry identification cardholders.
  - 3.** Licensee must install and maintain in proper working order at the licensed premises a security system including alarms, safes, and surveillance cameras.
    - a.** Licensee must maintain camera surveillance data backup.
    - b.** Licensee must retain camera surveillance data for a minimum of 30 days.
  - 4.** Licensee must correct any violations and comply with any stop work orders issued by any City Bureau.
- B.** Any person with a marijuana regulatory license for a medical dispensary or marijuana retailer must comply with the following regulations:
- 1.** Licensee must designate personnel at the entrance intended for consumers to require all persons entering the premises to produce an approved form of identification according to ORS 614.24.1.a-e in order to ensure that no one under the age of 21 is allowed on the premises, except as provided for under ORS 475.314.
  - 2.** Licensee must maintain hours of operation no earlier than 7 a.m. and no later than 10 p.m.
  - 3.** Licensee must not make marijuana or marijuana items available for sale from a vendor cart, temporary structure, or satellite location, or through exterior openings of the licensed premises, such as drive-thru facilities or walk up windows.
- C.** Any person with a marijuana regulatory license for a marijuana retailer must comply with the following regulations:

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1. Licensee may provide delivery of marijuana and marijuana items to a residence in Portland in accordance with OAR 845-025-2880, as in effect on December 1, 2016 and subject to compliance with the requirements of this Chapter.
  2. Licensee may sell marijuana items for medical purposes in accordance with OAR 845-025-2900, effective December 1, 2016.
- D.** Any person with a processor marijuana regulatory license or micro-tier processor endorsement must comply with the following requirements:
1. Licensee must not allow the licensed location to be open to the general public.
  2. Licensee must adhere to applicable state and local regulations for food production, ensuring that marijuana items made for consumption by eating or drinking are processed in a licensed facility.
- E.** Any person with a marijuana micro-producer tier I, marijuana micro-producer tier II, producer, marijuana micro-wholesaler or marijuana wholesaler marijuana regulatory license must comply with the following requirements:
1. Licensee must not allow the licensed location to be open to the general public.

**14B.130.090 Inspection of Property and Records.**

(Amended by Ordinance Nos. 188178, 188602 and 189078, effective July 18, 2018.)

- A.** Upon presentation of proper credentials, an Applicant or Licensee shall allow any representative of the Bureau of Police or the Office of Community & Civic Life to enter the business location to ensure compliance with the provisions of Chapter 14B.130. The inspection will be for the limited purpose of inspecting the property and related records as provided in this Chapter and the administrative rules. Except by mutual agreement with the Applicant or Licensee or by court order, any inspection under this Section may occur only during the business' normal business hours.
1. The Director shall first present proper credentials and demand entry to the property. If entry is refused, the Director may attempt to secure entry by any legal means.
  2. If the Director has first obtained an inspection warrant to secure entry onto the property, no owner or occupant shall refuse, fail or neglect, after proper request, to promptly permit entry by the Director to the property.

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- B.** It shall be unlawful for any owner or occupant to refuse to permit entry by the Director to inspect the property under this Chapter after an inspection warrant has been obtained.
- C.** Grounds for Issuance of inspection warrants.
- 1.** Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.
  - 2.** Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with this Chapter exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity this Chapter.
- D.** Procedure for Issuance of inspection warrants.
- 1.** Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.
  - 2.** Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8 a.m. and 6 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.
  - 3.** Police Assistance. In issuing an inspection warrant on unoccupied property, including inspection warrants pursuant to Section 14B.130.090, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to

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enter the described property to ensure the safety of the Director or representative of the bureau in completing the inspection.

- E.** Execution of inspection warrants.
- 1.** Occupied Property. Except as provided in Subsection 2. of this Section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
  - 2.** Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in Subsection 1. of this Section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.
  - 3.** Return. An inspection warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this Subsection, the warrant unless executed is void.

**14B.130.100 Penalties.**

(Amended by Ordinance Nos. 187557 and 188178, effective December 21, 2016.)

- A.** The Director may assess civil penalties in an amount up to \$5,000 for any violation of this Chapter.
- B.** Procedure.
- 1.** Having made a determination that a violation of this Chapter has occurred, the Director shall give written notice of a decision to assess civil penalties. The Director's written notice shall be in accordance with the minimum requirements of Chapter 3.130 of the Portland City Code.
  - 2.** Service of the notice shall be by mail to the address of the primary contact for the Licensee on file with the Director. In the case of a person operating without a Marijuana Regulatory License, service of the notice shall be by mail to such address as the Director has on file for that person, or is otherwise available to the Director. In addition, the Director may also send

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notices to other addresses known for the person including electronic delivery.

3. Mailing of the notice will be prima facie evidence of receipt of the notice.
  4. The civil penalty will be due 10 business days from the date of the notice unless appealed in accordance with Section 14B.130.120.
- C. In determining the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Director shall consider:
1. The extent and nature of the person's involvement in the violation;
  2. The economic or financial benefit accruing or likely to accrue as a result of the violations;
  3. Whether the violations were repeated or continuous, or isolated and temporary;
  4. The magnitude and seriousness of the violation;
  5. The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
  6. Any other factors the Director may deem to be relevant.

**14B.130.110 Revocation or Suspension of License.**

(Amended by Ordinance Nos. 188178 and 189078, effective July 18, 2018.)

- A. The Director may, after consulting with the Chief of Police, revoke or suspend any license issued pursuant to this Chapter.
1. For any cause that would be grounds for denial of a license; or,
  2. Upon finding that any violation of the provisions of this Chapter, State, or local law has been committed and the citation is connected with the operation of the licensed business location so that the person in charge of the business location knew, or should reasonably have known, that violations or offenses were permitted to occur at the location.
  3. If payment of civil penalties has not been received within 10 business days by the Office of Community & Civic Life.
- B. The Director, upon revocation or suspension of any license issued pursuant to this Chapter, shall give the Licensee written notice of the revocation or suspension in

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accordance with the minimum requirements of Chapter 3.130 of Portland City Code.

1. Service of the notice shall be by mail to the address of the primary contact for the Licensee on file with the Director. In addition, the Director may also send notices to other addresses known for the applicant or person including electronic delivery.
  2. Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.
- C. Revocation will be effective and final 10 business days after the date of notice unless the revocation is appealed in accordance with Section 14B.130.120.
- D. Suspension will be effective immediately upon the date of the notice, for the period of time set in the notice not to exceed 30 days.

**14B.130.120 Review by the Director and Appeals to the Code Hearings Officer.**  
(Amended by Ordinance No. 188178, effective December 21, 2016.)

- A. Any determination issued pursuant to Sections 14B.130.070, 14B.130.100 or 14B.130.110 believed to be made in error may be reviewed by the Director if requested by the recipient. The request must be submitted in writing within 10 business days of the determination, and must include all evidence that supports the request. Service of notice of the determination shall be by mail to the address for the primary contact for the application on file with the Director. The Director's determination shall be served by regular mail. Mailing of the notice of determination will be prima facie evidence of receipt of the notice. In addition, the Director may also send notice of the determination to other addresses known for the applicant or person including electronic delivery.
- B. The Director's determination may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of Portland City Code.
- C. The filing of a notice of appeal of revocation or suspension of a license, or of a civil penalty imposed by the Director under this Chapter, will stay the effective date of the action until the Code Hearings Officer issues an opinion.

**14B.130.130 Severability.**

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, void, illegal or unconstitutional, either on its face or as applied, such decision shall not affect the applicability, constitutionality, legality or validity of any remaining portions of this chapter. The Council hereby declares its intention to have adopted this chapter, and each section, subsection, sentence, clause, and phrase of this chapter, regardless of the fact that any one or more sections, subsections, sentences, clauses, or

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phrases may be declared invalid, void, illegal or unconstitutional, and that the same would have been adopted by the Council had such invalid, void, illegal or unconstitutional sections, subsections, sentences, clauses, or phrases, if any, not been included in this Chapter.

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**CHAPTER 14C.10 - POLICE DUTIES TO  
INVENTORY PROPERTY**

**Sections:**

- 14C.10.010 Purpose.
- 14C.10.020 Definitions.
- 14C.10.030 Inventories of Impounded Vehicles.
- 14C.10.040 Inventories of Persons in Police Custody.

**14C.10.010 Purpose.**

This Chapter is meant to apply exclusively to the process for conducting an inventory of the personal property in an impounded vehicle and the personal possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search or seize possessions for other purposes.

**14C.10.020 Definitions.**

For the purpose of this Chapter, the following definitions shall apply:

- A. “Valuables” means:
  - 1. Cash money of an aggregate amount of \$50 or more; or
  - 2. Individual items of personal property with a value of \$500 or more.
- B. “Open container” means a container which is unsecured or incompletely secured in such a fashion that the container’s contents are exposed to view.
- C. “Closed container” means a container whose contents are not exposed to view.
- D. “Police custody” means either:
  - 1. The imposition of restraint as a result of an ‘arrest’ as that term is defined at ORS 133.005(1);
  - 2. The imposition of actual or constructive restraint by a police officer pursuant to a court order;
  - 3. The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 430, or Chapter 419B; or
  - 4. The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement or detaining of persons pursuant to Oregon Revised Statute or this Code.

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

**14C.10.030 Inventories of Impounded Vehicles.**

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



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



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

**Sections:**

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

**14C.20.010 Maintenance of Property/Evidence Division.**

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

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

**14C.20.020 Receipts for Property.**

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

**14C.20.030 Records.**

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

**14C.20.040 Evidence Property.**

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

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

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

#### **14C.20.060 Found Property.**

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

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

**Sections:**

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

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

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

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

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

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

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

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

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

#### **14C.30.040 Seizure and Disposition of Weapons.**

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

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

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

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

**14C.30.060 Caretaking of Property.**

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

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

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

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

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

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

# TITLE 17 - PUBLIC IMPROVEMENTS

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**17.14.060 Cancellation.**

(Amended by Ordinance Nos. 183447 and 189413, effective March 6, 2019.)

- A.** Upon written request of the responsible City bureau, the Revenue Division is authorized to cancel assessments of system development charges, without further Council action, where the property is not physically connected to the public improvement of where the new development approved by the building permit is not constructed and the building permit is cancelled. The Revenue Division shall establish administrative guidelines and fees or charges relating to the cancellation of assessments. The Revenue Division shall maintain on file for public inspection a current copy administrative guidelines and fees or charges.
- B.** For property which has been subject to a cancellation of assessment of system development charges, a new installment payment contract shall be subject to the code provisions applicable to system development charges and installment payment contracts on file on the date the new contract is received by the City.

**17.14.070 System Development Charge Exemptions.**

(Added by Ordinance No. 189050; amended by Ordinance Nos. 189323 and 190381, effective August 1, 2021.)

- A.** Affordable housing developments are exempt from all system development charges as provided by Section 30.01.095 of this Code.
- B.** Certain developments and uses are exempt from parks and recreation system development charges as provided by Section 17.13.060 of this Code.
- C.** Certain developments and uses are exempt from transportation system development charges as provided by Section 17.15.050 of this Code.
- D.** Temporary uses are exempt from sanitary sewer system development charges as provided by Section 17.36.040 of this Code.
- E.** Certain developments and uses are exempt from water service system development charges as provided by Section 21.16.170 of this Code.
- F.** An accessory dwelling unit, as that term is defined in Chapter 33.910 of this Code, is exempt from all system development charges under the following conditions:
  - 1.** The building permit application for the accessory dwelling unit must have an intake date of August 1, 2018 or later.
  - 2.** Prior to issuance of a building permit for the accessory dwelling unit, the applicant must submit a recorded covenant on a form provided by the Revenue Division of the Bureau of Revenue and Financial Services. The covenant will prohibit the use of the accessory dwelling unit or any other structure on the property as an accessory short-term rental, as that term is

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defined in Chapter 33.207 of this Code, for a period of 10 years from the date of permit final inspection. The covenant must be recorded in the deed records for the property before the City will issue the building permit.

3. The Revenue Division will enforce the requirements of this Section and may:
  - a. Adopt, amend, and repeal administrative rules, establish procedures, and prepare forms for the implementation, administration, and enforcement thereof;
  - b. In the event of a violation, use any reasonable means to collect debt, including but not limited to private collection agencies, liens, or lawsuits;
  - c. Delegate functions under this Section as deemed appropriate by the Revenue Division;
  - d. Impose a civil penalty of up to \$500 for failure to pay an application fee within 60 days of the approval of an SDC fee waiver;
  - e. Impose a civil penalty of up to \$500 per violation for failure to provide requested information to the Division; and
  - f. Waive or reduce for good cause any civil penalty assessed under this Section.
  
4. If an applicant for an exemption under this section or a successor-in-interest thereof violates the covenant for an accessory dwelling unit or any requirement of this section, or if the covenant is terminated according to its terms:
  - a. The exemption will be terminated and all previously exempt portions of system development charges will become immediately due and payable by the then-owner of the property. The amount owing will be 150 percent of the rates in effect at the time the violation is identified or the covenant is terminated, whichever is later.
  - b. For the purpose of applying any previous use credits, SDC Bureaus will use the timeframe of the ADU building permit intake date. If credits are applicable, SDC Bureaus will apply credits using the rates in effect at the time the violation is identified, or the covenant terminated, whichever is later.
  - c. A processing fee of \$400 per waiver application shall apply from August 1, 2018 through June 30, 2019. Thereafter the Revenue

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Division Director shall publish a fee schedule based on cost recovery.

- d.** The City may collect reinstated system development charges, processing fees, carrying charges, and the actual costs of collections by recording a property lien pursuant to Title 22 of this Code.
- G.** Mass, outdoor and short term shelters are exempt from all system development charges as provided by Portland City Code Section 30.01.096.
- H.** Occupied recreational vehicles as allowed by Portland City Code Sections 29.50.050 A.2. and A.5. are exempt from all system development charges.



**CHAPTER 17.36 - SEWER USER CHARGES**

(Chapter replaced by Ordinance No. 185870,  
effective February 22, 2013.)

**Sections:**

- 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.

**17.36.010 Intent.**

This Chapter governs the collection of sewer user charges by the Bureau of Environmental Services (BES) as authorized by the City Charter. It also includes collection processes applicable to other charges assessed by BES.

**17.36.020 Definitions.**

(Amended by Ordinance Nos. 186902, 187926, 189506 and 190482, effective July 30, 2021.) The following definitions apply to this Chapter:

- A. **“Billing Error”** means an instance in which a calculation used by the City for billing is not consistent, in the determination of the City, with adopted City Code and Administrative Rules for billing sewer volume and stormwater management charges.
- B. **“Biochemical Oxygen Demand (BOD)”** means the quantity of oxygen utilized in the biochemical oxidation of organic matter per Guidelines Establishing Test Procedures for the Analysis of Pollutants, contained in 40 CFR 136.
- C. **“Branch”** means the public portion of the horizontal piping system connecting from the plumbing system of a building or buildings to a public or private sewer.
- D. **“Branch Charge”** means a connection charge that reimburses the City for the costs of designing and constructing a public sewer extension and providing individual service laterals.
- E. **“Congregate Housing Facility”** means a building, collection of buildings, or a portion of a building that includes separate bedrooms and individual or shared

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bathrooms and that includes no more than one kitchen per 12 bedrooms. A congregate housing facility is not a dwelling unit.

- F.** “**Connection Charge**” means a charge assessed by the City for providing public sewer and stormwater management services to a property. A connection charge may include a line charge, branch charge, sanitary sewer system development charge, and a stormwater system development charge. Connection charges are for use or expansion of use of City sanitary or stormwater management services.
- G.** “**Director**” means the Director of the Bureau of Environmental Services or the Director’s designee.
- H.** “**Equivalent Dwelling Unit (EDU)**” means the estimated average sanitary flow from a single-dwelling development, also referred to as a single-family dwelling charged to a sewer account.
- I.** “**Extra Strength Charge**” means the additional charge to wastewater dischargers who have constituent discharges at concentrations above levels normally expected in domestic wastewater, as determined by this Chapter and general ordinance.
- J.** “**Groundwater**” means subsurface water that occurs in soils and geological formations that are fully saturated. Groundwater fluctuates seasonally and includes perched groundwater.
- K.** “**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.
- L.** “**Impervious Area**” means the area of a property that does not allow rainwater to percolate naturally into the ground.
- M.** “**ITE Manual**” means the manual used per Section 17.15.020 to determine transportation system development charges.
- N.** “**Line Charge**” means a connection charge that reimburses the City for the costs of designing and constructing sanitary sewer lines that serve multiple connecting properties.
- O.** “**Net New Impervious Area**” means the difference between existing impervious area on a property, and any increase in impervious area that results from a proposed use(s) of the property.
- P.** “**Net New Vehicular Trips**” means the difference between the vehicular trips generated by the existing use of a property, and any increased number of the vehicular trips generated from a proposed use(s) of the property.

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- Q.** “**Non-Routine Discharge**” means a definable/explainable uncontrolled release or spill to the sanitary sewer system that is not representative of the normal or expected characteristics of a facility’s wastewater discharge and that may include discharges defined as slugloads under Chapter 17.34.
- R.** “**Rate**” means the multiplication factor used to generate a connection or user charge based on cost-per-unit proxies such as gallons of discharge, square feet, or feet of road frontage. Rates can be multiplied by other factors
- S.** “**Ratepayer**” means a person who has the right to possession of a property and:
1. Who causes or permits the discharge of sanitary sewage into the public sewer system, or
  2. Whose use of the property directly or indirectly benefits from stormwater management services provided by the City.
- T.** “**Rolling Average**” means the average of the 10 most recent monthly averages of representative City- and/or self-monitoring events for the purpose of calculating an extra-strength sewage charge rate, unless another period is approved by the Director.
- U.** “**Sanitary Sewage**” means wastewater discharged to the public sewer system by permit or other approval of the Director and includes, but is not limited to, domestic wastewater, industrial and commercial process wastewater and contaminated stormwater.
- V.** “**Sanitary Sewer Conversion Charge**” means the charge to convert a nonconforming sewer, as that term is defined in Chapter 17.33. This charge is assessed in lieu of line and branch connection charges.
- W.** “**Sanitary System Development Charge (SDC)**” means a connection charge for new or increased demand of the public sewer system. This charge reimburses the City for an equitable portion of the costs of major sewer facilities such as wastewater treatment facilities, pump stations and interceptor sewers.
- X.** “**Seed**” means a population of microorganisms capable of oxidizing biodegradable organic matter that is added to a wastewater sample as part of the analysis of biochemical oxygen demand (BOD). Only seed prepared using primary effluent from the City’s Columbia Boulevard Waste Water Treatment Plant may be used for this analysis.
- Y.** “**Stormwater Management Facility**” means a facility or other technique used to reduce volume, flow rate, or pollutants from stormwater runoff. Stormwater facilities may reuse, collect, convey, detain, retain, or provide a discharge point for stormwater runoff.

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- Z.** “**Stormwater Management Services**” means services and actions used to collect, convey, detain, retain, treat or dispose of stormwater. These services include managing stormwater runoff from public streets, mitigating flooding, preventing erosion, improving water quality of stormwater runoff, collecting and conveying stormwater runoff from private properties when runoff exceeds the capacity of private facilities to manage stormwater onsite, mitigating impacts to natural habitats caused by stormwater runoff, and protecting properties and natural habitats from hazardous soils and materials that are discharged from private properties and public rights-of-way.
  
- AA.** “**Stormwater System Development Charge (SDC)**” means a connection charge for new or increased demand of the public stormwater and drainage system. This charge reimburses the City for an equitable portion of the costs of public stormwater management facilities such as collection and conveyance facilities, detention and disposal facilities, and water pollution reduction facilities.
  
- BB.** “**Temporary Connection**” means a connection to the sanitary sewer system where the duration of the connection is less than three years and connection and disconnection occur only once. Connections made to the public sewer, stormwater or drainage system made for the purpose of environmental remediation will not be considered a temporary connection unless approved by the Director.
  
- CC.** “**Temporary Structure**” means a structure that is separate and distinct from all other structures and is created and removed in its entirety within 3 years, including all impervious area associated with the structure.
  
- DD.** “**Total Suspended Solids (TSS)**” means the total suspended matter that either floats on the surface or is suspended in water or wastewater and that is removable by laboratory filtering in accordance with 40 CFR 136 Table B.
  
- EE.** “**Transportation SDC Study**” means the transportation system development methodology established by Chapter 17.15.
  
- FF.** “**User Charge**” means a charge paid by a ratepayer for the use of public sanitary or stormwater management services. User charges are calculated on a routine basis such as monthly or annually.

**17.36.030 Annual Rate Ordinance.**

Charges authorized by this Chapter pay for the City to provide sewer and stormwater management services. Charges are calculated based on true costs of service or may be based on rates per unit volume or usage or area served. Charges and rates are established via a BES rate ordinance adopted annually by the City Council. Charges are effective on a fiscal-year basis (July 1 to June 30 of the following year).

**17.36.040 Sewer System Connection Charges.**

(Amended by Ordinance Nos. 186403, 189050, 189323, 189506, 189750, 190381 and 190482, effective July 30, 2021.) Connection charges are for establishing a new connection, new use or expanding existing uses of the public sewer and City stormwater facilities. A property may be subject to one or more of these charges depending on the connections made.

- A.** The methodology for calculating connection charges is set forth in the Sanitary and Stormwater System Development Charge Methodology administrative rules (PPD item ENB – 4.05).
  
- B.** Payment is required upon issuance of a building or connection permit or, for connections related to City sewer extension projects, prior to or at the time a property physically connects to the public system.
  - 1.** Prepayment. A person may pre-pay connection charges by providing a letter of intent that includes the parcel description and address, if applicable, and the estimated number of EDUs or impervious area. The Director may grant a refund at any time for excess charges at the rate in effect at the time of building permit or connection. Prepayment of connection charges does not guarantee reserved system capacity or usage of City sewer or drainage services. The Director may accept a cash or surety bond posted by the owner of the occupancy in lieu of immediate payment of the charge if:
    - a.** The appropriate number of EDUs for the occupancy cannot be determined before the permit is issued; or
    - b.** The Director has determined the number of equivalent dwelling units for the occupancy but the applicant does not agree with the Director’s determination.
  
  - 2.** True-up. Within 2-1/2 years after connection, the Director will determine the number of EDUs and the amount of the SDCs due, using water consumption records or other evidence. Upon notice, the applicant must pay the SDCs within 60 days or the bond will be forfeited upon approval by the Director and the Commissioner-in-Charge.
  
  - 3.** Deferral of connection charges. Users who qualify to defer SDC or other sewer connection charges but who want to connect to the system can defer payment of connection charges until such date as the Director may specify as authorized by ordinance. The charge in effect at the time of connection is applied at time of payment. Deferred connection charges are delinquent when not paid after a period of 90 days from the date due and bear interest and penalties as set forth in this Chapter. Users may convert the deferral to an installment payment loan. The Director will establish rules, procedures and forms to govern the administration of the deferral program.

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- C. Sanitary System Development Charge (SDC).**
- 1.** A person must pay sanitary SDCs for:
    - a.** Connecting a building property to a sanitary or combined sewer;
    - b.** Increasing sewer usage by alteration, expansion, improvement, or conversion of a building already connected to the sewer; or
    - c.** Increasing flow to a sanitary or combined sewer by causing contaminated stormwater or groundwater to enter the sewer.
  - 2.** Sanitary SDCs are calculated based on the number of EDUs.
    - a.** EDUs for nonresidential uses and congregate housing facilities will be calculated from drainage fixture units (DFUs), as defined by the Oregon Plumbing Specialty Code in effect at the time of the permit application.
    - b.** Industrial wastewater. Industrial wastewater dischargers are subject to review of sewer usage within two years of occupancy. EDUs are calculated from the highest 6-month average of metered usage over that period. The user of record is responsible for EDUs in excess of those paid at the issuance of the permit.
    - c.** EDUs for groundwater or other permitted discharges to sanitary or combined sewer are calculated based on estimated discharge volume.
  - 3.** Temporary use. Temporary structures and connections are not subject to sanitary SDCs. However, sanitary SDCs, including penalties and interest charges, become due and payable for structures or connections that are not removed within three years. Temporary structures and temporary connections are not exempt from paying user charges, including extra strength charges.
  - 4.** Credits. Sanitary SDC credits may be awarded for each EDU purchased prior to the demolition or disconnection of the development to which the EDU applies.
- D. Sanitary Line Charge.**
- 1.** Residential Property. The line charge is based on the charge rate as established by City Council and the square footage of that portion of the property receiving service that lies within 100 feet of the public right-of-way or easement where a sewer has been constructed or is planned. Such street or easement line is considered as continuing 100 feet beyond the end

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of the main line sewer or beyond where the sewer turns away from the property. Owners of flag, oddly shaped or landlocked properties must pay at least a minimum line charge based on an assumed minimum lot size of 1,200 square feet.

2. Non-Residential Property. The line charge is based on the charge rate as established by City Council and the square footage of the portion of the property receiving service that lies within 300 feet of the public right-of-way or easement where a sewer has been constructed or is planned. Such street or easement line is considered as continuing 300 feet beyond the end of the main line sewer or beyond where the sewer turns away from the property. Owners of flag, oddly shaped or landlocked properties must pay at least a minimum line charge based on an assumed minimum lot size of 3,600 square feet.
3. When an adjacent, developed lot, as defined in Title 33 of this Code, is under the same ownership and used in conjunction with a neighboring, developed lot that is connected to the sewer, the adjacent lot is charged a line charge for its frontage as described above. This condition includes but is not limited to improved parking lots, and lots with garages or landscaping.
4. Lack of gravity service. When a sewer is constructed that can not provide full gravity service, the line charge is reduced by:
  - a. 50 percent if the property has gravity service to the first floor only and must install a pump for the basement; and
  - b. 75 percent if no gravity service is available for the first floor and the property must install a pump.

The adjustment may not exceed the costs associated with the installation of a pump system.

- E.** Branch charge. BES collects a branch charge for providing a branch sewer to the property, but only if the property was not assessed for the branch or its equivalent previously.
1. Additional charges may be assessed to cover the City's design and construction costs for branches that were requested by the user but not ultimately used. These charges must be paid before the property may be connected to the public system.
  2. Sampling manhole charge. When a property is subject to an extra strength charge as described in Subsection 17.36.060 A., the user may request that the City install a sampling manhole on the branch. The user must pay all direct and indirect costs of installing the manhole.

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- F.** Sewer Conversion Charges. A property owner with a nonconforming connection as defined in Chapter 17.33 must pay sanitary sewer conversion charges based on use and as determined by administrative rule at the time the City provides a new sewer connection.
- G.** Stormwater System Development Charge. The stormwater SDC consists of two parts: an onsite charge, reflecting use of public facilities handling stormwater flows from individual properties; and an off-site charge, reflecting use of system facilities handling stormwater flows from rights-of-way.
- 1.** The onsite charge is calculated by multiplying the net new impervious area by a rate per thousand square feet of impervious area. In the case of groundwater flows directed into stormwater facilities, the charge is calculated based on the amount of impervious area necessary to produce an equivalent flow given average rainfall.
  - 2.** The offsite charge is calculated in two parts: local access, and use of arterial streets.
    - a.** The local access portion of the offsite charge is calculated by multiplying the length of the property's frontage by a per lineal foot rate. For properties on which there is existing development and for which a stormwater SDC has previously been paid, the local access portion will be waived.
    - b.** The arterials portion of the offsite charge is calculated by multiplying net new vehicular trips by a rate per vehicular trip. Vehicular trips for a particular development are determined by the Transportation SDC Study, the ITE Manual, or an alternative study acceptable to the Bureau of Transportation.
  - 3.** Credits. Credits may be granted for the onsite portion of the stormwater SDC in one of the following two cases:
    - a.** Credits of up to 100 percent of the onsite portion of the stormwater SDC may be granted for areas draining, either in whole or in part, directly to the Willamette or Columbia Rivers or to the Columbia Slough. Only discharges that do not pass through City-financed stormwater facilities and meet all applicable water quality standards are eligible for credits. Credit applications must adequately demonstrate the satisfaction of these conditions. Development using stormwater facilities built under a public works permit that convey stormwater runoff directly to the Willamette or Columbia Rivers or the Columbia Slough without passing through other City stormwater facilities is eligible for up to 100 percent credit for the onsite charge.



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4. Estimating wastewater discharges for mobile dischargers. User charges are applicable to all wastewater discharges to the City sewer system regardless of the source. In unusual circumstances where the wastewater is not from a fixed location, such as ships, barges, houseboats and other movable facilities or dwelling units, a method of determining the volume provided by the user may be used if approved by the Director. Otherwise, the Director estimates the volume of water to which user charges apply and this determination is final.
  5. In areas served by separated storm and sanitary sewer systems, the City may accept the discharge of contaminated stormwater into the sanitary sewer. The discharge volumes will be determined by the amount of impervious area producing the contaminated stormwater plus the average rainfall or a discharge meter. The discharge will be charged based on sanitary sewer volume rates.
- C.** In cases where water is supplied solely from a private source or sources such as wells, springs, rivers or creeks, or from a partial supply in addition to that furnished by the City, residential ratepayers are assigned the class average volume for their alternative source water use. Commercial ratepayers must meter the private supply either as an inflow or a discharge in conformance to the provisions of this Chapter.
- D.** Meters required. Any meter or method used for calculation of a adjusted charge or credit is subject to the administrative or special meter charge for each such meter or method. The property owner is responsible for purchasing, installing, maintaining, and calibrating the private meter and must comply with all provisions in this Title. Meters must be approved by the Director as to type, maintenance, calibration schedule, size and location before installation.
1. All meters must register in cubic feet.
  2. Meters installed on water systems supplied from private or public sources and used to measure cooling, irrigation, evaporation or product water for the purpose of obtaining reduced sewer charges must be connected in such a manner as to register only that portion of the water supply used for that purpose.
  3. Meters placed below the ground or pavement surface must have the top of the meter not more than 8 inches below the surface and must be enclosed in a standard water meter box and cover as used by the Portland Water Bureau. Meters located above the ground or floor level must not be more than 3-1/2 feet above the ground or floor level.
  4. All meters must be located in an area that is freely accessible at all times and that, in determination of the Director, does not present a danger to City employees.

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5. The owner of a meter must implement a program to ensure meter accuracy. The program should consider the manufacturer's periodic maintenance and calibration requirements. All maintenance and calibration records must be retained and available for review by City personnel.
  6. Failure of the owner, the owner's lessee, or others acting under the owner to maintain the meter in good working order constitutes a violation of this Chapter. During the period of the meter's non-operation and pending the proper repair and reinstallation of the meter, the account may be billed on the basis of three times the normal water usage or in such an amount as deemed proper by the Director.
- E.** Credits. A ratepayer must submit a written request for establishing reduced charges or credit for water not subject to sewer user charges. Requests must be received prior to any use of water that may be subject to reduced or special charges, and prior to installation of any meter. A request for credit must include a meter maintenance plan and a mechanical plan showing the proposed meter location, access route to the meter, the water supply or source, the cooling or other water-using equipment, and the discharge point. Reduced charges or credits will not be given for any period prior to the date of approval. No reduced sewer charge may be given until the Director has approved the request.
1. Water not subject to sewer user charges. The Director may exempt from sewer user charges water that is used in a manufactured product such as ice, canned goods or beverages; or for water lost by evaporation or used in irrigation. To calculate the quantity of exempt water, a meter must be installed to the satisfaction of the Director.
  2. Clean water discharges. When a non-residential ratepayer requests approval for a temporary or permanent discharge of clean water to a public sewer system, the discharger must install meters or provide other verifiable and quantifiable information using a method approved by the Director to determine the volume of water to be discharged. Water such as that used for refrigerating or cooling purposes or condensed from steam and that has been put to no other use may be discharged into the sanitary system as clean water.
    - a. Clean water to storm sewer or other public drainage systems. Charges are calculated based on the clean water discharge-to-storm rate multiplied by the measured or estimated volume of water discharged to a public storm sewer or other public drainage system.
    - b. Clean water to sanitary or combined sewer systems. Charges are the same for other sewer uses and are calculated based on the non-residential sewer services rate multiplied by the measured or

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estimated volume of water discharged to a public sanitary or combined sewer.

3. Conditions for revoking reduced charges or credits. The following conditions will nullify discounts and reinstate full user charges until such time as the owner or person in charge of the premises formally notifies the Director that the situation has been rectified.

- a. Defective discharge meters. During the period of the meter's non-operation and pending the proper repair and reinstallation of the meter, the account may be billed for the full amount of water passing through the supply meter and up to three times the supply flow provided by non-City resources. At no time may a reduced charge or credit be allowed retroactively, or for a period in which the meter is defective.

- b. Failure to report. Failure to report on quantities of water subject to reduced charge or credit for 2 consecutive months is a violation of this Chapter. User charges must be paid on the full amount of water passing through the supply meter and up to three times the supply flow provided by non-City resources during these 60 days. At no time may a reduced charge or credit be allowed retroactively, or for a period in which no reports were submitted.

- F. Stormwater Management Services. Ratepayers who receive a direct or indirect benefit from City stormwater management services are subject to the user charge. The ratepayer identified on the City utility billing account is assumed to be the user of stormwater management services and responsible for the user charge. If the property is not subject to other City utility charges, the Director will determine the ratepayer responsible for the user charge.

1. Billing Components. The user charge consists of the following components:

- a. Stormwater On-Site. The user rate for the on-site component is 35 percent of the stormwater management services rate.

- b. Stormwater Off-Site. The user rate for the off-site component is 65 percent of the stormwater management services rate.

2. Basis for charge. User charges are calculated based on the user's proportionate share of City stormwater management services as estimated by the amount of impervious area on the user's property. Unless the property has been measured to the satisfaction of the Director, the property's impervious area is assumed to be equal to the average impervious area for the user's class. The following areas are included in a property's

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impervious area calculation for billing purposes: roofs; paved areas such as, but not limited to, driveways, parking lots, and walkways; and areas of the property that are covered by porous pavement. The following areas are not included in a property's impervious area calculation for billing purposes: rights-of-way that have been dedicated to the public and over which the City exercises regulatory jurisdiction and management; outdoor recreation areas owned by governmental bodies that are available to the general public, excluding parking lots and buildings; and areas covered by compacted soils and compacted gravels

3. Dwelling units. The City uses the following class averages of impervious areas for calculating user charges for dwelling units located on a single property or tax lot:
    - a. One and Two Dwelling Units - 2,400 square feet
    - b. Three Dwelling Units - 3,000 square feet
    - c. Four Dwelling Units - 4,000 square feet
  4. Properties other than dwelling units or with five or more dwelling units. The City calculates the ratepayer's use of stormwater drainage system services based on the amount of impervious area on the site.
  5. Clean River Rewards. Clean River Rewards discounts are offered to increase ratepayer control over stormwater management charges and to advance City environmental goals. The program provides economic incentives, technical assistance, and environmental education to ratepayers who control and manage the quality and quantity of stormwater runoff on their private property.
- G.** Portland Harbor Superfund Charge. The City calculates and collects user charges for the Portland Harbor Superfund Program. If the property is not subject to other City utility charges, the Director determines the ratepayer responsible for the Portland Harbor Superfund charge. This user charge appears as a line item on the City utility bill, and is the sum of the following two rate calculations:
1. Sanitary Volume. This portion of the charge is the sanitary sewer service user charge multiplied by the Portland Harbor Superfund Sanitary Volume rate.
  2. Impervious Area. This portion of the charge is the stormwater management services charge multiplied by the Portland Harbor Superfund Impervious Area rate.

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**17.36.060 Special User Charges.**

(Amended by Ordinance Nos. 186902 and 190482, effective July 30, 2021.) The following charges are applicable to only certain user groups and are assessed in addition to other user charges. Users may be subject to one or more of these charges. The current charge rates are provided on the BES annual rate ordinance.

**A.** Extra-Strength Charge. Wastewater discharged to a City sewer, either directly or indirectly, is subject to an extra-strength charge if the discharge has a BOD or TSS in excess of concentration thresholds determined by the Director. The Director may establish concentration thresholds for other pollutants that are subject to extra-strength charges. Payment of an extra-strength charge does not excuse the discharger from complying with all other applicable provisions of Chapter 17.34 of this Code.

**1.** Calculation of Charges. Extra-strength charges are based on the following:

**a.** The concentration of pollutants in excess of thresholds established by the Director and adopted by Council.

**b.** The total metered water supplied to the premises. The extra-strength charge may be reduced where commercial or industrial wastewater is discharged separately from domestic sanitary wastes or cooling waters and the user provides a meter or other measurement method acceptable to the Director. For multiple tenant buildings with shared water service, extra-strength charges will be apportioned by class of individual tenant with an estimated volume as a portion of the total sewer bill.

**2.** Methodologies for calculating extra-strength charges.

**a.** Measured Rolling Average. This method bases a user's rate on the average concentration of the ten most recent monthly concentration averages. Rolling averages are initiated with samples taken over a 5-day period unless otherwise specified by the Director. Samples must be taken daily at an approved sampling manhole or other location as determined by the Director.

**(1)** Self-monitoring. A user may be authorized to submit monitoring data as a basis for rate calculations. Wastewater samples must be representative of the discharge.

**(a)** Reports. Self-monitoring reports must include sufficient information to calculate the extra-strength rolling average.

**(b)** All analytical data submitted for rate calculations must be in accordance with procedures approved in



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- 3.** Billing. Extra-strength charges are either included with the City utility bill or are billed separately by the City Auditor. These charges are enforceable and collectable in the same manner as water and sewer user charges. Failure to pay pursuant to Title 21 of this Code may be cause for termination of water and sewer services.
  - 4.** Minimal charges; suspension. The Director may establish a minimum revenue threshold for periodic extra-strength charges using the rolling average method. The billing for all accounts with periodic extra-strength sewage charges below this minimum revenue threshold will be suspended or changed to the class average method until they increase beyond the revenue threshold again.
  - 5.** Adjustments. The Director may adjust a user's charges where applicable at any time in accordance with the most recent monitoring analysis.
- B.** Building plan review charges. Charges are collected by the Bureau of Development Services on behalf of BES for the review of building plans and land use proposals to ensure compliance with requirements for sewage disposal, stormwater management, pollution prevention and source controls, and for determining routes of service.
- C.** Charges for Adoption of Nonconforming Sewer Lines. An owner of a property connected to the public sewer by a nonconforming sewer line in a public right-of-way may request that the City adopt the nonconforming line under Subsection 17.32.070 B.4. and associated administrative rules. Adoption charges will be assessed as provided by Subsection 17.36.040 E.2.
- D.** Industrial Wastewater Permit Charges. Permitted users as identified in Chapter 17.34 must pay industrial wastewater permit charges based on the level of permit complexity, regulatory history, and amount of BES administrative oversight. Charge components are scaled based on whether an industrial discharger is a categorical industrial user, significant industrial user, or neither. Charges are calculated from the actual costs of BES staff to provide such services as data entry, permit administration, inspection, and permit processing for industrial users.
- E.** Batch Discharge Charges. Users desiring City authorization for one-time discharges from their site must pay the batch discharge review charge. This charge reimburses the City for site research, system capacity, and pretreatment evaluation for requested discharges.
- F.** Discharge Authorization (DA) Charges. A user seeking City authorization for on-going discharges from their site or typical business activity must pay a discharge authorization review charge. This charge reimburses the City for site research, system capacity, and pretreatment evaluation for requested discharges. DA charges

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will be assessed on a sliding scale depending on the level of review necessary for submittals provided or required to approve the DA request.

- G.** Sampling Charges. A discharger requesting City sampling and analysis assistance to support discharge authorization, permit, or other compliance activities will receive a specific cost estimate from BES.
- H.** Sub-Meter Program Fees, Charges and Credits. A commercial ratepayer may elect or be directed to participate in the Sub-Meter Program to accurately assess sewer and stormwater management service user fees. A program participant is required to pay both the Water and the BES special meter charges for each meter in use, which are assessed on each billing cycle. Meter results will provide either credits or additional charges against the user's bill as described in the Sub-Meter Program administrative rules PPD item ENB-4.32.

**17.36.070 Service Outside the City.**

- A.** The City charges for the use of sanitary sewer and stormwater management services from properties outside the City based on annually established rates.
- B.** Determination of whether a property is outside the City. The Director determines whether any residential or business, industrial, commercial, institutional or other property is inside or outside of the City limits. For purposes of this Section, the property is outside of the City limits where 66.7 percent or more of the assessed valuation of the property is recorded in the records of the County Assessor as lying beyond the City limits.
- C.** The Director may require and enter into agreements for and on behalf of the City permitting connection and providing sanitary sewer or stormwater management services to commercial and industrial properties outside the City when the Director finds such service feasible and appropriate.

**17.36.080 Collection of Charges.**

- A.** All charges for services provided to a property are the responsibility of the ratepayer benefiting from or using City services at that property. This responsibility will attach to the ratepayer's subsequent City utility accounts and applies whether the ratepayer is the sole user of the services or furnishes them in turn to third parties.
- B.** Billing due dates. User charges are computed monthly, bimonthly, or quarterly, coincident with user charges for water service .
  - 1.** When billed with the utility bill, user charges are due and payable on the date provided on the water service bill. The City may prorate user charges for a portion of a utility billing period based on the effective date of the sanitary sewer or stormwater management service.

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2. For ratepayers who do not receive water service from the City, user charges will be computed and billed monthly, bimonthly, or quarterly.
- C. Collections. Upon determination by the Director that a charge is past due or otherwise delinquent, the City may avail itself of the full range of actions authorized by City Code.
- D. Discontinuation of services. Charges not paid in accordance with the due date in the bill or invoice may be subject to water shutoff pursuant to Title 21 of this Code. The Director, with approval of the Commissioner-in-Charge, may also discontinue sanitary sewer service by disconnecting and plugging the sewer service line to properties whose delinquent user charges exceed \$10,000 for a period of 90 days or more. Ratepayers and property owners must be notified in writing of the City's intent to disconnect the sewer not less than 30 days prior to disconnection. Payment of the delinquent amount, including outstanding user charges or charges, accrued interest and collection costs, and all costs associated with disconnecting and reconnecting the sewer line, must be received by the City before the property may be reconnected to the sewer. The delinquent amount remains the responsibility of the ratepayer. In the event a ratepayer who is not the owner terminates their lease and moves from a disconnected property before reconnection has occurred, the City will reconnect the property and collect the cost as well as all delinquent amounts from the ratepayer who originally incurred the charges.

**17.36.090 Adjustment of Bills.**

(Amended by Ordinance Nos. 187926 and 189506, effective June 21, 2019.)

- A. The Director may authorize an adjustment of up to \$500 to a ratepayer's utility account when it is deemed necessary for the proper conduct of the business of the Bureau to do so.
- B. When the Director determines that a billing error has occurred, the Director may authorize an adjustment of the ratepayer's utility account for the period of the error, not to exceed 3 years from the date the error is identified.
- C. Except as set forth in this Subsection, a ratepayer's eligibility for an adjustment will end 6 months after the date a final bill was issued for the subject account. The Director may authorize an adjustment to the outstanding balance of a closed utility account more than 6 months after the issuance of the account's final bill if:
  1. The ratepayer was billed for sanitary sewer services for a property that was not connected to the City's sewer system;
  2. The error is discovered after the 6 month deadline for adjustments to a final bill;
  3. The request is made in writing by the ratepayer of record at the time the billing error occurred; and

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- 4. The adjustment is limited to the sanitary sewer user charge.
- D. Adjustments will be in the form of credits or additional charges to active utility accounts. The Bureau may not issue refunds for billing adjustments unless approved by the Director. Refunds are chargeable to the Sewer System Operating Fund.
- E. Ratepayers who receive a back billing or a delayed billing will be offered the opportunity to pay the balance due over a set period based on current City collection policies.

**17.36.100 Inspection and Enforcement.**

- A. Right of Entry. To the full extent permitted by the law, the City has authority to enter all private and public premises at any time for the purpose of inspecting sources of potential or actual discharges to the City's sewers and drainage systems and to perform any other lawful act 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 as necessary to conduct sampling, inspection, testing, monitoring and metering operations to determine compliance with the requirements of this Chapter. City representatives shall not be required to sign any type of confirmation, release, consent, acknowledgement or other type of agreement as a condition of entry.
- B. Conditions for Entry.
  - 1. The City representative shall present appropriate credentials at the time of entry.
  - 2. The City representative shall comply with routine safety and sanitary requirements of the facility or site to be inspected as provided by the facility operator at the time of entry. The facility operator shall provide the City representative with any facility-specific safety protective equipment necessary for entry.
- C. Meter Tampering Unlawful. It is unlawful to install, change, bypass, adjust, or alter any metering device or any piping arrangement connected therewith as to show the quantity of water reaching the public sewer under City control to be less than actual quantity.
- D. Sampling Tampering Unlawful. It is unlawful to tamper in any manner with City-owned or City-installed sampling equipment or samples therefrom.
- E. Falsifying applications or records. Ratepayers shown to have falsified applications and records may be subject to enforcement action.

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- F.** Enforcement Actions may include:
- 1.** Withholding of City services;
  - 2.** Withholding of City permits;
  - 3.** Reversal of credits. Any credits awarded based on falsified data may be reimbursed to the City via additional charges on the City water and sewer bill.
- G.** Civil Remedies.
- 1.** In addition to the remedies provided by any other provision of this Chapter, the City may obtain, in any court of competent jurisdiction, a judgment against a person or property failing to comply with the provision of this Chapter. In any such action, the measure of damages shall be the costs for abatement by the City, administrative costs, permit charges, overhead costs, penalties, and other charges as determined by the Director.
  - 2.** In addition to any other remedy provided in this Chapter, the City Attorney, acting in the name of the City, may commence and maintain an action or proceeding in any court of competent jurisdiction to compel compliance with, or prevent by injunction, the violation of any provision of this Chapter.

**17.36.110 Administrative Review and Appeal.**

(Replaced by Ordinance No. 186403; amended by Ordinance Nos. 186902 and 189750, effective November 29, 2019.) A ratepayer, property owner or owner's agent may request modification of a BES decision related to this Chapter as described in this Chapter via administrative review with BES staff, unless administrative review is limited by administrative rule. After the requestor has exhausted all BES administrative review, the requestor may appeal a BES decision to the Code Hearings Officer per PCC Title 22, unless appeal is limited by administrative rule.

**CHAPTER 17.84 - STREET VACATIONS**

(Chapter amended by Ordinance No. 184957,  
effective November 25, 2011.)

**Sections:**

- 17.84.005 Definitions.
- 17.84.010 Plat Must Be Filed.
- 17.84.015 Administration.
- 17.84.020 Fees.
- 17.84.030 Consideration of Petition.
- 17.84.040 Bond or Cash Deposit.
- 17.84.050 Statutory Procedures Applicable.
- 17.84.060 Consent to Vacation for City as Owner.
- 17.84.065 Vacation on Council’s Own Motion; Notification.

**17.84.005 Definitions.**

(Added by Ordinance No. 190519, effective July 28, 2021.) A street vacation is the termination of the public interest in a right-of-way; it extinguishes the easement for public travel that is represented by the right-of-way. In the typical case, city and county governments hold an easement for public travel on lands designated or used as roads, streets, and alleys; they do not generally own the fee title to the property underlying the right-of-way.

**17.84.010 Plat Must Be Filed.**

No vacation of a street, public place or plat shall become effective until the ordinance providing for the vacation and a plat, as provided by law, has been filed in the office of the county clerk of the county where the street, public place or plat is located. The cost of the filing and the preparation of the plat shall be paid by the person petitioning for the vacation.

**17.84.015 Administration.**

(Added by Ordinance No. 190519, effective July 28, 2021.)

- A. The Director of the Bureau of Transportation (the “Director”) may establish rules and procedures for Street Vacations.
- B. The Director shall be the City’s recording officer and clerk for purposes of ORS 271.005 to 271.230 pertaining to the vacation of a public right-of-way, plat, public square or place.

**17.84.020 Fees.**

(Replaced by Ordinance No. 172859; amended by Ordinance Nos. 184957 and 190519, effective July 28, 2021.)

- A. Whenever a request for a petition for the vacation of a street, public place or plat, or any part thereof is presented to the Portland Bureau of Transportation (“PBOT”),

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the person making the request shall pay to PBOT a fee for preparation of the petition document for vacation. The fee for this service shall be established annually by the Director.

- B.** When a completed petition is presented to PBOT for filing and consideration by the Portland City Council (the “Council”), the person presenting the petition for the vacation shall pay to PBOT a fee, established by the Director, to cover the estimated costs of processing the petition. All departments or bureaus involved in processing a vacation shall keep records of the costs incurred on each individual vacation proceeding and shall submit such costs to the Director prior to passage of the vacating ordinance. If the actual cost of advertising and expenses, and all processing costs, including employee salaries and applicable overheads, related to the vacation exceed the fee collected, a sum sufficient to cover all such costs shall be collected before the vacation is completed, and payment thereof shall be a condition of the vacating ordinance.

**17.84.025 Approval Criteria for Vacating Streets.**

(Added by Ordinance No. 188177; Amended by Ordinance No. 188695, effective May 24, 2018.)

- A.** In considering whether the vacation will prejudice the public interest, the Council will consider the following factors, as relevant:
- 1.** The area proposed to be vacated is not needed presently, and is not identified in any adopted plan, for public services, transportation functions, utility functions, stormwater functions, view corridors and/or viewpoints, tree planting/retention, pedestrian amenities, or community or commercial uses.
  - 2.** The vacation does not prevent the extension of, or the retention of public services, transportation functions, utility functions, stormwater functions, view corridors and/or view points.
  - 3.** Public services, transportation functions, or utilities can be extended in an orderly and efficient manner in an alternate location;
  - 4.** The vacation does not impede the future best use, development of, or access to abutting property;
  - 5.** The area of the vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in Section 17.88.040 Through Streets.
- B.** When approving, or approving in part, a petition to vacate a street the Council may make reservations or conditions. Reservations or conditions may pertain to:

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1. The maintenance and use of underground public utilities or service facilities in the portion vacated;
2. Limitations on use of the area above and adjacent to underground utilities or service facilities;
3. Moving at petitioner's expense the utility or service facilities either below, on or above the surface;
4. Construction, extension or relocation of sidewalks and curbs, multi-use paths, trails, or other similar pedestrian or bicycle facilities;
5. Grading or pavement extensions;
6. Dedication for street use or other area in lieu of the area to be vacated;
7. Replat; and
8. Any other matter of like or different nature relating to the vacated area and remaining or relocated street area adjacent to petitioner's property, or area dedicated in lieu of the vacation area.

**17.84.030 Consideration of Petition.**

(Replaced by Ordinance No. 182760; Amended by Ordinance Nos. 184046, 184957 and 190519, effective July 28, 2021.) Pursuant to ORS 271.080 through 271.100, when a petition for the vacation of a street, public place or plat is presented to the Director, it shall be reviewed, and if found to be sufficient as provided by the statutes, and upon a formal investigation and review by city bureaus, utility companies, and other agencies, a report will be generated by PBOT and submitted to the Planning and Sustainability Commission ("PSC") for action. Following the PSC hearing, PBOT shall prepare a report containing the findings from the formal investigation and any recommendations of the PSC. The report and petition shall be submitted to Council for consideration. Notice of the vacation hearing shall be published and posted pursuant to ORS 271.110.

**17.84.040 Bond or Cash Deposit.**

(Amended by Ordinance Nos. 184957 and 190519, effective July 28, 2021.) When the Council is petitioned to vacate any street, public place or plat or part thereof, in which water mains, fire hydrants, police or fire alarm system, gas mains, steam heating mains, conduits, sewer mains or laterals, manhole structures, poles, wires or other utility or public service facilities are constructed and maintained, and the proposed vacation will require the removal of the utility or public service facilities or any portion of them, or if curbs or sidewalks are required to be extended or relocated, or if grading or additional paving is required, the ordinance vacating the street or part thereof may provide that the vacation shall not be effective unless the petitioner shall file with the Director, their acceptance of the terms and provisions of the ordinance together with a surety bond or cash deposit, in such sum as shall be fixed by the Council. The surety bond or cash deposit shall be to the

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effect that, in the event the vacation is granted, the petitioner will, within 90 days or such other time as the Council may fix after the vacation ordinance is effective, remove or have removed by the owner, all or any part of the utility or public service facilities as required by the vacation ordinance and reconstruct and relay the facilities or have them reconstructed and relaid by the owner in the places as may be required by the Director, and obtain other work as required by the ordinance in the manner directed by PBOT, all at the expense of the petitioner.

**17.84.050 Statutory Procedures Applicable.**

The provisions applicable to a vacation, set forth in ORS 271, shall apply to each vacation. Alternative procedures therein allowed may be followed.

**17.84.060 Consent to Vacation for City as Owner.**

(Amended by Ordinance No. 190519, effective July 28, 2021.) Whenever City owned property abuts area of a street or plat sought to be vacated by petition, or is located within “affected area” fixed by statute, the Mayor, City Commissioner or Director under whose jurisdiction the property has been placed may sign consent to the vacation as an owner for the purpose of Council jurisdiction and consideration.

**17.84.065 Vacation on Council’s Own Motion; Notification.**

(Added by Ordinance No. 136419; amended by Ordinance No. 190519, effective July 28, 2021.) Whenever the City Council shall initiate vacation proceedings on its own motion, the Director shall give notice of the proposed action and hearing to all owners of real property affected pursuant to ORS 271.130 thereby. Whenever the Council shall initiate proceedings to vacate a plat or portion thereof, the Director shall notify all property owners within such plat or part thereof proposed to be vacated of the proposed action and hearing. The notification required by this Section shall be given not less than 28 days before the hearings on the proposed action.

**FIGURE 6 - CHAPTER 17.102**

(Figure replaced by Ordinance No. 190425,  
effective July 1, 2021.)

**Residential Solid Waste and Recycling Rates**

As used in Figure 6 the following terms have the meanings described below:

"Excess distance" is applicable to any collection beyond seventy-five (75) feet from the curb. This charge is in addition to the "non-curb surcharge."

"Clean up containers" include hauler-provided containers which are provided as requested by the customer for occasional or temporary use.

"Small multiplex" refers to any multidwelling building or a combination of buildings on a single tax lot in the residential franchise territory that contains 2-4 dwelling units.

"Non-curb surcharge" is the charge for collection service provided at a location more distant than curbside.

"Terrain differential" is applicable to services within the territory designated on Figure 6-1.

<b>Residential Curbside Collection Service Rates and Charges</b>				
<b>Single Family Service Level</b>	<b>Monthly Rate Curbside Pickup</b>	<b>Per Unit or Per Pickup</b>	<b>Non-Curb Surcharge</b>	<b>Excess Distance</b>
<b>Standard Service - Service includes weekly collection of composting &amp; recycling, every-other-week garbage</b>				
20-gallon Can*	29.85		2.25	0.80
32-gallon Can*	34.55		2.25	0.80
20-gallon Rollcart	29.85			
35-gallon Rollcart	34.55			
60-gallon Rollcart	39.05			
90-gallon Rollcart	45.30			
1.0 Cubic Yard Container	91.60			
1.5 Cubic Yard Container	124.25			
2.0 Cubic Yard Container	156.55			
<b>Every-four-weeks Service - Service includes weekly collection of composting &amp; recycling, every-four-weeks garbage</b>				
32-gallon Can*	27.15		1.15	0.40
35-gallon Rollcart	27.15			

\*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

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Single Family Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
<b>Special Services</b>				
Recycling Only, Weekly Collection	12.00			
Composting & Recycling Only, Weekly Collection	22.85			
On Call Yard Debris Collection (32 gallon Can, Bag, or Bundle--Yard Debris Only)		7.95		
On Call Garbage (32-Gallon Can or Bag)		10.40	1.15	0.40
Yard Debris, Extra Can, Bag or Bundle -- Yard Debris Only		3.75		
Garbage, Extra Can or Bag		5.00	1.15	0.40
Courtesy Callback (Garbage or Composting)		10.20		
Rollcart Delivery**		14.45		
Extra Composting Rollcart	14.15			
Extra Recycling Rollcart	6.05			
Holiday Tree Removal		5.10		
<b>Multiple Cans/Rollcarts -- Service includes weekly collection of composting &amp; recycling, every-other-week garbage</b>				
32-Gallon Cans, Two*	44.95		4.50	1.60
32-Gallon Cans, Three*	50.70		6.75	2.40
32-Gallon Cans, Four*	56.45		9.00	3.20
35-Gallon Rollcart, Two	42.95			
35-Gallon Rollcart, Three	50.85			
35-Gallon Rollcart, Four	58.75			
60-Gallon Rollcart, Two	51.20			
60-Gallon Rollcart, Three	62.00			
60-Gallon Rollcart, Four	72.80			
90-Gallon Rollcart, Two	60.25			
90-Gallon Rollcart, Three	73.60			
90-Gallon Rollcart, Four	86.95			

\*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

\*\*Rollcart delivery fees may be charged in the following scenarios:

1. For composting and recycling, if it is the customer's second (or greater) rollcart delivery.
2. For garbage, if it is the customer's second (or greater) rollcart delivery within a one year period.
3. Any time the customer requests a clean rollcart.

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Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
<b>Clean-Up Containers</b>				
One 1.0 Cubic Yard		95.30		
One 1.5 Cubic Yard		105.00		
One 2.0 Cubic Yard		114.60		
<b>Terrain Differential</b>				
Every-Other-Week Garbage (Single Can / Rollcart)	4.55			
Every-Other-Week Garbage (Multiple Cans / Rollcarts)	4.70			
Every-Four-Weeks Garbage	3.25			
Recycling Only	1.60			
Compost & Recycling Only	2.95			
32-Gallon Can On-Call	0.75			
On Call Yard Debris Collection (32 gallon Can, Bag, or Bundle –Yard Debris Only)	0.35			

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**Curbside Collection Service Rates and Charges  
for Small Multiplexes**

<b>Weekly composting &amp; recycling, every-other-week garbage</b>			
<b>Collection for:</b>	<b>Duplex</b>	<b>Tri-Plex</b>	<b>Four-Plex</b>
<b>Single Container Service, where rollcart / container is shared by residents of 2, 3 or 4 units</b>			
One shared 60-Gallon Rollcart	47.70	57.20	N / A
One shared 90-Gallon Rollcart	51.65	61.15	70.65
One shared 1.0 Cubic Yard Container	80.35	89.85	99.35
One shared 1.5 Cubic Yard Container	100.40	109.90	119.40
One shared 2.0 Cubic Yard Container	120.35	129.85	139.35
<b>Multiple Containers, where all cans / rollcarts are placed together in a single location at curbside for pickup. Where unshared cans / rollcarts are located separately at curbside for pickup then each is considered a separate account, charged at single-family rate.</b>			
Two 32-Gallon Cans*	48.45	57.95	N / A
Three 32-Gallon Cans*	53.35	62.85	72.35
Four 32-Gallon Cans*	58.25	67.75	77.25
Two 20-Gallon Rollcarts	45.40	N / A	N / A
Three 20-Gallon Rollcarts	48.70	58.20	N / A
Four 20-Gallon Rollcarts	52.05	61.55	71.05
Two 35-Gallon Rollcarts	49.00	58.50	68.00
Three 35-Gallon Rollcarts	54.10	63.60	73.10
Four 35-Gallon Rollcarts	59.25	68.75	78.25
Two 60-Gallon Rollcarts	56.70	66.20	75.70
Three 60-Gallon Rollcarts	65.70	75.20	84.70
Four 60-Gallon Rollcarts	74.70	84.20	93.70
Two 90-Gallon Rollcarts	64.55	74.05	83.55
Three 90-Gallon Rollcarts	77.50	87.00	96.50
Four 90 Gallon Rollcarts	90.45	99.95	109.45

--N/A services are not available.

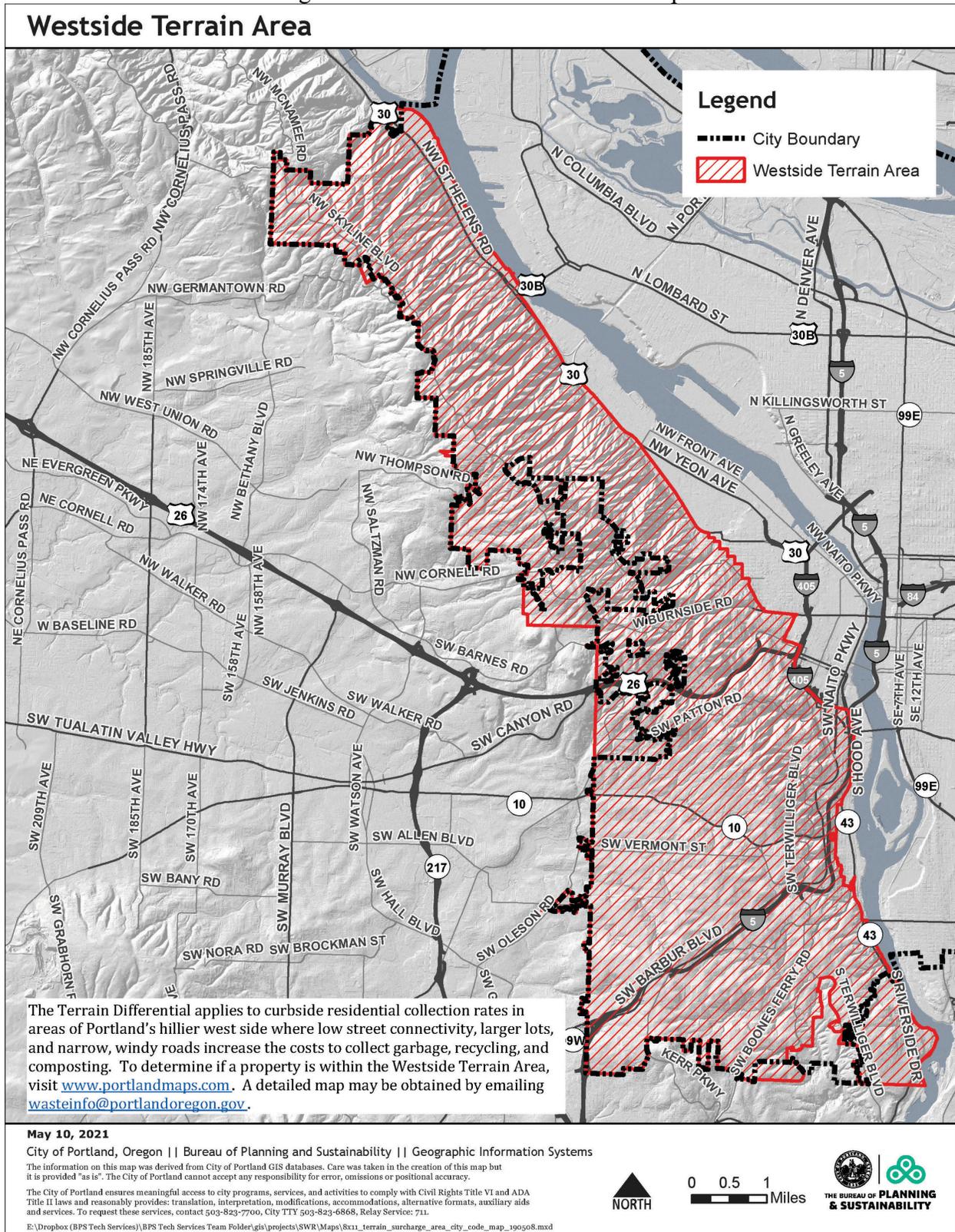
--Non-curbside service is available at small multiplexes for garbage cans and rollcarts at an additional monthly charge of \$2.25 per can and \$4.50 per rollcart. Excess distance charge for a can is \$0.80. Excess distance charge for a rollcart is \$1.60.

--For composting services, extra cans, bags, or bundles of yard debris only are \$3.75 each and accrue on a per account, rather than per unit, basis.

--Recycling labor surcharge is \$9.50 per additional dwelling unit.

\*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

Figure 6-1 Terrain Differential Area Map





**CHAPTER 19.16 - RULES AND  
REGULATIONS**

**Sections:**

- 19.16.005 Navigation Rules.
- 19.16.010 Wharves to be Inspected - Signs Erected.
- 19.16.015 Unsafe Docks or Waterfront Structures.
- 19.16.020 Decayed Docks Breaking Loose.
- 19.16.025 Notification of Arrival of Ocean Going Vessels.
- 19.16.035 Vessels Changing Docks.
- 19.16.040 Notice of Change of Berth for Ocean Going Vessels.
- 19.16.045 Berthing Ships.
- 19.16.055 Permits for Construction Work.
- 19.16.060 Municipal Boat Landings.
- 19.16.070 Vessels Are Not to be Blocked.
- 19.16.075 Rafts Not to Block Slips or Channels.
- 19.16.080 River Obstructions
- 19.16.085 Removal of Refuse.
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### **19.16.005 Navigation Rules.**

Except as otherwise specified vessels shall be subject to United States "Navigation Rules" Commandant Instruction M16672.2 Series Rules available at United States Coast Guard and are hereby made part of this Title.

### **19.16.010 Wharves to be Inspected - Signs Erected.**

(Amended by Ordinance Nos. 176955 and 190448, effective July 16, 2021.)

- A.** The Harbor Master in coordination with the Director of the Bureau of Development Services shall cause to be inspected, not less than every 5 years, all docks, sheds, warehouses, or other structures within the harbor limits, which shall extend out over water or unfilled land. After the inspection, a safe loading limit, in pounds, shall

be posted at the entrance to the building, and no loading shall be over this limit at any time.

- B.** Whenever the Director of the Bureau of Development Services and/or Harbor Master, as officers of the City, finds that any such structure is becoming dangerous due to decay, rot, faulty design, or any other condition, they may limit the load, and the load limit shall be posted at the entrance to the structure; and if found unsafe, they may order the structure closed until repaired or removed. The Harbor Master or their assistants shall enforce these orders when so notified by the Director of the Bureau of Development Services.
- C.** They do not assume the responsibility for the safe manner and use of any structure, or damages from any loading, except where the structures are owned in whole or in part by the City.

**19.16.015 Unsafe Docks or Waterfront Structures.**

(Amended by Ordinance Nos. 176955 and 190448, effective July 16, 2021.) Whenever the Harbor Master, in their judgement finds that any dock or waterfront structure has become unsafe or dangerous so as to render the same or any portion thereof unsafe to life or property, they shall ask the Director of the Bureau of Development Services to make a survey of the property; if they declares the same to be unsafe to life or property, the Harbor Master shall order the same barricaded with proper fencing, and danger signs posted by day and red lights by night, which shall remain intact until necessary repairs thereto as the engineers report are practicable shall be made. If the repairs are not practicable, the Harbor Master shall order the removal of the dock or waterfront structure. If the owner, agent, or lessee of the property shall fail to comply promptly with the order of the Director of the Bureau of Development Services, the Harbor Master shall prohibit the use of the unsafe portion of the dock or waterfront structure for any purpose whatsoever, and shall erect or cause to be erected the necessary barricade, signs, and lights; and if the dock or waterfront structure is to be removed or razed the Director of the Bureau of Development Services shall, with the Harbor Master, remove or have removed any and all of the unsafe portions of the dock or waterfront structure, and all of the expense therefrom shall be paid by and recoverable from the owner, agent, or lessee of any such dock or waterfront structure. Nothing contained herein shall prevent a condemnation as otherwise provided, nor shall the provisions herein contained relieve the owner, agent, or lessee from the duty of periodically inspecting the property and promptly proceeding thereafter to make all repairs that are practicable.

**19.16.020 Decayed Docks Breaking Loose.**

It is unlawful for the owner, agent, or lessee in charge of any dock or waterfront structure to allow the whole or any part thereof to fall into or remain adrift in the waters of the City or to float away from the dock. All fender piling or other portions thereof that shall break loose shall be removed at once by the owner, agent, or lessee of any dock; and upon failure to do so, the same shall be removed by the Harbor Master and the expense thereof shall be paid by and recoverable from the owner, agent, or lessee of the property by the City. In

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the event that any part of a dock or waterfront structure caves in, collapses, or is damaged in any way in excess of \$1,000, the owner, agent, or lessee in charge shall notify the Harbor Master within 72 hours.

**19.16.025 Notification of Arrival of Ocean Going Vessels.**

- A. The local agent, owner or person in charge of any facility where an ocean-going vessel ties up shall immediately report to the Harbor Master the name and local agent for the vessel.
- B. It is unlawful for any such person to neglect or refuse to give this report.
- C. The foregoing shall not apply to any vessel whose movements are limited to the inland waters of the Willamette and Columbia Rivers or any of their tributaries.
- D. Reports to the Merchant Exchange may be allowed in place of the above requirement by the Harbor Master.

**19.16.035 Vessels Changing Docks.**

Every vessel, unless propelled by its engine, moving from one dock to another or from one place to another when necessary to pass through the draw of any bridge or when moving from a dock or wharf to a dock or wharf within the City shall, in order to prevent the obstruction of travel, have the services of a tug or tugs.

**19.16.040 Notice of Change of Berth of Ocean Going Vessel.**

- A. The local agent, owner or person in charge of any place where any ocean-going vessel is tied up in the Portland Harbor shall notify the Harbor Master when such vessel leaves the place where it is tied up and shall state the destination to which the vessel is moving.
- B. The notice shall be given no later than four hours after making the move.
- C. It is unlawful for any such person to neglect or refuse to give this report.
- D. Reports to the Merchant Exchange may be allowed in place of the above requirement by the Harbor Master.

**19.16.045 Berthing Ships.**

(Amended by Ordinance No. 190448, effective July 16, 2021.)

- A. No vessel may moor or berth next to City property without the Harbor Master's prior approval.
- B. The Harbor Master may assign space for mooring and berthing of any vessel next to any City property.

- C. The person or owner in control of any vessel berthed pursuant to this Section shall be liable for all charges and expenses including water charges by the Portland Water Bureau and other special costs incurred or provided in connection with berthing, shall be liable for any other expenses connected with the ship during the period of being berthed at the seawall, and also shall be liable for any damages resulting from the berthing or continuance of mooring of the vessel.

**19.16.055 Permits for Construction Work.**

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. No person shall construct or repair or wreck any old work or drive or remove any piling within the harbor zone within the City of Portland or remove any earth or other material from the river banks or bed shoreward of or adjacent to the harbor line without first securing a permit from the Bureau of Development Services. After the permit has been issued and before such work has been started, the permit holder must notify the Harbor Master. It shall be the duty of the Harbor Master to stop any such work until a permit shall be secured, if so requested by the Director of the Bureau of Development Services.
- B. Nothing in the above Section shall relieve any person, company, or corporation from securing such other permits as may be required by any other agency such as, U.S. Army Corps of Engineers or the Port of Portland, State Marine Board, and Division of State Lands.

**19.16.060 Municipal Boat Landings.**

(Amended by Ordinance Nos. 169986, 188312 and 190448, effective July 16, 2021.)

- A. As used in this Section, the following words and terms have the meanings indicated unless the context clearly requires otherwise:
  - 1. **“PP&R”** shall mean the City of Portland, Bureau of Parks and Recreation. Where appropriate, the term “PP&R” also refers to the staff and employees of Portland Parks and Recreation.
  - 2. **“Facility”** shall mean PP&R floats, piers, mooring buoys, and boat landings.
  - 3. **“Commercial vessel”** shall mean a vessel which is used, rigged, or licensed for any commercial use or purpose, and shall include watercraft operated within the terms of a concession lease or agreement with PP&R.
  - 4. **“Length”** shall mean the overall length of a watercraft.
  - 5. **“Night”** shall mean any period of time between 3 PM and 9 AM.

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6. **“Docking Season”** shall mean the period of time between May 1 and September 30.
  7. **“Director”** refers to the Director of PP&R also known as the Superintendent of Parks.
- B.** The operator of recreational watercraft may use a municipal boat landing for recreational purposes only. It is unlawful to use a municipal boat landing for any purpose other than recreation without prior written permission of the Director of Parks.
  - C.** No person shall moor or berth a watercraft of any type in a PP&R owned or operated park or marine area except in designated marine park areas and at designated facilities.
  - D.** It is unlawful to moor a watercraft at a municipal boat landing for a period exceeding 24 hours or while the parks is closed, without prior written permission of the Director. The Harbor Master may permit a craft to be moored at a municipal boat landing for more than 24 hours only when the craft is inoperable and reasonable additional time is needed to repair it.
  - E.** Use of any PP&R marine facility shall be on a first come, first served basis unless otherwise permitted by PP&R. Reserving or retaining space to moor or berth a watercraft at any facility, by means of a dinghy or any method other than occupying the space by the watercraft to be moored or obtaining a permit through the PP&R Reservation Center, shall not be permitted.
  - F.** Open flames or live coals, or devices containing or using open flames, live coals, or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, shall not be permitted on PP&R marine facilities.
  - G.** No swimming, diving, or sunbathing is permitted on or within 50 feet of PP&R marine facilities and municipal boat landings.
    1. Exceptions
      - a. The Kevin Duckworth Dock Moorage
  - H.** The mooring of any craft in violation of this section may result in eviction from moorage, in addition to any other penalty prescribed by law.
  - I.** The Director is authorized to issue any rules and establish any fees with the Director deems necessary to operate and maintain all municipal Boat Landings and Marine Facilities.

- J.** Enforcement or the provisions in this Section shall be conducted by either the Director of Parks, the Harbor Master, the Chief of Police, the Multnomah County Sheriff, or their appointed designees. Subject to the provisions of ORS 830.908 to 830.948, any person authorized to enforce the provisions of this Section may order any abandoned or derelict vessel in any Park or at any municipal dock to be towed, stored and disposed of at the vessel owner's expense. Any person whose vessel is towed under this Section may appeal to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code. The Code Hearings Officer shall uphold the towing order if, upon the Code Hearings Officer's de novo review, the preponderance of the evidence admissible under Title 22 of this Code convinces the Code Hearings Officer that, more likely than not, the vessel in fact was abandoned or derelict, as those terms are defined in ORS 830.908 to 830.948. If the tow is found to be invalid, any charges imposed by the City for towing and storage will be waived, and the City will pay any towing or storage charges owed to a private person or entity. The Code Hearings Officer shall not waive or reduce any towing or storage charges associated with any tow order if the Code Hearings Officer finds the tow order valid, and the vessel owner and/or the person entitled to possession of the vessel will be responsible for all such towing and storage charges.
- K.** Use of docks governed by this Section is also subject to all applicable provisions of law, including, without limitation, the provisions of Chapters 20.08, Parks & Recreation - Permits and 20.12 Parks & Recreation - Prohibited Conduct, of this Code.
- L.** The City of Portland, its officers, and employees are not liable for any personal injury or property damage resulting from maintenance or use of a municipal boat landing.

**19.16.070 Vessels Are Not To Be Blocked.**

No master, owner or person in charge of any vessels, or watercraft shall block or hinder in any way the entrance or exit to any Fire Boat station on either the land or water side.

**19.16.075 Rafts Not to Block Slips or Channels.**

Rafts or barges must not be more than one deep when moored alongside of any vessel while at any berth. No rafts, barges, or other floating objects shall be moored in such a way that the navigation of any vessel or watercraft shall be endangered or hindered. All barges, rafts, or other floating objects while so moored shall have a white light displayed on the offshore side.

**19.16.080 River Obstructions.**

- A.** By certified mail, return receipt requested, the Harbor Master shall notify the owner, agent, or person in charge of any wreck, uncontrolled vessel, obstructing material or structure that is in violation of this chapter. In the Harbor Master's discretion, this notice may be posted on the wreck, vessel, material or structure.

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- B.** The notice shall state the time within which the violation is to cease.
- C.** If the violation is not terminated within the time specified, the Harbor Master may remove the wreck, vessel, obstruction or material together with its tackle and cargo.
- D.** After removal, the Harbor Master shall notify the owner, agent, consignee or person in charge of the wreck, vessel or material of the cost of removing it and specify a date on which the cost shall be paid to the City.
- E.** If the cost of removal is not paid within the time specified, the wreck, vessel or material shall be sold and the proceeds disposed of in accordance with City Code Section 5.36.015.

**19.16.085 Removal of Refuse.**

- A.** No refuse shall remain on the deck of a vessel overnight or after the cargo has been worked. All refuse must be removed daily onto the dock or a barge. Under no circumstances shall combustible materials be allowed to accumulate at any loading terminal, dock or yard.
- B.** All barges or lighters must be with sideboards, bins and covers to prevent the escape of noxious odors.

**19.16.090 Buoys Required on Wrecks.**

- A.** If any vessel, watercraft or barge is wrecked or sinks or loses any part of its cargo in the waters of the port, the owner, agent or person in charge of the vessel, watercraft or barge shall immediately notify the Harbor Master of the nature of the obstruction, the location and the cause of the obstruction.
- B.** The owner, agent or person in charge of the vessel, watercraft or barge shall immediately place a marker or buoy on the obstruction. The marker or buoy shall display two red flags by day and two red lights by night. The flags shall be one above the other, not less than three feet apart. Each flag shall be not less than 18” by 18” in size.
- C.** If an obstruction constitutes a navigational hazard in any way, the owner, agent or person in charge shall notify the United States Coast Guard Captain of the Port and the owner, agent or person in charge shall mark the obstruction as ordered by the Captain of the Port.

**19.16.095 Menace to Navigation.**

- A.** All refuse and debris in the waters of the port are declared to be public nuisances and menaces to navigation.

- B.** It is unlawful for any person to throw or place or permit to be thrown or placed any such refuse or debris in the waters of the port or at a location where the refuse or debris may get into the waters of the port by high water or other means.
- C.** Any such menace to navigation is subject to seizure by the Harbor Master without warrant or notice and is subject to summary destruction and abatement if this can be done without a breach of the peace or doing any unnecessary injury to other property.

**19.16.100 Hot Work on Vessels.**

(Amended by Ordinance Nos. 180917 and 190448, effective July 16, 2021.) A Hot Work permit shall be obtained before beginning any welding or burning operations in or on any vessel, in or abutting the Portland harbor.

- A.** Scope: This regulation applies to all operations involving the use of oxygen/fuel gas mixtures, electric arc welding, or other spark or fire producing operations on marine vessels regardless of the size of the vessel and regardless of whether or not the vessel is at anchor, moored, in drydock, or ashore.
- B.** General Definition for this Section: For the purpose of this regulation the following words have the meanings set forth below:
  - 1. Adjacent Spaces** - Those spaces in all directions from the subject space, including all points of contact, corners, diagonals, decks, tank tops, and bulkheads.
  - 2. Bureau** - The City's Portland Fire & Rescue.
  - 3. Competent Person** - The holder of a valid Certificate issued by the National Fire Protection Association, or other recognized source attesting that the holder has successfully completed a course of training as a Competent Person and has been officially registered with the U.S. Department of Labor (OSHA) as a designated Competent Person by their respective employer.
  - 4. Confined Space** - A compartment of small size and limited access such as a double bottom tank, cofferdam, or other such similar type space which by its small size and confined nature can readily create or aggravate a hazardous exposure.
  - 5. Fire Watch** - A person designated by the supervisor of the welding operation to watch for signs of fire. Such persons shall be familiar with Fire Department Permit Conditions, the area where the hot work is to take place, and procedures for sounding an alarm in the event of fire. In addition, this

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person shall be trained in the proper use of the extinguishing equipment provided and instructed in the specific hazards anticipated.

6. **Designated Piers** - Those piers or berths designated by the Portland Harbor Master and by virtue of their construction, location, fire protection and fire hydrant availability, are suitable to permit certain repairs to vessels alongside.
7. **Enclosed Space** - Any space other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.
8. **Gangway** - A ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks, and brows. A gangway shall have a walking surface not less than 20 inches wide, be of adequate strength, maintained in good repair, and safely secured. Each side of such gangway, and turntable if used, shall have a railing with a minimum height of 33 inches, with a mid rail. Rails, if constructed with rope or chain, shall be kept taut at all times.
9. **Hazardous Materials** - Any material which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant or otherwise harmful is like to cause injury.
10. **Hot Work** - Per NFPA 306, paragraph 1-05; any construction alteration, repair, or shipbreaking operation involving riveting operation welding, burning, or similar fire-producing operations. Grinding, drilling, abrasive blasting, or similar spark producing operations shall be considered hot work unless deemed otherwise by a Certified Marine Chemist.
11. **Marine Chemist** - The holder of a valid Certificate issued by the National Fire Protection Association in accordance with the "Rules for the Certification of Marine Chemist."
12. **Powder Actuated Fastening Tool** - A tool or machine which drives a stud, pin, bolt or any type of fastener by means of an explosive charge.
13. **Ship Repair** - The repair of any vessel including, but not limited to, alterations, modifications, conversions, installations, cleaning, painting, and maintenance work, and for the purposes of this code includes shipbuilding and shipbreaking.
14. **Shipyards** - An operating facility, engaged in ship repair, doing business in the City of Portland or adjacent Columbia/Willamette River Port facilities, meeting the requirements of the Building and Fire Codes.

15. **Vessel** - Every description of watercraft or other artificial contrivance used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.
- C. Hot Work Permits: Hot Works Permits for Hot Work on Marine Vessels shall be divided into three categories.
1. Level I - Those permits for hot work operations which are minor in nature. (See below for further definitions.)
  2. Level II - Those permits for hot work operations which are moderate in nature. (See below for further definition.)
  3. Level III - Those permits which involve major hot work operations. (See below for further definition.)
- D. Level I Hot Work:
1. Definition: Level I hot work is work which involves repairs or modifications which by nature do not involve any cutting or welding on or near hazardous areas of the vessels.
  2. Level I hot work must:
    - a. Not involve work on hazardous areas or compartments of the vessel. Such hazardous areas include, but are not limited to: Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping). Compartments which are insulated with combustible or flammable insulation, including insulation which has a fire resistive barrier installed over the surface: Engine rooms, fire rooms and boiler rooms, auxiliary machinery rooms. Cargo or storage areas which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids). Work on surfaces directly adjacent to those compartments listed above (i.e.: Those opposite sides of an insulated space which might expose the insulation to heat).
  3. Violation of Condition:
    - a. No welding or cutting shall be done on a dock or ship within the City's harbor without first obtaining a hot work permit authorized by Portland Fire & Rescue.
    - b. If welding or cutting is done on a dock or ship within the City's harbor without first obtaining the permit or permits required by this

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Chapter, the welding or cutting shall cease immediately and not begin again until the Fire Marshal or Harbor Master has inspected the worksite, the inspection fee has been paid and the Fire Marshal or Harbor Master has issued a permit for welding or cutting. The person(s) must also obtain any Coast Guard or other required permits for the hot work, prior to the commencement of such work.

4. Examples of Level I hot work include work on:
  - a. Standing rigging
  - b. Replacement of cleats and pad eyes
  - c. Work involving deck machinery
  - d. Similar repairs or modifications
5. Requirements:
  - a. Permits Required:
    - (1) A U.S. Coast Guard Hot Work Permit.
    - (2) A “Hot Work Permit for Vessels,” authorized by Portland Fire & Rescue shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.
  - b. Violation of Conditions:
    - (1) Violation of any of the following permit conditions shall be cause for immediate revocation of the “Hot Work Permit For Vessels.” Permits which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit. In the event that a fire occurs as a result of violation of these permit conditions, the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder shall pay such costs.
  - c. Authorized Locations: Level I hot work may be performed at the vessel’s normal berth. Exception: Level I hot work shall not be performed at fuel terminals, passenger terminals, grain terminals, or terminals or piers at which the use is primarily residential or recreational in nature, unless authorized by the U.S. Coast Guard, Harbor Master, and a NFPA certified Marine Chemist.

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- d.** Vessel's Fire Protection Systems: During hot work operations all of the vessel's fire protection systems shall remain in service.
- e.** Gangways Required: At least one gangway shall be provided for access to the vessel.
- f.** Prohibited Activity: The following activities are prohibited during hot work operations, unless specifically approved by a Marine Chemist.

  - (1)** All hot work operations shall be discontinued during discharge, loading, or transfer of fuel oils or other flammable or combustible substance.
  - (2)** Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. Monitoring of such areas shall be carried out by a Competent Person.
- g.** Inspection Required:

  - (1)** Prior to the commencement of hot work operations, an inspection shall be made of the area in which the work is to occur to assure that:

    - (a)** The work to be performed does not involve an area of the vessel prohibited for Level I hot work.
    - (b)** Prohibited activity is not taking place elsewhere on the vessel.
    - (c)** The area is safe for the hot work to take place. Such inspection shall be made by the Competent Person and the person in charge of the repairs or modifications. Such inspections shall include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.
- h.** Fire Watches:

  - (1)** Whenever hot work operations are taking place, a responsible individual shall be appointed as fire watch and shall be on duty continuously during such operations.

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- (2) Such persons shall have no other duties other than to watch for fire. Fire watches shall be equipped with, or have immediate access to emergency fire protection equipment (charged fire extinguishers and/or fire hoses). Fire watches shall remain on duty for not less than 30 minutes after hot work operations are completed.
- (3) Persons performing hot work may not serve as their own fire watch.
- (4) Persons appointed as fire watch may be a member of the vessel's crew or other person designated by the individual in charge of the work.
- (5) As determined by a responsible, trained supervisor, the number and location of fire watch personnel shall be based on all existing conditions and potential fire hazards.
- (6) Fire watches are to be readily identifiable.
- (7) Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.

**i. Fire Extinguishing Devices Required:**

- (1) Portable fire extinguisher of sufficient size and number, as identified on Hot Work Permit, shall be kept in readiness at the location where the hot work is being done. Extinguishers may be 4A, 60BC, Dry Chemical; 1A 10/12 BC CO<sub>2</sub> or, 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting may not be used for this purpose.
- (2) A fire hose of not less than 1-1/2 inch diameter, with nozzle attached, shall be laid out and suitably charged in the vicinity of hot work operations. Such hose shall be of sufficient length to reach the compartment or space being worked on or protected.

**j. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor shall be installed prior to performing any work below deck or inside a confined or enclosed space.**

- k.** Other precautions Against Fire:
  - (1)** Flammable or combustible liquids may not be stored within 50 feet of hot work operations.
  - (2)** Combustible materials shall not be located within 25 feet of hot work operations. (Including the opposite side of surfaces on which welding or cutting is being performed.)
  - (3)** Hot work shall not be done in or near compartments or spaces where flammable liquids or vapors, lints, or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.

**E.** Level II Hot Work

- 1.** Definition: Level II hot work includes that work which is moderate in nature or any hot work on or near areas of the vessel which are hazardous in nature.
- 2.** Such hazardous areas include:
  - a.** Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping).
  - b.** Compartments which are insulated with combustible or flammable insulation.
  - c.** Engine rooms, fire rooms, boiler rooms, and auxiliary machinery rooms.
  - d.** Cargo or storage areas which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids).
  - e.** Work on surfaces directly adjacent to those compartments listed above (i.e., the opposite side of an insulated space, which might expose the insulation to heat). Level II hot work must be completed within 30 calendar days.
- 3.** Examples of Level II hot work include:
  - a.** Removal or replacement of major components of the vessel's propulsion system.



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- e. Gangways Required: Two gangways shall be provided for access to the vessel, unless physical limitations dictate otherwise.
- f. Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:
  - (1) All hot work operations shall be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.
  - (2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere of less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. Monitoring of such areas shall be carried out by a Competent Person.
- g. Shipyard Personnel Required: Depending on the exact nature of the work, Level II hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both prior to commencement. Full-time safety persons shall meet the requirements for Competent Persons.
- h. Marine Chemist Certificate Required:
  - (1) No person shall engage in hot work or the use of powder actuated fastening tools in or on the spaces listed below until a certificate setting forth that such work can be done safely is issued. Such certificates shall be valid only if they are issued by a Marine Chemist certified by the National Fire Protection Association (NFPA).
  - (2) A Marine Chemist Certificate shall be required prior to Hot Work operations on any vessel:
    - (a) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.
    - (b) Within or on the boundaries of fuel tanks.

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- (c) On pipe lines, heating coils, pumps, fittings or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.
- (d) Within the boundaries of engine rooms, fire rooms and boiler rooms.
- (e) Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.
- (f) Marine Chemist Certificate shall be issued in strict accordance with the requirements of NFPA 306 Standard for the “Control of Gas Hazards on Vessels.”

**i. Inspection Required:**

- (1) Prior to the commencement of hot work operations, an inspection shall be made of the area in which the work is to occur to assure that:
  - (a) The work to be performed is not prohibited for Level II hot work.
  - (b) Prohibited activity is not taking place elsewhere on the vessel, unless approved by a Certified Marine Chemist. (See section entitled “Prohibited Activity” above.)
  - (c) The area is safe for the hot work to take place and Hot Work Permit Conditions are being complied with:
    - (i) Regular inspections shall be made by a Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.
    - (ii) The types and amounts of fuel oils and other flammable or combustible liquid in all cargo, bunker, deep, settler and double bottom tanks shall be determined. Such determination shall include associated piping systems. Such information shall be readily available to

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Portland Fire & Rescue in the event of a fire or inspection by the Harbor Master.

- (iii) Such inspection shall be made by the Competent Person or Certified Marine Chemist. Such inspection shall include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.

**j.** Fire Watches: Whenever hot work operations are taking place, a responsible individual shall be appointed as fire watch and shall be on duty continuously during hot work operations.

- (1) Such persons shall have no other duties other than to watch for fire.
- (2) Fire watches shall be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).
- (3) Fire watches shall remain on duty for not less than 30 minutes after hot work operations are completed or breaks taken.
- (4) Persons engaged in Hot Work operations may not serve as their own fire watch.
- (5) Persons appointed as fire watch may be a member of the vessel's crew or other person designated by the individual in charge of the work.
- (6) As determined by a responsible, trained supervisor, the number and location of fire watch personnel shall be based on all existing conditions and potential fire hazards.
- (7) Fire watches are to be readily identifiable.
- (8) If during any Hot Work operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch shall be maintained on all sides of the bulkhead or deck.
- (9) Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.

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**k. Fire Extinguishing Devices Required:**

- (1)** Portable fire extinguishers of sufficient size and number as identified on the Hot Works Permit shall be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC Dry Chemical; 1A 10/12 BC CO<sub>2</sub>, or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.
- (2)** Fire hose(s) of not less than 1-1/2 inch in diameter, with nozzle attached, shall be stretched out and suitably charged prior to the commencement of Hot Work operations. One such hose shall be stretched to the area where the Hot Work is to occur. Hose(s) shall be tested prior to commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed or breaks taken.
- (3)** In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Harbor Master or their designated representative.
- (4)** Designated emergency "Red Head" fire boxes shall be supplied and available. Each fire box shall be equipped with two (2) 100 feet lengths of 1-1/2 inch fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes shall be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel's charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on shall be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes shall be used for emergency use only.
- (5)** In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches shall be equipped with CO<sub>2</sub>, other acceptable portable extinguisher(s). Fire hose(s) strung out shall remain dry, but in a state of readiness in the event portable extinguishers are not effective.

- l.** Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor shall be installed prior to performing any work below deck or inside a confined space.
  
  - m.** Removal of Materials:
    - (1)** Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel or decks if hot work operations are to be performed at any location aboard the vessel during the repair process:
      - (a)** Refrigerant gases (including gases within the system).
      - (b)** Compressed gas cylinders except those needed for hot work.
      - (c)** Drums of flammable and combustible liquids.
      - (d)** Explosives.
  
  - n.** Other Precautions Against Fire:
    - (1)** Unless approved by a Certified Marine Chemist, solid combustible materials shall not be located within 25 feet of hot work operations (including the opposite of surfaces on which welding or cutting is being performed).
    - (2)** Hot Work shall not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.
    - (3)** Where floor (deck) openings or cracks cannot be closed, precautions shall be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions shall be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.)
- F.** Level III Hot Work:
- 1.** Definition: Level III hot work is that work which is major in nature or work which is moderate in nature and which will require more than 30 days to

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complete or work which will place the vessel's fire protection systems out of service.

### 2. Requirements:

#### a. Permits Required:

- (1) A U.S. Coast Guard Hot Work Permit.
- (2) A "Hot Work Permit for Vessels," authorized by the Harbor Master shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.

#### b. Violation of Conditions:

- (1) Violation of any of the following permit conditions shall be cause for immediate revocation of the "Hot Work Permit for Vessels." Permits which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit.
- (2) In the event that a fire occurs as result of a violation of these permit conditions the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder shall pay such costs.

#### c. Authorized Locations: Level III repairs may only be performed in a shipyard.

#### d. Vessel's Fire Protection System: Whenever hot work operations are to occur, the vessel's fire protection systems shall remain in service or other steps shall be taken to provide a level of fire protection equivalent to the protection provided by the vessel's system. Before beginning the work, the ship's superintendent or designated person shall obtain the Harbor Master's approval of alternate measures.

#### e. Gangways Required: Not less than two gangways shall be provided for access to the vessel.

#### f. Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:

- (1) All hot work operations shall be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.

- (2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the explosive limit for the particular material being applied as determined by a marine chemist. Monitoring of such areas shall be carried out by a Competent Person.
- g.** Special Personnel Required: Level III hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both prior to commencement. Full-time safety persons shall meet the requirements for Competent Person.
- h.** Marine Chemist Certificate Required:

  - (1) No person shall engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries, or pipe lines until a certificate is issued setting forth that such work can be done safely. Such certificates shall be valid only if they are issued by a Marine Chemist certified by the National Fire Protection Association (NFPA).
  - (2) A Marine Chemist Certificate shall be required prior to Hot Work operations on any vessel:

    - (a) Within or on the boundaries of cargo tanks which have been used to carry combustibles or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.
    - (b) Within or on the boundaries of fuel tanks.
    - (c) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.
    - (d) Within the boundaries of engine rooms, fire rooms and boiler rooms.
    - (e) Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.

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- (3)** Marine Chemist Certificates shall be issued in strict accordance with the requirements of NFPA 306, "Control of Gas Hazards on Vessels."

**i.** Inspection Required:

- (1)** Prior to the commencement of hot work operations, an inspection shall be made of the area in which the work is to occur to assure that:
  - (a)** Prohibited activity is not taking place elsewhere on the vessel.
  - (b)** The area is safe for the hot work to take place and Hot Work Permit conditions are being complied with.
- (2)** Regular inspections shall be made by a Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.
- (3)** The types and amounts of fuel oils and other flammable or combustible liquids in all cargo, bunker, deep, settler and double bottom tanks shall be determined. Such determination shall include associated piping systems. Such information shall be readily available to Portland Fire & Rescue in the event of a fire or inspection by the Harbor Master.
- (4)** Such inspection shall be made by the Competent Person or a Certified Marine Chemist.
- (5)** Such inspections shall include the opposite sides of bulkheads and decks on which welding or cutting operations are to be performed.

**j.** Fire Watches:

- (1)** Whenever Hot Work operations are taking place, a responsible individual shall be appointed as fire watch and shall be on duty continuously during hot work operations.
- (2)** Such persons shall have no other duties other than to watch for fire.

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- (3) Fire watches shall be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).
- (4) Fire watches shall remain on duty for not less than 30 minutes after hot work operations are completed or breaks or lunch taken.
- (5) Persons engaged in Hot Work operations may not serve as their own fire watch.
- (6) Persons appointed as fire watch may be a member of the vessel's crew or other persons designated by the individual in charge of the work.
- (7) As determined by a responsible, trained supervisor, the number and location of fire watch personnel shall be based on all existing conditions and potential fire hazards.
- (8) If during any Hot Work operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch shall be maintained on all sides of the bulkhead or deck exposed to heat.
- (9) All Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if Fire Watch is in a remote or confined area or tank.

**k. Fire Extinguishing Devices Required:**

- (1) Portable fire extinguishers of sufficient size and number as identified on the Hot Work Permit shall be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC dry chemical; 1A 10/12 BC CO<sub>2</sub> or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.
- (2) Hose(s) shall be tested prior to commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed or lunch or breaks taken.

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- (3)** In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Harbor Master or their designated representative.
  - (4)** Designated emergency “Red Head” fire boxes shall be supplied and available. Each fire box shall be equipped with two (2) 100 foot lengths of 1-1/2 inch fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes shall be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel’s charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on shall be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes shall be used for emergency use only.
  - (5)** In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches shall be equipped with CO<sub>2</sub>, or other acceptable portable extinguisher(s). Fire hose(s) strung out shall remain dry, but in a state of readiness in the event portable extinguishers are not effective.
- l.** Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor shall be installed prior to performing any work below deck or inside an enclosed space.
- m.** Removal of Materials:
- (1)** Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel and/or dock if hot work operations are to be performed at any location aboard the vessel during the repair process:

    - (a)** Refrigerant gases (including gases within the system).
    - (b)** Compressed gas cylinders except those needed for hot work.
    - (c)** Drums of flammable and combustible liquids.

(d) Explosives and pyrotechnics.

n. Other Precautions Against Fire:

- (1) Unless approved by a Certified Marine Chemist, combustible materials shall not be located within 25 feet of hot work operations, including all sides of surfaces on which welding or cutting is performed.
- (2) Hot work shall not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.
- (3) Where floor (deck) openings or cracks cannot be closed, precautions shall be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions shall be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.).

**19.16.105 Length of Tows.**

No towboat shall tow any raft or boom of logs or piling which shall exceed 1,500 feet in length from bow of towboat to stern of tow. No such tow shall exceed 120 feet in width. When freshet stage of water in the Willamette River exceeds 10 feet, no tow shall exceed 60 feet in width. The Harbor Master may allow larger tows than hereby specified if it is necessary and cannot be made smaller, but a patrol boat or some other craft must accompany the tow.

**19.16.110 Property Found or Salvaged within the Port.**

(Amended by Ordinance No. 190448, effective July 16, 2021.)

- A. All articles found floating in the Columbia or Willamette River within Oregon jurisdiction or on any of their sloughs within the Harbor Master's jurisdiction shall be reported in writing to the Harbor Master within 72 hours after the article is found. The Harbor Master shall investigate the report, and, if possible, notify the owner, in writing, that the article has been found and request the owner to submit proof of their claim to the article.
- B. If no claim is made to the article within 90 days after notice to the owner, the Harbor Master shall destroy the article, if it has an estimated value of less than \$100, or is a menace to life or property. If the article has an estimated value of \$100 or more, and is not a menace to life or property, the Harbor Master shall sell the article by bid or public auction, after giving notice of the finding and sale once each week for

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two consecutive weeks in the Daily Journal of Commerce. The notice shall state the general description of the article found and the date, time, and place of sale.

- C. If no person appears and establishes ownership of the article prior to the sale, the City shall be owner of the proceeds of the sale.
- D. Upon the sale, in accordance with this section, the interest in the article of the owner and any other person or corporation shall terminate.

**19.16.115 Permits for Aquatic Events.**

(Amended by Ordinance No. 190448, effective July 16, 2021.) Any person, firm, corporation, or organization intending to sponsor or otherwise conduct an aquatic event shall make application for a permit therefor to the United States Coast Guard, not less than 30 days prior to the opening of the aquatic event. A copy of any approved permit shall be given to the Harbor Master. They may add any other conditions as they may deem appropriate.

**19.16.120 Dead Animals and Refuse.**

It is unlawful to throw, place, or leave any dead animal or putrefying matter into or on any part of the harbor or to place or deposit any rubbish, refuse matter, or article of any offensive character likely to create a nuisance upon any wharf, of any wharf road, or street leading to a wharf, except at the places and in the manner determined by the Office of the Harbor Master.

**19.16.130 Check To Be Kept of Employees Handling Bulk or Dangerous Cargo.**

Whenever any bulk or dangerous cargo is being worked in the hold of any vessel or other floating craft, the foreman or person in charge of any such work shall keep an accurate check or count of all persons at all times while so engaged or employed, and a count must be made of all persons entering and leaving the holds of any vessel or watercraft while such cargo is being worked.

**19.16.135 Flammable and/or Combustible Liquid Storage on Docks.**

- A. Storage of flammable or combustible liquids in excess of Uniform Fire Code exempt amounts shall not be permitted on docks, without prior approval of the Harbor Master.
- B. Storage of flammable and/or combustible liquids on docks in quantities requiring placarding by DOT shall be stored by designated areas.

Exception: Locations approved by the Harbor Master, prior to storage.

- C. Exempt amounts of flammable or combustible liquids may be stored on docks if stored in approved safety cans, flammable liquid cabinets, or in unopened Department of Transportation (DOT) containers.

- D.** Flammable liquids or gases and combustible liquids shall not be dispensed in the hold of ships. Exchanging of fuel cylinders of tanks for equipment shall not be permitted in the holds of ships. When fueling of lift trucks or other equipment used in the holds of ships becomes necessary, the lift truck or equipment shall be lifted out of the ship to the dock and fueling shall be done on the dock. The fueling area on the dock shall be approved prior to fueling, by the Harbor Master. Any additional fire safety equipment deemed necessary by the Harbor Master shall be in place before any fueling or refueling is started. After fueling or refueling and before the lift truck or equipment is lifted back into the ship, the equipment shall be started and checked for leaks in the fuel system. The equipment shall then be shut down, lifted back into the hold of the ship and then restarted and work resumed. Except for emergency fueling of cars of 5 gallons or less.
- E.** The transfer of flammable liquids in moorages for water craft is prohibited except at duly authorized fuel docks.

**19.16.140 Oil Vessel Transfer Equipment.**

When transferring oil or other hazardous materials cargoes, all vessels, transfer facilities, barges and other watercraft shall do so in complete compliance with procedures set forth in approved Codes of Federal Regulations.

**19.16.145 Oil on Waters of the Harbor.**

(Amended by Ordinance No. 190448, effective July 16, 2021.)

- A.** No person shall pump, cast, discharge, or allow any petroleum or other oil of whatever nature to flow into or upon any tributary, sewer, drain, ditch, or waters which flow into any navigable water within and abutting the corporate limits of the City of Portland or water which flows into the river.
- B.** No vessel or watercraft of any nature whatsoever shall pump bilges containing any oil matter into the waters of the harbor, but they must pump the same into barges or lighters equipped for handling such oil cargo, or with a siphon discharge, and any such pumping shall be a violation of this Chapter if any oil matter shall get into the waters of the harbor. Notice shall be given to the Harbor Master by the owners, agent, or employees of the lighters or barges prior to the pumping or siphoning, and immediately upon completion of the operations.
- C.** No industrial plant garage, service station, oil station, or other oil using plant shall have any direct lead from any oily drain into any sewer, drain, ditch, or other discharge without first running through a sump; and the sump shall be kept skimmed at all times and in case any sump overflows the responsible party shall be held the guilty person.
- D.** Whenever any vessel or other watercraft is drydocked, beached, or hauled out on any ship way, and oil of any kind is leaking, all due precautions must be taken to

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keep such oil from flowing out into the waters of the harbor; and oils must be skimmed into barrels or other containers or absorbed by quantities of hay, straw, dry shavings, or other approved buoyant absorbent. No chemical cleaner can be used for oil on the water. Oil must be removed to some place other than where it may again enter the waters of the harbor.

- E.** Any person, contractor, firm, or corporation who shall allow any petroleum product or other oil substance to get into such waters in any way must take immediate means to recover as much of the oil substance as possible by absorbing same into hay, straw, dry shavings, or approved buoyant absorbent which can be removed from the water and disposed of. Sinking same with sand, gravel, or chemical compounds will not be allowed and the use of same will subject the party doing so to arrest.

**19.16.150 Mooring Hazardous Vessels.**

No vessel or watercraft classed as an oil carrier or tanker, or constructed to carry a part cargo of oil, or carrying explosives or other dangerous or flammable cargo shall be made fast in any manner that cannot easily be cast off or cut without unnecessary delay, and there shall be sufficient water under the keel of any such vessel to float it at all times.

**19.16.155 Hazardous Materials.**

(Amended by Ordinance No. 190448, effective July 16, 2021.)

- A.** No vessel or watercraft may transport, load, unload, or use on board any hazardous material as cargo within the jurisdiction of the Harbor Master, except in accordance with the regulations of the U.S. Department of Transportation (DOT) and U.S. Coast Guard.
- B.** No hazardous materials shall be received, handled, or stored at any dock or other facility within the Harbor Master's jurisdiction not previously approved by the Harbor Master, and the U.S. Coast Guard. All hazardous materials at these facilities shall be handled, stored, loaded, and unloaded in compliance with requirements of the Portland Fire Code, National Fire Protection Association, and the U.S. Coast Guard.
- C.** All hazardous materials shall be properly packaged, marked, labeled, and containers placarded in accordance with DOT specifications, or International Maritime Dangerous Goods Code specifications as permitted by the DOT.
- D.** The Harbor Master may limit the scope of activity, and/or specify fire safety provisions, in addition to this Code, should they deem such conditions are necessary to provide reasonable public safety in the handling or storage of hazardous materials.

- E.** Permission from the Harbor Master to handle the following hazardous materials must be requested at least one week prior to the cargo arriving into the harbor. (These are identified by the DOT classification.)
1. Explosives 1.1, 1.2, 1.3, 1.4.
  2. Blasting agents 1.5.
  3. Poison gases 2.3
  4. Poison liquids with inhalation hazards 6.1
  5. Cryogenics 2.1, 2.2
  6. Pyrophoric 4.2
  7. Dangerous when wet 4.3
  8. Ammonium nitrate and ammonium nitrate mixtures 5.1
  9. Oxidizers 5.1 and organic peroxides 5.2
  10. Etiological materials 6.2
  11. Radioactive 7.
  12. Flammable solids 5.2
- F.** The Harbor Master must be notified at least 72 hours prior to arrival into the harbor of any other hazardous materials, except for the following:
1. Motor vehicles.
  2. Hay/straw.
  3. New wet batteries.
  4. ORM/D (consumer commodities).

**19.16.170 Precautions in Mooring.**

All vessels when making fast to any dock or sea wall shall do so in a safe way with suitable lines and fastenings to be furnished by the vessel. Whenever any vessel, by reason of the manner in which the same is made fast to any dock or sea wall, shall be unsafe or dangerous or a menace to itself or to any other adjoining dock, it shall be the duty of the master of such vessel or other person in charge to make such change as may be necessary to correct such condition; and if the master or other person shall fail in such duty, the change shall be

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made by the Harbor Master and all expenses thereby incurred shall be paid by and recoverable from such vessel or the master thereof to the City.

**19.16.175 Vessels at Berth.**

Except when fastened parallel to the channel, any vessel lying at berth allowing a portion to extend beyond the line of the dock, does so at its own risk and may be held responsible for any damage that may result by reason of the projection into the stream.

**19.16.180 Watchmen on Ocean Going Vessels.**

It is unlawful for the owner, agent or master of any ocean going vessel to allow the same to remain anchored or moored or made fast to or lie at any pier, unless there is adequate security provided, as approved by the Harbor Master.

**19.16.185 Mooring of Vessels.**

(Amended by Ordinance No. 190448, effective July 16, 2021.)

- A.** It is unlawful for any person or corporation to moor, tie up, secure or anchor more than two abreast any vessels or watercraft more than 35 feet in breadth along any dock or shoreline running parallel to the Willamette River, without first securing written permission from the Harbor Master.
- B.** It is unlawful for any person or corporation to moor tie-up or anchor any vessel or watercraft, except at an approved moorage or site approved by the Harbor Master. This section is not meant to regulate normal recreational or commercial water craft or vessels for short periods of time, of less than 30 days duration. The Harbor Master may extend this time, as necessary, for unusual circumstances, at their discretion.

**19.16.190 Street Ends.**

- A.** No goods, lumber, logs, boats, vehicles, or other articles shall be placed, piled, moored, tied, dumped, deposited, or allowed to remain on, or to obstruct any street end in any manner; and all such articles shall be removed at once when so ordered by any member of the police or fire department.
- B.** No sign shall be placed across or on any street end without written permission of the Harbor Master. No shack or other small building shall be allowed along the harbor unless of standard construction and unless a permit shall have been secured from the Harbor Master. The area from the property line to the curb line shall be kept clear for pedestrian traffic at all times unless closed by the City Council. No combustible building or other fire hazard shall be allowed under bridge approaches.

**19.16.195 Equipment and Use of Docks.**

- A.** All docks where seagoing vessels are to be secured must be equipped with proper cleats, kevels, bollards, mooring posts, or similar devices for the ready and safe

securing of such vessels as may be moored alongside; and all such fastenings must be kept clear at all times. No cargo or goods or articles of any kind shall be unloaded, loaded, or piled near such fastenings which might preclude quick access to them and no fastenings shall be made to any other part of any structure at any time which may endanger such structure in any way. All dock openings must have fences or barricades when not in use.

- B.** It is unlawful for any ocean going vessel, while made fast to any dock or wharf within the confined limits of the City to turn its propeller over in excess of 15 turns per minute (approximately one quarter full speed) without first having obtained permission from the Office of the Harbor Master and owner of the dock or wharf.

**19.16.200 Passenger Docks To be Fenced.**

No passenger carrying vessel shall be allowed to load or discharge any passengers at any dock within the City unless the proper gangways, manropes, and life nets are in place and an adequate fence or rope rail is in place at the edge of the dock. Exception: Life nets may be removed at the Harbor Master's discretion.

**19.16.205 Respiration Protection Required.**

Any stevedoring company or any person engaged in working sulfur or any cargo of poisonous compounds or other commodity whereby any person working in or around such cargo may be overcome by dust or fumes or gases from such cargo, shall have at hand for immediate use suitable respiration protection equipment approved by NIOSH.

**19.16.210 Drinking Water and Toilets To Be Provided.**

- A.** All docks or other places where vessels are moored and cargo is worked or repairs are made shall have at least one toilet and at least one drinking fountain for the accommodation of all employees and other persons having business at such dock or other place.
- B.** If any vessel shall be working any persons or gangs at any dock or other location within the port for any purpose whatsoever, and if there are not proper toilet facilities available, or if the facilities become out of order for any cause, said vessel shall have at least one toilet on board that shall be conveniently accessible and available at all times for the use of the persons so engaged in the ship's operations. All toilets shall be kept clean sanitary, and in good working order.

**19.16.215 Making Unnecessary Noise Prohibited.**

It is unlawful for the master or any person in charge of any vessel of any kind lying at any dock or while navigating in the harbor, to cause any whistle, siren, foghorn, bell, or any other kind of sound producing apparatus to be blown or sounded for any purpose other than required by law or by the U.S. Coast Guard "Rules of the Road: International - Inland" Commandant Instruction M16672.2 series. These rules are hereby made a part of this Title. Copies are available at Group Portland, United States Coast Guard. No such apparatus

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shall be tested or adjusted within the port without written permission of the Harbor Master. However, boilers and tanks may be blown out through an underwater exhaust between the hours of 7 a.m. and 10 p.m. of any day. This section shall not prevent the routine testing of any sound producing apparatus in connection with actual getting under way.

### **19.16.220 Garbage Not To Be Dumped.**

- A. No vessel or other watercraft shall dump garbage, dunnage, refuse, straw, or other packing material into the waters or upon the banks of any stream, tributary, or waters within or abutting the corporate limits of the City of Portland, but they shall keep them on board until after leaving the harbor or dispose of same on shore through an approved garbage disposal service.
- B. If at any time any communicable disease peculiar to animals is found to exist in any country or state from which cargo was received, no waste material in any manner whatsoever shall be discharged.
- C. All garbage while onboard ship shall be stored in covered leak-proof containers. Any garbage discharged while in port must be to an approved facility.

### **19.16.225 Handling Loose Materials.**

- A. It is unlawful for any person, firm, or corporation to throw, dump, deposit, unload, load, wash, flush, or by any other means allow any coal, clean water ballast, ashes, sand, gravel, rock, sawdust, ground fuel, dirt, earth, dust, chaff, vegetable, animal, or fish parts, slabs, planks, timbers, dunnage, paper, metal, or loose products, or dredgings of any kind, or any other unauthorized material into or upon the banks of any stream, tributary, or waters within or abutting the corporate limits of the City of Portland, by high water or other means.
- B. When such materials are being handled from ship, barge, or other floating object to shore, or from one floating object to another, a sufficient tarpaulin, plate, platform, or other kind of jumper shall be placed, stretched, or spread so as to prevent effectually any such material from falling into the waters of the port, except where the loose materials are being handled by a pipe, hose, tube, tight bucket, or other object, so that no part thereof is allowed to get into the waters of the port.
- C. No plant along the banks of the navigable waters within or abutting the corporate limits of the City of Portland shall allow any washing, screenings, or plant refuse of any kind whatsoever to get into the river if any such material will prove obnoxious or tend to fill in or obstruct the free flow of the river.
- D. All concerns engaged in the removal of refuse of any kind on the river shall have suitable barges or boats with fixed bins, barricades, or fences so that no part of any such refuse shall fall overboard while handling or mooring same. In the event any

such material gets into the waters of the port, the materials must be removed at once.

**19.16.235 Care and Use of Boats.**

It is unlawful for any person to operate any vessel in the harbor in such a manner as to jeopardize the same or to endanger life or property. When any power craft of less than 15 tons net burden is proceeding in such a manner that it is endangering any canoe, rowboat, skiff, or other watercraft, it shall be the duty of the person in charge of such power craft to reduce the speed, stop, or reverse as the case may be, to remove the danger to such watercraft or to refrain from willfully frightening the occupants thereof.

**19.16.240 Safety Measures To Be Observed.**

All contractors doing any construction work along the waterfront shall take all necessary precautions for the safety of their workers.

**19.16.245 Vending Prohibited.**

It is unlawful for any vendors of any kind to go upon any ship or dock face while a ship is working cargo or while the winches or any of the gear is being operated for any purpose. No vending of any kind shall be allowed at any dock where the owners thereof shall have posted suitable signs prohibiting such vending.

**19.16.250 Floating Dwellings.**

(Amended by Ordinance Nos. 176955 and 190448, effective July 16, 2021.)

- A.** It is unlawful for Any person to place or maintain any houseboat, scow, dwelling, boathouse, or any other kind of a floating dwelling on the river except at such places as shall be designated by the Harbor Master as proper moorages.
- B.** All such dwellings shall be connected with running water from the City's mains and shall have at least one toilet of the flush type on board, and if the dwelling shall go on ground, a proper closed drain shall be established to running water.
- C.** No such dwelling shall be maintained at any location without permission first having been obtained from the property owner.
- D.** All persons so occupying any floating dwelling shall have written permission from the Harbor Master and the permission shall designate the location of the dwelling. The Harbor Master shall grant written permission if after investigation they shall find that all of the above provisions have been compiled with and finds that any floating dwelling will not be a menace to the surrounding property or the public health of the community.
- E.** He shall have the power to move any such dwelling at any time it shall become necessary, or at the request of the property owner, or for the safety of the dwelling or the public at large.

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- F.** Also, there shall be no dwelling established along the waterfront or any property in the City limits from the shore line of the river to the nearest paralleling street curb which will not meet the building specifications and have the permission of the Bureau of Development Services for any such buildings, and they must have running City water connected into the building and have at least one flush type toilet connected to an approved sewer.
- G.** The owner of every floating dwelling shall at all times have at least one 50-foot length of garden hose and a spray nozzle connected to City water service.
- H.** All such dwellings and buildings must be constructed so as to meet all the requirements of the building, plumbing, Title 28 Floating Structures, electrical, and fire regulations and shall be subject to inspection by proper authority at any time.

**19.16.253 Canoe Houses and Small Boat Storage.**

- A.** No club association, person, firm, or corporation shall operate or maintain any canoe houses or small boat storage without first having obtained from the Harbor Master a permit for moorage. The permit shall be required if moorage space is rented to more than three individuals per year by any person, firm, corporation, club, or association. The permit may be revoked at any time if the Harbor Master finds conditions at any moorage are unsafe or a menace to the public health [or morals of the community], or where existence of the moorage in any location creates conditions adversely affecting navigation or maneuvering of vessels, or where navigation or maneuvering may create a hazard to life and property at the moorage.
- B.** All moorages must have running water piped to them with a service line of sufficient size as to supply adequately all houses in the moorage.
- C.** All walks, steps, gangways, and ramps shall be maintained in good condition at all times, equipped with at least one handrail or safety rail and have sufficient lights distributed as to make them safe at all times at night with lights turned on and burning during the hours of darkness every night. Electric power lines must be strung so that they will in no way endanger persons passing in and out of any such moorage.
- D.** All moorages shall maintain sufficient covered standard garbage cans to take proper care of all garbage for such moorage and garbage shall not be allowed to accumulate for over 7 calendar days without being disposed of as provided by law. No garbage, waste, or other surplus materials shall be dumped or thrown into any of the waters within or abutting the corporate limits of the City of Portland, by any person at any moorage.

**19.16.255 Ballast Logs.**

All ballast logs, fending off floats, or camels when used by vessels at docks shall be properly fastened by chains, wire cable, or ropes in such a manner that they cannot float through their fastenings if disturbed by the displacement of water caused by any passing vessel or other cause; and all such floats shall have at least one preventer cable attached to it on end with the other end securely fastened to the ship or dock.

**19.16.265 Heating Combustible Matter.**

It is unlawful to heat any combustible matter, such as pitch, tar, resin, oil, or other flammable compounds on board any vessel lying at a dock or in the stream in the port, except in places as shall be designated by the Harbor Master.

**19.16.270 Lines Not To Cross Channel.**

(Amended by Ordinance No. 190448, effective July 16, 2021.) No person shall run any rope, cable, or any other obstruction across any channel or fairway within the harbor without first obtaining permission from the Harbor Master. If so ordered by the Harbor Master, they shall maintain a proper patrol during such time to warn all approaching watercraft of such danger and also shall place red flags out by day and red lanterns by night, or other signals as ordered.

**19.16.275 Restrictions of Towing.**

(Amended by Ordinance No. 190448, effective July 16, 2021.)

- A. The Harbor Master is authorized to stipulate the number and size and arrangement of any barges, rafts, or other objects which shall be allowed to be towed through the harbor by any certain power boat or towboat; and no master, owner, agent, or person in charge of any towboat shall tow in the Portland harbor unless the towboat has sufficient power to safely handle the object in tow and to keep it from obstructing any channel or fairway. If at any time such tow shall obstruct navigation, or if the Harbor Master finds that said towboat does not have sufficient power to safely handle the tow, the Harbor Master shall order same promptly removed or secured, and the expense thereof shall be recoverable by the City.
- B. It is unlawful for any person, firm, or corporation to enter the City limits with any vessel, barge, boat, scow, or other floating object that has been wrecked, damaged, or that may be in any unsafe and liable to sink due to such condition, or cause any above-named dangerous object to be towed into the harbor, where it may become submerged and an unsafe object to navigation, life, and property of the community, without first obtaining permission in writing from the Harbor Master.
- C. Any uncommissioned vessel or other large tow which is difficult to control or which in any way endangers the bridges crossing the Willamette River, will not be allowed to pass through any of the drawbridges crossing the Willamette River, unless it is equipped with an anchor of sufficient size, ready to drop, to hold the vessel or tow in any stage of water, and sufficient number of capable workers to handle such

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vessel shall be on board. Any such vessel or other large tow not so equipped may be ordered tied up by the Harbor Master until the requirements of this Section have been complied with.

- D.** In the event the object being towed gets out of control and damages public or private property or sinks and becomes a menace to navigation, the agent or responsible party making this tow shall remove the sunken object at the earliest possible time.
- E.** Any uncommissioned vessel passing through the bridges crossing the Willamette River within the City limits must have the services of a local pilot, provided, however, that if the Harbor Master shall, in their discretion, determine that the services of a local pilot are not necessary under prevailing conditions, this requirement may be waived.

**19.16.280 Speed of Vessels.**

- A.** All vessels and other watercraft during foggy or smoky weather, mist, falling snow, heavy rain, or other obscuring weather, shall proceed at a moderate speed, having due regard to the existing conditions and circumstances.
- B.** All vessels and watercraft must keep clear of seaplanes while they are taking off or landing within any district set aside for that purpose.
- C.** All motorboats shall proceed with caution while in the harbor and not try out for speed if other small boats are in the vicinity in numbers, except during permitted regattas, races, or demonstrations.
- D.** All vessels when passing dredges, drydocks, vessels under repair, diving, or grappling operations, or other submarine work, shall slow down to not more than 6 statute miles per hour. While passing over the mooring lines of any such activity, the propellers or other propelling machinery shall be stopped; and if their draft permits, the vessel shall keep on the outside of the buoys marking the ends of the mooring lines of floating plant that may be working within the channel area.
- E.** No vessel shall be operated in the port at any speed whereby any damage may be done to the property of another or life may be endangered thereby by the suction of waves, swells, or wake caused by such speed.

**19.16.290 Obstructing Public Docks.**

It is unlawful for any person to moor, tie up, or dock any vessel or other watercraft so that any portion of such vessel or watercraft shall overlap or obstruct in any manner the free and easy entrance to or departure from any public dock or fireboat slip at any time.

**19.16.295 Connections for Potable Water.**

All docks or other such places, moorings, and dolphins where ocean going vessels will be moored for working cargo or repairs shall have connections for potable water installed in accordance with Title 25 of the Administration Code of the City of Portland.

**19.16.300 Signal Lights.**

All ocean going vessels and other watercraft shall comply with the applicable rules and regulations prescribed by the federal government, and in addition all vessels under 150 feet registered length, barges, scows, or other watercraft, when at anchor within the port, shall carry forward where it can best be seen, but at a height not exceed 20 feet nor less than 8 feet above the deck, a white light showing a clear, uniform, and unbroken light visible all around the horizon at a distance of at least 1 mile. When at a dock, all vessels, log rafts, booms, or other floating craft that may have been made fast anywhere in the harbor, and any part thereof extending out past the harbor line, shall display from sunset to sunrise at the extreme corners on the upstream and downstream ends, or within 25 feet thereof, a white, and no other colored, light that may be seen at least a distance of 1 mile, except on tankers or other vessels that may be carrying any hazardous cargo on which the federal law requires an unbroken red light, provided that regular fixed deck lights in proper placement may be used in place of portable lights on cargo vessels, and preferred on tankers and vessels carrying hazardous cargo. No vessel or other watercraft shall display at any place within the City limits any colored lights that may be confused as navigation lights, signal lights, etc., except when actually under way or during a parade, or for a temporary display for a short time only. Whenever any such lights are to be displayed, notice must be given the Office of the Harbor Master, which Office shall notify the local pilot's office. All signal or navigation lights must be maintained from sunset to sunrise.

**19.16.305 Closing and Lighting Docks and Wharves.**

Every owner, lessee, or occupant of a dock or wharf within the City shall close and keep closed by sufficient gates barricades, or hatches all slips and runways used as passageways between a dock or wharf and a ship, when such slips and runways are not in actual service, and shall keep every dock and wharf sufficiently lighted at night when a vessel is made fast thereto.

**19.16.310 Lights and Gangways on Vessels at Wharves.**

Every vessel lying alongside a wharf, or vessel lying alongside a vessel berthed at a wharf shall, from sunset until sunrise, be provided with the proper lights, and shall be provided continuously with the appliances in the way of gangways and manropes as may, in the opinion of the Harbor Master or in fact, be necessary for the convenience and safety of person passing to and from the vessel. Every gangway fixed for the purpose of giving the crew or other persons access to the ship after dark, shall be brightly illuminated by the best available means as long as such gangway is in use.

**19.16.315 Safety Nets on Vessels.**

Every ocean going vessel lying at a berth and secured, except river boats, shall have safety nets suspended below any landing stage or gangplank as will prevent any person from

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falling into the water in the event any person slips off the landing. The nets must extend at least 5 feet past each side of all gangways. Safety nets may be regular cargo nets, tarpaulins, sailcloth, canvas, or any other material that is pliable and of sufficient strength to hold the body of an adult person who may fall from the gangway.

EXCEPTION: This regulation may be waived by the Harbor Master.

### **19.16.320 Safeguarding Hawsers or Ropes from Rats.**

Every hawser or rope by which any ocean going vessel is made fast to any dock, dolphin, or shore shall be equipped with at least one metal disc or rat guard of size or position as shall be approved by the Harbor Master and in no instance shall a guard be allowed with less than 18 inches of metal from the center of the guard to the outside rim. Every metal disc shall, if not affixed to the hawser or rope to the satisfaction of the Harbor Master, be removed to a position on the hawser or rope as pointed out by the Harbor Master. Vessels while berthed at a dock must be fended off from the dock a sufficient distance so that rats cannot jump from the vessel to the dock; provided that when river conditions may prevent the loading or discharging of any vessel when fended off the proper distance, the Harbor Master may grant permission for the removal of the fending off floats to facilitate the loading or discharging of such vessel; but when the vessel is not loading or discharging cargo, the same shall be immediately fended off the required distance if conditions so permit.

### **19.16.325 Precautions on Vessels at Night.**

All openings in the ship's sides shall be closed at sundown, and all cargo skids and nets shall be unrigged at sundown, except during times as they are actually in use, when they shall be brightly illuminated. In case gangways are not lifted from the ship or dock at night, both ends of the gangway shall be lighted and a person constantly on watch at the head of the gangway on the vessel.

### **19.16.330 Conditions of Vessels at Docks and Wharves.**

The master or person having the charge or command of any vessel coming to or laying alongside any wharf or vessel berthed at a wharf shall, both before and during the time a vessel is moored or stationed at the wharf, or alongside any vessel berthed at a wharf, have the anchors stowed, and all other projections stowed within the rail of the vessel.

### **19.16.335 Removal of Vessels from Docks or Wharves.**

In order to facilitate the removal of vessels from their berths at any wharf or place of mooring or for other reasons, the Harbor Master may direct the master or person in charge of any vessel to slack away hawsers, cables, or other fastenings of any ship and to stow booms or other rigging. Every vessel while backing out of any slip shall have at least one member of the crew on the lookout astern on the upper deck, such person to be in full view of the pilothouse to warn the master, or the person in charge of such vessel, of the proximity of any obstruction to navigation or the approach of another vessel. Every vessel shall continue to back a sufficient distance beyond the face of any pier to avoid any danger of accident or collision with any other vessel backing out from the same or any other slip.

Every vessel backing out from a slip shall proceed slowly, using extreme care for the prevention of accidents.

**19.16.345 Rules Governing Operation of Canoes, Sailboats, and Motorboats.**

It is unlawful for any person operating any motorboat to tow any canoe while such canoe is occupied by any person, and it is unlawful for any person operating or occupying any canoe, sailboat, motorboat, or rowboat to make fast to any log raft being towed through the harbor. No person operating any canoe, rowboat, or motorboat shall pass between the stern of any towboat and the raft in tow thereof.

**19.16.355 Protection of Water Mains.**

(Amended by Ordinance No. 190448, effective July 16, 2021.)

- A.** It is unlawful for any person to drive any piling or to dredge or dig within 200 feet of the submerged water mains of the City of Portland in the Willamette River, without first obtaining written permission to do so from the Harbor Master. Before giving any such permission, the Harbor Master shall consult with the Engineering staff of the Portland Bureau of Water Works. The existing City water mains are located as follows:

A 30-inch water main from the foot of SW Spokane Street to the foot of SE Spokane Street.

A 36-inch water main from the foot of SW Caruthers Street to the foot of SE Stephens Street.

A 24-inch water main from the foot of SW Mill Street to the projected foot of SE Stephens Street.

A 30-inch water main from the foot of SW Clay Street to the foot of SE Clay Street.

A 60-inch water main from the foot of SW Miles Place to the foot of SE Lambert Street.

A 36-inch water main from the foot of St. Johns Bridge to the foot of N. Pittsburgh Street (approx. 500 feet upstream of the center line of the St. Johns Bridge).

The location of the City's water mains are indicated by large targets on which there is printed "Pipe Crossing City of Portland."

- B.** Nothing in the above Section shall relieve any person, company, or corporation from securing such other permits as may be required by any other agency such as, U.S. Army Corps of Engineers or the Port of Portland, and Division of State Lands.

**19.16.360 Derrick Booms Near Bridges.**

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

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- A.** Any person operating or having control upon the navigable waters within the City limits any watercraft having moveable derrick booms or other adjustable contrivances shall, before passing through or under any bridge, lower the boom or other adjustable contrivance sufficiently so that the draw or lift of any bridge shall not have to be opened or raised on account of such derrick boom or other adjustable contrivance. It is unlawful for any person having control of any watercraft equipped with moveable derrick boom or other adjustable contrivance to signal for the opening of any draw or the raising of any bridge lift, where, by lowering the derrick boom or other adjustable contrivance, the craft would be able to pass under the bridge without opening the draw or raising the lift.
- B.** No watercraft shall be anchored or moored within 50 feet of any such bridge or bridge approach without obtaining a permit therefor as provided by ordinance; provided, however, that this Section shall not apply to cargo carrying vessels which comply with the regulations of the United States Government for protection against fire while taking on or discharging cargo. All watercraft to which this Section applies shall be kept free from oily rags, oily wood, wastepaper, and all other things which constitute a fire hazard. Every such watercraft shall be equipped with approved fire extinguishers in good working condition as required by ORS 488.090.
- C.** All machinery, apparatus, devices, and instruments for furnishing power, light, heat, or protection against fire or for extinguishing fire, shall comply with all of the regulations of the Government of the United States of America, the State, and the City. To the full extent permitted by law, authorized personnel of Portland Fire & Rescue, Bureau of Police, or other City bureaus or departments shall have the right at all reasonable hours to inspect watercraft to determine conformity with the provisions of this Section.

**19.16.365 Interfering with Dumping Snow.**

It is unlawful for any person to moor or maintain any vessel or other watercraft at any street end or along or adjacent to any bridge in such position as to interfere with the dumping of snow into the harbor from a bridge or street end when snow is being removed from streets.

**19.16.370 Recovery of Bodies or Evidence from River.**

(Amended by Ordinance No. 190448, effective July 16, 2021.)

- A.** Whenever it appears to the Harbor Master that any automobile, boat, or other thing has sunk within the Portland harbor, and has reason to believe that a human body may be contained therein, they hereby are authorized to use such means for the removal or recovery of same as may appear reasonable and necessary.
- B.** Whenever any gun or other thing has been thrown into or has entered the waters within the City and the same appears to be necessary evidence in any investigation,

criminal or civil, they hereby are authorized to use such means as may be needed to recover same.

**19.16.375 Protection of Bridges.**

It is unlawful to fasten any watercraft or floating timber to any bridge, or part thereof, or to moor any watercraft or floating timber underneath any bridge or bridge approach within or abutting the corporate limits of the City of Portland.

**19.16.380 Damage of City Property.**

Any person causing any damage to or injuring any dock, pier, gangway, float, barge, trestle, roadway, building, fence, or other structure which is the property of or under the supervision of the City, the damage being caused by the use thereof, by accident or otherwise, shall be liable to the City for the full amount of the damage. The Harbor Master shall be notified of any such damages with 48 hours of such occurrence.

**19.16.385 Dead Ships Moored Permit Required.**

No dead ship shall be moored or anchored within the harbor except upon written approval of the Harbor Master who shall have been given at least 5 days prior notice of the entry of the dead ship or ships into the harbor.

**19.16.400 Boats and Boating.**

ORS Chapter 830 is adopted herein, incorporated by reference, and made a part of this Title. Except as otherwise specified, all boats on any navigable waters within or abutting the corporate limits of the City of Portland shall be subject to the provisions of Chapter 830, Oregon Revised Statutes (Boats and Boating).

**19.16.435 Standard Whistle Signal for Fire in Port.**

In the event of fire occurring on board any vessel or watercraft in the Portland harbor, except those under way, it may sound five prolonged blasts of whistle or siren as an alarm indicating fire on board or at the dock to which it is moored. The signal may be repeated at intervals to attract attention and is not a substitute for, but may be used in addition to, other means of reporting a fire. The words "prolonged blast" used in this Section shall mean a blast of 4 to 6 seconds duration.

**19.16.500 Duckworth Dock Moorage.**

(Added by Ordinance No. 186748; amended by Ordinance No. 190448, effective July 16, 2021.)

- A.** As used in this Section and Section 19.16.515 the following words and terms have the meanings indicated unless the context clearly requires otherwise:
  - 1.** "PBOT" means the City of Portland Bureau of Transportation. Where appropriate, the term "PBOT" also refers to the staff and employees of the Portland Bureau of Transportation.

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2. “Dock” means the PBOT float, piers, and gangway that are part of the Kevin J. Duckworth Memorial Dock installed on the east bank of the Willamette River and attached to the Eastbank Esplanade near and upriver (south) of the Steel Bridge.
  3. “Commercial vessel” means a vessel which is used, rigged, or licensed for any commercial use or purpose, and shall include watercraft operated within the terms of a concession lease or agreement with the City of Portland.
  4. “Night” means any period of time between one hour after sunset until one hour before sunrise.
  5. “Director” means the Director of the Portland Bureau of Transportation.
- B.** The operator of recreational watercraft may use the Dock for recreational purposes only. It is permissible to swim, fish and operate non-motorized craft from the dock. Recreational motorized boats are only permitted to pick up and drop off passengers from the designated zone. It is unlawful to use the Dock for any purpose other than recreation without prior written permission of the Director.
- C.** It is unlawful to moor a watercraft at the Duckworth Dock, except as described in this Section, without prior written permission of the Director. The Harbor Master may permit a craft to be moored at the Duckworth Dock for more than 24 hours only when the craft is inoperable and reasonable additional time is needed to repair it. A designated 50 foot drop off/pickup zone has been established for motorized boats at the northern most outside edge of the dock. This is the only area of the dock recreational vehicles are permitted for the purpose of dropping off and picking up passengers. No recreational motorized boat mooring is permitted.
- D.** Non-motorized recreational boats may moor on both sides of the dock, with the exception of the 50 foot recreational motorized drop off/pick up zone which is also designated for commercial vessels (tour boats, water taxis, etc.). Commercial vessels must obtain a permit through the Portland Parks & Recreation Reservation Center, which is allowed to issue commercial permits on PBOT’s behalf.
- E.** Use of the Dock shall be on a first come, first served basis unless otherwise permitted by the Director.
- F.** The mooring of any craft in violation of this Section may result in eviction from moorage, in addition to any other penalty prescribed by law.
- G.** The Director is authorized to issue administrative rules and establish moorage fees which the Director deems necessary to operate and maintain the Dock.
- H.** The provisions of this Section may be enforced by the Director or their appointed designees, the Portland Park Bureau Rangers, the Harbor Master, the Portland

Police Bureau and its officers, and, the Multnomah County Sheriff's Office and its deputies.

- I.** The Director is authorized to designate persons in charge of the Dock. The designation shall be in writing, and any person and law enforcement agency so designated shall be a "person in charge" as that term is defined in ORS 164.205(5) until the designation is removed by the Director. The Director shall maintain a list of all persons who have been designated as a "person in charge" of the Dock. Upon request, the Director shall provide a copy of the list to the District Attorney of Multnomah County.
- J.** The City of Portland, its officers, employees, and agents are not liable for any personal injury or property damage resulting from maintenance or use of the Dock.

**19.16.515 Exclusions.**

(Added by Ordinance No. 186748, effective August 6, 2014.)

- A.** In addition to other remedies provided for violation of this Code, or of any of the laws of the State of Oregon, any Peace Officer as that term is defined under ORS 133.005 may exclude any person who violates any applicable provision of law at the Duckworth Dock from the Dock in accordance with the provisions of this Section. Nothing in this Section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law, shall be subject to exclusion as provided by this Section.
- B.** For purposes of this Section, "applicable provision of law" includes any applicable provision of this Code, of any City ordinance, or of any rule or regulation promulgated by the Director or the Council under this Title, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, any applicable County ordinance or regulation. For purposes of this Section, "applicable" means relating to the person's conduct at the Dock.
- C.** An exclusion issued under the provisions of this Section shall be for 30 days. If the person to be excluded has been excluded from the Dock at any time within two years before the date of the present exclusion, the exclusion shall be for 90 days. If the person to be excluded has been excluded from the Dock on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.
- D.** Before issuing exclusion under this Section, a Peace Officer shall first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no

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warning shall be required if the person is to be excluded for engaging in conduct that:

- 1.** Is classified as a felony or as a misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:
    - a.** Chapter 162 - Offenses Against the State and Public Justice;
    - b.** Chapter 163 - Offenses Against Persons;
    - c.** Chapter 164 - Offenses Against Property, except for ORS 164.805, Offensive Littering;
    - d.** Chapter 165 - Offenses Involving Fraud or Deception;
    - e.** Chapter 166 - Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
    - f.** Chapter 167 - Offenses Against Public Health, Decency and Animals; Chapter 475 - Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or
  - 2.** Has resulted in injury to any person or damage to any property; or
  - 3.** Constitutes a violation of any of the following provisions of this Code:
    - a.** Section 14A.40.030 - Indecent Exposure;
    - b.** Section 14A.40.040 - Loitering to Solicit Prostitution;
    - c.** Section 14A.40.050 - Unlawful Prostitution Procurement Activities;
    - d.** Section 14A.60.010 - Possession of a Loaded Firearm in a Public Place;
    - e.** Section 14A.60.020 - Discharge of a Firearm;
    - f.** Section 14A.60.030 - Tear Gas and Stun Guns;
    - g.** Section 14A.60.040 - Explosives and Bottle Bombs; or
  - 4.** Is conduct for which the person previously has been warned or excluded for committing on the Dock.
- E.** Written notice shall be given to any person excluded from the Dock under this Section. The notice shall specify the date, length and place of the exclusion, shall

identify the provision of law the person has violated and shall contain a brief description of the offending conduct. The notice shall inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal. It shall be signed by the issuing party. Warnings of consequences for failure to comply shall be prominently displayed on the notice.

- F.** A person receiving such notice of exclusion may appeal to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code. The Code Hearings Officer shall uphold the exclusion if, upon the Code Hearings Officer's de novo review, the preponderance of evidence admissible under the provisions of Title 22 of this Code convinces the Code Hearings Officer that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law.
- G.** At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the Director for a waiver of some or all of the effects of the exclusion for good reason. If the Director grants a waiver under this Subsection, the Director shall promptly notify the Portland Police Bureau's Records Division and the designated Person in Charge of such action. In exercising discretion under this Subsection, the Director shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be on the Dock during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criterion the Director determines to be relevant to the determination of whether or not to grant a waiver. Notwithstanding the granting of a waiver under this Subsection, the exclusion will be included for purposes of calculating the appropriate length of exclusions under Subsection 19.16.515 C. The decision of the Director to grant or deny, in whole or in part, a waiver under this Subsection is committed to the sole discretion of the Director, and is not subject to appeal or review.
- H.** If an appeal of the exclusion is timely filed under Subsection 19.16.515 F., the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon the issuance of the Hearings Officer's decision, unless the Hearings Officer specifies a later effective date.
- I.** If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion under Subsection 19.16.515 C. If the predicate exclusion is set aside, the term of the subsequent exclusion shall be reduced, as if the predicate exclusion had not been issued. If multiple exclusions issued to a single person for the Dock are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.

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- J.** No person shall enter or remain on the Dock at any time during which there is in effect a notice of exclusion issued under this Section excluding that person from the Dock.

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shall notify the permit holder, or the permit holder's agent, in writing, wherein the same fails to comply with the provisions of this Title.

- C. Stop Work Orders. When it is necessary to obtain compliance with this Title, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not be resumed until such time as the Director gives specific approval in writing. The stop work order will be in writing, except when an emergency condition exists, the Director may issue a stop work order orally, followed by a written stop work order. All stop work orders will conform to the requirements of City Code Section 3.30.080. Any person subject to a stop work order may seek review of the order by the Director and may appeal the Director's determination in accordance with City Code Section 3.30.080.
- D. It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Title.
- E. If an unoccupied structure or structure under construction is open or unattended, the Director may enter to determine if a hazardous condition exists. If such a condition exists, the Director shall notify the owner of the condition and order the structure immediately secured against the entry of unauthorized persons.
- F. In the event the property owner, permit holder or the owner's agent fails or neglects to carry out any requirement, or fails to correct any noted violation of this Title, the Director may gain compliance by any of the remedies outlined in Chapter 3.30 of the Code of the City of Portland and is authorized to institute any appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Title or of the order or direction made pursuant thereto.

**24.10.070 Application for Permits.**

(Amended by Ordinance. Nos. 162100, 163908, 165678, 169905, 171773, 174880, 176783, 176955, 180330, 187432, 188647, 188884, 189806 and 190350, effective May 7, 2021.)

- A. Permits required. No person, firm, or corporation may erect, construct, enlarge, alter, repair, move, improve, remove, convert, change occupancy group of, or demolish any building or structure, or do any clearing or grading, or cause any of the same to be done without first obtaining the proper permit, or where appropriate a minor structural label as outlined in Section 24.10.095. The limitations of Oregon Revised Statutes 455.020 notwithstanding, permits are required to construct, alter,

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repair or move any structure as identified in this Title or in the Oregon Structural Specialty Code or the Oregon Residential Specialty Code, as adopted in Chapter 24.10 of this Title. Building permits and fees for work on private property are waived whenever the work appears on plans and specifications, approved by the City Engineer or BES Chief Engineer. This work will be limited to the construction of streets, public sewers, public stormwater management facilities, driveways, retaining walls, fences, walkways, parking pads, steps, and tree, shrub, and brush removal.

- B.** Plans and specifications.
  - 1.** Plans, engineering diagrams, and other data must be submitted with each application, and must comply with the requirements of Chapter 1 of the Oregon Structural Specialty Code and this Title. If a structural design is required, computations, stress diagrams, computer data, and such additional data as required by the Director, sufficient to show the correctness of the plans and compliance with the structural provisions of this Title must be submitted. The above data must include a brief summary of all basic assumptions, design methods, structural systems, loading, lateral bracing systems, and a table of contents of the computations. Computer calculations submitted as substantiation of the design must include a copy of the program user manual for each program, definition, sketches, index of data runs, and properly identified input and output listings. For other than nationally recognized programs, the correctness of the program must be substantiated in a manner acceptable to the Director. When required by the Director, or when required under ORS 672 (State Engineering Law) or ORS 671 (State Architectural Law), plans must be prepared and certified by a registered design professional licensed to practice in the State of Oregon.
  - 2.** Examination of documents. The Director will examine or cause to be examined plans and specifications and will ascertain by such examination whether the construction indicated and described is in accordance with the requirements of this Title and other laws and regulations of the City.
- C.** Parking lots. Parking lots will not require a separate building permit when they are clearly shown on plans submitted and their valuation is included on the application for the principal building permit.
- D.** Compliance with Chapter 17.88 (Street Access) of this Code is required prior to issuance of a permit issued under this Chapter 24.
- E.** Plans for other than one and two family dwelling repairs, remodels, or additions must be approved by the Fire Marshal prior to approval by the Director.

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- F.** Issuance of permits. Except as otherwise provided in this Title, permits will be issued in accordance with Chapter 1 of the Oregon Structural Specialty Code and the provisions of this Title, provided that plans for all commercial buildings and any off-street parking area where the parking of three or more cars is to be established must be approved by the City Engineer and the City Traffic Engineer before a building permit may be issued.
1. Action on application. The Director will issue a permit if the Director is satisfied that the proposed work conforms to the requirements of this Title and other laws and regulations of the City.
  2. Validity of permit. The issuance or granting of a permit must not be construed to be a permit for, or an approval of, any violation of any provisions of this Title or of any other laws or regulations of the City. Permits presuming to give authority to violate or cancel the provisions of this Title or other laws or regulations of the City must not be valid. The Director is authorized to prevent occupancy or use of a structure where in violation of this Title or any other laws or regulations of the City.
  3. Suspension or revocation. The Director is authorized to suspend or revoke a permit issued under the provisions of this Title wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any provisions of this Title or any other laws or regulations of the City.
- G.** Charge for partial permits. When complete plans and specifications are not available, the Director may issue partial permits to assist in the commencement of the work, provided that a partial permit charge is paid to the bureau. The number of partial permits issued may not exceed six on any individual project, except that in special circumstances the Director may allow this number to be exceeded.
- H.** Retention of plans.
1. Plans and specifications for all buildings, or their photographic image, must be retained permanently in the files of the Bureau of Development Services, except as follows:
    - a. Plans and specifications for work which does not concern or affect the structural stability of a building and which does not affect a change of occupancy may be destroyed after 5 years from date of building permit for same;
    - b. Plans and specifications for one or two family dwellings, and/or buildings accessory thereto may be destroyed after 5 years from date of building permit for same.

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- I.** A separate permit will be required for site development, changes in use, or other work performed in compliance with Title 33, Chapter 33.700, Administration, which is not otherwise included with the permit described in Subsection A. of this Section. Reviews and approval of site plans or other documents must be obtained from the Bureau of Development Services prior to issuance of the permit.
- J.** Life of Permit Limited.
  - 1.** Permit applications.
    - a.** Initial permit application. Except for Personal Wireless Service Facility permit applications, a permit application that is inactive for a period of 180 days will be deemed abandoned. If an abandoned permit application is not reactivated within 180 days of abandonment, the permit application will be void. If a permit application is void, a new permit application is required for the subject work. A Personal Wireless Service Facility permit application, for which a permit is not issued within 180 calendar days from the date the permit application is under review status will be deemed abandoned, unless the Building Official has granted an extension. An abandoned Personal Wireless Service Facility permit application may not be reactivated.
    - b.** Extensions. The Building Official may extend a permit application with justifiable cause, as determined in the Building Official's sole discretion. A permit application may be extended for a period of up to 180 days. Extension requests must be in writing and received by the Bureau of Development Services before the scheduled permit abandonment date.
    - c.** Reactivations. Except for Personal Wireless Service Facility permits, the Building Official may reactivate a permit application that has been abandoned for less than 180 days with justifiable cause, as determined in the Building Official's sole discretion. Reactivation requests must be in writing and received by the Bureau of Development Services within 180 days after permit expiration. If no activity occurs within 180 days after a permit application is reactivated, the permit application will be deemed abandoned. A permit application may be reactivated only once.
  - 2.** Issued permits.
    - a.** Initial issued permit. Except for Personal Wireless Service Facility permits, if no inspection is approved within 180 days after permit issuance, the permit will expire. If an expired permit is not



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agreement and access easement may not be modified or suspended without the building official's prior written approval. The applicant must provide a copy of the recorded maintenance agreement and access easement to the building official prior to issuance of the building permit.

**24.10.072 Other Structures and Construction Activities.**

(Added by Ordinance No. 189806, effective December 18, 2019.)

- A.** Regulated structures and construction activities. The provisions of this Title apply to the following structures and construction activities regardless of when a permit was applied for or approved:
1. Fire safety during construction.
  2. Protection of adjoining properties.
  3. Temporary use of streets, alleys and public property.
  4. Encroachment into the right-of-way.
  5. Mechanical equipment not specifically regulated in the Oregon Structural Specialty Code or Oregon Residential Specialty Code.
  6. Retaining walls, unless exempt pursuant to Subsection 24.10.072 B.
  7. Fences, unless exempt pursuant to Subsection 24.10.072 B.
  8. Tanks that are located exterior to and not attached to or supported by a building.
  9. Cell phone, radio, television, and other telecommunication and broadcast towers that are not attached to or supported by a building.
  10. Flagpoles that are not attached to or supported by a building.
  11. Signs not attached to or supported by a building.
  12. Ground-mounted photovoltaic arrays.
  13. Fixed piers or wharves with no superstructure.
  14. Equipment shelters not intended for human occupancy with a building area of 250 square feet or less, designated as Risk Category I or II.
  15. Transitional housing accommodations, as defined in ORS 446.265, as amended by House Bill 2916 (2019).

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- B.** Exempt structures. Exemption from the requirements of this Title shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Title or any other laws or regulations of the City. The following structures are exempt from the provisions of this Title:
1. Fences, except for required barriers around swimming pools, fences not over 7 feet (2134 mm) high and typical field fencing not over 8 feet (2438 mm) high when constructed of woven wire or chain link.
  2. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
  3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
  4. Swings and other playground equipment.
  5. Ground mounted flagpoles, antennae, and similar structures that do not exceed 25 feet in height.

**24.10.075 Bureau of Development Services Administrative Appeal Board.**

(Added by Ordinance No. 187432; Amended by Ordinance No. 189806, effective December 18, 2019.)

- A. Appointment of Administrative Appeal Board.** The Bureau of Development Services Administrative Appeal Board consists of the Building Official and Bureau staff members appointed by the Director. In appointing staff members, the Director will consider the issues presented by the appeal and what particular expertise will be helpful in addressing those issues. The staff will act in an advisory capacity to the Building Official. The Administrative Appeal Board may:
1. review appeals of the Bureau's application and interpretation of this Title and the State of Oregon specialty codes adopted in this Title (collectively referred to as the "Building Code");
  2. review requests for modifications to the strict application of the Building Code; and
  3. review requests to use alternative materials, design or methods of construction and equipment.
- B. Appeals to the Administrative Appeal Board and Final Decisions.** Any person aggrieved by a decision of the Bureau related to the application and interpretation of the Building Code or this Title or who wants to request a modification to the

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strict interpretation of the Building Code or consideration of an alternative material, design or method of construction or equipment may file an appeal with the Administrative Appeal Board. Such an appeal must be filed within 180 days of the Bureau decision being appealed; provided, however, the Building Code in effect at the time the Bureau decision was made shall be applied to the administrative appeal. The Administrative Appeal Board may:

1. grant an appeal if the Administrative Appeal Board finds that the Building Code was not correctly interpreted or applied;
2. grant a modification to the application of the Building Code where special individual reasons make application of the strict letter of the Building Code impractical, the modification is in compliance with the intent and purpose of the Building Code, and such modification does not lessen health, accessibility, life and fire safety or structural requirements of the structure;
3. approve an alternative material, design or method of construction and equipment if the Administrative Appeal Board finds that any such alternative complies with the intent of the Building Code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Building Code in quality, strength, effectiveness, fire resistance, durability, accessibility and safety. The Administrative Appeal Board may not waive the requirements of the Building Code. The Administrative Appeal Board review will culminate in a final decision by the Building Official. The Administrative Appeal Board meeting is not open to attendance by the appellant or the public. The Bureau will provide final decisions to the appellant by publication of the decision on the Bureau's website within 10 calendar days of the hearing, provided the Bureau has received all required information from the applicant; and
4. grant requirements that are in addition to this Title or other laws or regulations of the City as part of an appeal.

- C. **Reconsideration of Final Decisions and Appeals to the Building Code Board of Appeal.** Any person aggrieved by a final decision of the Building Official made under Subsection B. above may either file a reconsideration of that decision within 180 days of the decision based on new or revised information or appeal the decision to the Building Code Board of Appeal in accordance with Section 24.10.080 within 90 days of the final decision being appealed. There is no additional fee for the first reconsideration of an Administrative Appeal Board decision or for an appeal to the Building Code Board of Appeal. The Building Code in effect at the time of the final decision being reconsidered or appealed will be applied to the reconsideration or subsequent appeal to the Building Code Board of Appeal.

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- D. Fees for Appeals.** The fees for administrative appeals shall be as stated in the Fee Schedule adopted by the City Council. The current approved Fee Schedule is available at the Development Services Center and on the Bureau's website.

**24.10.080 Building Code Board of Appeal.**

(Replaced by Ordinance No. 187432, effective December 4, 2015.)

- A. Appointment of Building Code Board of Appeal.** In order to hear appeals of final decisions of the Building Official made under Section 24.10.075, there has been created a Building Code Board of Appeal, consisting of three members and three alternates appointed by the Mayor and approved by the City Council.
1. Each member and alternate member must be qualified by experience and training to make decisions pertaining to the Building Code and building construction. At least one member and one alternate member must be competent builders who have engaged in the construction business in the City for at least 2 years immediately preceding their appointments, and at least one member and one alternate member shall be competent architects who have practiced their profession for at least 3 years.
  2. Building Code Board of Appeal appointments shall be for 3-year terms. Appeal Board members may serve no more than two complete 3-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. Vacancies occurring prior to the end of a term for whatever cause may be filled by qualified persons through appointment by the Mayor for the remainder of the term.
  3. Any member may be removed by the Mayor for incompetence, dereliction of duty, incapacity or other sufficient cause.
  4. Members of the Building Code Appeal Board shall comply with the State ethics laws applicable to public officials.
  5. Members of the Building Code Appeal Board shall serve in a voluntary capacity and without pay.
- B. Appeals to the Building Code Appeal Board.** The Building Code Board of Appeal may review Administrative Appeal Board decisions or any other final decision of the Building Official or Director related to the application and interpretation of this Title or the Building Code. The Building Code appeal will be limited to the facts and record reviewed by the Administrative Appeal Board, Building Official or Director related to the decision being appealed. A hearing will be held within 45 days after an interested party submits a written appeal to the Building Code Board of Appeal. A panel of three Building Code Appeal Board

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members will hear each appeal. The Board may, by a majority vote, affirm, annul, or modify the decision.

**C. Powers and Limitations of Authority of the Building Code Appeal Board.** The Building Code Board of Appeal may provide reasonable interpretations of the requirements of the Building Code and may grant an appeal if the Board finds one of the following:

1. the Building Official or Director did not correctly apply or interpret this Title or the Building Code;
2. special individual reasons make application of the strict letter of the Building Code impractical, the modification is in compliance with the intent and purpose of the Building Code, and such modification does not lessen health, accessibility, life and fire safety or structural requirements of the structure; or
3. any alternative material, design or method of construction and equipment complies with the intent of the Building Code and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Building Code in quality, strength, effectiveness, fire resistance, durability, accessibility and safety. The Building Code Board of Appeal may not waive the requirements of the Building Code.

Any person aggrieved by a final decision of the Building Code Board of Appeal may, within 30 days after the date of the decision, appeal to the appropriate advisory board of the State of Oregon Department of Consumer and Business Services.

**24.10.085 Structural Engineering Advisory Committee.**

(Added by Ordinance No. 162056; amended by Ordinance Nos. 187432 and 188647, effective November 17, 2017.)

**A.** There is hereby created a Structural Engineering Advisory Committee consisting of six members licensed in Oregon to practice structural engineering, appointed by the Mayor and approved by the City Council.

Members may be appointed to no more than two consecutive 3-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. In addition, the Director, or designee, shall be an ex-officio member of the board.

**B.** Any member of the board may be removed from office by the Mayor for malfeasance in office or neglect of duty at any time during the member's tenure.

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- C.** The committee shall elect a chairperson, adopt rules of procedure, and set the time and place for regular meetings. A quorum consisting of at least three members of the committee is required to conduct committee business. Written minutes of all meetings shall be made and kept subject to the requirements and limitations of ORS 192.610 to ORS 192.690.
- D.** It shall be the duty of the board to advise the Director and/or the Appeals Board in structural matters relative to reasonable interpretation and to alternate materials and methods of construction.
- E.** Any action of the board shall be in an advisory capacity to the City. Subsequent action taken by the City as a result of advice from the boards shall be the sole responsibility of the City.

**24.10.087 Alternative Technology Advisory Committee.**

(Added by Ordinance No. 182217; amended by Ordinance No. 187432, effective December 4, 2015.)

- A. Purpose.** It shall be the duty of the Alternative Technology Advisory Committee to advise the Bureau of Development Services on new or innovative sustainable building technologies and products.
- B. Membership.** The Alternative Technology Advisory Committee shall consist of a minimum of three and a maximum of seven members. The committee members will be appointed by the Mayor and approved by the City Council. The committee shall consist of design professionals, construction contractors, and persons associated with a university with an engineering school. In addition, two designees from the Bureau of Development Services familiar with building code review shall be ex-officio members of the committee.
- C. Appointment and Terms.**
  - 1.** Appointment to the Alternative Technology Advisory Committee shall be for a three-year term. Committee members may be appointed to no more than two consecutive, complete terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. If a position is vacated during a term, it shall be filled for the unexpired term.
  - 2.** Any member of the committee may be removed from the committee by the Mayor for malfeasance in office.
  - 3.** The committee shall elect a chairperson, adopt rules of procedure, and set the time and place for regular meetings. Written minutes of all meetings shall be kept.

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- D. Compensation.** Alternative Technology Advisory Committee members shall serve without compensation.
- E. Other.** The Alternative Technology Advisory Committee serves only in an advisory capacity to the City. Subsequent action taken by the City as a result of the committee's advice shall be the sole responsibility of the City.

**24.10.090 Pre-application and Pre-construction Meetings.**

(Amended by Ordinance No. 162100, effective August 1, 1989). Where major construction projects involve coordination between City bureaus and the design/construction teams, the Director may hold a pre-application or pre-construction meeting with representatives of the interested parties as an aid to the enforcement of this Title.

**24.10.095 Commercial and Industrial Minor Structural Labels.**

(Added by Ordinance No. 171773; amended by Ordinance No. 187432, effective December 4, 2015.)

- A. General.** Oregon Revised Statutes Chapter 455.155 gives the Department of Consumer and Business Services the authority to create a statewide permit and inspection system for minor construction work. The Oregon Building Codes Division under the Department of Consumer and Business Services has created a mandatory statewide minor labels program. Implementation rules are found in Oregon Administrative Rules 918-100-0000 through 918-100-0600. The Bureau, in accordance with OAR 918-100-0060, will conduct inspections and issue necessary correction notices for minor commercial and industrial labels issued pursuant to the statewide minor labels program.

**24.10.100 Fees.**

**24.10.101 General.**

(Amended by Ordinance No. 176955, effective October 9, 2002.) The following fees are required to be paid to the Director of the Bureau of Development Services, shall be as set forth in this Chapter.

**24.10.102 Building Permit and Plan Check/Process Fee.**

(Replaced by Ordinance No. 174719, effective August 21, 2000.)

- A.** All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.
- B.** A plan checking fee is payable when the plans and application are accepted by the Director for examination and shall not be refundable. A permit fee shall be paid to the Director before a building permit is issued.

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- C. Permit and plan check fees will, as a general rule, be refunded when the services covered by the fee have not commenced, and the permit or plan review fees were paid incorrectly due to an error on the part of the City. When a permit applicant requests a refund, but the City was not at fault in accepting payment, fees shall be retained to cover the cost of plan review or inspections actually performed and 20 percent of the amount remaining. State surcharge fees are only refundable when a permit was issued in error. Requests for refunds must be made within 6 months of payment or permit issuance, whichever is later. Refunds are to be made to the same person or firm who paid the fee within 3 months of the request. Exceptions to the above requirements may be made by the Director or designee.

**24.10.103 Requested Inspection Fees.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.104 Fee for Appeal.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.106 Home Occupation Permit.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.107 Appeal Fee for Historical Building Review Board.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.108 Street Use Fees.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.109 Grading Permit Fees.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.110 Excavation and Grading Plan Check Fees.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.111 Dangerous Building Abatement Processing Fee.**

(Repealed by Ordinance No. 167088, effective Dec. 3, 1993.)

**24.10.112 Product Approval Fee.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.113 Circus Tent Fee.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.114 Welder Certification Fee.**

(Repealed by Ordinance No. 165486, effective July 1, 1992.)

**24.10.115 Reproduction Fees.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

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- 24.10.116 Fee for Examination of Filed Plans.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.117 Approved Fabricators Certification Fee.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.118 Special Inspection Certification Fee.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.119 Approved Testing Agency Certification Fee.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.122 Certificate of Occupancy.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.123 Temporary Certificate of Occupancy.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.124 Zoning Inspection Fee.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.125 Inspections Outside of Normal Business Hours.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.126 Reinspection Fee.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.127 Additional Plan Review Fee.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.128 Address Assignment Fee.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.130 Clearing Permit Fee.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.131 Clearing With Tree Cutting Permit Fee.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.).
- 24.10.132 Pre-Permit Site Inspection for Properties in Environmental Zones.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.133 Manufactured Dwelling Installation Fees.**  
(Repealed by Ordinance No. 174719, effective August 21, 2000.)

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**24.10.134     Manufactured Dwelling Park.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.135     Recreational Park.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.136     Park Trailer Installation Fees.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.137     Minor Structural Labels.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.138     Master Permit/Facilities Permit Program Fees.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.139     On-site Permanent Stormwater Control Facilities Inspection Fee.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

**24.10.140     Tree Preservation and Planting Plan Check and Inspection Fee.**

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

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**CHAPTER 24.15 - DEFINITIONS**

**Sections:**

24.15.010	General.
24.15.020	Abandoned Structure.
24.15.030	Agreement/Contract to Repair Work.
24.15.040	Approved Testing Agency.
24.15.045	Boarded.
24.15.050	Building.
24.15.060	Dangerous Structure.
24.15.065	Derelict Commercial Building.
24.15.070	Director.
24.15.075	Dwelling Unit.
24.15.080	Exterior Property Area.
24.15.090	Hearings Officer.
24.15.100	Imminently Dangerous.
24.15.110	Inspections Manager.
24.15.115	Master Permit/Facilities Permit Program
24.15.120	Owner.
24.15.130	Repair.
24.15.140	Residential Structure.
24.15.150	Requested Inspection.
24.15.160	Service Station Site.
24.15.170	Substandard.
24.15.180	Special Inspector.
24.15.190	Subject Structure.
24.15.200	Structure.
24.15.215	Tree Removal.
24.15.220	Unoccupied.
24.15.230	Unsafe.
24.15.240	Unsecured.
24.15.250	Value/Valuation.
24.15.260	Warehousing.

**24.15.010 General.**

For the purpose of this Title, certain terms, phrases, words, and their derivatives shall be construed as specified herein. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Terms, words, phrases, and their derivatives used, but not specifically defined in this Chapter, either shall have the meaning defined in this Title, or if not herein defined, shall have the meanings commonly accepted in the community.

**24.15.020 Abandoned Structure.**

An abandoned structure is a structure that has been vacant for a period in excess of 6 months or any period less than 6 months when a vacant structure or portion thereof constitutes an attractive nuisance or hazard to the public.

**24.15.030 Agreement/Contract to Repair/Work.**

An agreement or contract to repair/work is a written agreement in which an owner of a structure agrees to carry out repair/work on any abandoned, unsafe, dangerous structure, or structure between a specified commencement and completion date.

**24.15.040 Approved Testing Agency.**

An approved testing agency is an established and recognized agency regularly engaged in conducting testing and furnishing inspection services.

**24.15.045 Boarded.**

Added by Ordinance No. 162525; amended by 164318 and 168901, effective June 7, 1995.) Secured against entry by apparatus which is visible off the premises and is not both lawful and customary to install on occupied structures.

**24.15.050 Building.**

A building is a structure used or intended for sheltering any use or occupancy.

**24.15.060 Dangerous Structure.**

(Amended by Ordinance No. 168626, effective April 22, 1995.) Any structure which has any or all of the conditions or defects hereinafter described, to the extent that life, health, property, or safety of the public or its occupants are endangered, shall be deemed to be a dangerous structure and such condition or defects shall be abated pursuant to Sections 24.55.250 and 24.55.300 of this Chapter.

- A. Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location.
- B. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Oregon State Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location.
- C. Whenever any portion or member of appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

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- D.** Whenever any portion of a building, or any member, appurtenance, or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structures, purpose, or location without exceeding the working stresses permitted in the Oregon State Structural Specialty Code and Fire and Life Safety Code for such buildings.
- E.** Whenever any portion thereof has wrecked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- F.** Whenever the building or structure, or any portion thereof, because of

  - 1. dilapidation, deterioration, or decay;
  - 2. faulty construction;
  - 3. the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;
  - 4. the deterioration, decay, or inadequacy of its foundation; or
  - 5. any other cause, is likely to partially or completely collapse.
- G.** Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- H.** Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- I.** Whenever the building or structure exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing, or outside wall coverings.
- J.** Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or any other cause, or has become so dilapidated or deteriorated as to become (I) an attractive nuisance, or (ii) a harbor for vagrants or criminals.
- K.** Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this City, as specified in the Oregon State Structural Specialty Code and Fire and Life Safety Code or any law

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or ordinance of this State or City relating to the condition, location, or structure or buildings.

- L.** Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion, less than 50 percent, or in any supporting part, member, or portion less than 66 percent of the
  - 1.** strength,
  - 2.** fire-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location. This subsection does not apply to strength required to resist seismic loads. For application of seismic requirements see Chapter 24.85.
- M.** Whenever any building or structure, because of dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is a fire hazard.
- N.** Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- O.** Whenever any portion of a building or structure remains on a site for more than 30 days after the demolition or destruction of the building or structure.

**24.15.065 Derelict Commercial Building.**

(Added by Ordinance No. 162525; amended by 164318 and 168901, effective June 7, 1995.) Any building or structure:

- A.** In which there are no dwelling units, and
- B.** Which is not an accessory building to a building in which there are dwelling units, and
- C.** Which building, structure or a portion thereof is unoccupied; and
- D.** Which meets any of the following criteria:
  - 1.** Has been ordered vacated by the Director pursuant to 24.55.250 F; or
  - 2.** Has been issued a correction notice by the Director pursuant to 24.55.250 A.; or
  - 3.** Is unsecured; or

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4. Is boarded; or
5. Has been posted for violation of Section 18.03.050 more than once in any two year period; or
6. Has, while vacant, had a nuisance abated by the City pursuant to Sections 18.03.010 or 18.03.030.

**24.15.070 Director.**

(Amended by Ordinance No. 176955, effective October 9, 2002.) Director shall mean the Director of the Bureau of Development Services or a duly authorized representative of the Director.

**24.15.075 Dwelling Unit.**

(Added by Ordinance No. 168901, effective June 7, 1995.) One or more habitable rooms which are occupied by or designed or intended to be occupied by one person, or by a family or group of housemates living together as a single housekeeping unit.

**24.15.080 Exterior Property Area.**

Exterior property area is the open space on the premises and on adjoining property under the control of the owner or operator of such premises.

**24.15.090 Hearings Officer.**

Hearings Officer is the office of the Code Enforcement Hearings Officer created pursuant to Section 22.02.010 of the City Code.

**24.15.100 Imminently Dangerous.**

Imminently dangerous means any condition posing a direct and immediate threat to human life, health, or safety.

**24.15.110 Inspections Manager.**

(Amended by Ordinance No. 176955, effective October 9, 2002.) The Inspections Manager is the Director's duly authorized representative responsible for the administration of the Inspections Division of the Bureau of Development Services.

**24.15.115 Master Permit/Facilities Permit Program.**

(Added by Ordinance No. 172431; amended by Ordinance No. 173973, effective January 1, 2000.) The Master Permit/Facilities Permit program is a special alternative inspection program authorized under Oregon Revised Statute 455.190. This program is available to commercial/industrial building owners and building management companies to streamline the approval of maintenance/repair and tenant improvement work on their private facilities.

**24.15.120 Owner.**

Owner is any person, agent, firm, or corporation having a legal or equitable interest in a property.

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**24.15.125 Personal Wireless Service Facility.**

(Added by Ordinance No. 190350, effective May 7, 2021.) An antenna facility, including: (a) an antenna designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services; (b) antenna equipment, including equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna for personal wireless service; or (c) a structure that is primarily used or that will be primarily used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

**24.15.130 Repair.**

Repair is the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

**24.15.140 Residential Structure.**

Residential structure means any building or other improvements designed or intended to be used for residential purposes.

**24.15.150 Requested Inspection.**

Requested inspection means any additional inspection which is not part of the City's regular or mandated inspection program.

**24.15.160 Service Station Site.**

(Amended by Ordinance No. 169905, effective April 1, 1996.) A service station site shall mean premises improved as a Group S, Division 3, occupancy for use as automobile or truck service stations used for supplying fuel, oil, minor accessories, and trailers, excluding body and fender repair for passenger automobiles, trucks, and truck trailers at retail direct to the customer.

**24.15.170 Substandard.**

Substandard means in violation of any of the minimum requirements as set out in this Title.

**24.15.180 Special Inspector.**

Definition to be added.

**24.15.190 Subject Structure.**

(Amended by Ordinance No. 176955, effective October 9, 2002.) A subject structure is any abandoned, unsafe, or dangerous structure upon which the Bureau of Development Services has commenced abatement proceedings.

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**24.15.200 Structure.**

A structure is that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

**24.15.210 Swimming Pool.**

(Repealed by Ordinance No. 180330, effective August 18, 2006.)

**24.15.215 Tree Removal.**

(Added by Ordinance No. 168340; amended by Ordinance No. 184522, 185448 and 186053, effective January 1, 2015.) Tree Removal shall have the same meaning as “removal” as defined in Title 11 Trees.

**24.15.220 Unoccupied.**

(Added by Ordinance No. 162525; amended by 168901, effective June 6, 1970.) Not being used for a lawful occupancy.

**24.15.230 Unsafe.**

Means:

- A. Any structure which is structurally unsafe or not provided with adequate egress, or which constitutes a fire hazard or is otherwise dangerous to human life.
- B. Unsafe use is any use of structures constituting a hazard to health, safety, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment.
- C. Unsafe appendages are parapet walls, cornices, spires, towers, tanks, statuaries, or other appendages or structural members which are supported by, attached to, or part of a building, and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Oregon State Structural Specialty and Fire and Life Safety Code.

**24.15.240 Unsecured.**

(Added by Ordinance No. 162525, amended by 168901, effective June 7, 1995.) Any building or structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

**24.15.250 Value/Valuation.**

Value or valuation of a structure or building shall be the estimated cost to replace the structure or building in kind, based on either the building valuation data reported in the latest issue of the ICBO Building Standards Journal or by any alternate method approved by the Director to give an accurate assessment of building replacement costs.

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**24.15.260 Warehousing.**

Warehousing means securing a structure against vandalism, deterioration, and unauthorized entry pending its return to active use or occupancy.

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**CHAPTER 24.20 - SPECIAL INSPECTIONS**

(Chapter replaced by Ordinance No. 187432,  
effective December 4, 2015.)

**Sections:**

- 24.20.010 General.
- 24.20.020 Selection of the Special Inspectors and/or Agencies.
- 24.20.030 General Duties of the Special Inspector.

**24.20.010 General.**

- A. In addition to the inspections required under Section 110 of the Oregon Structural Specialty Code, the owner or the owner's agent shall employ a Special Inspector during construction of the types of work specified in Chapter 17 of the Oregon Structural Specialty Code or for cases specifically required by the Director.
- B. The Director shall have the authority to adopt and enforce written rules concerning the conduct and administration of special inspections in the City of Portland.

**24.20.020 Selection of the Special Inspectors and/or Agencies.**

With the approval of the Director, Special Inspectors and approved inspection and/or testing agencies shall be chosen and paid by the owner, and will report to the licensed architect or engineer whose signature and seal appear on the design drawings and to the Bureau of Development Services. No changes of Special Inspectors or inspection/testing agency approved by the Director shall be made without obtaining approval of the responsible architect/engineer and the Director.

**24.20.030 General Duties of the Special Inspector.**

(Amended by Ordinance No. 188647, effective November 17, 2017.)

- A. The Special Inspector shall observe the work assigned for conformance with the approved construction documents.
- B. The Special Inspector shall keep records of inspections and shall furnish inspection reports to the Director, the Registered Design Professional, as that term is defined in Chapter 2 of the Oregon Structural Code. All discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the Director.
- C. The Special Inspector/Inspection Agency shall submit a final signed summary report stating whether the work requiring special inspection was, to the best of their knowledge, in conformance with the approved plans and specifications and the applicable workmanship provisions in the State Building Code.

**CHAPTER 24.25 - MOVING OF BUILDINGS**

**Sections:**

- 24.25.010     General.
- 24.25.020     Permit Information Required.
- 24.25.030     Direction of City Engineer.
- 24.25.040     Housing Code Inspection Report Required.

**24.25.010     General.**

No building shall be moved from one location to another until permits have been obtained.

**24.25.020     Permit Information Required.**

(Amended by Ordinance No. 188647, effective November 17, 2017.) The applicant shall file with the Director an application for a permit to move the structure, it shall be signed by the owner or the owner's authorized agent, and shall contain a description of the building to be moved, the location where it is to be moved, and the use and occupancy proposed, in addition to the information required by Section 24.10.070 of this Title regarding foundation or other work at the final location.

**24.25.030     Direction of City Engineer.**

(Amended by Ordinance No. 169905, effective April 1, 1996.) No building shall be moved across or along any street until the route to be followed and the time allowed for moving has been submitted to the City Engineer and approved by him. Moving shall be under the direction of the City Engineer. For the regulations covering the use of public streets see Chapter 33 of the Structural Specialty Code.

**24.25.040     Housing Code Inspection Report Required.**

The Director shall inspect any residential building that is proposed to be moved, to ensure its compliance with the provision of Title 29 of the Code of the City of Portland.

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**CHAPTER 24.30 - HOME OCCUPATIONS**

**Sections:**

- 24.30.010 Permits Required.
- 24.30.020 Compliance with Planning and Zoning Regulations.
- 24.30.030 Fees for Home Occupations.

**24.30.010 Permits Required.**

A permit shall be required to establish a home occupation. The permit shall be renewed every 2 years to maintain said home occupation.

**24.30.020 Compliance with Planning and Zoning Regulations.**

All home occupations shall comply with the provisions of Title 33 of the Code of the City of Portland.

**24.30.030 Fees for Home Occupations.**

The fee for a home occupation permit shall be as provided in Section 24.10 of this Title.

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**CHAPTER 24.35 - HISTORICAL BUILDINGS**

(Chapter repealed by Ordinance No. 187432,  
effective December 4, 2015.)

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**CHAPTER 24.40 - USE OF AND  
PROJECTIONS OVER PUBLIC STREETS  
AND PROPERTY**

**Sections:**

- 24.40.010 Street Use.  
24.40.020 Dirt on Streets from Construction Projects.  
24.40.030 Fees.

**24.40.010 Street Use.**

(Amended by Ordinance No. 169905, effective April 1, 1996.) A person undertaking work covered by a building permit, may, on proof of necessity, be entitled to a permit for use of the street, sidewalks, and/or roadway. Applications shall be subject to the approval of the Traffic Engineer and the Director. Material or equipment necessary for the work may be placed or stored on public property in the following locations:

- A. On the roadway, adjacent to the curb in front of the site for which a building permit has been issued.
- B. On the roadway in front of an adjoining site.
- C. On the public sidewalk, in front of the construction site, except on those sidewalks required to be kept open. A street use permit shall be issued for a minimum period of 1 week and a maximum period of 90 days. The permit may be extended if in the judgment of the Director an extension is warranted by existing conditions. The use of the street by persons holding a permit and/or the fencing-off of street space shall not be continued longer than is necessary. If the permit for street use is within the Special Traffic Control Districts outlined in Section 17.23.030, the prior approval of the City Engineer must be obtained if the street use extends beyond the curb line.

When work not requiring a building permit is undertaken for maintenance of buildings or structures in the congested areas where parking meters are located, the person undertaking such work shall not close off any portion of the sidewalk or roadway areas without first obtaining, subject to the approval of the Traffic Engineer, a street use permit; the time limit for such permit shall be as specified above. If the street use permit is within the special Traffic Control Districts outlined in Section 17.23.030, the prior approval of the City Engineer must be obtained if the street use extends beyond the curb line. While work is in progress, a roped-off passageway not less than 4 feet in width shall be maintained for pedestrians. This passageway shall be no closer, than 6 feet horizontally from any scaffold, ladder, machinery, or equipment. The passageway shall be entirely contained within the existing sidewalk area. The Director may also require pedestrian protection as outlined in Chapter 33 of the Structural Specialty Code. In order to ensure coordination of construction activity within the Street area and to provide that the

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private and public needs are met, the Director may also require a preconstruction meeting as outlined in Section 24.10.090 of this Title.

**24.40.020 Dirt on Streets from Construction Projects.**

If dirt or debris falls on any public right-of-way and such debris originates from a construction project for which a building, plumbing, or electrical permit has been issued, it is unlawful for the permit holder and/or owner not to remove it immediately. Failure of either the owner and/or permit holder to remove the spillage within 24 hours after notification given either orally or in writing may result in the Director gaining compliance by any of the methods outlined in Section 24.10.060 of this Title.

**24.40.030 Fees.**

Fees for street use shall be as indicated in Section 24.10 of this Title.

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**CHAPTER 24.45 - PARKING AND  
DRIVEWAY SURFACES**

**Sections:**

- 24.45.010 General.
- 24.45.020 Minimum Surfacing Standards for Parking Areas and Garages for Passenger Cars and Trucks not Exceeding 1/2-Ton Capacity and Driveways Serving Structure 150 Feet or Less from an Improved Public Right-of-Way.
- 24.45.030 Minimum Surfacing Standards for Driveways Serving Structures More than 150 Feet from an Improved Public Right-of-Way.
- 24.45.040 Minimum Surfacing Standards for Trucks Over 1/2-Ton Capacity and Other Vehicles.
- 24.45.050 Private Streets.

**24.45.010 General.**

All vehicular driveways, parking spaces, and areas utilized for the maneuvering of vehicles shall be surfaced in accordance with this Chapter.

**24.45.020 Minimum Surfacing Standards for Parking Areas and Garages for Passenger Cars and Trucks not Exceeding 1/2-Ton Capacity and Driveways Serving Structures 150 Feet or Less from an Improved Public Right-of-Way.**

(Amended by Ordinance No. 173270, effective May 21, 1999.) Surfaced areas shall be constructed on properly drained, well-compacted subgrade, that is free of organic materials. Minimum pavement structure shall be:

- A. Three and one-quarter inches Portland cement concrete having a compressive strength of 2,000 psi after 28 days, or
- B. One and one-half inches of asphalt concrete placed over a base of 4 inches of crushed stone or gravel, or
- C. Grid paving blocks, paving stones or materials with adequate spacing for drainage infiltration, or other stormwater management control surfaces. Where such surfaces are provided in accessible parking and as part of an accessible pedestrian path, the surfaces shall meet accessibility standards of the state building code.

**24.45.030 Minimum Surfacing Standards for Driveways Serving Structures More than 150 Feet from an Improved Public Right-of-Way.**

(Amended by Ordinance No. 173270, effective May 21, 1999.) Surfaced areas shall be constructed on properly drained, well-compacted subgrade, that is free of organic materials. Minimum pavement structure shall be:

- A. Two inches of asphalt concrete on 4 inches of 1-inch minus, compacted crushed rock; or

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- B.** Five inches of Portland cement concrete having a compressive strength of 3,000 psi after 28 days, or
- C.** A driveway surfaced as per Section 24.45.020 for the first 40 feet contiguous with the right-of-way paving and the remaining portion of 8 inches of 1-inch minus, compacted crushed gravel over filter fabric, or
- D.** Grid paving blocks, paving stones or materials with adequate spacing for drainage infiltration, or other stormwater management control surfaces. Where such surfaces are provided in accessible parking and as part of an accessible pedestrian path, the surfaces shall meet accessibility standards of the state building code.

**24.45.040 Minimum Surfacing Standards for Trucks Over 1/2-Ton Capacity and Other Vehicles.**

Surface of parking, storing, and maneuvering areas for vehicles and motorized equipment not regulated elsewhere in this Chapter shall be by a method approved by the Director that will effectively eliminate dust, mud, or other contaminating elements on surrounding street areas and/or abutting property and be constructed of materials capable of supporting the maximum axle weight of the largest piece of equipment. At each street entrance, a concrete or asphalt driving apron shall extend from the right-of-way paving at least 40 feet into the surface area.

**24.45.050 Private Streets.**

(Amended by Ordinance No. 169228, effective August 23, 1995.) Private street improvements shall consist of 1-1/2 inches of Class “C” asphalt concrete on 1-1/2 inches of Class “B” asphalt concrete on 6 inches of 1-1/2 inch minus compacted crushed gravel upon a compacted subgrade that has achieved 95 percent compaction.

No gates or other barriers which would restrict vehicles or pedestrians from using the private street may be located on a private street approved under this section.

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**CHAPTER 24.50 - FLOOD HAZARD AREAS**

(Chapter replaced by Ordinance No. 160413,  
effective January 14, 1988.)

**Sections:**

- 24.50.010 Purpose.
- 24.50.020 General.
- 24.50.030 Flood Related Definitions.
- 24.50.040 FIA Study and Flood Hazard Maps.
- 24.50.050 Flood Hazard Areas and Flood Protection Elevations.
- 24.50.060 Provisions for Flood Hazard Reduction.
- 24.50.065 Recreational Vehicles located in Areas of Special Flood Hazard or Base Flood Zones.
- 24.50.070 Appeals and Variances.

**24.50.010 Purpose.**

The purpose of this Chapter is to protect the public health, safety, and welfare by restricting or prohibiting uses which are dangerous to health, safety, or property in times of flood or which cause increased flood heights or velocities, and by requiring that uses and structures vulnerable to floods be protected from flood danger at the time of initial construction.

**24.50.020 General.**

(Amended by Ordinance No. 182370, effective November 26, 2008.)

- A.** The provisions of this Chapter shall regulate development and construction in flood hazard areas identified in Section 24.50.030.
- B.** Land classified in a flood hazard area may restrict or affect uses and development permitted in one or more of the regular zones listed in Chapter 33.16. If an inconsistency exists between Chapter 24.50 and other titles of this Code, the more restrictive uses or requirements shall prevail.
- C.** A structure or the use of a structure or property which was lawful before the original date of this Chapter but which is not in conformity with the provisions of this Chapter may be continued subject to provisions of the State Building Code, regulations for existing structures.
- D.** The flood protection elevations and the floodway and floodway fringe areas specified by this Chapter, based on the 100-year flood elevations, are considered reasonable. Greater flood heights and more extensive floodway fringe areas associated with longer flood frequency occurrences may occur or the flood height and extent of flooding may be increased by human or natural causes, such as log jams, bridge openings restricted by debris, or changes in basin conditions. Areas within designated drainage districts and those areas not covered by adequate

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topographic maps may contain unmapped watercourses subject to flooding. The identification of designated flood hazard areas does not imply that lands outside of such areas will be free from flooding or flood damage.

The City of Portland or any officer or employee thereof, or the Federal Insurance Administration shall not be liable for any flood damages that result from reliance on the provisions or designations of this Chapter or any administrative decision lawfully made thereunder.

**24.50.030 Flood Related Definitions.**

(Amended by Ordinance Nos. 178741, 182370 and 184235, effective November 26, 2010.)  
The definitions contained in this Section relate to flood hazard areas and considerations outlined in this Chapter.

- A. "Appeal" means a request for a review of the City of Portland's interpretation of any provision of this ordinance or a request for a variance.
- B. "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
- C. "Areas of Special Flood Hazard" mean the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- D. "Base Flood (100-year flood)" means the flood having 1 percent chance of being equaled or exceeded in any given year. Designation on maps always includes the letters A or V.
- E. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- F. "City Datum" means the reference datum for the City of Portland maps. The FIRM maps described in Section 24.50.050 are referenced to the North American Vertical Datum (NAVD) of 1988. To convert NAVD 1988 level to City datum, subtract 2.125 feet from the elevation referenced to NAVD 1988 level.
- G. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, bridges, other structures, and mining, dredging, filling, grading, paving, excavation, fencing, landscaping, drainage facilities, drilling operations, or storage of equipment or material.

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- H.** "Existing manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including as a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the original date of this Chapter.
- I.** "Expansion to an existing manufactured home park or manufactured home Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets).
- J.** "FIA" means Federal Insurance Administration.
- K.** "Flood Hazard Area" means any area which has been identified as subject to flooding.
- L.** "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that contains information regarding flooding, discusses the engineering methods used to develop the Flood Insurance Rate Maps (FIRMs), includes flood profiles, and the water surface elevation of the base flood.
- M.** "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated the areas of special flood hazards.
- N.** "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.
- O.** "Flood protection elevation" means the water surface elevation of the base flood plus a freeboard allowance.
- P.** "Floodplain" means the channel of watercourse and adjacent land areas which are subject to inundation by the base flood.
- Q.** "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, sanitary, and water facilities, structures, and their contents.
- R.** "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The actual

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floodway boundaries are computer activated and approximate. These boundaries are depicted on the FIRM. Boundaries for other watercourses may be subject to identification by the Sewage System Administrator. The width of the floodway for unidentified watercourses should not be less than 15 feet.

- S. "Flood fringe area" means any area lying outside the floodway which is subject to flooding by a base flood and for which water surface elevations and floodway and flood fringe boundaries have been determined by a Flood Insurance Study and are shown on the FIRMs. Boundaries for unidentified watercourses may be subject to identification by the Sewage System Administrator.
- T. "Freeboard" means an additional height above the base flood level to account for factors that may contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as filling in the floodway fringe, wave action, effect of urbanization of the watershed, map inaccuracies, irregular stream cross sections, irregular constructions at bridges, and the uncertainties of flood discharge computations.
- U. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 24.50.060 F.2.
- V. "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- W. "New construction" means structures for which the start of construction commenced on or after the effective date of this Chapter.
- X. "New manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lots on which the manufactured home is to be affixed (including as a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the original date of this Chapter.
- Y. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair,

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reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets, walkways, sanitary sewers, storm sewers, and/or drainage facilities; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

- Z.** “Structure or accessory structure” means, for the purposes of this Chapter, a walled and roofed building including a gas or liquid storage tank that is principally above ground.
- AA.** “Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- BB.** "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either:
  - 1.** Before the improvement or repair is started, or
  - 2.** If the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a.** Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
  - b.** Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.
- CC.** “Variance” means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

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- DD.** “Water surface elevation” means the height of the water surface of the base flood for any point along the longitudinal course of a stream.
- EE.** “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter, with some degree of regularity. Watercourses may be either natural or artificial.

**24.50.040 FIA Study and Flood Hazard Maps.**

(Amended by Ordinance Nos. 173979, 176955, 178741, 182671 and 184235, effective November 26, 2010.) The following study and maps in this Section are hereby adopted and declared to be a part of this Chapter.

- A.** Flood Insurance Study is the official scientific and engineering report entitled “Flood Insurance Study for City of Portland, Oregon: Multnomah, Clackamas and Washington Counties”, dated November 26, 2010 prepared by the Federal Insurance Administration (FIA) under agency agreement with the Portland District Corps of Engineers. The latest edition of the report, along with accompanying FIRMs, are on file with the Bureau of Development Services.
- B.** Flood Insurance Rate Maps (FIRMs) are the official maps entitled “The Flood Insurance Rate Maps (FIRMs) for City of Portland, Oregon: Multnomah, Clackamas and Washington Counties”, dated either October 19, 2004 or November 26, 2010, whichever is more current, on which the Federal Insurance Administration has delineated the areas of flood hazards along with the 100-year (base flood) and 500-year flood boundaries, the floodway zone boundaries and the 100-year flood elevations.
- C.** Water Features Map is the official map, dated May, 1981, or latest edition, compiled by the Bureau of Planning and Sustainability delineating certain watercourses which are subject to special flood hazard and drain 30 acres or more.
- D.** When base flood elevation data has not been provided by the FIA study, the Sewage System Administrator may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source. This data shall be utilized only after technical review and approval of the Sewage System Administrator.
- E.** The "Title 3 Water Quality and Flood Management Area Map," as adopted by Metro Council on June 18, 1998, is the official map which identifies areas as "February 1996 Flood Inundation." The identified areas are subject to the regulations of this Title.

**24.50.050 Flood Hazard Areas and Flood Protection Elevations.**

(Amended by Ordinance Nos. 173979, 178741 and 182370, effective November 26, 2008.) Flood hazard areas shall contain all lands located within the Floodway boundary, Flood

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Zones within the Flood fringe areas, and other identified Flood Zones. Identified Flood Zones are depicted on the National Flood Insurance Rate Map (FIRM). Both identified and unidentified Flood Hazard areas along with flood protection elevations are described in the following. Figure 1 illustrates the basic flood hazard areas and elevations.

(See Figure 1 at the end of Title 24)

- A.** Columbia River FIRM Flood Zone AE. These flood zones represent areas for which base flood elevations are determined. The flood protection elevation shall be the base flood elevation plus one foot of freeboard. The nominal one-foot increase for freeboard reflects the relatively wide flood plain of the Columbia River. In the vicinity of the confluence of the Columbia and Willamette Rivers, the Columbia River floodplain shall be considered to be east of the westerly floodway fringe boundary of the Columbia Slough.
- B.** Multnomah Drainage District No. 1 and Peninsula Drainage District No. 2 FIRM Zone AH. This flood zone represents isolated areas of shallow flooding (1 to 3 feet in depth, resulting from upslope runoff) for which base flood elevations are determined. In the case of unidentified watercourses occurring within the boundaries of the Drainage Districts, the base flood elevation shall be estimated by procedures described in paragraph G. below. The flood protection elevation shall be the base flood elevations plus one foot of freeboard.
- C.** Columbia River FIRM Flood Zone A. These flood zones represent areas for which base flood elevations are not determined. The flood protection elevation shall be either the grade at the adjacent flood fringe boundary or the crown of the nearest street, whichever is higher, plus one foot of freeboard.
- D.** Willamette River FIRM Flood Zone AE. These flood zones represent areas for which the base flood elevations are determined. The flood protection elevation shall be the base flood elevation plus two feet of freeboard.
- E.** Johnson Creek, Fanno Creek and Crystal Springs Creek FIRM Flood Zone AE. This flood zone represents area for which the base flood elevations are determined. The flood protection elevation shall be the base flood elevation plus two feet of freeboard.
- F.** Johnson Creek FIRM Flood Zone AH. This flood zone represents areas of shallow flooding depth (1 to 3 feet) for which base flood elevations are determined. The flood protection elevation shall be the base flood elevation plus two feet of freeboard.
- G.** Johnson Creek FIRM Flood Zone AO. This flood zone represents areas of shallow flooding depth (1 to 3 feet) for which the depths of flooding are determined. The flood protection elevation shall be the depth of flooding shown on the FIRM map plus two feet of freeboard above the highest adjacent grade.

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- H.** Johnson Creek, Fanno Creek, Tryon Creek, and Crystal Springs Creek FIRM Flood Zone A. These flood zones represent areas for which base flood elevations are not determined. The flood protection elevation shall be the base flood elevation plus two feet of freeboard. Base flood elevations shall be calculated in accordance with paragraph I. below.
- I.** Unidentified Watercourse Flood Zones. These watercourses, generally draining one acre or more, are not identified in a Federal Insurance Study and may not be identified on the Water Features map. The flood protection elevation shall be the base flood elevation plus two feet of freeboard. The width of the floodway shall not be less than 15 feet. The floodway boundary, flood fringe boundary, and flood protection elevation data shall be based upon watercourse geometry, slope, channel roughness, effect of obstructions, backwater and other factors which affect flood flow. The requisite flood hazard data, maps, and sections shall be obtained and developed by procedures approved by the Sewage System Administrator. When appropriate and necessary data are available, the flood protection elevation and floodway and flooding fringe boundary data may be provided by the Sewage System Administrator. If pertinent hydrologic data and topographic data are not available, inaccurate, or outdated, and where substantial alterations or relocations of a watercourse are involved, the Sewage System Administrator may require the permit applicant to secure a registered engineer and surveyor to develop and supply the requisite flood hazard data, maps, and sections.
- J.** Metro Flood Management Areas. Flood 1996 inundation areas shown on Metro Title 3 Water Quality and Flood Management Area Maps shall have a flood protection elevation which provides two feet of freeboard above the Flood 1996 level. Flood 1996 inundation areas adjacent to Columbia River FIRM Flood Zone AE, Multnomah Drainage District No. 1, Peninsula Drainage District No. 2 Firm Zone AH and Columbia River FIRM Flood Zone A shall have freeboard of one foot.

**24.50.060 Provisions for Flood Hazard Reduction.**

(Amended by Ordinance Nos. 165678, 169905, 172209, 173979, 176955, 178741, 182370, 184235, 189338 and 189806, effective December 18, 2019.) In all flood hazard areas defined in Section 24.50.050, the following provisions are required:

- A.** Permits. All permit applications shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding. A development or building permit shall be obtained before construction or development begins within any area of flood hazard. Such applications for permits shall include the following specific information:

  - 1.** Elevation of lowest floor, including basement, for all structures and floodproofed elevations for nonresidential structures.

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2. Elevation of lowest point of bridge structures.
  3. Existing and proposed topography of the site taken at a contour interval (normally 1 foot) sufficiently detailed to define the topography over the entire site and adjacent watercourses subject to flooding. Ninety percent of the contours shall be plotted within 1 contour interval of the true location.
  4. All necessary permits obtained from the federal and state governmental agencies from which prior approval is required.
  5. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 24.50.050 G.), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of any available hydrological data, drainage basin hydrology, historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- B.** Elevation reference. The survey reference datum for finished lowest floor including basement, floodproofed elevations, and finished site grades shall be either the North American Vertical Datum of 1988 or City of Portland datum, whichever is appropriate. When approved by the City Engineer, a local onsite survey reference datum may be adopted for FIRM Zones A and Unidentified Watercourse Flood Zones. The survey reference datum shall be indicated on all relevant plan and Section drawings, and the certified Flood-Elevation Certificate.
- C.** Certification of elevations and floodproofing. All finished elevations as specified hereunder shall be certified on a FEMA (FIA) Elevation Certificate by a licensed surveyor secured by the permittee, and made part of the permit records.
1. As-built elevation of lowest floor including basement, of all new or substantially improved structures;
  2. As-built floodproofed elevation of all new or substantially improved nonresidential structures;
  3. As-graded elevation of lowest grade within 25 feet of structures;
  4. As-graded elevation of lowest crawl space grade, as applicable.

All floodproofing materials and methods for nonresidential structures shall be certified by a licensed professional engineer or architect as meeting the criteria in Section 24.50.060 F7.

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- D.** Floodway. Encroachments into the floodway by development and structures defined in Section 24.50.020 are prohibited unless it is demonstrated by technical analysis from a registered engineer that the development will result in no increase in the base flood elevation. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement or other development (including fill) shall be permitted within Zone AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community. Technical analysis shall be reviewed and approved by the Sewage System Administrator. However, the minimum width of the floodway shall not be less than 15 feet.
- E.** Alteration of watercourses. The Bureau of Development Services shall:
- 1.** Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse as identified in the Flood Insurance Study and Flood Insurance Rate Map, and submit evidence of such notification to the Federal Insurance Administration.
  - 2.** Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- F.** Flood hazard areas.
- 1.** General. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
  - 2.** Residential construction.
    - a.** New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above flood protection elevation. Floodproofing of “lowest floor” space is not permitted.
    - b.** Fully closed areas below the lowest floor that are subject to flooding are prohibited or shall be used solely for parking of vehicles, building access or limited storage and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

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- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - (2) The bottom of all openings shall be no higher than one foot above grade;
  - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

    - (a) Fills required to elevate the lowest floor to the flood protection level shall comply with Chapter 24.70. Fill selection and placement shall recognize the effects of inundation from floodwaters on slope stability, fill settlement, and scour. The minimum elevation at the top of the fill slope shall be at the base flood level. Minimum distance from any point of the building perimeter to the top of the fill slope shall be either 25 feet or twice the depth of fill at that point, whichever is the greater distance.
    - (b) Piling foundations required to elevate the lowest habitable floor to the flood protection level shall comply with Section 1809 and 1808 of the Structural Specialty Code. Pilings shall be spaced no more than 10 feet apart, and reinforcement shall be provided for piling more than 6 feet above the ground level.
- 3. Subdivision proposals.**
- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
  - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
  - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
  - d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

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4. Nonresidential construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the flood protection elevation, or, together with attendant utility and sanitary facilities, shall:
  - a. Be floodproofed so that below the flood protection elevation the structure is watertight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Bureau of Development Services.
  - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described for residential structures.
  - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
5. Manufactured homes. All manufactured homes to be placed or substantially improved within Zones AO, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the flood protection elevation and be securely anchored to prevent flotation, collapse or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Refer to FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
6. Utilities. All new and replacement water supply and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the sanitary sewage systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

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7. Construction materials and methods. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be protected to or above the flood protection elevation.
  8. Balanced Cut and Fill Required. In all Flood Management Areas of the City not addressed by Section 24.50.060 G, balanced cut and fill shall be required. All fill placed at or below the base flood elevation shall be balanced with at least an equal amount of soil material removal. Soil material removal shall be within the same flood hazard area identified in Section 24.50.050 A. through I.
    - a. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.
    - b. Temporary fills permitted during construction shall be removed.
  9. Tank anchoring. Tanks containing hazardous materials must be anchored to prevent flotation if they are located in areas of special flood hazard or flood management areas.
  10. Uncontained hazardous materials as referred to in Section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S. Section 9601 et seq.) (CERCLA), section 502 (13) of the Clean Water Act and any other substances so designated by the Director of the Bureau of Development Services are prohibited in flood management areas.
  11. AH/AO Zone Drainage. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.
- G. Johnson Creek Flood Zones - Special Provisions.** In addition to other requirements of this chapter the following requirements shall apply within designated portions of the Johnson Creek Flood Zones:
1. All Johnson Creek Flood Zones
    - a. Balanced cut and fill. Within all areas of the Johnson Creek Flood Zones, all new fills below the base flood elevation shall be accompanied by an equal amount of excavation on the same site so that the storage capacity of the floodway and floodway fringe is retained.



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of the footprint of the building located above the base flood elevation.

**24.50.065 Recreational Vehicles located in Areas of Special Flood Hazard or Base Flood Zones.**

(Added by Ordinance No. 180330, effective August 18, 2006.)

- A.** Any recreational vehicle placed on a site located in either an Area of Special Flood Hazard or in the base flood zone shall:
  - 1.** Meet the elevation and anchoring requirements for manufactured homes;
  - 2.** Be on the site for fewer than 180 consecutive days; or
  - 3.** Be fully licensed and ready for highway use. As used in this section, “ready for highway use” means that the vehicle is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions.
- B.** For the purpose of this section, “recreational vehicle” means any vehicle which is:
  - 1.** Built on a single chassis;
  - 2.** 400 square feet or less when measured at the largest horizontal projection;
  - 3.** Designed to be self propelled or permanently towable by a light duty truck; and
  - 4.** Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**24.50.070 Appeals and Variances.**

(Amended by Ordinance No. 178741, effective October 19, 2004.)

- A.** Appeals. Any person aggrieved by a requirement, decision, or determination made pursuant to the administration of this Chapter may appeal such action to the Building Board of Appeal in accord with Chapter 24.10.
- B.** Variances. If variances from requirements of this Chapter are requested, all relevant factors and standards specified in other sections of this Chapter shall be considered, as well as the following:
  - 1.** The danger that materials may be swept into other lands to the injury of others;
  - 2.** The danger to life and property due to flooding or erosion damage;

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3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; Upon consideration of the factors listed above and the purposes of this Chapter, such conditions may be attached to the granting of variances as deemed necessary.

**C. Conditions for variances.**

1. Generally the only condition under which variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
2. Variances shall not be issued within designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State

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Inventory of Historic Places, without regard to the procedures set forth in this Section.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause,
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - c. A determination that the granting of a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
7. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
8. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 24.50.070 C.1. and otherwise complies with Section 24.50.060 F.1. and 24.50.060 F.7.

**CHAPTER 24.51 - WILDFIRE HAZARD  
ZONES**

(Chapter added by Ordinance No. 177433, effective  
May 30, 2003.)

**Sections:**

- 24.51.010 Purpose.
- 24.51.020 Definitions.
- 24.51.030 Wildfire Hazard Zone Map Adoption.
- 24.51.040 Map Revision Process.
- 24.51.050 Appeals of Decisions Made by the Chief.
- 24.51.060 General.

**24.51.010 Purpose.**

The purpose of this Chapter is to adopt the criteria that will be used to specify areas of the City to be classified as Wildfire Hazard Zones, so that roof materials may be limited.

**24.51.020 Definitions.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) The definitions contained in this Section relate to Wildfire Hazard zones and considerations outlined in this Chapter.

- A.** Chief means the Chief of Portland Fire & Rescue or the Chief's duly authorized representative.
- B.** Department of Forestry (DOF) means the State of Oregon Department of Forestry.
- C.** Wildfire Hazard Zone means those areas of the City as determined by the Chief that rate a minimum score of 5 or higher using the following criteria developed by DOF:
  - 1.** Topography hazard factor value
  - 2.** Natural vegetative fuel hazard factor value
  - 3.** Natural vegetative fuel distribution hazard factor value
- D.** Wildfire Hazard Zone Map means the WHZM attached to Ordinance No. 177433 and as it may be amended from time to time based on the criteria herein.
- E.** Hazard Factor. Hazard Factors are topography, certain natural vegetative fuels and natural, vegetative fuel distribution. Any of these factors, or a combination thereof, may cause an area of the City to be included within a Wildfire Hazard Zone.
- F.** Topography Hazard Factor Value means the hazard value as determined by DOF associated with site slope which effects the fire spread velocity.

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- G.** Natural Vegetative Hazard Factor Value means the numerical value assigned by DOF, extrapolated from the “Aids to Determining Fuel Models for Estimating Fire Behavior” published by the Forest Service, USDA Intermountain Forest and Range Experiment Station in 1982 as General Technical Report INT-122, for various common vegetation.
- H.** Natural Vegetative Fuel Distribution Hazard Factor Value means the numerical value assigned by DOF for the percentage of site that is covered by vegetation described in 24.51.020 G.

**24.51.030 Wildfire Hazard Zone Map Adoption.**

- A.** Wildfire Hazard Zone Map Adoption.
  - 1.** A Wildfire Hazard Zone Map (WHZM) has been developed for the City of Portland through a review of topography, weather, type vegetation and fuel density. This map is dated October 11, 2002.
  - 2.** The WHZM dated October 11, 2002, is hereby adopted by reference and incorporated into this ordinance.
  - 3.** The Chief shall provide the Director with a copy of the official map adopted in Subsection one of this Section. Copies of the map shall be available for review in the Development Services Center, First Floor 1900 SW 4th Avenue, Portland Oregon.
- B.** Revisions to the Wildfire Hazard Zone Map.
  - 1.** The WHZM may be amended from time to time to either include or exclude properties as the facts may warrant.
  - 2.** The Chief shall have the authority to revise the Wildfire Hazard Zone Map.
  - 3.** All Wildfire Hazard Zone map revisions shall be determined using the criteria set forth below. Any site having a cumulative hazard value of five (5) or more shall be included in a wildfire hazard zone.
    - a.** Topography Hazard Factor Value. The topography hazard value shall be calculated as follows:
      - (1)** Determine site slope using the appropriate 7.5 minute quadrangle map published by the U.S. Geological Survey, USDI.
      - (2)** Select appropriate hazard value using Table 1.

**TABLE 1  
APPROPRIATE TOPOGRAPHY  
HAZARD FACTOR VALUE**

Site Slope as determined by the 7.5 minute quadrangle map	Hazard Value
Slopes 00 to < 03%	0
Slopes 03 to < 12%	1
Slopes 12 to < 20%	2
Slopes 20% or greater	3

- b.** Natural Vegetative Fuel Hazard Factor Value. The natural vegetative fuel hazard value shall be calculated as follows:
- (1)** Divide the jurisdiction into geographic areas which best describe the natural vegetation expected to occupy sites for the next 10 to 15 years.
  - (2)** Select the appropriate hazard value from Table 2.

**TABLE 2  
NATURAL VEGETATIVE FUEL  
HAZARD FACTOR VALUE**

Natural Vegetative Fuel Description 1		Hazard Value 2
<b>Limited</b>	Little or no natural vegetative fuels are present.	0
<b>Grass</b>	Very little shrub or timber is present, generally less than one-third of the area. Main fuel is generally less than two feet in height. Fires are surface fires that move rapidly through cured grass and associated material. (Fuel model 1)	3

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<b>Natural Vegetative Fuel Description 1</b>		<b>Hazard Value 2</b>
<b>Grass</b>	Open shrub lands and pine stands or scrub oak stands that cover one-third to two-thirds of the area. Main fuel is generally less than two feet in height. Fires are surface fires that spread primarily through the fine herbaceous fuels, either curing or dead. (Fuel model 2)	3
<b>Grass</b>	Beach grasses, prairie grasses, marshland grasses and wild or cultivated grains that have not been harvested. Main fuel is generally less than four feet in height, but considerable variation may occur. Fires are the most intense of the grass group and display high rates of spread under the influence of wind. (Fuel model 3)	3
<b>Shrubs</b>	Stands of mature shrubs have foliage known for its flammability, such as gorse, manzanita and snowberry. Main fuel is generally six feet or more tall. Fires burn with high intensity and spread very rapidly. (Fuel model 4)	3
<b>Shrubs</b>	Young shrubs with little dead material and having foliage not known for its flammability, such as laurel, vine maple and alders. Main fuel is generally three feet tall or less. Fires are generally carried in the surface fuels and are generally not very intense. (Fuel model 5)	1

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<b>Natural Vegetative Fuel Description 1</b>		<b>Hazard Value 2</b>
<b>Shrubs</b>	Older shrubs with foliage having a flammability less than fuel model 4, but more than fuel model 5. Widely spaced juniper and sagebrush are represented by this group. Main fuel is generally less than six feet in height. Fires will drop to the ground at low wind speeds and in stand openings. (Fuel model 6)	2
<b>Timber</b>	Areas of timber with little undergrowth and small amounts of litter buildup. Healthy stands of lodgepole pine, spruce, fir and larch are represented by this group. Fires will burn only under severe weather conditions involving high temperatures, low humidity and high winds. (Fuel model 8)	1
<b>Timber</b>	Areas of timber with more surface litter than fuel model 8. Closed stands of healthy ponderosa pine and white oak are in this fuel model. Spread of fires will be aided by rolling or blowing leaves. (Fuel model 9)	2
<b>Timber</b>	Areas of timber with heavy buildups of ground litter caused by over-maturity or natural events of wind throw or insect infestations. Fires are difficult to control due to large extent of ground fuel. (Fuel model 10)	3
<p><b>1.</b> Some areas may contain vegetative fuels other than those listed in Table 2. Additional natural fuel hazard factors may be found in “Aids to Determining Fuel Models for Estimating Fire Behavior” published by the Forest Service, USDA Intermountain Forest and Ranger Experiment Station in 1982 as General Technical Report INT-122. Vegetative fuel hazard factors determined using General Technical Report INT-122 shall be used as alternative factors, for review under this chapter, as the facts warrant.</p>		

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<b>Natural Vegetative Fuel Description 1</b>	<b>Hazard Value 2</b>
<p><b>2.</b> Due to various factors, such as variations in local vegetation species or vegetation conditions, the fuel models used in Table 2 may not accurately portray wildfire behavior. The Chief may make modifications to the hazard values as necessary to accurately reflect the following characteristics:</p> <p>(a) A hazard value of 1 shall describe vegetation that typically produces a flame length of up to 5 feet, a wildfire which exhibits very little spotting, torching, or crowning, and which results in a burned area that can normally be entered within 15 minutes.</p> <p>(b) A hazard value of 2 shall describe vegetation that typically produces a flame length of 5 to 8 feet, a wildfire which exhibits sporadic spotting, torching, or crowning, and which results in a burned area that can normally be entered within one hour.</p> <p>(c) A hazard value of 3 shall describe vegetation that typically produces a flame length of over 8 feet, a wildfire that exhibits frequent spotting, torching, or crowning, and which results in a burned area that normally cannot be entered for over one hour.</p>	

- c.** Natural Vegetative Fuel Distribution Hazard Factor Value . To determine the natural vegetative fuel distribution hazard factor value:
- (1)** Determine the percentage of each individual area that is covered by vegetation.
  - (2)** Using the calculated percentage, assign a value using Table 3.

**TABLE 3  
NATURAL VEGETATIVE FUEL  
DISTRIBUTION HAZARD FACTOR**

<b>Natural Vegetative Fuel Distribution</b>	<b>Hazard Value</b>
0 to 10% of the area	0
10 to 25% of the area	1
25 to 40% of the area	2

**24.51.040 Map Revision Process.**

- A.** Wildfire Hazard Zones may be applied to or removed from areas of the City as follows:

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1. During periodic review by the Chief, based upon the criteria listed in section 24.51.030. Periodic review shall occur every 5 years.
  2. Upon request to the Chief by any property owner, prior to periodic review, on the grounds that conditions have changed.
- B.** Prior to applying the Wildfire Hazard Zone to any property the Chief shall provide notice of such proposed zoning and provide a date for a public hearing.

The notice shall be sent to all properties to which the zone would be applied. The notice shall be sent fourteen days prior to the date of the hearing. Extensions of time for the hearing may be requested and may be provided by the Chief. The notice shall provide information regarding the City's intention to apply the Wildfire Zone, the reasons therefore and the time and place for the hearing.

Within 7 days of the hearing the Chief shall issue a written decision, based upon the criteria listed above, and which shall include findings supporting that decision and shall contain information regarding the right to appeal the Chief's decision to the Bureau of Development Service's Appeals Board (Board). A copy of the decision shall be sent to all properties that received notice of the City's intention to include these properties within a Wildfire Hazard Zone.

- C.** When a property owner provides the Chief with a written request that the Wildfire Hazard Zone be removed from specific property the Chief shall consider the request and, based upon the criteria listed above, shall either approve or deny the request.

Such action by the Chief shall occur within 14 days of the date of the request and shall be in writing, shall include findings based upon the facts and criteria and shall contain information regarding the right to appeal the Chief's decision to the Board. This decision shall be mailed to the property owner requesting the change in status.

**24.51.050 Appeals of Decisions Made by the Chief.**

Notwithstanding any contradictory portion of Code Section 24.10.080:

- A.** Any decision made by the Chief, regarding the application of a Wildfire Hazard Zone to any area in the City, may be appealed to the Bureau of Development Services Board of Appeals (Board) solely in accordance with this subsection. In considering such appeals the Board shall act solely in accord with this section.
- B.** Such appeal shall be in writing and shall be filed with the Board within fourteen days of the date of the Chief's decision. The appeal shall include a statement regarding the elements of the Chief's decision with which the appellant takes issue. Reference to facts and the criteria listed above, is required.

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- C.** A copy of the appeal shall be provided to the Chief at the same time that it is filed with the Board. The Chief shall have fourteen days from the date of the appeal to respond, in writing, to the Board and all appellants.
- D.** The Board shall issue a notice of a hearing date and the place and time of the hearing. Notice shall be provided to the appellants and the Chief.
- E.** The Board shall then hold a hearing upon any such appeal. After considering the issues raised on appeal, and the reasonableness of the Chief's interpretation of applicable criteria, the Board shall, by majority vote, affirm or modify the Chief's decision. The Board's decision shall be based solely upon the criteria set out in this Chapter and shall include findings addressing the facts and the criteria. The decision of the Board shall have full force and effect. A certified copy of the decision shall be delivered to the appellant.

Any appeal of the Board's decision shall by writ of review.

**24.51.060 General.**

(Amended by Ordinance Nos. 178745 and 179125, effective April 1, 2005.)

- A.** In addition to the other City codes, all structures located in wildfire hazard zones as identified in the Wildfire Hazard Zone map shall meet the applicable requirements in the State of Oregon Structural Specialty Code or the Residential Specialty Code as applicable.
- B.** The requirements in Chapter 24.75, Uniform Building Address System, supercede the requirements found in OSSC Appendix L, Section L101.7, for premises identification.

**CHAPTER 24.55 - BUILDING DEMOLITION**

(Chapter amended by Ordinance No. 171455,  
effective August 29, 1997.)

**Sections:**

- 24.55.100 Demolition - Debris - Barricades - Nuisances.
- 24.55.150 Definitions.
- 24.55.200 Residential Demolition Delay - Housing Preservation.
- 24.55.205 Site Control Measures in Residential Demolitions.
- 24.55.210 Major Residential Alterations and Additions.

**24.55.100 Demolition - Debris - Barricades - Nuisances.**

(Amended by Ordinance Nos. 171455, 187017 and 189012, effective June 13, 2018.) It is unlawful for any owner or persons in control of any such structure which is being demolished, or which has been damaged by fire, to leave any portion of the structure unsupported for more than 1 hour, if such section is liable to collapse or is in any way a danger to the public. In no event shall a portion of the structure be left unsupported for more than 24 hours. Suitable barricades shall be provided to prevent access to the vicinity of any unsupported section of the structure. Any permanent structural supports provided as a result of application to this section shall be designed by a structural engineer registered to practice in the State of Oregon and hired by the applicant. All such designs, calculations, drawings, and inspection reports shall be approved by the Director.

All combustible debris or material shall be removed from the premises on which the demolition is carried out within 30 days from the completion of the demolition, or from the stoppage of the work thereon if the work remains uncompleted. All non-combustible debris or material resulting from demolition shall be removed within 30 days after the completion of the demolition or stoppage thereof, unless the Director extends the time therefore because of weather, terrain, or other special circumstances, but such extension shall not exceed 3 months. It is unlawful for any owner or person in possession of real property to permit the debris to remain on the property without disposal in excess of the periods mentioned above or of any specific extension thereof as set forth above.

Any of the above-mentioned things existing while there is a duty to remove or correct the same, shall constitute a public nuisance. Any unsupported portions of a building or structure existing beyond the periods set forth above shall be subject to summary abatement by the City. The abatement shall be in accordance with the procedure set forth in Title 29, Chapter 29.60, Administration and Enforcement.

All structures to be demolished shall be taken down in a safe manner. The streets or sidewalks shall not be littered with rubbish and shall be wet down, if necessary. During any demolition work, all receptacles, drop boxes, shafts, or piping used in such demolition work shall be covered in an appropriate manner. After removal of any structure all foundations that are not to be used for new construction shall be removed and all excavations filled in compliance with Chapter 24.70 of this Title, to a level of the adjoining grade. Plans shall be submitted for any new construction proposed, utilizing the remaining foundations. Any remaining foundations approved for further use shall be barricaded by a

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fence no less than 6 feet high maintained until the new construction has progressed sufficiently to remove any hazards to the public. Such period of time is not to exceed 30 days. For regulations on the use of public streets and protection of pedestrians during demolition see Chapter 24.40 of this Title.

**24.55.150 Definitions.**

(Added by Ordinance No. 187017; amended by Ordinance Nos. 188802, 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).

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- 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

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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.

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- 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

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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

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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, 190126 and 190274, effective February 26, 2021.)

- A. Scope.** The provisions of this Section 24.55.205 apply to the following, regardless of zoning or Comprehensive Plan Map designation:
1. Demolition of 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.
  3. Major residential alterations, as that term is defined in Section 24.55.150. Except for this Subsection A., whenever the term “demolition” is used in this Section 24.55.205, it includes major residential alterations.
- 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:

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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

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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-

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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

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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 Nos. 189012 and 190274, effective February 26, 2021.)

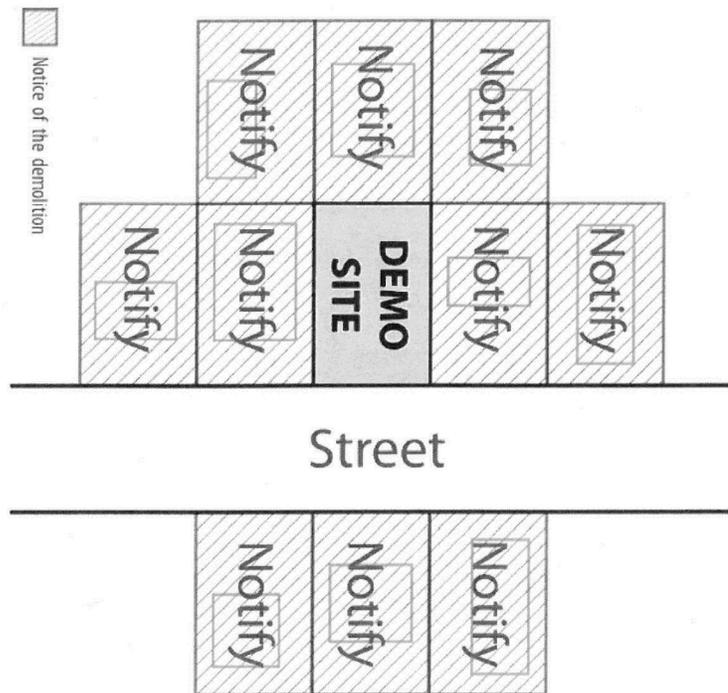
- A. Purpose. The delay provisions are intended to provide notice of a major residential alteration or addition to recognized organizations and to surrounding neighbors.
- B. Where the provisions apply. The major residential alteration and addition delay applies to sites with residential structures that are regulated under the Oregon Residential Specialty Code and that are located in areas with a residential Comprehensive Plan Map designation. The delay 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.

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- 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 a major residential 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 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. For major residential additions, 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.)

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**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.

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**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.

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- C. The sidewalk elevator shall not be raised sooner than 15 minutes prior to a delivery and shall be placed in a down position and the sidewalk doors closed within 15 minutes of the completion of a delivery.

**24.65.050 Plans Required.**

The construction of sidewalk vaults shall be considered as part of a building and plans shall be submitted showing the construction of the same.

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**CHAPTER 24.70 – CLEARING, GRADING,  
AND RETAINING WALLS**

(Chapter amended by Ordinance Nos. 184522,  
185448, 186053 and 188884, effective April 4,  
2018.)

**Sections:**

24.70.010	General.
24.70.020	Permits.
24.70.030	Hazards.
24.70.040	Special Definitions.
24.70.050	Information on Plans and in Specifications.
24.70.060	Bonds.
24.70.070	Cuts.
24.70.080	Fills.
24.70.085	Retaining Walls.
24.70.090	Setbacks.
24.70.100	Drainage and Terracing.
24.70.120	Grading Inspection.
24.70.130	Completion of Work.

**24.70.010 General.**

(Amended by Ordinance Nos. 165678, 168340, 184522, 185448 and 186053, effective January 1, 2015.) The provisions of this Chapter shall regulate clearing, grading and earthwork construction on private property. Tree removal, whether associated with clearing, grading, earthwork construction or conducted separately shall be regulated pursuant to Title 11, Trees. Erosion control is regulated by Title 10.

**24.70.020 Permits.**

(Amended by Ordinance Nos. 165678, 168340 172209, 173532, 173979, 184522, 185448, 186053 and 188884, effective April 4, 2018.) Permits for clearing, grading, and retaining walls are required as specified in this Section. Where a specific activity does not require a clearing or grading permit, a separate tree permit may still be required, as specified in Title 11 Trees. Where a clearing or grading development permit shows trees to be removed and has been reviewed and approved by the City, a separate tree permit is not required in conjunction with the clearing or grading permit. An erosion, sediment and pollutant control plan if required by Title 10 shall be submitted with clearing or grading permit applications. Applicants for permits made in conjunction with land divisions shall be responsible for all clearing, grading, tree removal and erosion control within the land division, even where a specific activity is exempt from an individual permit.

- A.** Clearing Permits. A permit is required and shall be issued in accordance with Section 24.10.070 for clearing activities in the following areas:

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1. The Tualatin River sub-basins, Johnson Creek Basin Plan District, environmental zones, greenway zones, or natural resource management plans; or
  2. Property larger than five acres. Except that no permit shall be required for clearing an area less than 5,000 square feet.
- B.** Grading Permits. A permit is required and shall be issued in accordance with Section 24.10.070 for all grading operations with the exception of the following:
1. Grading in an area, where in the opinion of the Director, there is no apparent danger, adverse drainage, or erosion effect on private/public property, or inspection is not necessary;
  2. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.
  3. Cemetery graves.
  4. Refuse disposal sites controlled by other regulations.
  5. Excavations for wells or tunnels.
  6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
  7. Exploratory excavations under the direction of soil (geotechnical) engineers or engineering geologists.
  8. An excavation which
    - a. Is less than 2 feet in depth, or
    - b. Which does not create a cut slope greater than 5 feet in height and steeper than 1-1/2 horizontal to 1 vertical.
  9. A fill less than 1 foot in depth, and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or less than 3 feet in depth, not intended to support structures, which does not obstruct a drainage course and which does not exceed 10 cubic yards on any one lot.

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- C. Retaining Walls. A permit is required and shall be issued in accordance with Section 24.10.070 for all retaining walls over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, and for retaining walls supporting a surcharge.
- D. Tree Removal. Removal of trees six-inches and larger in diameter shall be reviewed with the clearing or grading permits as part of the Tree Plan review pursuant to Title 11. When removing 5 or more trees on a site with an average slope of at least 20 percent, applicants shall provide a geotechnical engineering report that assesses the stability of the site after tree felling and root grubbing operations.
- E. Permits required under this Chapter shall be obtained before the commencement of any tree removal, root grubbing or soil disturbance takes place.

**24.70.030 Hazards.**

(Amended by Ordinance Nos. 165678 and 188884, effective April 4, 2018.) The Director may determine that any clearing, grading, retaining wall, or geologic condition on private property has or may become a hazard to life and limb, or endanger property, or cause erosion, or adversely affect drainage or the safety, use or stability of a public way or drainage channel. Upon receipt of notice in writing from the Director, the owner shall mitigate the hazard and be in conformity with the requirements of this Title. The Director may require that plans and specifications and engineering reports be prepared in compliance with this Chapter.

**24.70.040 Special Definitions.**

(Amended by Ordinance No. 188884, effective April 4, 2018.) The definitions contained in this Section relate to excavation and grading work only as outlined in this Chapter.

- A. “Approval” shall mean a written engineering or geological opinion concerning the progress and completion of the work.
- B. “As graded” is the surface conditions exposed on completion of grading.
- C. “Bedrock” is in-place solid rock.
- D. “Bench” is a relatively level step excavated into earth material on which fill is to be placed.
- E. “Borrow” is earth material acquired from an off-site location for use in grading on a site.
- F. “Civil engineer” shall mean a professional engineer registered in the State to practice in the field of civil works.

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- G.** “Civil engineering” shall mean the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design, and construction of civil works for the beneficial uses of mankind.
- H.** “Clearing” is the cutting or removal of vegetation which results in exposing any bare soil.
- I.** “Compaction” is the densification of a fill by mechanical means.
- J.** “Earth material” is any rock, natural soil, or fill and/or any combination thereof.
- K.** “Engineering geologist” shall mean a geologist experienced and knowledgeable in engineering geology and registered as an engineering geologist in the State of Oregon.
- L.** “Engineering geology” shall mean the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
- M.** “Erosion” is the wearing away of the ground surface as a result of the movement of wind, water, and/or ice.
- N.** “Excavation” is the mechanical removal of earth material.
- O.** “Fill” is a deposit of earth material placed by artificial means.
- P.** “Geological hazard” shall mean a potential or apparent risk to persons or property because of geological or soil instability either existing at the time of construction or which would result from construction.
- Q.** “Grade” shall mean the vertical location of the ground surface.
- R.** “Existing grade” is the grade prior to grading.
- S.** “Rough grade” is the stage at which the grade approximately conforms to the approved plan.
- T.** “Finish grade” is the final grade of the site which conforms to the approved plan.
- U.** “Grading” is any excavating or filling or combination thereof.
- V.** “Key” is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
- W.** “Retaining Wall” is a structure that provides lateral support for a mass of soil or fluid and other imposed loads.

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- X.** “Site” is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
- Y.** “Slope” is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
- Z.** “Soil” is naturally occurring surficial deposits overlying bedrock.
- AA.** “Soil (Geotechnical) engineer” shall mean a civil engineer competent by education, training, and experience in the practice of soil engineering.
- BB.** “Soil (Geotechnical) engineering” shall mean the application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.
- CC.** “Terrace” is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

**24.70.050 Information on Plans and in Specifications.**

(Amended by Ordinance Nos. 173532, 184522, 185448, 186053 and 188884, effective April 4, 2018.) Plans and specifications shall be submitted in accordance with Section 24.10.070 and in addition shall comply with the following:

- A.** Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Title and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information.

- 1.** General vicinity of the proposed site.
- 2.** Property limits and accurate contours of existing ground and details of terrain and area drainage for the site and surrounding area.
- 3.** Limiting dimensions, elevations, or finish contours to be achieved by the grading and the proposed drainage channels and related construction.
- 4.** Detailed schedule of when each portion of the site is to be graded; how long the soil is to be exposed; and when the area is to be covered with buildings, paving, new vegetation or temporary erosion control measures.
- 5.** Detailed plans of all surface and subsurface drainage devices, walls, retaining walls, cribbing, dams, and other protective devices to be

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constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.

6. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners or trees in the adjacent rights-of-way that are within 15 feet of the property or which may be affected by the proposed grading operations.
7. Specifications shall contain information covering construction and material requirements.
8. Civil engineering report. The civil engineering report, when required by the Director, shall include hydrological calculations of runoff and the existing or required safe storm drainage capacity outlet of channels both on site and off site, and 1 in 100 year flood elevations for any adjacent watercourse. The report shall include recommendations for stormwater control and disposal.
9. Soil (Geotechnical) engineering report. The soil engineering report, when required by the Director, shall include data regarding the nature, distribution, and strength of existing soils, design criteria, and conclusions and recommendations applicable to the proposed development. The report shall include recommendation for subdrainage, and for groundwater control and disposal. Recommendations included in the report and approved by the Director shall be incorporated in the plans and specifications. For single family residences, a surface reconnaissance and stability questionnaire may be substituted for a formal soils report at the discretion of the Director.
10. Engineering geology report. The engineering geology report, when required by the Director, shall include an adequate description of the geology of the site, and conclusions and recommendations regarding the effect of geologic conditions on the proposed development and site(s) to be developed.

Recommendations included in the report and approved by the Director shall be incorporated in the grading plans and specifications.

- B.** Issuance. Section 24.10.070 is applicable to grading permits. The Director may require that:
1. The amount of the site exposed during any one period of time be limited; and

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2. Grading work be scheduled to avoid weather periods or avoid critical habitat use periods for areas existing on, or adjacent to, the development site.

Subsequent to the issuance of the grading permit, the Director may require that grading operations and project designs be modified if delays occur which can result in weather generated problems not considered at the time the permit was issued.

**24.70.060 Bonds.**

The Director may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the Director in an amount equal to that which would be required in the surety bond.

**24.70.070 Cuts.**

- A. General. Unless otherwise recommended in the approved soil engineering and/or engineering geology reports, cuts shall conform to the provisions of this Section.
- B. Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than 2 horizontal to 1 vertical.
- C. Drainage and terracing. Drainage and terracing shall be provided as required by Section 24.70.100.

**24.70.080 Fills.**

- A. General. Unless otherwise recommended in the approved soil engineering report fills shall conform to the provisions of this Section.

In the absence of an approved soil engineering report these provisions may be waived for minor fills not intended to support structures. Such fills shall be subject to review at the discretion of the Director.

- B. Ground preparation. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top-soil, and other unsuitable materials scarifying to provide a bond with the new fill, and where slopes are steeper than 5 to 1, and the height greater than 5 feet, by benching into competent material or sound bedrock as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 5 to 1 shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. Where fill is to be placed over a cut the bench under the toe of a fill shall be at least 10 feet wide but the cut must be made before placing fill and approved by the soils engineer and engineering geologist as a suitable foundation for fill. Unsuitable soil is soil which in the opinion of the Director or the civil engineer or the soils engineer

or the engineering geologist, is not competent to support either soil or fill, to support structures or to satisfactorily perform the other functions for which the soil is intended.

- C.** Fill material. Only permitted material free from tree stumps, detrimental amounts of organic matter, trash, garbage, sod, peat, and similar materials shall be used. Rocks larger than 6 inches in greatest dimension shall not be used unless the method of placement is properly devised, continuously inspected, and approved by the Director.

The following shall also apply:

- 1.** Rock sizes greater than 6 inches in maximum dimension shall be 10 feet or more below grade, measured vertically.
  - 2.** Rocks shall be placed so as to assure filling all voids with fines. Topsoil may be used in the top 12-inch surface layer to aid in planting and landscaping.
- D.** Compaction of fill. All fills shall be compacted to a minimum relative dry density of 90 percent as determined in accordance with ASTM Standard D-1557-78. Field density verification shall be determined in accordance with ASTM Standard D-1556-82 or equivalent and must be submitted for any fill 12 inches or more in depth where such fill may support the foundation for a structure. A higher relative dry density, or additional compaction tests, or both, may be required at any time by the Director.
- E.** Fill slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 2 horizontal to 1 vertical.
- F.** Drainage and terracing. Drainage and terracing shall be provided and the area above fill slopes and the surfaces of terraces shall be graded and paved as required by Section 24.70.100.

**24.70.085 Retaining Walls.**

(Added by Ordinance No. 188884, effective April 4, 2018.)

- A.** Retaining walls not regulated by the Oregon Residential Specialty Code or the Oregon Structural Specialty Code shall be designed in accordance with ASCE 7-16 and this section.
- B.** Soil loads shall be determined in accordance with ASCE 7-16. Retaining walls in which horizontal movement is restricted at the top shall be designed for at-rest pressure. Retaining walls free to move and rotate at the top shall be permitted to be designed for active pressure. Lateral pressure from surcharge loads shall be

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added to the lateral earth pressure load. Lateral pressure shall be increased if soils at the site are expansive or the retaining wall will support an ascending slope. Retaining walls shall be designed to support the weight of the full hydrostatic pressure of undrained backfill unless a drainage system is installed.

- C. Retaining walls supporting more than 6 feet of backfill height, measured from the base of the footing to the top of the wall, shall incorporate an additional dynamic seismic lateral earth pressure. When the Monobe-okabe method is used to calculate the active dynamic seismic lateral earth pressure, a horizontal acceleration coefficient equal to or greater than one-half (0.5) the design peak horizontal ground acceleration shall be used.
- D. Retaining walls shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed to resist the lateral action of soil to produce sliding and overturning with a minimum safety factor of 1.5 in each case. The load combinations of ASCE 7-16 shall not apply to this requirement. Instead, the design shall be based on 0.7 times nominal earth-quake loads, 1.0 times other nominal loads, and investigation with one or more of the variable loads set to zero. The safety factor against lateral sliding shall be taken as the available soil resistance at the base of the retaining wall foundation divided by the net lateral force applied to the retaining wall.

**Exception:** Where earthquake loads are included, the minimum safety factor for retaining wall sliding and overturning shall be 1.1.

**24.70.090 Setbacks.**

- A. General. The setbacks and other restrictions specified by this Section are minimal and may be increased by the Director, or by the recommendation of the civil engineer, soils engineer, or engineering geologist, if necessary for safety and stability or to prevent damage of adjacent properties from deposition or erosion or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the Director.
- B. Setbacks from property lines. The tops of cuts and toes of fill slopes shall be set back from the outer boundaries of the permit area, including slope right areas and easements, in accordance with Figure No. 2 and Table No. 24.70-C at the end of this Chapter.
- C. Design standards for setbacks. Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figure No. 3 and Table No. 24.70-C at the end of this Chapter.

**24.70.100 Drainage and Terracing.**

(Amended by Ordinance No. 173270, effective May 21, 1999.)

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- A.** General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this Section.
- B.** Terrace. Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer and approved by the Director. Suitable access shall be provided to permit proper cleaning and maintenance.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a downdrain.

- C.** Subsurface drainage. Cut and fill slopes shall be provided with subdrainage as necessary for stability. Adequate culverts shall be laid under all fills placed in natural watercourses and along the flow line of any tributary branches in such a manner that the hydraulic characteristics of the stream are not adversely altered. In addition, subdrainage shall be installed if active or potential springs or seeps are covered by the fill. All culverts/subdrainage shall be installed after the suitable subgrade preparation. Design details of culverts/subdrainage shall be shown on each plan and be subject to the approval of the Director and of other government/private agencies as may be required.

A subdrain system shall be provided for embedded foundation/ retaining walls and floor slabs where ground water or seepage has a potential to affect the performance of the structure. The plans shall indicate

1. subdrainage details with appropriate specifications,
2. location of footing subdrain/discharge lines and,
3. method of disposal.

In lieu of above, walls/floors may be waterproofed and designed to resist hydrostatic pressure.

- D.** Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainageway or approved stormwater management facility, as approved by the Director and/or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive downdrains or other devices.

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Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the Director.

Exception: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet in maximum depth.
  2. No proposed finish cut or fill slope faces have a vertical line in excess of 10 feet.
  3. No existing slope faces, which have a slope face steeper than 10 horizontal to 1 vertical, have a vertical height in excess of 10 feet.
- E.** Interceptor drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches of concrete or gunitite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of the drain shall be approved by the Director.

**24.70.110 Erosion Control.**

(Repealed by Ordinance No. 173979, effective March 1, 2000.)

**24.70.120 Grading Inspection.**

(Amended by Ordinance No. 188647, effective November 17, 2017.)

- A.** General. All grading operations for which a permit is required shall be subject to inspection by the Director. When required by the Director, special inspection of grading operations and special testing shall be performed in accordance with the provisions of Section 24.70.120 C.
- B.** Grading designation. All grading in excess of 5,000 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer and shall be designated as “engineered grading.” Grading involving less than 5,000 cubic yards may also be designated as “engineered grading” by the Director if the grading will
1. support a building or structure of a permanent nature;
  2. support other engineering works such as, but not limited to, tanks, towers, machinery, retaining wall, and paving;
  3. be deemed a potential hazard under Section 24.70.030. The permittee with the approval of the Director may also choose to have the grading performed

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as “engineered grading.” Otherwise, the grading shall be designated as “regular grading.”

- C. Engineered grading requirements. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. The civil engineer shall also be responsible for the professional inspection and approval of the grading within the civil engineer’s area of technical specialty. This responsibility shall include, but need not be limited to, inspection and approval as to the establishment of line, grade, and drainage of the development area. The civil engineer shall act as the coordinating agent in the event that need arises for liaison between the other professionals, the contractor, and the Director. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work. The grading contractor shall submit in a form prescribed by the Director a statement of compliance to said as-graded plan.

Soil engineering and engineering geology reports shall be required as specified in Section 24.70.050. During grading all necessary reports, compaction data, and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and the Director by the soil engineer and the engineering geologist. The soil engineer’s area of responsibility shall include, but need not be limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

The engineering geologist’s area of responsibility shall include, but need not be limited to, professional inspection and approval of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters, and the need for subdrains or other ground water drainage devices. The engineering geologist shall report the findings to the soil engineer and the civil engineer for engineering analysis.

The Director shall inspect the project at the various stages of work requiring approval and at more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

- D. Regular grading requirements. The Director may require inspection and testing by an approved testing agency. The testing agency’s responsibility shall include, but need not be limited to, approval concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills. When the Director has cause to believe that geological factors may be involved the grading operation will be required to conform to “engineered grading” requirements.

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- E.** Notification of noncompliance. If, in the course of fulfilling their responsibility under this Chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not being done in conformity with this Chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Director. Recommendations for corrective measures, if necessary, shall be submitted.
- F.** Transfer of responsibility for approval. If the civil engineer, the soil engineer, the engineering geologist, or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work.

**24.70.130 Completion of Work.**

(Amended by Ordinance No. 188647, effective November 17, 2017.)

- A.** Final reports. Upon completion of the rough grading work and that final completion of the work the Director may require the following reports and drawings and supplements thereto:

  - 1.** An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and locations and elevations of all surface and sub-surface drainage facilities. The civil engineer shall provide approval that the work was done in accordance with the final approved grading plan.
  - 2.** A Soil Grading Report prepared by the soil engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. The soil engineer shall provide approval as to the adequacy of the site for the intended use.
  - 3.** A Geological Grading Report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. The engineering geologist shall provide approval as to the adequacy of the site for the intended use as affected by geological factors.
- B.** Notification of completion. The permittee or his agent shall notify the Director when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in

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accordance with the final approved grading plan and the required reports have been submitted.

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**CHAPTER 24.75 - UNIFORM BUILDING  
ADDRESS SYSTEM**

(Chapter added by Ordinance No. 161984, effective  
July 1, 1989.)

**Sections:**

- 24.75.010 Uniform System.
- 24.75.020 Size and Location of Building Numbers.
- 24.75.030 Administration.
- 24.75.040 Owner Responsibility.
- 24.75.050 Alteration of Building Number - Improper Number.
- 24.75.060 Building Defined.
- 24.75.070 Enforcement.

**24.75.010 Uniform System.**

(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.

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In the event the owner fails or neglects to comply with the violation notice in the prescribed time the Director may gain compliance by:

- A.** Instituting an action before the Code Enforcement Hearings Officer as provided in Title 22 of the City Code, or
- B.** Causing appropriate action to be instituted in a court of competent jurisdiction, or
- C.** Taking such other action as the Director deems appropriate.

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**CHAPTER 24.80 - DERELICT COMMERCIAL  
BUILDINGS**

(Chapter repealed by Ordinance No. 171455,  
effective August 29, 1997.)

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**CHAPTER 24.85 - SEISMIC DESIGN  
REQUIREMENTS FOR EXISTING  
BUILDINGS**

(Chapter added by Ordinance No. 168627, effective  
March 22, 1995.)

**Sections:**

- 24.85.010 Scope.
- 24.85.015 Structural Design Meeting.
- 24.85.020 Seismic Related Definitions.
- 24.85.030 Seismic Improvement Standards.
- 24.85.040 Change of Occupancy or Use.
- 24.85.050 Building Additions or Structural Alterations.
- 24.85.051 Mezzanine Additions.
- 24.85.055 Structural Systems Damaged by Catastrophic Events.
- 24.85.056 Structural Systems Damaged by an Earthquake.
- 24.85.060 Required Seismic Evaluation
- 24.85.065 Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings.
- 24.85.067 Voluntary Seismic Strengthening.
- 24.85.070 Phasing of Improvements.
- 24.85.075 Egress Through Existing Buildings.
- 24.85.080 Application of Other Requirements.
- 24.85.090 Fee Reductions.
- 24.85.095 Appeals.

**24.85.010 Scope.**

(Amended by Ordinance 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.

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- I.** BSE-1E: Basic Safety Earthquake-1 for use with the Basic Performance Objective for Existing Buildings, taken as a seismic hazard with a 20 percent probability of exceedance in 50 years, except that the design spectral response acceleration parameters  $S_x$ s and  $S_x$ 1 for BSE-1E seismic hazard level shall not be taken as less than 75 percent of the respective design spectra response acceleration parameters obtained from BSE-1N seismic hazard level and need not be greater than BSE-2N at a site.
- J.** BSE-1N: Basic Safety Earthquake-1 for use with the Basic Performance Objective Equivalent to New Buildings Standards, taken as two-thirds of the BSE- 2N.
- K.** BSE-2E: Basic Safety Earthquake-2 for use with the Basic Performance Objective for Existing Buildings, taken as a seismic hazard with a 5 percent probability of exceedance in 50 years, except that the design spectral response acceleration parameters of  $S_x$ s and  $S_x$ 1 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

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space reserved for the resident's occupancy. A live/work space is individually equipped with an enclosed bathroom containing a lavatory, water closet, shower/and or bathtub and appropriate venting.

- T.** Net Floor Area means the entire area of a structurally independent building, including an occupied basement, measured from the inside of the permanent outer building walls, excluding any major vertical penetrations of the floor, such as elevator and mechanical shafts.
- U.** Occupant Load means the number of persons for which the means of egress of a building or portion thereof is designed. The occupant load shall be calculated based on occupant load factors in the table assigned to each space in the Oregon Structural Specialty Code (OSSC).
- V.** Oregon Structural Specialty Code (OSSC) means the provisions of the State of Oregon Structural Specialty Code as adopted by Section 24.10.040 A.
- W.** Reinforced Masonry means masonry having both vertical and horizontal reinforcement as follows:
- 1.** Vertical reinforcement of at least 0.20 in<sup>2</sup> 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 in<sup>2</sup> 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.

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- Z.** Unreinforced Masonry (URM) means adobe, burned clay, concrete or sand-lime brick, hollow clay or concrete block, hollow clay tile, rubble and cut stone and unburned clay masonry that does not satisfy the definition of reinforced masonry as defined herein. Plain unreinforced concrete shall not be considered unreinforced masonry for the purpose of this Chapter.
- AA.** Unreinforced Masonry Bearing Wall means a URM wall that provides vertical support for a floor or roof for which the total superimposed vertical load exceeds 100 pounds per lineal foot of wall.
- BB.** Unreinforced Masonry Bearing Wall Building means a building that contains at least one URM bearing wall.

**24.85.030 Seismic Improvement Standards.**

(Amended by Ordinance Nos. 170997 and 178831, effective November 20, 2004.) For changes of occupancy structural additions, building alterations and catastrophic or earthquake damage repair, the design standard shall be the current edition of the OSSC unless otherwise noted by this Chapter.

**24.85.040 Change of Occupancy or Use.**

(Amended by Ordinance Nos. 169905, 170997, 178831, 187192, 189201 and 189747, effective October 23, 2019.) The following table shall be used to classify the relative hazard of all building occupancies:

<b>TABLE 24.85-A</b>		
<b>Relative Hazard Classification</b>	<b>OSSC Occupancy Classification</b>	<b>Seismic Improvement Standard</b>
5 (Highest)	A, E, I-2, I-3, H-1, H-2, H-3, H-4, H-5	OSSC or ASCE 41-BPON
4	R-1,R-2, SR, I-1, I-4	
3	B, M	41-BPOE
2	F-1, F-2, S-1, S-2	
1 (Lowest)	R-3, U	

- A.** Occupancy Change to a Higher Relative Hazard Classification. An occupancy change to a higher relative hazard classification will require seismic improvements based upon the factors of changes in the net floor area and the occupant load increases as indicated in Table 24.85-B below. All improvements to either the OSSC or ASCE 41 improvement standard shall be made such that the entire building conforms to the appropriate standard indicated in Table 24.85-B.

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<b>TABLE 24.85-B</b>				
<b>Percentage of Building Net Floor Area Changed</b>		<b>Occupant Load Increase</b>	<b>Required Improvement Standard</b>	<b>Relative Hazard Classification</b>
1/3 of area or less	and	Less than 150	None	1 through 5
More than 1/3 of area	or	150 and above	ASCE 41-BPOE	1, 2, and 3
More than 1/3 of area	or	150 and above	OSSC or ASCE 41-BPON	4 and 5

Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not exceed 1/3 of the building net floor area or add more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

- B.** Occupancy Change to Same or Lower Relative Hazard Classification. An occupancy change to the same or a lower relative hazard classification or a change in use within any occupancy classification will require seismic improvements using either the OSSC or ASCE 41 improvement standard, as identified in Table 24.85-A above, where the change results in an increase in occupant load of more than 149 people as defined by the OSSC. Where seismic improvement is required, the entire building shall be improved to conform to the appropriate improvement standard identified in Table 24.85-A.

Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not result in the addition of more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

- C.** Occupancy Change to Live Work Space. Any building occupancy classified as relative hazard category 1, 2, or 3 may undergo a change of occupancy to live/work space provided that:
- 1.** The building shall be improved such that the entire building conforms to the ASCE 41-BPOE improvement standard; and
  - 2.** The building meets the fire and life safety standards of either the FLEEx Guide or the current OSSC.
  - 3.** Any Unreinforced Masonry bearing wall building converted to live/work space, regardless of construction costs, shall be improved such that the entire building conforms to the ASCE 41-BPOE improvement standard.

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- D.** Occupancy Change to Essential Facilities. All structures which are being converted to essential facilities, as defined in the OSSC, shall comply with current state code seismic requirements or ASCE 41-BPON improvement standard, regardless of other requirements in this section.

**24.85.050 Building Additions or Structural Alterations.**

(Amended by Ordinance Nos. 178831 and 187192, effective July 17, 2015.) An addition that is not structurally independent from an existing building shall be designed and constructed such that the entire building conforms to the seismic force resistance requirements for new buildings unless the following two conditions listed below are met. Furthermore, structural alterations to an existing building or its structural elements shall also meet the following two conditions:

- A.** The addition or structural alteration shall comply with the requirements for new buildings; and
- B.** Any existing lateral load-carrying structural element whose demand-capacity ratio with the addition(s) or structural alteration(s) considered is no more than 10 percent greater than its demand-capacity ratio with the addition(s) or structural alteration(s) ignored shall be permitted to remain unaltered. For purposes of this paragraph, comparisons of demand-capacity ratios and calculation of design lateral loads, forces, and capacities shall account for the cumulative effects of additions and structural alterations since original construction.

**24.85.051 Mezzanine Additions.**

(Added by Ordinance No. 178831, effective November 20, 2004.) A mezzanine addition shall not require seismic strengthening of the entire building when all of the following conditions are met:

- A.** Entire building strengthening is not required by any other provision contained in this Title;
- B.** The net floor area of the of the proposed mezzanine addition is less than 1/3 of the net floor area of the building;
- C.** The mezzanine addition does not result in an occupant load increase, as defined by the OSSC, of more than 149 people; and
- D.** Subsections 24.85.050 A. - C. shall also apply to mezzanine additions.

**24.85.055 Structural Systems Damaged by Catastrophic Events.**

(Added by Ordinance No. 170997; amended by Ordinance Nos. 178831 and 187192, effective July 17, 2015.)

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- A.** Building Lateral Load Resisting systems along any principal axis damaged less than or equal to 50 percent.
- 1.** If a building is damaged by a catastrophic event such that less than or equal to 50 percent of the capacity of the existing lateral load resisting system along any principal axis of the building are damaged, only the damaged lateral load resisting components of the building's structural system must be designed and constructed to current provisions of the OSSC. These components must also be connected to the balance of the undamaged lateral load resisting system in conformance with current code provisions. Undamaged components need not be upgraded to current lateral load provisions of the current code, unless required by other provisions of this title.
  - 2.** New lateral system vertical elements must be compatible with any existing lateral system elements, including foundations. In multistory buildings, the engineer shall confirm that the new lateral system vertical elements do not introduce soft or weak story seismic deficiencies, as defined by ASCE 41, where they did not previously exist, or make existing conditions more hazardous.
- B.** Building Lateral Load Resisting systems along any principal axis damaged more than 50 percent. Where a building is damaged by a catastrophic event such that more than 50 percent of the capacity of the existing lateral load resisting system along any principal axis of the building is damaged, all lateral load resisting components of the entire building's structural system along that principal axis must be designed and constructed to the current provisions of the OSSC or ASCE 41-BPON improvement standard.

**24.85.056 Structural Systems Damaged by an Earthquake.**

(Added by Ordinance No. 178831; amended by Ordinance No. 187192, effective July 17, 2015.) As a result of an earthquake, the Director may determine through either an ATC 20 procedure or through subsequent discovery any structure or portion thereof to be in an unsafe condition as defined by State law. As a result of making this determination, the Director may declare the structure or portion thereof to be a public nuisance and to be repaired or rehabilitation as provided in Subsections 24.85.056 A.-C., or abated by demolition or removal in accordance with Title 29. For the purposes of this Section, an "unsafe condition" includes, but is not limited to any portion, member or appurtenance of a building that has become detached or dislodged or appears likely to fail or collapse and thereby injure persons or damage property; or any portion of a building or structure that has been damaged to the extent that the structural strength or stability of the building is substantially less than it was prior to the damaging event.

**TITLE 24  
BUILDING REGULATIONS**

- 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:

**TITLE 24  
BUILDING REGULATIONS**

- 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.

<b>Table 24.85-C</b>	
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:

**TITLE 24  
BUILDING REGULATIONS**

- 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.

**TITLE 24**  
**BUILDING REGULATIONS**

**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.)

**TITLE 24**  
**BUILDING REGULATIONS**

- A.** Manufactured Dwelling Installation Specialty Code. The provisions of the State of Oregon, Manufactured Dwelling Installation Specialty Code, 2010 Edition, as developed at the direction of the Building Codes Division of the Oregon Department of Consumer and Business Services through the Residential and Manufactured Structures Board, is hereby adopted by reference. The Manufactured Dwelling Installation Specialty Code is on file in the Development Services Center of the City of Portland.
- B.** Manufactured Dwelling and Park Specialty Code. The following provisions of the State of Oregon, Manufactured Dwelling and Park Specialty Code, 2002 Edition, as developed at the direction of the Oregon Building Codes Division Administrator through the Oregon Manufactured Structures and Parks Advisory Board, a copy of which is on file in the Development Services Center of the City of Portland, are hereby adopted by reference:
- 1.** All of Chapter One (Administration), except the following:
    - a.** 1-1.4 (Design Loads)
    - b.** 1-2.4 (Energy Conservation Equivalentents)
    - c.** 1-3 (Manufactured Dwellings Sold “As Is”)
    - d.** 1-6.7 (Plot Plans Required)
    - e.** 1-6.8 (Plot Plans Not Required)
    - f.** 1-6.11 (Multiple-family Housing Plans)
    - g.** 1-7.12 (Manufactured Dwelling Installation Permits)
    - h.** 1-8.6 (Visual Inspections)
    - i.** 1-8.7 (Appliance Inspections)
    - j.** 1-8.9 (Alteration Inspections)
    - k.** 1-8.11 (Quality Assurance Inspections)
    - l.** 1-8.13 (Installation Inspections)
    - m.** 1-9 (Insignias and Labels)
    - n.** 1-10 (Certifications), except section 1-10.2.1 (Certificates of Occupancy Required) is adopted



**TITLE 24**  
**BUILDING REGULATIONS**

constructed under the state building code. Skirting and permanent enclosures shall be required for all park trailer and cabana installations.

**24.90.070 Permit Application.**

(Amended by Ordinance No. 185798, effective December 12, 2012.) Permits are required for the establishment, construction, enlargement, alteration or removal of manufactured dwelling parks, recreation parks, and organizational camps. Permit applications, plans and specifications and permit issuance shall conform to Section 24.10.070, and applicable Oregon Administrative Rules. Permits are required for the installation or alteration of manufactured dwellings, recreational park trailers, recreational vehicles as defined in OAR 918-525-0005, and accessory structures. Plans and specifications are required in conformance with Section 24.10.070 and applicable Oregon Administrative Rules except when:

- A. All installation is within an existing manufactured dwelling park and all the installation is performed in accordance with the manufacturer's approved installation instructions.
- B. All installation is within an existing recreational vehicle or combination park, and all installation is performed under OAR 918-530-0005 through 918-530-0120.

When the Director determines special installation or construction requires design by a registered engineer or architect, such design shall be submitted in triplicate and approved by the Bureau prior to commencement or continuance of installation or construction.

**24.90.080 Violations.**

(Amended by Ordinance No. 185798, effective December 12, 2012.) Any person who violates any provision of this Chapter and/or any codes adopted herein shall be subject to the penalties as prescribed by law.

**24.90.090 Appeals.**

(Amended by Ordinance Nos. 185798 and 187432, effective December 4, 2015.) Any person aggrieved by a decision of the Bureau related to the application and interpretation of the Codes listed in Section 24.90.030 of this Chapter may request an administrative appeal with the Administrative Appeal Board in accordance with Section 24.10.075. Any person aggrieved by a final decision of the Building Official made under Section 24.10.075 may appeal the decision to the appropriate Board of Appeal described in Sections 24.10.080, 25.07, 26.03.070 and 27.02.031. Within 30 days of the final appeal finding by the Board of Appeal, an appellant who continues to be aggrieved may appeal to the appropriate State Specialty Advisory Board pursuant to ORS 455.690.

**TITLE 24  
BUILDING REGULATIONS**

**CHAPTER 24.95 - SPECIAL DESIGN  
STANDARDS FOR FIVE STORY  
APARTMENT BUILDINGS**

(Chapter repealed by Ordinance No. 185798,  
effective December 12, 2012.)

FIGURES & TABLES

BASIC FLOODPLAIN RELATIONSHIPS

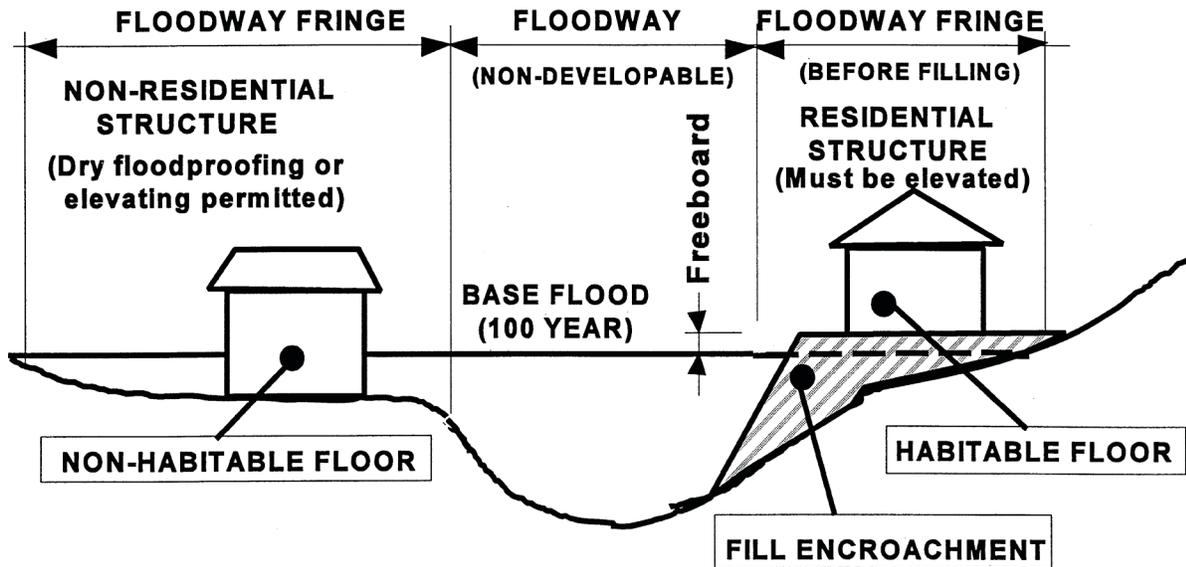


FIGURE 1 (Section 24.50.070)

FIGURE 2 (24.70)

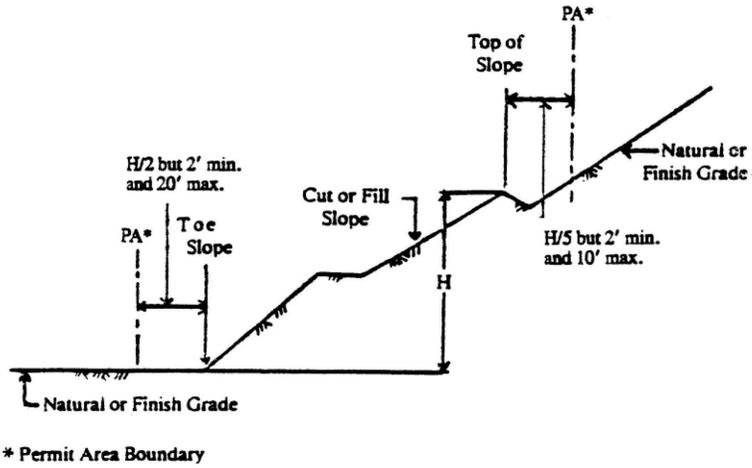


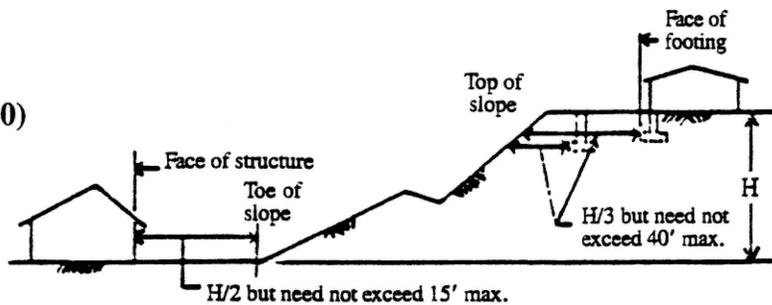
Table No. 24.70-C  
Required Setbacks from permit area boundary (in feet)

TABLE 24-70C

H	SETBACKS	
	a	b'
Under 5	0	1
5 - 30	H/2	H/5
Over 30	15	6

Additional width may be required for interceptor drain.

FIGURE 3 (24.70)





**TITLE 29**  
**PROPERTY MAINTENANCE REGULATIONS**

2. Unlawful to re-enter the affected structure or portion thereof for any purpose other than work associated with the correction of violations noted in the Notice of Violation.
- B.** In addition to any civil penalties imposed pursuant to Section 22.05.010 A.5. or Section 29.70.020 D., and as collected through a municipal lien process, any person unlawfully occupying any such affected structure or portion thereof shall upon conviction be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or both.

**29.50.050 Illegal Residential Occupancy.**

(Replaced by Ordinance No. 190381, effective August 1, 2021.) Residential occupancy of structures or spaces not intended for permanent residential use or occupancy is unlawful, including but not limited to structures placed, constructed or converted without permit; tents, campers, motor homes, recreational vehicles, and other vehicles.

- A.** Exceptions:
1. Individual sleeping accommodations within outdoor shelters legally established in conformance with Portland City Code Chapters 33.285 or 33.815, or allowed as temporary occupancies under Portland City Code Chapter 33.296;
  2. Vehicles on institutional property as allowed by Oregon Revised Statutes, Chapter 203, Section 082;
  3. Recreational vehicles within in a manufactured dwelling park or mobile home park as provided by Oregon Revised Statutes, Chapter 197, Section 493;
  4. Motor homes and recreational vehicles within a recreational vehicle park allowed as a commercial use by Portland City Code Chapters 33.130 or 33.140; and
  5. One occupied recreational vehicle provided:
    - a. The recreational vehicle is on a site with a house, attached house, or manufactured home. See Portland City Code Chapter 33.260.
    - b. The recreational vehicle is a travel trailer, park model recreational vehicle, camper or motor home.
    - c. A permanent recreational vehicle utility hookup that includes an electrical outlet, a water connection, and a sanitary sewer dump is provided on the site. A water connection and sanitary sewer dump is not required if the vehicle lacks internal plumbing.

**TITLE 29  
PROPERTY MAINTENANCE REGULATIONS**

6. Camping under emergency circumstances as authorized by Portland City Code Sections 14A.50.020 B., 33.296.030, or by declaration by the Mayor.

B. When a property has an illegal residential occupancy, the use shall be abated or brought into compliance with the current regulations for a space of the same occupancy.

**29.50.060 Interference with Repair, Demolition, or Abatement Prohibited.**

It is unlawful for any person to obstruct, impede, or interfere with any person lawfully engaged in:

A. The work of repairing, vacating, warehousing, or demolishing any structure pursuant to the provisions of this Title;

B. The abatement of a nuisance pursuant to the provisions of this Title; or

C. The performance of any necessary act preliminary to or incidental to such work as authorized by this Title or directed pursuant to it.

**29.50.070 Warehousing of Structures.**

(Amended by Ordinance No. 176955, effective October 9, 2002.)

A. When the Director determines that a structure is suitable, due to its historic designation or other significant features, the owner may be permitted to warehouse such structure, as defined in this Title, for a period of up to 30 months. An extension for one further period of 1 year may be permitted by the Director, provided that the condition of the warehoused structure is determined by inspection, to be satisfactory.

B. The Director shall have the authority to adopt and enforce written rules concerning the maintenance and monitoring of warehoused structures. The requirements for the warehousing of each structure under the rules shall be recorded in the files of the Bureau of Development Services.

C. All work necessary in warehousing a structure shall be carried out under permits required by City Codes.

D. Owners of a warehoused structure shall continue to be subject of the penalties set forth in Chapter 29.70 to pay the Bureau of Development Services for the cost of regular inspections of their buildings during the warehousing period.

## TITLE 30 - AFFORDABLE HOUSING

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**TITLE 30**  
**AFFORDABLE HOUSING**

term of the Rental Agreement and shall provide the updated Condition Report to the Tenant.

2. Within 1 week following the Termination Date a Landlord shall conduct a walk-through of the Dwelling Unit at the Tenant's option, with the Tenant or Tenant's representative, to document any damage beyond ordinary wear and tear not noted on the Condition Report (the "Final Inspection"). The Tenant, or the Tenant's representative, may choose to be present for the Final Inspection. The Landlord must give notice of the date and time of the Final Inspection at least 24 hours in advance to the Tenant.
  3. A Landlord shall prepare an itemization describing any repair and replacement in accordance with the fixture, appliances, equipment, or personal property identified in the Rental Agreement. The Landlord shall document any visual damage in excess of normal wear and tear with photographs that the Landlord shall provide to the Tenant with a written accounting in accordance with ORS 90.300 (12). To the extent that a Landlord seeks to charge labor costs greater than \$200 to a Tenant, the Landlord must provide documentation demonstrating that the labor costs are reasonable and consistent with the typical hourly rates in the metropolitan region. A Landlord may not charge for the repair of any damage or replacement of malfunctioning or damaged appliances, fixtures, equipment, or personal property noted on the Condition Report.
- E. Notice of Rights.** Contemporaneously with the delivery of the written accounting required by ORS 90.300 (12), a Landlord must also deliver to the Tenant a written notice of rights regarding Security Deposits ("Notice of Rights"). Such Notice of Rights must specify all Tenant's right to damages under this Section. The requirement in this Subsection may be met by delivering a copy of this Section to the Tenant and contact information for the nearest Legal Aid Services of Oregon, or online and physical address of the Oregon State Bar.
- F. Rent Payment History.** Within 5 business days of receiving a request from a Tenant or delivering a notice of intent to terminate a tenancy, a Landlord must provide a written accounting to the Tenant of the Tenant's Rent payment history that covers up to the prior 2 years of tenancy, as well as a fully completed Rental History Form available on the Portland Housing Bureau website. The Landlord shall also provide the Tenant with an accounting of the Security Deposit as soon as practicable but no later than within the timeframes prescribed by ORS 90.300.
- G. Damages.** A Landlord that fails to comply with any of the requirements of this Section shall be liable to the Tenant for an amount double to the amount of the Tenant's Security Deposit, plus reasonable attorney fees, and costs (collectively, "Damages"). Any Tenant aggrieved by a Landlord's noncompliance with the

**TITLE 30**  
**AFFORDABLE HOUSING**

foregoing has a cause of action in any court of competent jurisdiction for Damages and such other remedies as may be appropriate.

- H. Delegation of Authority.** In carrying out the provisions of this Section 30.01.087, the Director of PHB, or a designee, is authorized to adopt, amend, and repeal administrative rules to carry out and administer the provisions of this Section 30.01.087.

**30.01.090 City Subsidy Projects - Long-Term Affordability Requirements.**  
(Amended by Ordinance Nos. 186028, 187380 and 188440, effective July 8, 2017.)

- A.** City Subsidy Projects that in the future request and receive a City Subsidy from PDC, PHB or other City bureau or agency for the purpose of creating or preserving rental housing affordable to households below 80 percent of MFI, will be subject to a minimum of 60 year affordability contract requirements developed by PHB consistent with the implementing charge in Subsection 30.01.090 B. Notwithstanding the foregoing, City Subsidy Projects that receive a Rental Rehabilitation Conditional Grant will be subject to a minimum of 10 year affordability contract requirement in accordance with the Rental Rehabilitation Conditional Grant Product Guidelines.
- B.** All City Bureaus and agencies administering affordable rental housing subsidy programs will be responsible for implementing this section. As the primary agency charged by the City to negotiate and confer affordable housing subsidies, PHB will develop implementing strategies consistent with the 60 year affordability principles contained in this section, the Administrative Procedures Implementing Title 30.01 and the approved 1998/99 Consolidated Plan, Principle III (Ordinance No. 172259).

**30.01.095 Partial and Full Exemptions of System Development Charges for Affordable Housing Developments.**

(Added by Ordinance No. 183448; Amended by Ordinance Nos. 186712, 186744, 187380, 187975, 189323 and 190523, effective August 1, 2021.)

- A.** The purpose of this Section is to reduce the costs of developing permanent affordable housing by exempting system development charges for qualified affordable housing developments. This section advances a Council-recognized public policy goal to provide for a diversity of housing types to meet the needs of the citizens of the City.
- B.** The City will exempt qualified affordable housing developments from paying all or part of system development charges required by Code. The 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

**TITLE 30**  
**AFFORDABLE HOUSING**

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 for rented and owner-occupied residential properties. Non-residential properties or the non-residential portion of mixed-use developments are not eligible for exemptions provided by this Section. Exemptions are applicable to the portions of residential properties that are directly used in providing housing for its low-income residents such as on-site manager units and shared space including but not limited to restrooms, community rooms and laundry facilities.
- D.** To obtain the exemption, the applicant must present to the City, at the time of Application, documentation from PHB that the development qualifies for the exemption pursuant to this Chapter. Applicant must also pay an administration fee per unit on rental and/or owner-occupied units as determined by PHB.
- E.** The City shall require the recording of real property covenants in the deed records for properties receiving exemptions under this Section in order to ensure compliance, or to provide remedies for failure to restrict units, or both. Deed restrictions may be used by PHB in order to restrict sale prices and rents charged for exempt units, or to provide remedies for failure to restrict units, or both.
- F.** Applicants shall meet the following affordable housing qualifications to be exempt from paying all or a portion of system development charges based on the type of housing provided:

  - 1.** Rental Units.

    - a.** For purposes of this Section, "affordable" for rental housing means that the rent and expenses associated with occupancy such as utilities or fees, does not exceed 30 percent of the gross household income at the level of the rent restrictions.
    - b.** The units receiving an exemption shall be affordable to households earning 60 percent or less of MFI at time of occupancy and shall be leased, rented or made available on a continuous basis to persons or households whose incomes are 60 percent or less of MFI, as adjusted by household size and as determined by HUD for the Portland Metropolitan Area, except as provided for below. Such units shall remain affordable for a period of 60 years.



units restricted under the Partial and Full Exemptions of System Development Charges for Affordable Housing Developments program.

In the event that an applicant violates the covenants, agreements or other requirements that were established by the City as a condition of approval of an exemption application, or the owner of the property wants to remove the affordability covenants of Subsection 30.01.095 F., the City shall terminate the exemption and make due and payable all previously exempt portions of system development charges based on rates in effect on the date of the submittal of a complete building permit application, plus accrued interest from the date of the issuance of the building permit to the date of the termination of the exemption calculated with the interim interest rate in effect on the date of the termination of the exemption as set by general ordinance pursuant to Section 17.12.140, and a processing fee of \$250 due to each City bureau exempting system development charges and to PHB as the administrator. The City may collect reinstated system development charges, processing fees, carrying charges and the actual costs of collections by recording a property lien pursuant to Title 22.

**30.01.096 Partial and Full Exemptions of System Development Charges for Mass Shelters, Outdoor Shelters and Short-Term Shelters.**

(Added by Ordinance No. 189323; amended by Ordinance No. 190381, effective April 30, 2021.)

- A.** The purpose of this Section is to reduce the costs of developing permanent mass shelters, outdoor shelters and short-term shelters by exempting system development charges for qualified developments. This section advances a Council-recognized public policy goal of providing a continuum of safe and affordable housing opportunities including transitional shelters, emergency shelters, and campgrounds/rest areas to meet the needs of Portland residents.
- B.** The City will exempt qualified mass shelter, outdoor shelter and short-term shelter developments from paying all or part of system development charges required by Code. The 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, outdoor shelter and short-term shelter projects that are directly used in providing shelter and services for their residents such as on-site manager facilities and shared

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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, outdoor shelter or short-term shelter. The exemptions only apply to the mass shelter, outdoor shelter or short-term shelter 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, outdoor shelter or short-term shelter 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, outdoor shelter or short-term shelter 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, 190145 and 190523, effective August 1, 2021.)

**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. The Director of PHB or a designee may enter into covenants and agreements, prepare forms and adopt, amend and repeal Administrative Rules which establish, procedures, policies, program requirements, compliance monitoring standards, and penalties, for implementation, administration, and enforcement of a program 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 City housing program requirements. PHB Administrative Rules will set forth clear and objective criteria to establish minimum standards for affordable units restricted under the IH program.
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,

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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:

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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

<b>Fee per GSF on or before December 31, 2020</b>
\$19
<b>Fee per GSF after December 31, 2020</b>
\$23

2. For developments in zones within the Central City Plan District

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<b>Fee per GSF</b>
\$27

**3. For Bonus FAR in non-residential developments**

<b>Fee Schedule for Bonus FAR for non-residential occupancy/use</b>
\$24 per square foot of Bonus FAR

**30.01.130 Manufactured Dwelling Park Affordable Housing Density Bonus.**

(Added by Ordinance No. 189783; amended by Ordinance No. 190523, effective August 1, 2021.)

- 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 enter into covenants and agreements, prepare forms and adopt, amend and repeal Administrative Rules, and establish procedures which establish procedures, policies, program requirements, compliance monitoring standards, and penalties, for the implementation, administration and enforcement of a program 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 City housing program requirements. PHB Administrative Rules will set forth clear and objective criteria to establish minimum standards for affordable units restricted under the MDP program.

**30.01.140 Deeper Housing Affordability FAR Density Program.**

(Added by Ordinance No. 189805; Amended by Ordinance Nos. 190093 and 190523, effective August 1, 2021.)

- A. Purpose Statement.** The City intends to implement the 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 Subsection 33.120.211 C.2., PCC Subsection 33.110.265 F., PCC Subsection 33.110.210 D.1. and this Section.
2. The Director of PHB or a designee may enter into covenants and agreements, prepare forms, and adopt, amend and repeal Administrative Rules, which establish procedures, policies, program requirements, compliance monitoring standards, and penalties, for implementation, administration, and enforcement of a program 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 City housing program requirements. PHB Administrative Rules will set forth clear and objective criteria to establish minimum standards for Affordable Housing units restricted under the DHA Program.

- C. Standards.** Buildings or sites 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 MFI. 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 MFI;

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2. Owners are required to sign a covenant that will encumber the property receiving a density bonus under the DHA Program, and will be recorded in the official records of Multnomah County, Oregon;
3. For rental dwelling units, the owner or a representative shall submit annual documentation of tenant income and rents to PHB;
4. The City may inspect any of the dwelling units in the building for compliance with DHA Program requirements and may inspect files documenting tenant income and rents of the affordable rental dwelling units; and
5. Failure to meet the requirements of the DHA Program will result in a penalty and may result in legal action.

**D. Penalties.**

1. In the event of a failure to meet the requirements of the DHA Program and the additional requirements established in the covenant, PHB may choose to negotiate with the building owner to bring the building into compliance.
2. Should PHB and the owner not agree upon an acceptable remedy to bring the project into compliance, the owner will owe financial penalties payable to PHB as follows:

**a. Dwelling units for rent:**

**For-Rent Dwelling Unit Penalty.** For a building or site with rental dwelling units, a penalty equal to multiplying the gross square feet of the residential and residential-related portions of the building or buildings by \$23;

**Interest.** Interest on the entire unpaid For-Rent Dwelling Unit Penalty amount, assessed at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the date of default;

**Financial Incentives.** Repayment of any financial incentives and exemptions received according to code and Administrative Rules including, but not limited to, system development charges, property taxes, and construction excise taxes; and

**Additional Penalties.** PHB may pursue any remedy available at law, or in equity, including but not limited to injunctive relief, and other remedies such as foreclosure, or receivership if the financial penalties established in this Subsection 2. are not timely paid in

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accordance with the timeframe prescribed by PHB or a court of competent jurisdiction.

Upon the owner's payment in full of the applicable For-Rent Dwelling Unit Penalty, Interest, Financial Incentives repayment amounts due and payment of any Additional Penalties, the impacted building and dwelling units for rent will cease to be bound to the restrictions of the DHA Program, and PHB will release the covenant.

**b.** Dwelling units for sale:

- (1)** For dwelling units for sale, after the initial sale to an eligible homebuyer, repayment of the difference between the restricted sale price and the assessed value for each dwelling unit as stated in the DHA Program Administrative Rules; and
- (2)** For-Sale Dwelling Unit Penalty. For a building or site with dwelling units for sale, a penalty equal to multiplying the gross square feet of each dwelling unit and the corresponding percentage of the residential and residential-related portions of the building by \$23;

Interest. Interest on the entire unpaid For-Sale Dwelling Unit Penalty amount, assessed at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the date of default;

Financial Incentives. Repayment of any financial incentives and exemptions received according to code and Administrative Rules including, but not limited to, system development charges, property taxes, and construction excise taxes; and

Additional Penalties. PHB may pursue any remedy at law, or in equity, including but not limited to injunctive relief, and other remedies such as foreclosure, or receivership if the financial penalties established in this Subsection 2. are not timely paid in accordance with the timeframe prescribed by PHB or a court of competent jurisdiction.

Upon owner's payment in full of the applicable For-Sale Dwelling Unit Penalty, Interest, Financial Incentives repayment amounts due and payment of any Additional

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Penalties, the impacted dwelling unit for sale will cease to be bound to the restrictions of the DHA Program and PHB will release the covenant for that dwelling unit.

**30.01.150 FAR Transfer from Existing Affordable Housing Program.**

(Added by Ordinance No. 190037; amended by Ordinance No. 190523, effective August 1, 2021.)

**A. Purpose Statement.** The City intends to implement the FAR Transfer from Existing Affordable Housing Program (the “Affordable Housing Transfer Program”) to promote the preservation of existing affordable housing within the City.

**B. Administration.**

1. PHB will certify whether the applicant’s existing Affordable Housing project meets the standards and requirements set forth in PCC Subsection 33.120.210 D.1. and this Section.

2. The Director of PHB or a designee may enter into covenants and agreements, prepare forms and adopt, amend and repeal Administrative Rules which establish procedures, policies, program requirements, compliance monitoring standards, and penalties for implementation, administration, and enforcement of a program 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 City housing program requirements. PHB Administrative Rules will set forth clear and objective criteria to establish minimum standards for affordable units restricted under the Affordable Housing Transfer Program.

**C. Standards.** Affordable Housing projects approved for the Affordable Housing Transfer Program must satisfy the following criteria:

1. All of the Affordable Housing dwelling units located on a site wanting to transfer available FAR must have an existing affordability restriction related to funding provided by PHB for at least an additional 30 years from the date of application to PHB for the FAR transfer; and

2. The Affordable Housing dwelling units must be restricted to households earning 60 percent or less of area MFI.

**30.01.160 Three-Bedroom Unit FAR Density Bonus Option Program.**

(Added by Ordinance No. 190037; amended by Ordinance No. 190523, effective August 1, 2021.)

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- A.** Purpose Statement. The City intends to implement the Three-Bedroom Unit FAR Density Bonus Option Program (the “Three-Bedroom Bonus Program”) to increase the number of family-sized dwelling units available for sale or for rent to moderate-income households.
- B. Administration.**
1. PHB will certify whether the applicant’s proposed development meets the standards and requirements set forth in PCC Subsection 33.120.211 C.3. and this Section.
  2. The Director of PHB or a designee may enter into covenants and agreements, prepare forms and adopt, amend and repeal Administrative Rules which establish procedures, policies, program requirements, compliance monitoring standards and penalties for implementation, administration, and enforcement of a program 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 City housing program requirements. PHB Administrative Rules will set forth clear and objective criteria to establish minimum standards for affordable units restricted under the Three-Bedroom Bonus Program.
- C. Standards.** Developments approved for the Three-Bedroom Bonus Program must satisfy the following criteria:
1. Dwelling units shall remain affordable for a period of at least 10 years and be available to households earning 100 percent or less of area median income;
  2. Owners are required to sign a covenant that will encumber the property receiving a density bonus under the Three-Bedroom Bonus Program, and will be recorded in the official records of Multnomah County, Oregon;
  3. For rental dwelling units, the owner or a representative shall submit annual documentation of tenant income and rents to PHB;
  4. The City may inspect the affordable dwelling units for fire, life, and safety hazards and for compliance with the Three-Bedroom Bonus Program requirements and may inspect files documenting tenant income and rents of the affordable rental dwelling units; and
  5. Failure to meet the requirements of the Three-Bedroom Bonus Program will result in a penalty and may result in legal action.
- D. Penalties.**

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1. In the event of a failure to meet the requirements of the Three-Bedroom Bonus Program and the additional requirements established in the covenant, PHB may choose to negotiate with the building owner to bring the building into compliance.
2. Should PHB and the owner not agree upon an acceptable remedy to bring the project into compliance, the owner will owe financial penalties payable to PHB as follows:

- a. **For-Rent Dwelling Unit Penalty.** For a building with rental dwelling units, a penalty equal to multiplying the gross square feet of the residential and residential-related portions of the building by \$23; and

Interest. Interest on the entire unpaid For-Rent Dwelling Unit Penalty amount, assessed at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the date of default;

Financial Incentives. Repayment of any financial incentives and exemptions received according to code and Administrative Rules including, but not limited to, system development charges, property taxes, and construction excise taxes; and

Additional Penalties. PHB may pursue any remedy available at law, or in equity, including but not limited to injunctive relief, and other remedies such as foreclosure, or receivership if the financial penalties established in this Subsection 2. are not timely paid in accordance with the timeframe prescribed by PHB or a court of competent jurisdiction.

Upon the owner's payment in full of the applicable For-Rent Dwelling Unit Penalty, Interest, Financial Incentives repayment amounts due, and payment of any Additional Penalties, the impacted building with rental dwelling units will cease to be bound to the restrictions of the Three-Bedroom Bonus Program and PHB will release the covenant.

- b. **For-Sale Dwelling Unit Penalty.** For a building with dwelling units for sale, repayment of the difference between the restricted sale price and the assessed value for each dwelling unit as stated in the Three-Bedroom Bonus Program Administrative Rules; and

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Interest. Interest on the entire unpaid penalty amount, assessed at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the date of default;

Financial Incentive. Repayment of any financial incentives and exemptions received according to code and Administrative Rules including, but not limited to, system development charges, property taxes, and construction excise taxes; and

Additional Penalties. PHB may pursue any remedy available at law, or in equity, including but not limited to injunctive relief, and other remedies such as foreclosure, or receivership if the financial penalties established in this Section 2 are not timely paid in accordance with the timeframe prescribed by PHB or a court of competent jurisdiction.

Upon the owner's payment in full of the applicable For-Sale Dwelling Unit Penalty, Interest, Financial Incentives repayment amounts due and payment of any Additional Penalties, the impacted for-sale dwelling units will cease to be bound to the restrictions of the Three-Bedroom Bonus Program and PHB will release the covenant.

**30.01.170 Design Review Procedure Certification for Affordable Housing Developments.**  
(Added by Ordinance No. 190523, effective August 1, 2021.)

- A. Purpose Statement. The City intends to implement the Design Review Procedure Certification for Affordable Housing Developments Program ("Certification Program") to increase the numbers of dwelling units available for sale or 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 Subsection 33.825.025.A Table 825-1[2] and this Section.
  - 2. The Director of PHB or a designee may enter in to covenants and agreements, prepare forms, and adopt, amend and repeal Administrative Rules which establish procedures, policies, program requirements, compliance monitoring standards, and penalties for implementation, administration, and enforcement of a program 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 City housing program requirements. PHB Administrative Rules will set forth

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clear and objective criteria to establish minimum standards for affordable units restricted under the Certification Program.

- C. Standards. Buildings or sites approved for the Certification Program must satisfy the following criteria:
  - 1. Must have dwelling units for sale or for rent that shall remain affordable for a period of at least 30 years and be available to households earning 60 percent or less of area MFI with funding or a commitment of funding from a government;
  - 2. Failure to meet the requirements of the Certification Program may result in a penalty and may result in legal action.

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- D.** This Title shall be applicable in addition to the measures of fire prevention as set forth in the laws and regulations of the State of Oregon and the United States. The provisions of this Title, insofar as they are substantially the same as existing titles and/or ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

**31.10.030 Definitions.**

(Amended by Ordinance Nos. 180917, 181956, 187748 and 190502, effective August 20, 2021.)

- A.** “Aerial Luminary Device” (commonly known as a sky lantern) is any device that has an open flame and which can be sent airborne or adrift.
- B.** “Building” is any structure used or intended for supporting or sheltering any use or occupancy.
- C.** “Certificate of Fitness” means a written statement issued by the Fire Marshal certifying that the person to whom the certificate is issued has passed an examination as to their qualifications to perform the specifically identified work and that they have authority to perform such work during the term specified.
- D.** “Commercial Building” means any structure, tank or yard that is subject to regulation under applicable fire codes. It includes any temporary structure or vehicle that is used for commercial purposes and is not moved for 60 days. It includes occupancies on public and private property as well as on all other types of ownership. It does not include one and two-family residential structures.
- E.** “Entity” includes a corporation, foreign corporation, nonprofit corporation, profit and nonprofit unincorporated association, business trust, estate, partnership, trust, sole proprietorship, individual, two or more persons having a joint or common economic interest, any state, the United States and any foreign government.
- F.** “Fee Schedule” means a listing of fees, penalties, discounts and other payments payable to the City of Portland for services or other requirements set forth in this Title, which is adopted by City Council.
- G.** “Fire Bureau” shall mean Portland Fire & Rescue.
- H.** “Fire Code” means the Oregon Fire Code, 2019 edition, with City of Portland Amendments.
- I.** “Fire Hazard” means any thing or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire; or which may obstruct, delay, hinder or interfere

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with the operations of the Fire Bureau or the egress of occupants in the event of fire.

- J.** "Fire Regulations" means the statutes and administrative rules adopted by the State of Oregon and the Portland City Code adopted by the Council and the policies adopted under the authority granted under this Chapter to the Fire Marshal which are for the purpose of safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.
- K.** "Key Box", also known as a "lock box", is a secure metal box used to hold keys for a specific site, to provide Fire Bureau personnel access to that site.
- L.** "Occupancy" means the activity in a building or on property outside a building where services or housing are provided or commodities are bought, sold, handled, manufactured or stored. A single business entity with multiple uses or activities in a building as defined by the Oregon Structural Specialty Code is considered one occupancy. Any structure, yard or group of tanks outside a building such as tank farms, moorage and outside storage are considered one occupancy. The definition includes individual businesses within a multiple occupancy commercial building but it does not include individual dwelling units within a multiple residential building. The Oregon Structural Specialty Code shall define classification of all buildings and structures as to use and occupancy.
- M.** "Owner/occupant" means the owner, operator, occupant or entity legally responsible for a premise or the delivery of services or housing, or the buying, selling, handling, manufacture or storage of commodities, and/or the condition of the building.
- N.** "Periodic Inspection" means an inspection performed periodically by a member of the Fire Bureau for the purpose of determining that the entire occupancy is in compliance with the requirements of fire regulations. A "periodic inspection" is also known as a "regular inspection" by the Fire Bureau. It does not include specific requests for inspection.
- O.** "Permit" means a written permission of the Fire Marshal issued pursuant to the provisions of this Title.
- P.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1985, shall be considered as providing ordinary accepted meanings.

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**31.10.040 Organization.**

(Amended by Ordinance No. 181956, effective June 25, 2008.)

- A. The Fire Bureau shall administer the provisions of this Title unless otherwise specified in this Title.
- B. The Fire Chief shall be responsible for all fire prevention efforts in the City and for enforcing the provisions of this Title or any subsequent amendments to the same.
- C. The personnel of the Fire Prevention Division shall consist of a Fire Marshal and as many Deputy Chief Fire Marshals, Fire Captains, Senior Fire Inspectors, Fire Inspectors and other employees as may be allowed and provided by the Fire Chief and City Council. Such personnel may act to enforce provisions of this Title as assigned by the Fire Marshal. The Fire Marshal shall report directly to the Fire Chief.
- D. There shall be, in the Fire Prevention Division of the Fire Bureau, a section designated as the "Fire and Arson Investigation Unit", which shall be considered a law enforcement unit of the City of Portland. Personnel assigned to this unit shall be designated peace officers, for fire and life safety purposes including determining the cause of fires, for detecting arson, and for enforcing this Code and any other codes, rules or regulations incorporated therein. This unit shall be charged with the enforcement of the criminal laws of the State of Oregon relating to the crimes of arson, reckless burning, insurance fraud, and other related crimes.

**31.10.050 Authority.**

(Amended by Ordinance Nos. 180514, 181956, 186247, 187748 and 190502, effective August 20, 2021.)

- A. Rules and Regulations. The Fire Marshal, with the approval of the Fire Chief, is authorized to make and enforce such rules, regulations and policies for the prevention and control of fires and fire hazards, as may be necessary to carry out the intent of this Title.
- B. Adoption of Oregon State Statutes. In order to obtain an exempt jurisdiction status from the State Fire Marshal, in accordance with ORS 476.030(3) from the statutes, rules and regulations administered by the State Fire Marshal, the City hereby adopts and incorporates into this title by reference the following provisions of the Oregon Revised Statutes: 162.225, 162.235, 162.375, 162.255, 476.005, 476.010, 476.150 through 476.290, 476.380, 476.715, 479.015 through 479.170, 479.190, 479.195, 479.210 through 479.300, 479.990(6), and all of ORS 480 except 480.350, 480.355, 480.375(2), 480.432 through 480.440.

Where reference is made to the State Fire Marshal in the Oregon Revised Statutes in this Title, the term "City Fire Marshal" shall be substituted for it.

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- C.** Adoption of Oregon State Administrative Rules, Fire Marshal Chapter 837. In order to obtain an exemption in accordance with ORS 476.030(3) from the statutes, rules and regulations administered by the State Fire Marshal, the City hereby adopts and incorporates into this Title by reference the following administrative rules adopted by the State Fire Marshal:
1. OAR 837 - Division 12, Public Display of Fireworks in Oregon
  2. OAR 837 - Division 20, Flammable and Combustible Liquids
  3. OAR 837 - Division 30, Liquefied Petroleum Gas, Sections 837-030-0140 through 837-030-0180 and 837-030-0230
  4. OAR 837 – Division 40, Adoption of the Oregon Structural Specialty Code and Mechanical Special Code, Section 837-040-0140
  5. OAR 837 - Division 41, Fire Protection Regulations Relating to Existing Non-Conforming High Hazard Facilities - Exitway Protection
  6. OAR 837 - Division 45, Smoke Detectors

Where reference is made in this Title to the State Fire Marshal in the Oregon State Fire Marshal Administrative Rules, the term "City Fire Marshal" shall be substituted for it.

- D.** Oregon Residential Specialty Code. In order to allow alternative methods of fire protection for the development of one and two family dwellings, the City hereby adopts and incorporates into this Title by reference Oregon Administrative Rule 918-480-0100.
- E.** Adoption of Oregon Fire Code, 2019 Edition. In addition to the provisions of this Title, and as a supplement thereto, in order to regulate those conditions hazardous to life and property from fire or explosion that are not specifically addressed by this Title, the City hereby adopts the 2019 Edition of the Oregon Fire Code with amendments.
- F.** Standards of the National Fire Protection Association. When requested by a building owner, the Fire Marshal may use criteria from an edition of a National Fire Protection Association Standard that is more current than adopted by Chapter 45 of the 2019 Oregon Fire Code.
- G.** When the Oregon State Fire Marshal adopts amended National Fire Protection Association (NFPA) Standards, the Fire Marshal is authorized to enforce the amended standard.

**31.10.060 Authority to Require Address Change.**

The Fire Marshal is authorized to require a property address change when, in the opinion of the Fire Marshal, the existing address may delay emergency response by emergency service providers.

**31.10.070 Citations.**

(Amended by Ordinance Nos. 180514 and 181956, effective June 25, 2008.)

- A. Authority Established.** If, after investigation, the Fire Marshal determines that a violation of this Title has occurred, and that the person, entity or owner/occupant committing the violation knew or should have known that the action was in violation of this Title, a citation may be issued to the person, entity or owner/occupant committing the violation. Citable violations include, but are not limited to:
1. Failure to obtain a permit
  2. Failure to adhere to permit conditions
  3. Failure to adhere to assigned occupant load limit in assembly occupancy
  4. Exit blocked, obstructed
  5. Exit corridor or aisle obstructed or width reduced
  6. "Exit" sign missing or not working
  7. Fire extinguisher missing, discharged or wrong type
  8. Firefighting appliance blocked, obstructed or otherwise rendered unusable
  9. Fire alarm device or fire extinguishing system blocked, obstructed or otherwise rendered unusable
  10. Failure to use, maintain, store or secure propane bottle as required by this Title
  11. Performing work that requires a Certificate of Fitness without a valid certificate
  12. Assigning an employee to perform work that requires a Certificate of Fitness without a valid certificate
  13. Parking on a posted fire access road
  14. Blocking or obstructing any fire hydrant or fire department connection

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15. Conducting mobile fueling operation in violation of Fire Code regulations
  16. Possession or use of illegal fireworks
  17. Illegal storage of fireworks
  18. Illegal sale of fireworks
  19. Illegal commercial fireworks display
  20. Illegal occupancy in violation of International Building Code
  21. Burning in violation of Fire Code
  22. Repetitive false alarms in occupancies equipped with fire, smoke and/or water flow detection systems.
  23. Violations that would constitute or contribute to an immediate and/or imminent hazard to life and property
- B.** Each day a person, owner or occupant violates or fails to comply with a provision of this chapter may be considered a separate violation for which a citation may be issued.
- C.** Fines Authorized. Citations shall result in monetary fines as set forth in Fee Schedule adopted by City Council. Fines may escalate for two or more occurrences of the same or similar violations by the same person, owner or occupant within a four-year period. Fines may escalate for failure to pay within 30 days of issuance. The Fire Marshal may suspend 1/2 of any citation fine, providing the person, owner or occupant cited agrees in writing to immediately cease and/or abate the violation. If the person, owner or occupant is found to be in violation of the same or similar violation within a four year period, the original fine may be reinstated and shall be in addition to any other fine authorized by this title.
- D.** Citation Process. Citation shall be delivered as would reasonably be expected to provide notice, including in person, by certified mail or posted conspicuously on property. Citation shall include:
1. Name and address of person, owner or occupant being cited
  2. A description of the property where the violation occurred
  3. Date(s) of the violation
  4. Reference to the particular code(s) violated

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5. A statement explaining actions required of person, owner or occupant being cited
6. A statement of applicable monetary penalty, and
7. A statement of the right to appeal the citation

**31.10.080 Appeals.**

(Amended by Ordinance No. 190502, effective August 20, 2021.)

- A. Standing for Appeals. The following persons, owners or occupants, herein called appellants, may submit an appeal as described in this Title:
  1. Any person, owner or occupant who has been ordered by the Fire Marshal to incur any expense under any provision of this Title;
  2. Any person, owner or occupant who has been cited by the Fire Marshal for violation of any provision of this Title;
  3. Any person, owner or occupant whose application for a permit or approval under this Title has been refused by the Fire Marshal;
  4. Any person, owner or occupant whose special case is not specifically covered by this Title.
- B. Board of Appeals. The Fire Code Board of Appeals, having been established, is hereby continued.
  1. The Board shall consist of three members, and an alternate for each member. Each member and alternate shall serve a term of three years. The Mayor shall appoint and may remove any member or alternate from the Board at any time.
  2. Board members and alternates must by experience and training in building construction, building operations or fire protection systems, be qualified to pass on the provisions of this Title as they affect the interest of the City as a whole. No two members or alternates shall be engaged in the same business, profession or occupation. No member or alternate shall be an officer, official or employee of the City.
  3. No member or alternate shall hear or act on a matter in which they have any interest, direct or indirect, pecuniary or otherwise. In the event of such an interest, the member's alternate shall hear and determine the matter.
  4. The Board annually shall elect a Chairman from among the three members of the Board. Meetings of the Board shall be held at the call of the Chairman, who shall call meetings at the Fire Marshal's request.

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**C. Appeal Procedure.**

1. Appellant shall serve written notice of appeal on the Fire Marshal no more than ten days after the Fire Marshal's order or action. The notice of appeal shall be in such form as specified by the Fire Marshal, and shall be accompanied by appeal fee.
2. The Fire Marshal may approve, approve with conditions or deny the requested relief. The decision of the Fire Marshal, with a brief statement for its basis, shall be transmitted to the appellant in writing. If the appellant is not satisfied with the decision, the appellant may, within ten days after notice, serve written notice on the Fire Marshal requesting a hearing before the Fire Code Board of Appeals.
3. The Fire Marshal shall transmit copies of the notice of appeal to the Board of Appeals and to the Commissioner-in-Charge. Not less than 10 days prior to the date of the hearing, the Board shall mail notice of the date, time and place of the hearing to the appellant, by certified mail, return receipt requested.
4. After the hearing, the Board may by a majority vote, affirm, annul or modify the action of the Fire Marshal provided any modification of a strict application of this Title shall be made only on condition that a substantially equivalent degree of safety is provided and is generally conforming to national standards concerning fire prevention, fire safety measures and building construction requirements for safety. The decision of the Board interpreting the provisions of this Title may be by a majority vote of the Board. The Board shall deliver a certified copy of its decision to the appellant.
5. Where unquestionably and clearly, practical difficulties, unnecessary hardship or consequences inconsistent with the general purposes of this Title may result from the literal interpretation and enforcement thereof, the Board of Appeals may grant variances from this Title, in a specific case with such conditions and safeguards as the Board may determine, in harmony with the general purpose, intent and spirit of this Title, so that the public safety and welfare shall be secured and substantial justice shall be done. The grant of a variance shall be by unanimous vote of the Board.
6. The Board of Appeals shall submit to the Council on or before the first day of August of each year a report summarizing its decisions for the preceding fiscal year together with its recommendations for amendments to this Title.

**31.10.090 Remedies.**

In enforcing any of the requirements of this Title, the Fire Marshal may gain compliance by:

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- A. Instituting a proceeding before the Code Hearings Officer as set out 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 Fire Marshal, in the exercise of the Fire Marshal's discretion, deems appropriate.

**31.10.100 Waivers and Adjustments.**

(Amended by Ordinance No. 181956, effective June 25, 2008.)

- A. Commissioner-in-Charge of the Fire Bureau is authorized to waive any fees, fines and penalties in this Title based on guidelines established by the Commissioner. The authority to waive fees, fines and penalties based on the established guidelines may be delegated to the Fire Marshal.
- B. At the discretion of the supervisor in charge of customer accounts, account balances may be zeroed out if that balance represents only residual unpaid principal, interest or penalties.

**31.10.110 Collections.**

(Amended by Ordinance No. 181956, effective June 25, 2008.)

- A. The City may bring legal action to collect any fee, fine, penalty or interest provided for in this Title and assessed by a Fire Bureau member.
- B. Accounts with amounts 91 days or more past due will be handled according to the collection policy established by the Fire Bureau; this may include use of a professional collection agency. Fees imposed by collection agency may be added onto the current fee liability of the account. Invoices returned by the U.S. Postal Service as "refused" or payments returned by a financial institution for insufficient funds will be considered delinquent and subject to immediate collection actions.

**31.10.120 Rewards.**

(Amended by Ordinance No. 181956, effective June 25, 2008.)

- A. Fund Authorized. The Fire Chief, in consultation with the Commissioner-in-Charge, is authorized to establish a reward fund to assist with investigations of violations of this Title. Such fund may include up to \$1000 of Bureau budget allocations as well as donations from individuals, businesses and non-profit organizations.
- B. Reward Fund Disbursements. The Fire Marshal may, in consultation with the Fire Chief and Commissioner-in-Charge:
  - 1. Contribute funds to other public agencies or non-profit organizations to facilitate the investigation of specific arson crimes;

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- 2. Offer and disburse rewards directly to individuals, except as limited by this Title, who have assisted with the investigation or prosecution of a violation of this Title.
- C. A reward under the provisions of this Code shall not be paid to any United States, State, County, or municipal officer or employee. Bounty hunters are not entitled to rewards under this Chapter.

**31.10.130 Request for Records.**

(Amended by Ordinance No. 181956, effective June 25, 2008.)

- A. Upon written application, under the Public Records Law, accompanied by the fee adopted by the City Council, the Fire Marshal may furnish copies of fire incident reports, non-confidential fire investigation reports, fire prevention inspection reports and other bureau-related information. If there is no copy on file, the fee will not be refunded.
- B. Nothing in this section shall be construed as applying to any City, County, State or Federal agency, or subdivision thereof, or any nationally recognized nonprofit agency engaged in the suppression or prevention of fire.

**CHAPTER 31.20 - GENERAL  
REQUIREMENTS**

**Sections:**

- 31.20.010 Authority at Fires or Other Emergencies.
- 31.20.020 Eliminating Fire Hazards.
- 31.20.030 Violator Assumes Costs.
- 31.20.040 Fire Marshal Authorized to Abate Hazard and Assign Costs.
- 31.20.050 Fire Marshal Authorized to Require Building Alterations.
- 31.20.060 Unsafe Buildings.
- 31.20.070 Temporary Fire Watch.
- 31.20.080 Authority to Establish Fire Escape Maintenance and Removal Standards.
- 31.20.090 Authority to Require Key Boxes and Charge Installation Fee
- 31.20.100 Maintenance of Fire Protection Systems in Five-Story Apartment Buildings.
- 31.20.110 Certificates of Fitness.
- 31.20.120 Use of Helicopters.

**31.20.010 Authority at Fires or Other Emergencies.**

(Amended by Ordinance No. 190502, effective August 20, 2021.)

- A.** The Fire Marshal or any of their assistants, the Fire Chief, or any member of the Fire Bureau in charge of fire fighting at a fire, or the Chief of Police or any member of the Police Bureau in charge of police officers attending a fire, may immediately, summarily and without being required to give any notice whatsoever
  - 1.** Cause the use and/or occupancy of all or any portion of a building or structure which is found to be in danger of fire resulting from the spread of an existing fire to be discontinued;
  - 2.** Close said building or structure or part thereof during such period of danger;
  - 3.** Prevent the use and occupancy thereof.

Such officer may use such force as they may find reasonably necessary to protect human life. It is unlawful for any person to refuse to leave such building, structure or portion thereof when ordered to vacate the same under authority of this Section.

- B.** The Fire Chief or the Fire Chief's authorized representatives shall be in charge of the scene of any emergency involving the saving of life and/or property from fire or other disaster, emergency medical services, hazardous materials incidents, or other emergency aid and shall have the power and authority to direct such operation as may be necessary in the reasonable performance of their duty.

**31.20.020 Eliminating Fire Hazard.**

Any owner/occupant, using or having charge or control of any premises, or any part of any premises, who creates or maintains a condition, or situation which constitutes a fire or life

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safety hazard, or who fails to promptly comply with the written notice of the Fire Bureau, shall be deemed guilty of violating this Title.

**31.20.030 Violator Assumes Costs.**

If a violation of this chapter results in or contributes to any emergency, including a fire, the violator may be civilly liable for the full cost of the emergency response as well as cleanup costs. The Commissioner-in-Charge of the Fire Bureau shall fix the amount of such expense. The amounts of all such charges assessed pursuant to this Section shall be paid to the City Treasurer, for deposit into the general fund of the City.

**31.20.040 Fire Marshal Authorized to Abate Hazard and Assign Costs.**

(Amended by Ordinance No. 190502, effective August 20, 2021.) Where the Fire Marshal or Fire Bureau official in charge of the incident deems conditions exist that are deemed hazardous to life and property, except as limited by this Title, they are authorized to abate summarily such hazardous conditions that are in violation of this Title. Any costs associated with such summary abatement shall be charged against the property using the procedure provided for in City Code Chapter 22. The owner, occupant or other person in charge shall be immediately notified of the action taken and ordered by the Fire Marshal to secure the premises in full compliance with this Title.

**31.20.050 Fire Marshal Authorized to Require Building Alterations.**

Whenever the Fire Marshal finds that the means of egress from a building or portion thereof, or that the means of preventing the origin or spread of fire or of extinguishing fire in any building or portion thereof, are insufficient or inadequate, the Fire Marshal is hereby authorized and empowered to direct and require that any such building or portion thereof be rearranged, altered, or repaired to be sufficient and adequate in such respects.

**31.20.060 Unsafe Buildings.**

(Amended by Ordinance No. 190502, effective August 20, 2021.)

- A. Notwithstanding the mandatory directives to the Fire Marshal contained in this subsection, the Fire Marshal may, in the exercise of their authority, and in lieu of ordering the vacation of such building or structure, impose alternative interim measures, including, but not limited to, the imposition of a fire watch as established in this Title, when, in the opinion of the Fire Marshal, such interim measures will reduce such hazard so that it is no longer imminently dangerous so that persons may temporarily occupy such building or structure until such hazard has been abated.
- B. The owner, the owner's agent, or the occupant shall reimburse the City for any expenditures used in precautionary measures under this Section; or such expenditures shall be included as an additional item and be spread as an assessment against the property.
- C. If a building or structure used for low income multi-family housing is found to be imminently dangerous, as set forth in this Title, the Fire Marshal shall not cause the

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use and/or occupancy of the building or structure to be discontinued immediately, but shall report the matter to the Commissioner-In-Charge who shall report the matter to the Council for consideration of rehabilitation and repair by the City, provided that the Fire Marshal, in the exercise of their discretion, finds that interim measures, including but not limited to a fire watch, will reduce the hazard so that it is no longer imminently dangerous.

**31.20.070 Temporary Fire Watch.**

(Amended by Ordinance Nos. 181956 and 190502, effective August 20, 2021.)

- A. In order to avoid relocating persons from, or the vacation of, any structure, place of business or place of habitation that is imminently dangerous, as described in this Title, the Fire Marshal or senior fire officer may determine that a reasonable level of fire and life safety can be obtained, order the owner/occupant to provide either a licensed, bonded security agency or other means approved by the Fire Bureau, to perform as a fire watch, making periodic patrols, as designated by the Fire Bureau, as a condition of allowing continued occupancy. If such patrols are not available or cannot be established as ordered by the Fire Marshal or senior fire officer, or if owner/occupant is unavailable, or if owner/occupant does not comply with such orders of the Fire Bureau, then the Fire Marshal or senior fire officer may:
  - 1. Order off duty Fire Bureau personnel back to duty to provide the fire watch patrol, or
  - 2. Contract with a licensed, bonded security company to provide such service
- B. The owner /occupant shall be responsible for paying all costs incurred by the Fire Bureau to the City Treasurer, who will reimburse the Fire Bureau's budget for this expense. If such costs are not paid within 30 days of billing, an assessment shall be made by ordinance and entered in the docket of City liens. Such entry shall constitute a lien upon the property and collected in all respects as provided for in this Title, and shall bear interest at the rate of 9 percent per year from 10 days after the date of entry into the lien docket.

**31.20.080 Authority to Establish Fire Escape Maintenance and Removal Standards.**

(Amended by Ordinance Nos. 187748 and 190502, effective August 20, 2021.) The Fire Marshal is authorized to develop and enforce standards for the maintenance and removal of fire escapes in accordance with provisions of the 2019 Oregon Fire Code.

**31.20.090 Authority to Require Key Boxes and Charge Installation Fee.**

The Fire Marshal is authorized to require the installation of a key box in or on a building or area when access to or within the building or area may be difficult for firefighting purposes. The Fire Marshal may charge a fee for installation of a key box, regardless of whether the installation is mandatory or voluntary.

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**31.20.100 Maintenance of Fire Protection Systems in Five-Story Apartment Buildings.**

(Amended by Ordinance Nos. 181956 and 190502, effective August 20, 2021.) The owners of five-story apartment buildings of Type V-A construction approved under City Code Chapter 24.95 shall be responsible for assuring that the fire and life-safety systems required by the City Code Section 24 are maintained in an operable condition at all times. Approved persons shall conduct quarterly tests of such systems; a written record shall be maintained and be available to the inspection authority, unless otherwise required by the Fire Chief.

**31.20.110 Certificates of Fitness.**

(Amended by Ordinance No. 181956, effective June 25, 2008.)

- A.** A Certificate of Fitness shall first be obtained from the Fire Marshal before doing any of the following:
- 1.** Automatic sprinkler system installation, alteration, testing, service or repair;
  - 2.** Fire extinguisher refilling, service or repair;
  - 3.** Fixed fire extinguishing systems installation, alteration, testing, service or repair;
  - 4.** Privately owned fire mains or hydrant systems installation, alteration, testing, service or repair;
  - 5.** Commercial cooking hood and duct system cleaning.
- B.** When an applicant has successfully complied with regulations administered by the Fire Marshal, and upon receipt of the first annual fee as specified in the fee schedule adopted by City Council, the Fire Marshal shall issue a Certificate of Fitness to the applicant. The Fire Marshal shall issue subsequent annual Certificates of Fitness on payment of an annual fee, unless the certification has lapsed, been suspended or been revoked.
- C.** Each Certificate of Fitness issued shall remain valid and in effect for one year from the date of issue unless suspended or revoked for due cause by the Fire Marshal. The certificate shall not be transferable.
- D.** It is unlawful for any person firm or corporation to assign an employee or other person to perform any of the activities regulated by this Chapter unless such employee or person is certified, or working under an on-site supervisor who is certified.
- E.** Whenever the Fire Marshal determines after investigation that any person holding a Certificate of Fitness as provided herein has performed work so as to create a hazard to life or property, the Fire Marshal is authorized and empowered to suspend or revoke the Certificate of Fitness. Notice shall be given of the suspension or

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revocation and the reasons for the suspension or revocation shall be identified in the notice.

- F.** The Fire Marshal may issue a citation to firms or corporations in violation of this Chapter.
- G.** Any person, firm or corporation so affected may appeal such suspension, revocation or citation as provided in this Title.
- H.** Once a Certificate of Fitness has been revoked, an applicant shall reapply, meet the requirements of certification and pay fees for a new Certificate before performing work on equipment requiring a Certificate. The Fire Marshal may delay issuance of new Certificate for up to 90 days following revocation.

**31.20.120 Use of Helicopters.**

Notwithstanding any other provisions of this Code, the Fire Bureau may use and land helicopters any place within the City, subject to Federal and State regulations for the purpose of training Fire Bureau personnel and helicopter operators in fire suppression techniques and disaster relief procedures and for the purpose of conducting disaster relief drills subject to the consent of the property owner or in the case of City property, the director of the affected bureau.

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**CHAPTER 31.30 - DEVELOPMENT AND  
BUILDING REQUIREMENTS**

**Sections:**

- 31.30.010 Fire Chief Authorized to Establish Access Standards.
- 31.30.020 Removal of On-Street Parking.
- 31.30.030 Fire Chief Authorized to Require Water Supply.
- 31.30.040 Permits and Fees Required.
- 31.30.050 Additional Permit Requirements.
- 31.30.060 Special Inspections.
- 31.30.070 Expiration of Plan Review.

**31.30.010 Fire Chief Authorized to Establish Access Standards.**

(Amended by Ordinance No. 184522, 185448 and 186053, effective January 1, 2015.) The Fire Chief shall prescribe standards for streets and roadways that provide access for fire department apparatus. Such standards shall apply to every building hereafter constructed. Standards shall prescribe minimum unobstructed width, turning radius, load capacity, clearance, grade and other criteria deemed necessary for apparatus access. Application of these standards shall include considerations for designing and locating access in a manner that minimizes tree removal and meets the tree protection specifications of Title 11, Trees, to the extent practical. Where practical the adopted standards shall be consistent with development standards for public and private streets.

- A. The Fire Chief may require an increase in minimum access widths where such width is not adequate for fire or rescue operations.
- B. Dead-end fire department access roads more than 300 feet in length shall include provisions for turning around fire department apparatus within 150 feet of the closed end.

**31.30.020 Removal of On Street Parking.**

- A. The Fire Chief shall have authority to designate any street, whether public or private, or portion of a street as “No Parking” where the street width is less than 32 feet and:
  - 1. The Chief determines that site-specific conditions such as roadway alignment impedes access of fire apparatus, or
  - 2. Actual emergency response experience clearly demonstrates that emergency vehicles cannot reasonably provide service.
- B. When required by the Chief the street shall be marked with permanent “No Parking” signs.

**31.30.030 Fire Chief Authorized to Require Water Supply.**

The Fire Chief shall have authority to establish and enforce standards for water supply for fire protection. Where required by the Fire Chief, a minimum of two fire pumps independently driven shall be provided and sized for the sprinkler demand or standpipe demand, whichever is greater.

**31.30.040 Permits and Fees Required.**

(Amended by Ordinance Nos. 181956 and 187748, effective June 17, 2016.)

- A.** It is unlawful for any person or entity to construct, install, alter, repair, move, demolish or change any fire protection system or equipment, or construct, install, alter, repair, move, demolish or change any equipment, piping or storage container used for flammable or combustible liquids, flammable gases or hazardous materials, for which a permit is required in this Title, without first obtaining such permit from the Fire Marshal. In instances where laws or regulations are enforced by other agencies, joint approval shall be obtained.
- B.** All permits issued under this Title shall be presumed to contain the provision that the applicant or the applicant's agents shall carry out the proposed activity in compliance with all the requirements of this Title and any other federal and State laws and City regulations, and other design guidelines as adopted by City Council that apply, whether specified or not, and in complete accordance with the approved plans and specifications.
- C.** A permit issued under this Title shall continue until revoked or for such a period of time as designated therein at the time of issuance. It shall not be transferable and any change in use, occupancy, operation or ownership shall require a new permit.
- D.** Work or activity without a Permit. Whenever any work for which a permit is required by this Title has commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Title nor from any penalty prescribed by law.
- E.** Work and Equipment Requiring Permits. Except for one and two-family dwellings, unless otherwise specified, permits and associated fees are required:

  - 1.** To install, alter, repair or remove,

    - a.** Automatic sprinkler systems and standpipes or equipment pertaining thereto
    - b.** Fixed extinguishing systems or related equipment

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- c. Fire alarm systems or equipment pertaining thereto
          - d. Pre-manufactured paint spray booths or related equipment
          - e. Private fire hydrants or related piping or devices
          - f. Liquefied natural gases (LNG), liquefied petroleum gases (LPG) or compressed natural gas (CNG) of 100 gallon water capacity or more
  - 2. To install containers, piping and related equipment for the manufacture, storage, handling or use of compressed gases.
  - 3. To install, alter or remove tanks and related equipment used for storage, handling, transport or use of flammable or combustible liquids or hazardous materials as defined in the Fire Code.
    - a. Exception: Fuel supply for portable generators outside of buildings, limited to 60 days on a single premises during a 12 month period.
  - 4. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any equipment or piping in connection with the manufacture, storage, handling, use or sale of flammable or combustible liquids or hazardous materials.
  - 5. To change the type of contents stored in tanks containing flammable or combustible liquids or hazardous materials to a material other than that for which the tank was designed and constructed.
  - 6. Heating Oil Tank Decommissioning. When requested by an owner for the purposes of documenting the decommissioning of a commercial or a one or two-family residential underground heating oil storage tank, a permit may be issued and an inspection made after payment of a fee in the amount specified in adopted Fee Schedule.
  - 7. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any stationary tank, equipment or piping containing liquefied petroleum gas (LPG) in one and two family dwellings.
- F. Permit Applications.**
- 1. Applications for permits shall be made by the owner or authorized agent to the Fire Prevention Division in such form and detail as prescribed by the Fire Bureau. The application shall be accompanied by:
    - a. Sufficient plans, specifications, and engineering data to verify that the proposed activity or design complies with applicable codes, standards and regulations. When the applicant fails to provide

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adequate specifications and plan detail, the Fire Marshal may require additional information including all submittals to be prepared by an architect or engineer registered in the State of Oregon.

- b.** Payment as set forth in Fee Schedule adopted by City Council.
- c.** Exception: When the installation of a fire protection system is not required but is voluntarily installed, but not as an alternative to another requirement, the fees specified in the Fee Schedule shall be reduced by 50%.

- 2.** Any permit issued under this Title shall be personal to the party for whom it has been issued.

**G.** Voiding, Revocation or Suspension of Permit.

- 1.** Any permit that purports to sanction a violation of this Title or any applicable law or regulations shall be void and any approval of plans and specifications in the issuance of such permit shall likewise be void.
- 2.** After an administrative hearing by the Fire Marshal, any such permit may be suspended or revoked under the following conditions:
  - a.** It is transferred or assigned to a party other than the party to whom the permit was issued;
  - b.** It is used for a location other than that for which it was issued;
  - c.** Approved plans, conditions or limitations set forth in the permit have been violated;
  - d.** The permittee fails, refuses, or neglects to comply with any order or notice duly served under the provisions of this Title;
  - e.** The permitted work was initiated without the owner's or other governmental agency's consent;
  - f.** Work has not begun within 180 days of permit issuance;
  - g.** Work, once commenced, has not progressed for a period of 90 days.
  - h.** Payment for the permit has been returned or refused by the paying agent.
- 3.** Any permit may be suspended for up to three business days without a hearing if the Fire Marshal finds that a fire hazard exists or there has been

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any false statement, misrepresentation or omission as to a material fact, or change in condition from those stipulated in the application or plans upon which the permit was based. The permittee shall be given notice of the precise violations.

4. A permittee whose permit has been revoked or suspended may appeal the action as provided in this Title. The permit shall remain valid, pending the decision of the Board of Appeals.

**31.30.050 Additional Permit Requirements.**

(Amended by Ordinance No. 190502, effective August 20, 2021.)

- A. Plan Review. Plans for construction, alteration, repair, or other work involving or affecting the fire and life safety features of any building regulated by the Fire Marshal shall be reviewed by representatives of the Fire Prevention Division prior to issuance of the building permit.
- B. Inspection of Permitted Work. All construction, work, or activity for which a permit is required shall be subject to inspection by the Fire Marshal. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the Fire Marshal nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
- C. Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the Fire Marshal that such work is ready for inspection. The Fire Marshal may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing, by telephone, or by other means at the option of the Fire Marshal. Upon inspection the fire Marshal may require corrections. It shall be the duty of the permit applicant requesting an inspection to promptly comply with the written notice of corrections required by the Fire Marshal as a condition of the permit. A fee may be charged for re-inspections when the work is not ready for the requested inspection.
- D. Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or their agent shall post an inspection record card in a conspicuous place on the premises which allows the Fire Marshal to conveniently make the required entries regarding the work. This card shall be maintained as described until final approval of permitted work has been granted by the Fire Marshal.

**31.30.060 Special Inspections.**

When inspections are requested or required outside of normal working hours to verify compliance with approved plans or permits, an hourly fee shall be paid as set forth in fee schedule adopted by City Council, with a minimum charge of four hours.

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**SIGNS AND RELATED REGULATIONS**

sign may be up for two continuous periods of up to 180 days per year. A temporary freestanding sign may be installed for an additional 360 days if it meets the registration requirements of 32.62.010.

7. Temporary portable signs.
  - a. Temporary portable signs are allowed in all zones.
  - b. Size. Temporary portable signs may be up to 4 square feet in area. Only one side of a temporary portable sign will be counted. The vertical dimension of the sign including support structure may be no greater than 24 inches.
  - c. Placement. Temporary portable signs must be entirely on private property or they must meet the placement standards of Subsection 32.32.030 C., Signs extending into the right-of-way.
  - d. Hours of use. Temporary portable signs are allowed only between the hours of six (6) p.m. Friday and eight (8) p.m. Sunday, and the hours of six (6) a.m. and one (1) p.m. on Tuesdays.

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**CHAPTER 32.34 - ADDITIONAL  
REGULATIONS FOR SPECIFIC USES,  
OVERLAY ZONES, AND PLAN DISTRICTS**

**Sections:**

- 32.34.010 Additional Standards for Specific Uses.
- 32.34.020 Additional Standards in the Overlay Zones.
- 32.34.030 Additional Standards in the Plan Districts.

**32.34.010 Additional Standards for Specific Uses.**

- A.** Bed and Breakfast facilities. Sites with Bed and Breakfast facilities must meet the sign regulations for Household Living.
- B.** Short Term Housing. Sites with Short Term Housing or Mass Shelters must meet the sign regulations for Household Living.
- C.** Temporary Activities. Permanent signs associated with Temporary Activities are prohibited. All signs associated with a Temporary Activity must be removed when the activity ends.

**32.34.020 Additional Standards in Overlay Zones.**

(Amended by Ordinance Nos. 176469, 178172, 179092, 185915, 188959 and 190477, effective August 1, 2021.) Overlay zones are shown on the Official Zoning Maps.

- A.** Buffer Overlay Zone
  - 1.** Where this regulation applies. The regulation of this subsection applies to signs within the Buffer Overlay Zone.
  - 2.** Regulation. Signs are prohibited in the Buffer Overlay Zone.
- B.** Design Overlay Zone
  - 1.** Where these regulations apply. The regulations of this subsection apply to exterior signs in excess of 32 square feet within the Design Overlay Zone, and signs over 3 square feet if they are within 50 feet of the Halprin Open Space Sequence historic district in the South Auditorium plan district. However, signs are not required to go through design review if they meet one of the following standards:
    - a.** The sign is a portable sign, lawn sign, directional sign or temporary sign; or
    - b.** The sign is a part of development exempt from design review under Section 33.420.045, Exempt from Design Review.

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2. Awnings. Awnings within the Design Overlay Zone are subject to Chapter 33.420. Awnings must also meet the requirements of Chapter 32.52 of this Title.
3. Regulations.
  - a. Generally. Signs must either meet the Design Standards in Subparagraph B.3.c., below or go through Design Review, as described in this paragraph. The Design Standards provide an alternative process to design review for some proposals. Where a proposal is eligible to use the Design Standards, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Subparagraph B.3.c., below. If the proposal meets the Design Standards, no design review is required. Proposals that are not eligible to use the Design Standards, that do not meet the Design Standards, or where the applicant prefers more flexibility, must go through the design review process.
  - b. When Design Standards may be used. See Chapter 33.420, Design Overlay Zone.
  - c. Design Standard for signs. In the C, E, and I zones, signs must meet the sign regulations of the RX zone. Signs with a sign face area of over 32 square feet may not face an abutting regional trafficway or any Environmental Protection Overlay Zone, Environmental Conservation Overlay Zone, or River Natural Greenway Overlay Zone that is within 1,000 feet of the proposed site.

**C. Historic Resource Overlay Zone**

1. Where these regulations apply. The regulations of this subsection apply to signs on sites with the historic resource overlay zone. However, signs are not required to go through historic resource review if they meet one of the following standards:
  - a. The sign is a portable sign, lawn sign, or temporary sign; or
  - b. The sign is exempt from historic resource review under Sections 33.445.140, Alterations to a Historic Landmark; 33.445.230, Alterations to a Conservation Landmark; 33.445.320, Development and Alterations in a Historic District; or 33.445.420, Development and Alterations in a Conservation District.
2. Regulations.

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- a.** Generally. Signs must either meet the Community Design Standards in Subparagraph C.2.c., below, or go through historic resource review, as described in this paragraph. The Community Design Standards provide an alternative process to historic resource review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary historic resource review process set out in Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of Subparagraph C.2.c. If the proposal meets the Community Design Standards, no historic resource review is required. Proposals that are not eligible to use the Community Design Standards, that do not meet the Community Design Standards, or where the applicant prefers more flexibility, must go through the historic resource review process.
- b.** When Community Design Standards may be used. See Chapter 33.445, Historic Resource Overlay Zone.
- c.** Community Design Standard for signs. In the C, E, and I zones, signs must meet the sign regulations of the RX zone. Signs with a sign face area of over 32 square feet may not face an abutting regional trafficway or any Environmental Protection Overlay Zone, Environmental Conservation Overlay Zone, or River Natural Greenway Overlay Zone that is within 1,000 feet of the proposed site.

**D. Scenic Resource Overlay Zone**

- 1.** Where these regulations apply. The regulations of this subsection apply to signs within Scenic Resource Overlay Zone.
- 2.** Regulations.

  - a.** View corridors. The standards of this subparagraph apply to signs within areas designated as view corridors in the Scenic Resources Protection Plan. All signs within the designated view corridors are subject to the height limits of the base zone, except when a more restrictive height limit is established for the view corridor by the Scenic Resources Protection Plan.
  - b.** Scenic corridors. The standards of this subparagraph apply to signs within areas designated as scenic corridors in the Scenic Resources Protection Plan. The standards of this subparagraph apply within the street setback adjacent to the identified resource or within the first 20 feet from the resource if no setback exists. The maximum height

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of a freestanding sign is 15 feet. The maximum size of a freestanding sign is 100 square feet. Changing image signs are prohibited. When they are more restrictive, the sign standards of the base zone supersede the regulations of this subparagraph.

**32.34.030 Additional Standards in Plan Districts.**

(Amended by Ordinance Nos. 176469, 179092, 182072, 188959, 189805 and 190477, effective August 1, 2021.) Plan districts are shown on the Official Zoning Maps.

**A. Central City plan district**

1. Purpose. Signs in the Open Space zone are limited in keeping with the low intensity of most uses in the zone. However, the more intense uses allowed in Central City plan district Open Space zones necessitate more visible signage. These regulations are tailored to those uses.
2. Sign standards. The following regulations apply to sites in the Open Space zone.
  - a. The sign regulations of the CX zone apply to sites with allowed Major Event Entertainment and Commercial Outdoor Recreation uses.
  - b. The sign regulations of the RX zones applies to sites with allowed Retail Sales and Service uses.

**B. Columbia South Shore plan district**

1. Purpose. Signs in this plan district should not dominate the landscape or compete with views of streetscapes, view corridors and natural resources. Sign standards are intended to allow for signs to be visible to streets that abut the site, but not to interstate freeways and locations outside the district. Businesses are encouraged to rely on monument signs to identify and communicate their presence.
2. Where these regulations apply. The regulations of this subsection apply to signs in the Columbia South Shore plan district.
3. Sign standards.
  - a. Signs must conform to the sign standards of the CX zone as modified by the requirements of this subsection. When they are more restrictive, the regulations of the base zone supersede the regulations of this subsection. Adjustments to this subsection are allowed only for the sign height on sites more than 10 feet below the

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level of the surface of the adjacent roadway. All other sign adjustments are prohibited.

- b.** The following signs are prohibited:
  - (1)** Freestanding signs, except monument signs, temporary freestanding signs, and directional signs;
  - (2)** Changing image signs; and
  - (3)** Awning signs with illumination internal to the awning.
- c.** Monument signs. One monument sign is allowed per street frontage. Monument signs are allowed to a maximum height of 6 feet above the adjacent sidewalk and a maximum of 10 feet in length. The end width of the monument structure may not exceed 2 1/2 feet. Signage may be located on two parallel monument faces.
- d.** Signs along Marine Drive. Signs are prohibited within 200 feet of the toe of the levee slope, except for directional signs. Between 200 and 500 feet from toe of the levee slope, signs that face Marine Drive are limited to 1/2 square foot of sign face area per lineal foot of building wall, with a maximum sign area of 100 square feet.

**C.** Hillsdale plan district.

- 1.** Where this regulation applies. The regulation of this subsection applies to signs in the Hillsdale plan district.
- 2.** Sign standard. Portable signs are prohibited in the right-of-way in the Hillsdale Plan District.

**D.** Macadam plan district

- 1.** Where these regulations apply. The regulations of this subsection apply to signs in the Macadam plan district.
- 2.** Standards.
  - a.** Freestanding signs are limited to 1/2 square foot of sign face area per lineal foot of arterial street frontage. Signs attached to buildings, marquees, or other structures are limited to 1/2 square foot of sign face area per lineal foot of primary building wall. Maximum sign face area is 100 square feet.
  - b.** The maximum height of a freestanding sign is 15 feet.



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of Subparagraph F.2.a. through e., above. Temporary signs and portable signs are limited to a total combined area of 25 square feet per site.

- g.** Directional signs. Directional signs are exempt from the sign regulations of Subparagraph F.2.c. through e., above.

**G.** Cascade Station plan district.

- 1.** Where this regulation applies. The regulation of this subsection applies to signs in Subdistrict A of the Cascade Station plan district.
- 2.** Sign standard. When a Cascade Station Sign Program has been approved, signs are exempt from the provisions of Chapter 32.30 through 32.38 of this Code. Until such time as a Sign Program is approved, signs will be subject to the provisions of Chapters 32.30 through 32.38.

**H.** Hollywood plan district.

- 1.** Where this regulation applies. This regulation applies to signs associated with new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3 in Chapter 33.536, Hollywood Plan District. Alterations or exterior improvements to existing development are exempt from this regulation.
- 2.** Freestanding signs are prohibited.

**I.** North Interstate plan district.

- 1.** Purpose. Encouraging retention of the mid-century signs identified in this subsection will represent Interstate Avenue Corridor's rich past as US Route 99, which was the West Coast's major north-south highway before Interstate 5 was built. Because their current locations may preclude desired development, allowing them to move to other locations along the corridor is necessary to ensure preservation.
- 2.** Where these regulations apply. The regulations of this subsection apply only to signs in the North Interstate plan district listed in Paragraph I.4.
- 3.** Relocation allowed. The special signs listed in Paragraph I.4., below, may be relocated as follows:
  - a.** The sign may be moved to another location on the site where it is currently located, or to another location that meets the requirements of this subsection;



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- f.** Street address 6423 N. Interstate Avenue, also known as “The Nite Hawk sign.”
- g.** Street address 4739 N. Interstate Avenue, also known as “The Budget Motel sign.”
- h.** Street address 5205 N. Interstate Avenue, also known as “The Super Value Motel sign.”
- i.** Street address 6049 N. Interstate Avenue, also known as “The Central Bowl sign.”