

**CHAPTER 3.30 - BUREAU OF
DEVELOPMENT SERVICES**

3.30.010 Duties of the Bureau of Development Services.

The Bureau of Development Services shall be responsible for:

- A. [No change.]
- B. The administration and enforcement of:
 - 1. Erosion and Sediment Control Regulations, Title 10.
 - 2. Portions of Public Order and Police, Title 14, including Liquor License Recommendations, Chapter 14B.100; Time, Place and Manner Regulations of Establishments that Sell and Serve Alcoholic Beverages, Chapter 14B.120; and Marijuana Regulatory License Procedure and Requirements, Chapter 14B.130.
 - 3. Noise Control, Title 18.
 - 4. Building Regulations, Title 24.
 - ~~25.~~ Plumbing Regulations, Title 25.
 - ~~36.~~ Electrical Regulations, Title 26.
 - ~~47.~~ Heating and Ventilating Regulations, Title 27.
 - ~~58.~~ Floating Structures, Title 28.
 - ~~69.~~ Property Maintenance Regulations, Title 29.
 - ~~710.~~ Signs and Related Regulations, Title 32.
 - ~~811.~~ Original Art Murals, Title 4.
 - ~~912.~~ State of Oregon Regulations regarding manufactured dwellings.
 - ~~103.~~ Other regulations enacted by the State of Oregon and adopted by the City Council and assigned to the Bureau.
- C. [No change.]
- D. [No change.]
- E. [No change.]

- F. [No change.]
- G. [No change.]
- H. [No change.]

3.30.040 Administration and Enforcement.

In order to carry out the duties as set forth in Section 3.30.010, the Director of the Bureau of Development Services may:

- A. [No change.]
- B. [No change.]
- C. [No change.]
- D. [No change.]
- E. Impose fees or penalties for non-compliance, issue citations, provide notification, and allow for appeals by:
 - 1. Initiating the notification procedures provided in Section 29.60.050.
 - 2. Imposing monthly enforcement fees or penalties for each property that meets the following conditions:
 - a. The property is the subject of a notice of violation by the Bureau of Development Services; and
 - b. A response period of 30 days has passed since the effective date of the initial notice of violation; and
 - c. The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
 - 3. Doubling the penalties if the violations are not corrected within three months from the initial notice of violation.
 - 4. Imposing an additional penalty as set forth in the Enforcement Fee and Penalty Schedule against any property for which a code enforcement proceeding is initiated before the Code Hearings Officer pursuant to the provisions of Title 22 of this Code.
 - 5. All required fees or penalties are listed in the Enforcement Fee and Penalty Schedule adopted by City Council. Fees or penalties may be updated annually or on an as needed basis. The approved Enforcement Fee and Penalty Schedule will be available at the Bureau of Development Services Center and on the bureau's Web site.

6. When a property meets the conditions for charging any Council approved fee or penalty for noncompliance, the Director shall file a statement with the Revenue Division identifying the property, the amount of the fee or penalty and the date upon which the charge should be assessed. The Revenue Division shall notify the property owner of the amount of the assessed fees and penalties, and a 10 percent Revenue Division charge. The Revenue Division shall record the total amount as a lien in the Docket of City Liens. The Revenue Division shall maintain the lien record until the lien and all associated interest and costs are paid in full, and the Director certifies that all violations listed in the original or subsequent notice of violation have been corrected.
7. Providing for administrative procedures as set forth in Subsections 29.70.010 C. through E.
8. Providing for administrative review and the opportunity for appeal to the Code Hearings Officer as set forth in Section 29.80.010.
9. Allowing exceptions as provided in Section 29.60.100.

**CHAPTER 3.96 - OFFICE OF COMMUNITY
& CIVIC LIFE**

3.96.060 Responsibilities of the Office of Community & Civic Life.

There is hereby established and created an Office of Community & Civic Life which shall consist of a Director and such other employees as the Council may from time to time provide. In order to facilitate participation and improved communication between the public, Neighborhood Associations, Business District Associations, District Coalitions and the City, the Office of Community & Civic Life shall:

- A. [No change.]
- B. [No change.]
- C. [No change.]
- D. [No change.]
- E. [No change.]
- F. [No change.]
- G. [No change.]
- H. [No change.]
- I. [No change.]

- J. [No change.]
- K. Establish open meetings and public records standards for Neighborhood Associations and District Coalitions; and
- ~~L. Administer and enforce City Code Title 18, Noise Control; and~~
- ML. Other duties as assigned to the Office by Council.

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

14B.100.030 Application Procedure.

- 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~~Bureau of Development Services, 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~~Bureau of Development Services 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.
- C. The ~~Office of Community & Civic Life~~Bureau of Development Services 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~~Bureau of Development Services shall:
 - 1. [No change.]
 - 2. [No change].

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~~Bureau of Development Services. ~~Office of Community & Civic Life~~Bureau of Development Services shall notify any person who responds pursuant to this Section of the recommendation made by the Chief of Police to the OLCC.
- E. [No change.]
- F. The Chief of Police shall coordinate with ~~Office of Community & Civic Life~~Bureau of Development Services 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. [No change.]
 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~~Bureau of Development Services, and shall request that the OLCC hear testimony from the neighborhood. ~~Office of Community & Civic Life~~Bureau of Development Services shall coordinate neighborhood testimony for OLCC hearings.
 3. [No change.]
- G. [No change.]
- H. [No change.]
- I. If ~~Office of Community & Civic Life~~Bureau of Development Services believes a good neighbor agreement will alleviate substantial neighborhood concern or opposition, ~~Office of Community & Civic Life~~Bureau of Development Services shall attempt to work with the licensed premises and the neighborhood to achieve a good neighbor agreement. ~~Office of Community & Civic Life~~Bureau of Development Services 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~~Bureau of Development Services is unable to complete a good neighbor agreement within a reasonable period of time.

14B.100.050 Notification of OLCC Proceedings.

~~Office of Community & Civic Life~~Bureau of Development Services 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~~Bureau of Development Services shall advise Council of the OLCC's decisions on applications.

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

14B.120.020 Definitions.

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

- A. [No change.]
- B. "Director" means the Director of the ~~Office of Community & Civic Life~~Bureau of Development Services, or the Director's designee.
- C. [No change.]
- D. [No change.]
- E. [No change.]
- F. [No change.]
- G. [No change.]

**CHAPTER 14B.130 - MARIJUANA
REGULATORY LICENSE PROCEDURE AND
REQUIREMENTS**

14B.130.020 Definitions.

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

- A. [No change.]
- B. [No change.]
- C. [No change.]
- D. [No change.]

- E. [No change.]
- F. [No change.]
- G. "Director" means the Director of the ~~Office of Community & Civic Life~~Bureau of Development Services, or the Director's designee.
- H. [No change.]
- I. [No change.]
- J. [No change.]
- K. [No change.]
- L. [No change.]
- M. [No change.]
- N. [No change.]
- O. [No change.]
- P. [No change.]
- Q. [No change.]
- R. [No change.]
- S. [No change.]
- T. [No change.]
- U. [No change.]
- V. [No change.]
- W. [No change.]
- X. [No change.]

14B.130.030 License Required.

- A. No person shall establish, conduct, maintain or operate a medical dispensary or marijuana business in the City without a valid marijuana regulatory license issued by the ~~Office of Community & Civic Life~~Bureau of Development Services.
- B. [No change.]

C. [No change.]

14B.130.040 Minimum Standards.

A. [No change.]

B. [No change.]

C. [No change.]

D. [No change.]

E. No medical dispensary, marijuana retailer or marijuana retail courier may locate its licensed premises for business operations within 1,000 feet of:

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~~Bureau of Development Services revokes the license of the marijuana business under Section 14B.130.110; or
 - b. A new application is required.

F. [No change.]

G. [No change.]

H. [No change.]

14B.130.050 Application Procedure.

A. Applications for marijuana regulatory licenses will be processed in the order they are received by the Director. The application shall not be considered received until

all the required information and documentation has been submitted and the application fee has been paid. An applicant for a marijuana regulatory license shall complete an application that includes the following information:

1. All completed forms fully executed and signed, including:
 - a. Personal history forms, as developed by the ~~Office of Community & Civic Life~~Bureau of Development Services, for any person with ownership greater than 10 percent or 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~~Bureau of Development Services 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. [No change.]
3. [No change.]
4. [No change.]
5. [No change.]
6. [No change.]
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~~Bureau of Development Services.
8. [No change.]
9. The licensee shall notify the ~~Office of Community & Civic Life~~Bureau of Development Services 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~~ Bureau of Development Services and pay an annual fee as stated in the fee schedule adopted by City Council.

14B.130.055 License Fee Reduction Program.

- A. Applicants may request participation in the License Fee Reduction Program by demonstrating qualifications on a request form provided by the ~~Office of Community & Civic Life~~ Bureau of Development Services.

1. [No change.]
2. A License Fee Reduction 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 License Fee Reduction 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~~ Bureau of Development Services, Property Compliance Division's Cannabis Program. All such credits will be deducted from the Marijuana Regulatory License fees.
3. A License Fee Reduction 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 License Fee Reduction 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~~ Bureau of Development Services, Property

Compliance Division's Cannabis Program. All such credits will be deducted from the Marijuana Regulatory License fees.

14B.130.070 Issuance and Renewal of the License.

- A. [No change.]
- B. If the proposed location meets the minimum standards as defined in Section 14B.130.040, the Director 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~~Bureau of Development Services.
 - a. Applicant may request a license fee deferred payment plan by submitting a form provided by the ~~Office of Community & Civic Life~~Bureau of Development Services to demonstrate financial need.
 - b. [No change.]
 - c. [No change.]
 - d. [No change.]
 - e. [No change.]
 - f. [No change.]
- C. [No change.]
- D. [No change.]
- E. [No change.]
- F. [No change.]
- G. [No change.]
- H. [No change.]

14B.130.090 Inspection of Property and Records.

- 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~~Bureau of Development Services to enter the business location to ensure compliance with the provisions of Chapter 14B.130. The inspection will be for the limited purpose of inspecting the property and related records as provided in this Chapter and the administrative rules. Except by mutual agreement with the Applicant or Licensee or by court order, any inspection under this Section may occur only during the business' normal business hours.
 - 1. The Director shall first present proper credentials and demand entry to the property. If entry is refused, the Director may attempt to secure entry by any legal means.
 - 2. If the Director has first obtained an inspection warrant to secure entry onto the property, no owner or occupant shall refuse, fail or neglect, after proper request, to promptly permit entry by the Director to the property.
- B. [No change.]
- C. [No change.]
- D. [No change.]
- E. [No change.]

14B.130.110 Revocation or Suspension of License.

- A. The Director may 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~~Bureau of Development Services.
- B. [No change.]
- C. [No change.]
- D. [No change.]

TITLE 18 – NOISE CONTROL

CHAPTER 18.12 - NOISES PROHIBITED

18.12.020 Specific Prohibitions.

The following acts are declared to be violations of this Title, but this enumeration shall not be deemed to be exclusive, namely:

- A. Noisy animals.
 - 1. [No change.]
 - 2. Animals located in a Authorized or Permitted Animal Facility. It shall be a violation for any animal located in a Specified Animal Facility, as defined in Portland City Code 13.05.005 G., or to any lawful livestock owner or keeper, kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land-use and zoning laws and regulations to unreasonably cause annoyance, alarm, noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner’s or keeper’s property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. Enforcement of this Subsection shall be the responsibility of the ~~Office of Community & Civic Life~~Bureau of Development Services or another City entity designated by Council.
- B. [No change.]
- C. [No change.]

CHAPTER 18.14 - EXEMPTIONS AND VARIANCES

18.14.020 Variances.

Any person who owns, controls, or operates any sound source which does not comply with provisions or standards of this Title may apply for a variance from such standard(s) or provision(s).

- A. [No change.]
- B. The application shall not be considered until the application fee is received. All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the ~~Office of Community & Civic Life~~Bureau of Development Services.

- C. [No change.]
- D. [No change.]
- E. [No change.]
- F. [No change.]
- G. [No change.]
- H. [No change.]
- I. [No change.]
- J. [No change.]
- K. [No change.]

CHAPTER 18.17 - RULEMAKING

18.17.010 Rulemaking.

- A. [No change.]
- B. [No change.]
- C. [No change.]
- D. All final and interim rules must be filed in the office of the Director. All final and interim rules will be available to the public at the ~~Office of Community & Civic Life~~Bureau of Development Services.
- E. For the purposes of this Section, "Director" shall mean the Director of the ~~Office of Community & Civic Life~~Bureau of Development Services, or any duly authorized representative of the Director.

CHAPTER 18.18 - ENFORCEMENT AND PENALTIES

18.18.010 Authority for Enforcement.

This Title shall be enforced by the ~~Office of Community & Civic Life~~Bureau of Development Services and by the Bureau of Police. Duly authorized agents of either of these bureaus shall have citation authority for purposes of enforcing this Title.