

## **UPDATE INFORMATION SHEET**

---

The Auditor's office is responsible for providing update pages to

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

Updates will be available periodically throughout the year. This sheet will provide you with the current update information to assist you in keeping your book current.

**Retain this sheet. It will be replaced with each mailing.  
Please contact us should you have any questions 823-4082.**

<b>Update Packet Enclosed</b>	<b>December 31, 2007</b>
Previous Update Packet	September 30, 2007



**CODE OF THE CITY OF PORTLAND, OREGON**  
**Insertion Guide for Code Revisions**  
**Office of the City Auditor 503-823-4082**  
**4th Quarter 2007 (December 2007)**

<b>TITLE</b>	<b>REMOVE OLD PAGES</b>	<b>INSERT NEW PAGES</b>	<b>NEXT PAGE IS</b>
<b>1</b>	Table of Contents	Table of Contents	Page 1
	1 – 10	1 – 10	11
<b>3</b>	Table of Contents	Table of Contents	1
	249 – 256	249 – 256	257
<b>7</b>	7 – 34	7 – 34	35
<b>8</b>	53 – 57	53 – 57	End of Title
<b>14</b>	Table of Contents	Table of Contents	1
	83 – 139	83 – 132	Title 15
<b>15</b>	1 – 7	1 – 7	End of Title
<b>16</b>	Table of Contents	Table of Contents	1
	7 – 8	7 – 8	9
	31 – 138	31 – 139	End of Title
<b>17</b>	Table of Contents	Table of Contents	1
	17.15-1 – 17.15-29	17.15-1 – 17.15-27	17.16-1
	17.33-1 – 17.33-7	17.33-1 – 17.33-10	17.34-1
	Figure 12 – Page 1	Figure 12 – Page 1	Figure 13 – Page 1
<b>24</b>	1 – 2	1 – 2	3
<b>25</b>	9 – 12	9 – 12	13
<b>26</b>	11 – 24	11 – 22	End of Title
<b>27</b>	1 – 2	1 – 2	3
<b>28</b>	Table of Contents	Table of Contents	1
	1 – 26	1 – 54	End of Title



**TITLE 1  
GENERAL PROVISIONS**

<b>Chapter 1.01</b>	<b>CODE ADOPTION</b>
1.01.010	Title - Citation - Reference.
1.01.020	Reference Applies to Amendments.
1.01.030	Codification Authority.
1.01.035	City Auditor to Specify the Form and Style of City Code Provisions.
1.01.037	Planning Director Authority to Correct Portland Comprehensive Plan and Zoning Code Maps.
1.01.040	Definitions.
1.01.050	Grammatical Interpretation.
1.01.060	Construction.
1.01.070	Title, Chapter and Section Headings.
1.01.080	Reference to Specific Ordinances.
1.01.090	Effect of Code on Past Actions and Obligations.
1.01.100	Repeal Shall Not Revive Any Ordinances.
1.01.110	Repeal.
1.01.120	Exclusions.
1.01.130	Effective Date.
1.01.140	Violations - Penalty.
1.01.150	Prohibited Acts Including Causing, Permitting, etc.
1.01.160	Constitutionality.
1.01.170	Consistency With State Criminal Law.
<b>Chapter 1.03</b>	<b>CODE OF ETHICS</b>
1.03.010	Definitions.
1.03.020	Trust.
1.03.030	Objectivity.
1.03.040	Accountability.
1.03.050	Leadership.
<b>Chapter 1.04</b>	<b>CORPORATE SEAL</b>
1.04.010	Description.
<b>Chapter 1.06</b>	<b>OFFICIAL FLAG</b>
1.06.010	Description.

**Chapter 1.07**                    **DOCUMENTATION OF RULES AND POLICIES**

- 1.07.010    Purpose.
- 1.07.020    Definitions.
- 1.07.030    Creation of Portland Policy Documents.
- 1.07.040    Creation of Index.
- 1.07.050    Publication on the Internet.
- 1.07.060    Submission of PPD Documents to Auditor for Filing.
- 1.07.070    Format for PPD Documents.
- 1.07.080    Status of PPD Documents.
- 1.07.090    Other City Documents Not Affected.

**Chapter 1.08**                    **SERVICE OF NOTICE**

- 1.08.010    Methods - Proof.

**Chapter 1.01**

**CODE ADOPTION**

**Sections:**

- 1.01.010 Title - Citation - Reference.
- 1.01.020 Reference Applies to Amendments.
- 1.01.030 Codification Authority.
- 1.01.035 City Auditor to Specify the Form and Style of City Code Provisions.
- 1.01.037 Planning Director Authority to Correct Portland Comprehensive Plan and Zoning Code Maps.
- 1.01.040 Definitions.
- 1.01.050 Grammatical Interpretation.
- 1.01.060 Construction.
- 1.01.070 Title, Chapter and Section Headings.
- 1.01.080 Reference to Specific Ordinances.
- 1.01.090 Effect of Code on Past Actions and Obligations.
- 1.01.100 Repeal Shall Not Revive Any Ordinances.
- 1.01.110 Repeal.
- 1.01.120 Exclusions.
- 1.01.130 Effective Date.
- 1.01.140 Violations - Penalty.
- 1.01.150 Prohibited Acts Including Causing, Permitting, etc.
- 1.01.160 Constitutionality.
- 1.01.170 Consistency With State Criminal Law.

**1.01.010 Title - Citation - Reference.**

This Code shall be known as the “Code of the City of Portland, Oregon,” and it shall be sufficient to refer to this Code as the “Code of the City of Portland, Oregon,” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the “Code of the City of Portland, Oregon.” Further reference may be had to the Titles, Chapters, Sections, and Subsections of the “Code of the City of Portland, Oregon,” and such reference shall apply to that numbered Title, Chapter, Section, or Subsection as it appears in this Code.

**1.01.020 Reference Applies to Amendments.**

Whenever a reference is made to this Code as the “Code of the City of Portland, Oregon,” or to any portion thereof, or to any ordinance of the City of Portland, Oregon, the reference shall apply to all amendments, corrections, and additions hereto.

**TITLE 1  
GENERAL PROVISIONS**

**1.01.030 Codification Authority.**

This Code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances of the City of Portland, Oregon, codified pursuant to State law.

**1.01.035 City Auditor to Specify the Form and Style of City Code Provisions.**

(Added by Ord. No. 156865; December 6, 1984.)

- A. The City Auditor shall provide for a uniform form and style for provisions of the City Code. The Auditor may make minor corrections to such ordinances submitted for filing to provide the required uniformity. The Auditor shall also have authority to change the form and style of current provisions of the City Code to conform to the requirements provided for by the Auditor.
- B. Subject to approval of the City Attorney, the Auditor shall have authority to rearrange, renumber, reletter, capitalize, punctuate and divide provisions of the City Code, and to correct clerical errors and omissions and insert captions in accordance with the meaning and intent of the provisions of the Code, and may delete provisions which have become inoperative or ruled invalid by a court of competent jurisdiction.
- C. The Auditor may substitute any current title of an officer, bureau, department, commission or committee in lieu of the title originally appearing in the Code provision, in accordance with changes of title or duties subsequently made by law.

**1.01.037 Planning Director Authority to Correct Portland Comprehensive Plan and Zoning Code Maps.**

(Added by Ordinance No. 177422; Amended by Ordinance No. 181357, effective November 9, 2007.) Subject to the approval of the City Attorney, the Director of the Bureau of Planning shall have the authority to correct the Comprehensive Plan Map and Portland Zoning maps, including the City's Official Zoning Map:

- A. When a map line does not match the legal description or map referenced in the ordinance or approved land use decision that applied the designation; or
- B. When there is a discrepancy between maps and there is clear legislative intent for where the line should be located; or
- C. When the Open Space zone has been applied to property in private ownership that is not in an open space use, or is not receiving special tax considerations because of its status as open space.



**TITLE 1  
GENERAL PROVISIONS**

Comprehensive Plan and Zoning map corrections initiated under this Section must be clear and objective. Discretionary map corrections must be processed under the procedures set forth in Sections 33.810.080 and 33.855.070.

**1.01.040 Definitions.**

The following words and phrases whenever used in this Code shall be construed as defined in this Section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A.** “**City**” means the City of Portland, Oregon, or the area within the territorial City limits of the City of Portland, Oregon, and such territory outside of this City over which the City has jurisdiction or control by virtue of ownership or any Constitutional or Charter provisions, or law;
- B.** “**City Council**” or “**Council**” means the City Council of the City of Portland, Oregon;
- C.** “**County**” means the County and/or Counties of Multnomah, Washington, and Clackamas;
- D.** “**Mayor**” means the Mayor of the City of Portland, Oregon;
- E.** “**Commissioner**” means a Commissioner of the City of Portland, Oregon. If “Commissioner” or “Commissioner in Charge” is used in connection with any department, bureau, or division, it shall mean the Commissioner In Charge of such department, bureau, or division.
- F.** “**Charter**” or “**Ordinance**” means the Charter or Ordinance of the City, unless otherwise specifically designated;
- G.** “**Oath**” includes affirmation;
- H.** “**Office**” or “**officer.**” The use of the title of any officer, employee, or any office means such officer, employee, or office of the City, unless otherwise specifically designated.
- I.** “**Person**” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer, or employee of any of them;
- J.** “**State**” means the State of Oregon;

**TITLE 1  
GENERAL PROVISIONS**

- K.** “**Shall**” and “**must.**” Each is mandatory;
- L.** “**May**” is permissive;
- M.** “**Written**” includes handwritten, printed, typewritten, mimeographed, multigraphed, or otherwise duplicated from printed or written material;
- N.** “**Law**” denotes applicable federal law, the Constitution of the United States, the Constitution and statutes of the State of Oregon, the Charter and Ordinances of the City of Portland, Oregon, and when appropriate, any and all rules and regulations which may be promulgated thereunder, and court decisions.

**1.01.050 Grammatical Interpretation.**

The following grammatical rules shall apply in this Code.

- A. Gender.** Any gender includes other genders;
- B. Singular and plural.** The singular number includes the plural and the plural includes the singular;
- C. Tenses.** Words used in one tense include any other tenses as the context may require;
- D. Use of words and phrases.** Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language.

**1.01.060 Construction.**

The provisions of this Code and all proceedings under it are to be construed with a view to effect its objectives and promote justice.

**1.01.070 Title, Chapter, and Section Headings.**

Title, Chapter, and Section Headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any Title, Chapter, or Section hereof.

**1.01.080 Reference to Specific Ordinances.**

When deposits of money or securities, permits, or matters of record refer to or are connected with ordinances superseded by provisions of this Code, the deposits, permits, or matters of record shall not be affected, but corresponding provisions of this Code shall be construed to apply.

**TITLE 1  
GENERAL PROVISIONS**

**1.01.090 Effect of Code on Past Actions and Obligations.**

Neither the adoption of this Code nor the repeal or amendment hereby of any ordinance or a part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty due and unpaid at said effective date under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. When a requirement or obligation under a prior ordinance superseded by this Code is continued by this Code in substantially similar terms, the requirement or obligation and any time limit fixed by the prior ordinance, or by official act, or notice thereunder shall continue, and time shall be computed, in accordance with the terms of the prior ordinance, act or notice.

**1.01.100 Repeal Shall Not Revive Any Ordinances.**

The repeal of an ordinance shall not affect the repealing clause of such ordinance or revive any ordinance which has been repealed.

**1.01.110 Repeal.**

The following general ordinances of the City are repealed, subject to preservation thereof under Section 1.01.090:

- A. Code of General Provisions, Ordinance No. 77820:  
“An Ordinance providing for a Code of general provisions; adopting the Municipal Code of the City of Portland; describing the City seal; establishing general Code regulations; and prescribing penalties for violations of provisions contained in the municipal Code of the City of Portland,” passed by the Council September 10, 1942, as amended.
- B. Legislation and Elections Code, Ordinance No. 77641:  
“An Ordinance to establish a Legislation and Elections Code for the City of Portland; to prescribe rules of order and procedures for Council meetings; to regulate the passage of ordinance and resolutions; to regulate the exercise of initiative and referendum powers in the City of Portland; to control municipal elections; and to provide for penalties for violations thereof,” passed by the Council August 6, 1942, as amended.
- C. Administration Code, Ordinance No. 77780:  
“An Ordinance to establish an Administration Code; to prescribe regulations for the organization and duties of administrative units of the government of the City

## TITLE 1 GENERAL PROVISIONS

of Portland; to provide personnel rules for employees of the City; and to provide for pensions for certain employees, and to declare an emergency,” passed by the Council September 3, 1942, as amended.

- D.** Finance Code, Ordinance No. 777613:  
“An Ordinance providing for a Finance Code for the City of Portland; regulating the operation of funds and the payment of warrants; establishing budget procedures; providing for the keeping of records and the making of reports; controlling the maintenance, purchase, and sale of property; providing for delinquencies; and providing penalties for violations,” passed by the Council July 30, 1942, as amended.
- E.** Public Works Code, Ordinance No. 128743:  
“An Ordinance providing a Public Works Code of the City of Portland, regulating local and public improvements; regulating use of street and public area and facilities located therein; regulating repair and maintenance; providing assessment and financing procedures; regulating sewers and their use; regulating certain uses and practices related to public area; setting forth other related matters; requiring permits and fixing fees and charges; providing penalties; repealing Ordinance No. 76971 (Public Works Code) but continuing provisions thereof for certain purposes,” passed by the Council March 20, 1969, as amended.
- F.** Planning and Zoning Code, Ordinance No. 110103:  
“An Ordinance to provide a revised Planning and Zoning Code for the City of Portland, Multnomah, and Clackamas Counties, Oregon, so as to provide regulations and restrictions for location, use, and development of property within the City for various types of buildings, structures, and activities; prescribing the various zone classifications and their regulations; limiting the height and bulk of buildings; fixing setback restrictions; prescribing penalties; fixing an effective date, and repealing Ordinance No. 77953, passed by the Council October 8, 1942, as subsequently amended, but preserving the same for certain purposes,” passed by the Council May 28, 1959, as amended.
- G.** Building Code, Ordinance No. 103415:  
“An Ordinance providing for building regulations, requiring permits, and fees and providing penalties, fixing the effective date, repealing Ordinance No. 77435, and preserving certain rights and liabilities under Ordinance No. 77435,” passed by the Council January 26, 1956, as amended.
- H.** Housing Code, Ordinance No. 115647:  
“An Ordinance to be known as the Housing Code for the City of Portland, Oregon, to provide health and sanitary regulations for buildings used for human habitation; prescribing penalties, fixing an effective date, repealing Ordinance No.

**TITLE 1  
GENERAL PROVISIONS**

86820, passed by the Council March 4, 1948, and all ordinances amendatory thereto, but preserving the same for certain purposes, and preserving certain war Code permits as provided in Ordinance No. 104586,” passed by the Council August 16, 1962, as amended.

- I.** Heating and Ventilating Code, Ordinance No. 77094:  
“An Ordinance to be known as the Heating and Ventilating Code, regulating the installation, alteration, repair, and maintenance of heating and ventilating systems and plants installed in the City and providing a penalty for the violation thereof,” passed by the Council April 23, 1942, as amended.
- J.** Plumbing Code, Ordinance No. 77482:  
“An Ordinance to be known as the Plumbing Code; defining terms, requiring permits and fees, construction, alteration, renovation, repair and maintenance of plumbing, sewer and drainage system, and providing penalties for violations thereof,” passed by the Council July 9, 1942, as amended.
- K.** Water Code, Ordinance No. 115258:  
“An Ordinance providing for a Water Code for the City of Portland, defining terms, making certain regulations, requiring certain permits and fees, providing penalties for violation thereof, repealing Ordinance No. 77279 (Public Utilities Code), passed by the Council June 4, 1942, as amended, but continuing the same for certain purposes, and declaring an emergency,” passed by the Council May 24, 1962, as amended.
- L.** Electrical Code, Ordinance No. 126527:  
“An Ordinance to be known as the Electrical Code regulating the lease, rental, installation, repair, use and removal of electrical wiring and equipment, providing penalties for violation thereof, repealing Ordinance No. 105000 and preserving certain rights and liabilities under Ordinance No. 105000 and fixing an effective date,” passed by the Council April 4, 1968, as amended.
- M.** Air Quality Control Code, Ordinance No. 118114:  
“An Ordinance providing for the control of air quality within Portland by providing standards of maximum permissible emissions [sic] of air contaminants, with exemptions, providing for registration by persons emitting the contaminants, providing for the enforcement by the Health Officer by order with a procedure of appeal from such order, or enforcement by judicial process, providing for variances from certain provisions, providing for a penalty for violation, and repealing Article 22 of Ordinance No. 77013, Health and Sanitation Code,” as passed by the Council February 27, 1964, as amended.

**TITLE 1  
GENERAL PROVISIONS**

- N.** Fire Code, Ordinance No. 114851:  
“An Ordinance to provide a revised Fire Code for the City of Portland, Multnomah and Clackamas Counties, Oregon, establishing rules and regulations relating to the Bureau of Fire and the Division of Fire Prevention and Inspection; promoting the elimination and prevention of fire and explosion hazards; regulating the maintenance and equipment of structures and use of premises within the City of Portland; providing for abatement of fire hazards; providing penalties for violations, fixing an effective date and repealing Ordinance No. 78461 passed by the Council March 4, 1943, as subsequently amended but preserving the same for certain purposes,” passed by the Council March 8, 1962, as amended.
- O.** Sign Code, Ordinance No. 76571: “An Ordinance providing for the Sign Code, defining terms, regulating the erection, construction, and maintenance of signs within the corporate limits of the City of Portland, providing for permits and fees, and fixing penalties for violation thereof,” passed by the Council January 15, 1942, as amended.
- P.** Police Code, Ordinance No. 76339:  
“An Ordinance providing for Police Code for the City of Portland; defining terms; making certain acts or omissions unlawful; providing for the abatement of nuisances; payment of rewards; issuance of permits and licenses; confiscation of certain property; appointment of certain committees; maintenance, handling and confinement of prisoners; establishing regulations; and providing penalties,” passed by the Council December 4, 1941, as amended.
- Q.** Elevator Code, Ordinance No. 77614:  
“An Ordinance to be known as the Elevator Code; providing regulations for the installation, alteration, repair and maintenance of elevators, escalators, hoists, dumb-waiters, and man lifts; requiring permits and fees; and providing a penalty for violations thereof,” passed by the Council July 30, 1942, as amended.
- R.** Health and Sanitation Code, Ordinance No. 77013:  
“An Ordinance establishing the Bureau of Health; regulating health and sanitation in the City of Portland; and providing penalties for the violation thereof,” passed by the Council April 9, 1942, as amended.
- S.** Traffic Code, Ordinance No. 75607:  
“An Ordinance regulating traffic on streets and highways; providing for motor vehicle inspection; authorizing installation and use of parking meters; fixing standards; providing for certain fees; providing penalties and declaring an emergency,” passed by the Council July 10, 1941, as amended.

**TITLE 1  
GENERAL PROVISIONS**

- T.** License and Business Code, Ordinance No. 76398:  
“An Ordinance to regulate and license private businesses and occupations in the City of Portland, and declaring an emergency,” passed by the Council December 18, 1941, as amended.
  
- U.** Disaster Code, Ordinance No. 127292:  
“An Ordinance to be known as the Disaster Code for the City of Portland, Oregon, to establish operational responsibilities and duties of the City bureaus and departments in case of sudden or foreseeable disasters, authorizing participation by supporting agencies,” passed by the Council July 25, 1968, as amended.

**1.01.120 Exclusions.**

Notwithstanding inclusion within this Code of the general subject matter, in whole or in part, this Code does not repeal or amend: any special ordinance affecting less than the general public; any ordinance affecting the general public on a temporary basis; any ordinance relating to or resulting from annexation, naming of streets and public places or property or acquisition or disposal of property, vacation of streets, public places or plats; any ordinance relating to waiver of fees or Code provisions, bids or contracts; any ordinance fixing or changing a zone classification as to property; any ordinance relating to budget; any ordinance granting a permit; nor any franchise ordinance. Any provision of another ordinance neither expressly repealed by this Code nor clearly inconsistent with a provision of this Code, shall remain in full force and effect.

**1.01.130 Effective Date.**

This Code shall be effective on or after May 15, 1970.

**1.01.140 Violations - Penalty.**

It is unlawful for any person to violate any provision or to fail to comply with any requirement of this Code. Any person violating any provision or failing to comply with any requirement of this Code, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine of not more than \$500, or by imprisonment for a period of not more than 6 months, or by both such fine and imprisonment. However, no greater penalty shall be imposed than the penalty prescribed by the Oregon statute for the same act or omission. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and may be punished accordingly. In addition to the penalties herein above provided, any condition caused or permitted to exist in violation of any provision of this Code is a public nuisance and may be summarily abated by the City as authorized by this Code. In addition, property shall be forfeited and City license may be suspended or revoked as provided in this Code.

**TITLE 1  
GENERAL PROVISIONS**

**1.01.150 Prohibited Acts Include Causing, Permitting, Etc.**

Any act or omission made unlawful under this Code shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing such act or omission.

**1.01.160 Constitutionality.**

If any Section, Subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Council hereby declares that it would have passed this Code, and each Section, Subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional, and, if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**1.01.170 Consistency With State Law Criminal Law.**

(Added by Ord. No. 168708, Apr. 19, 1995.) This Code shall be construed so as to render it consistent with state criminal law, and any procedures or defenses made available in the prosecution of the same or similar offenses under state criminal law shall apply in prosecutions under this Code.

**Chapter 1.03**

**CODE OF ETHICS**

(New Section added by Ordinance  
No. 167619, May 4, 1994.)

**Sections:**

- 1.03.010 Definitions.
- 1.03.020 Trust.
- 1.03.030 Objectivity.
- 1.03.040 Accountability.
- 1.03.050 Leadership.

**1.03.010 Definitions.**

- A. **“City official”** means any elected official, employee, appointee to a board or commission, or citizen volunteer authorized to act on behalf of the City of Portland, Oregon.



**TITLE 3  
ADMINISTRATION**

**Chapter 3.02                    COUNCIL ORGANIZATION AND PROCEDURE**

- 3.02.010      Council Meetings.
- 3.02.020      Special Meetings.
- 3.02.025      Attendance by Electronic Communication.
- 3.02.030      Entry of Documents on Agenda.
- 3.02.035      Ordinance Wording.
- 3.02.036      Consent Agenda.
- 3.02.037      Time Certain Agenda.
- 3.02.040      Rules for Council Business.
- 3.02.050      Authority to Adopt Rules, Procedures and Forms.

**Chapter 3.04                    SUBPOENA POWERS**  
3.04.010      Power Granted by Charter - Witness Duties and Rights.

**Chapter 3.05                    CITY AUDITOR'S AUDIT SERVICES DIVISION**

- 3.05.010      Independence.
- 3.05.020      Scope of Audits.
- 3.05.030      Annual Audit Plan.
- 3.05.035      Special Audits.
- 3.05.040      Access to Records and Property.
- 3.05.050      Bureau Response.
- 3.05.060      Audit Reports.
- 3.05.065      Report of Irregularities.
- 3.05.070      Contract Auditors, Consultants and Experts.
- 3.05.080      Peer Review.

**Chapter 3.06                    DEPARTMENTS, BUREAUS AND DIVISIONS GENERALLY**

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

**Chapter 3.08                    TREASURER**

- 3.08.010      Office.
- 3.08.020      Salary - Bond.
- 3.08.030      Duties of City Treasurer.
- 3.08.040      Duties of Deputy Treasurer.
- 3.08.050      Treasurer Authorized to Deposit in Banks.
- 3.08.060      Liability of Treasurer for Deposit of Funds.
- 3.08.070      Council May Require Additional Security from Banks.
- 3.08.080      City Officers or Agents to Pay Money to the City Treasurer.

**Chapter 3.10**                    **OFFICE OF CITY ATTORNEY**

- 3.10.010      Office of City Attorney.
- 3.10.030      Duties.
- 3.10.040      Chief Deputy City Attorney.
- 3.10.050      Records.
- 3.10.060      Attorney-Client Relationship.
- 3.10.070      Settlements.
- 3.10.080      Outside Counsel Conflicts of Interest.

**Chapter 3.12**                    **PORTLAND OFFICE OF TRANSPORTATION**

- 3.12.010      Organization.
- 3.12.040      Bureau of Transportation System Management.
- 3.12.050      Bureau of Transportation Engineering and Development.
- 3.12.060      Bureau of Maintenance.
- 3.12.080      Office of Transportation Director.

**Chapter 3.13**                    **BUREAU OF ENVIRONMENTAL SERVICES**

- 3.13.010      Purpose.
- 3.13.020      Organization.
- 3.13.030      Mission.

**Chapter 3.15**                    **OFFICE OF MANAGEMENT AND FINANCE**

- 3.15.010      Organization.
- 3.15.020      Definitions.
- 3.15.030      Office of Chief Administrative Officer.
- 3.15.040      Bureau of Financial Services.
- 3.15.050      Bureau of Human Resources.
- 3.15.060      Bureau of Technology Services.
- 3.15.080      Bureau of General Services.
- 3.15.090      Bureau of Purchases.
- 3.15.110      Revenue Bureau.

**Chapter 3.20**                    **BUREAU OF POLICE**

- 3.20.010      General Organization.
- 3.20.030      Authority of Chief of Police.
- 3.20.050      Subordinate Officers.
- 3.20.070      Fees to be Paid Over to Treasurer.
- 3.20.080      Policemen Receiving Gifts and Employing Attorneys - Penalty for Violation.
- 3.20.110      Duties of Police Force.
- 3.20.120      Council in Emergency to Appoint Temporary Policemen.
- 3.20.130      Record of Daily Arrests.
- 3.20.140      Discipline Committee.

- 3.20.150 Fingerprints, Photographs and Records of Identification.
- 3.20.160 Police Chief to Make Rules and Regulations.
- 3.20.170 Uniforms.
- 3.20.180 Appointment and Removal of Police Reserves
- 3.20.190 Application, Oath of Office, Compensation and Equipment of Police Reserves.
- 3.20.200 Membership Card and Star of Police Reserves.
- 3.20.210 Police Reserves Exempt from Civil Service.
- 3.20.230 Medical Examinations.
- 3.20.240 Membership.
- 3.20.360 Fees for Report on Police Records.
- 3.20.370 Accountability and Disposition of Fees.

**Chapter 3.21**

**CITY AUDITOR'S INDEPENDENT  
POLICE REVIEW DIVISION**

- 3.21.010 Purpose.
- 3.21.020 Definitions.
- 3.21.030 Independent Police Review Division.
- 3.21.040 Director Selection.
- 3.21.050 Staff and Delegation.
- 3.21.060 Office Facilities and Administration.
- 3.21.070 Powers and Duties of IPR.
- 3.21.080 Citizen Review Committee.
- 3.21.090 Powers and Duties of the Committee.
- 3.21.100 Council Role.
- 3.21.110 Intake.
- 3.21.120 Handling Complaints.
- 3.21.130 Communications.
- 3.21.140 Filing Requests for Review.
- 3.21.150 Reviews and Supplementary Investigations.
- 3.21.160 Hearing Appeals.
- 3.21.170 Monitoring and Reporting.
- 3.21.180 Increasing Public Access.
- 3.21.190 Response of Chief.
- 3.21.200 Limitation on Power.

**Chapter 3.22**

**PORTLAND FIRE & RESCUE**

- 3.22.010 General Organization.
- 3.22.020 Organized by Council - Subject to Civil Service.
- 3.22.030 Council Powers.
- 3.22.040 Care of Property by Council.
- 3.22.050 Duties of Chief Engineer.
- 3.22.060 Destroying Buildings to Check Fire.

- 3.22.070 Appointment of Temporary Employees.
- 3.22.080 Assignment of Disabled Members.
- 3.22.090 Rules and Regulations and Administrative Orders.
- 3.22.100 Uniforms.
- 3.22.110 Fire Suppression and/or Prevention Contracts.
- 3.22.120 Renewal Notices.
- 3.22.130 Contract Form to be Approved by City Attorney.
- 3.22.140 Mutual Assistance Agreements.
- 3.22.150 Use of Fire Boats for Pumping Water Out of Boats and Barges.
- 3.22.160 Fees for Pumping Water from Imperiled Vessels.
- 3.22.170 Distribution of Awards Earned by Members of Portland Fire & Rescue.
- 3.22.180 Forested and Wildland Interface Areas Fire Protection Plan.

**Chapter 3.24 BUREAU OF WATERWORKS**

- 3.24.010 Organization.
- 3.24.020 Engineering and Supply Section.
- 3.24.030 Construction and Maintenance Section.
- 3.24.040 Business Operations Section.
- 3.24.050 Management Services Section.

**Chapter 3.26 BUREAU OF PARKS**

- 3.26.010 Organization Generally.
- 3.26.020 Executive and Clerical Division.
- 3.26.030 Park Maintenance and Operation Division.
- 3.26.040 Nursery and Planting Division.
- 3.26.050 Public Recreation Division.
- 3.26.060 Municipal Stadium Division.
- 3.26.080 Sale or Exchange of Surplus Animals, Birds or Reptiles.
- 3.26.090 Solar Friendly Trees.

**Chapter 3.27 PORTLAND PARKS AND RECREATION BOARD**

- 3.27.010 Establishment and Purpose.
- 3.27.020 Definitions.
- 3.27.030 Members and Terms.
- 3.27.040 Organization and Meetings.
- 3.27.050 Duties.
- 3.27.060 Staff Liaison and Support.

**Chapter 3.28 BUREAU OF HEALTH**

- 3.28.010 Transfer of Functions.
- 3.28.020 Executive and Clerical Division.
- 3.28.030 Communicable Disease Control Division.
- 3.28.040 Tuberculosis Control Division.

- 3.28.050 Venereal Disease Control Division.
- 3.28.060 Laboratory Division.
- 3.28.070 School Hygiene Division.
- 3.28.080 Emergency Hospital Division.
- 3.28.090 Pure Food Sanitation Division.
- 3.28.100 Division of Mental Health.
- 3.28.110 Division of Home Health Care.

**Chapter 3.30 BUREAU OF DEVELOPMENT SERVICES**

- 3.30.005 Organization.
- 3.30.010 Duties of the Bureau of Development Services.
- 3.30.020 Responsibility for the Development Services Center and Development Review Functions.
- 3.30.030 Development Review Advisory Committee.
- 3.30.040 Establishment of Enforcement Priorities and Remedies.
- 3.30.050 Special Jurisdiction.
- 3.30.060 Nuisance Abatement Contracts.
- 3.30.061 Contractor Eligibility.
- 3.30.062 Contract Award Procedure.
- 3.30.070 Inspections.

**Chapter 3.38 HOUSING AND COMMUNITY DEVELOPMENT COMMISSION (HCDC)**

- 3.38.010 HCDC Established.
- 3.38.020 HCDC Mission.
- 3.38.030 Duties.
- 3.38.040 Membership.
- 3.38.050 Staffing.
- 3.38.060 Cooperation.

**Chapter 3.46 BUREAU OF INSECT CONTROL**

- 3.46.010 County to Perform Duties.

**Chapter 3.54 LOSS CONTROL AND PREVENTION**

- 3.54.010 Definitions.
- 3.54.020 Bureau of Risk Management Responsibility and Authority.
- 3.54.030 Bureau Responsibility and Authority.
- 3.54.040 Loss Control and Prevention Advisory Committee - Responsibility and Authority.

<b>Chapter 3.60</b>	<b>ZOO COMMISSION</b>
3.60.010	Created - Membership - Terms.
3.60.020	Duties.
3.60.030	Meetings.
3.60.040	Quorum.
<b>Chapter 3.62</b>	<b>BOXING COMMISSION</b>
3.62.010	Certain City Officials to Render Certain Services.
<b>Chapter 3.67</b>	<b>PERFORMING ARTS ADVISORY COMMITTEE</b>
3.67.010	Creation and Organization.
3.67.020	Procedure and Rules of Committee.
3.67.030	Duties.
<b>Chapter 3.68</b>	<b>FORMAL JAPANESE GARDEN COMMISSION</b>
3.68.010	Created.
3.68.020	Powers and Duties.
3.68.030	Meetings.
3.68.040	Officers.
3.68.050	Rules - Quorum.
3.68.060	Vacancy - Removal.
<b>Chapter 3.70</b>	<b>PITTOCK MANSION ADVISORY COMMISSION</b>
3.70.010	Created - Terms.
3.70.030	Special Committees and Services.
3.70.050	Officers.
3.70.060	Rules - Quorum.
3.70.070	Vacancy.
<b>Chapter 3.72</b>	<b>COMMITTEE ON CLAIMS</b>
3.72.010	Created - Members - Meetings.
3.72.020	Presentation of Claims.
3.72.030	Consideration of Claims Not Covered by Insurance.
<b>Chapter 3.74</b>	<b>OATHS OF OFFICE</b>
3.74.010	Persons Required to Take Oath.
3.74.020	Form of Oath for Mayor, Commissioner and Auditor.
3.74.030	Form of Oath for Other Officer or Employee.
<b>Chapter 3.76</b>	<b>PUBLIC RECORDS</b>
3.76.010	Definitions.
3.76.020	Purpose.

- 3.76.030 Archival and Records Management Program Creation and Administration.
- 3.76.040 Authority and Duties of the Records Management Officer.
- 3.76.050 Duties of the Managers of City Departments, Agencies, Bureaus, Offices, Commissions, Boards and Public Corporations.
- 3.76.060 Care of Records.
- 3.76.070 Destruction of Records.
- 3.76.080 Use of Copies.
- 3.76.090 Public Access to Records.

**Chapter 3.77 OFFICE OF THE OMBUDSMAN**

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

**Chapter 3.78 ACQUISITION OF COUNTY PROPERTY FOR PARK PURPOSES**

- 3.78.010 Authorization for Payment.
- 3.78.020 Title Reports.
- 3.78.030 Clearing of Title.
- 3.78.040 Retaining Property with Cloud on Title.

**Chapter 3.80 SPECIAL PERMITS**

- 3.80.010 Operations to Cease Upon Expiration of Permit.
- 3.80.020 Use of Park Property for Private Gardening Purposes.

<b>Chapter 3.82</b>	<b>OFFICER AND EMPLOYEE BONDS</b>
3.82.010	Exceptions.
3.82.020	Bond of the City Treasurer.
3.82.030	City Auditor's Bond.
<b>Chapter 3.84</b>	<b>CITY OWNED MOTOR VEHICLE ACCIDENT REPORTS</b>
3.84.010	Filing of Accident Report.
3.84.020	Form of Report.
3.84.030	Repair Shop Report.
3.84.040	Repair.
3.84.050	Billing of Charges.
<b>Chapter 3.86</b>	<b>GOLF ADVISORY COMMITTEE</b>
3.86.010	Created - Organization.
3.86.020	Procedure and Rules.
3.86.030	Duties.
<b>Chapter 3.88</b>	<b>INVESTMENT ADVISORY COMMITTEE</b>
3.88.010	Created - Organization.
3.88.020	Procedure and Rules.
3.88.030	Duties.
<b>Chapter 3.94</b>	<b>OFFICE OF PLANNING AND DEVELOPMENT</b>
3.94.010	Creation and Functions.
3.94.020	Line of Authority.
<b>Chapter 3.95</b>	<b>BUREAU OF ECONOMIC DEVELOPMENT</b>
3.95.010	Creation and Functions.
<b>Chapter 3.96</b>	<b>OFFICE OF NEIGHBORHOOD INVOLVEMENT</b>
3.96.010	Purpose.
3.96.020	Definitions.
3.96.030	Neighborhood Associations.
3.96.040	Functions of District Coalitions.
3.96.050	Responsibility of City Agencies.
3.96.060	Responsibilities of the Office of Neighborhood Involvement.
<b>Chapter 3.98</b>	<b>TOWING BOARD OF REVIEW</b>
3.98.010	Created - Organization.
3.98.020	Procedure and Rules.
3.98.030	Staff.
3.98.040	Contracts - Rates.



- 3.98.050 Eligibility.
- 3.98.060 Powers of Board.
- 3.98.080 Appeals.

**Chapter 3.99 FAIR WAGE POLICIES**

- 3.99.005 Policy.
- 3.99.010 Covered Services.
- 3.99.015 Compliance.
- 3.99.020 Adjustments.

**Chapter 3.100 EQUAL OPPORTUNITY**

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

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

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

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

- 3.102.010      Definitions.
- 3.102.020      Application for Limited Assessment.
- 3.102.030      Review of Application.
- 3.102.040      Certificate of Qualification.
- 3.102.050      Affordability Agreement.
- 3.102.060      Assessment.
- 3.102.070      Annual Statements.
- 3.102.080      Termination.
- 3.102.090      Designation of Homebuyer Opportunity Areas.
- 3.102.100      Sunset of the Exemption for Owner-Occupied Rehabilitation and New Single-Unit Residences in Distressed Areas.

**Chapter 3.103**                    **PROPERTY TAX EXEMPTION FOR NEW TRANSIT SUPPORTIVE RESIDENTIAL OR MIXED USE DEVELOPMENT**

- 3.103.005      Purpose.
- 3.103.010      Definitions.
- 3.103.020      Eligible Projects and Sites.
- 3.103.025      Pre-application Procedure.
- 3.103.030      Application Procedure.
- 3.103.040      Public Benefits.
- 3.103.045      Approval Criteria.
- 3.103.050      Review of Application.
- 3.103.060      Exemption.
- 3.103.070      Termination.
- 3.103.080      Extension of Deadline.
- 3.103.090      Implementation.

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

- 3.104.010    Eligible Property.
- 3.104.020    Pre-application Conference.
- 3.104.030    Application Procedure.
- 3.104.040    Public Benefits.
- 3.104.045    Approval Criteria.
- 3.104.050    Review of Application.
- 3.104.055    Rate of Return Analysis
- 3.104.060    Exemption.
- 3.104.070    Termination.
- 3.104.080    Extension of Deadline.
- 3.104.085    Program Review.
- 3.104.090    Implementation.

**Chapter 3.106**                    **EXPOSITION-RECREATION COMMISSION**

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

**Chapter 3.107**                    **WATER QUALITY ADVISORY COMMITTEE**

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

**Chapter 3.110**                    **BUREAU OF HYDROELECTRIC POWER**

- 3.110.010    Creation and Function.
- 3.110.020    Jurisdiction.

**Chapter 3.111**                    **OFFICE OF SUSTAINABLE DEVELOPMENT**

- 3.111.010    Creation.
- 3.111.020    Purpose and Function.
- 3.111.030    Solar Access Permit Policy.
- 3.111.040    Solar Access Permit Purpose.
- 3.111.050    Definitions.

- 3.111.060 Affected Zones.
- 3.111.070 Application for a Solar Access Permit.
- 3.111.080 Standards of Approval.
- 3.111.090 Procedure.
- 3.111.100 Issuance and Recordation.
- 3.111.110 Obligation Created by a Solar Access Permit: Assignment of Costs.
- 3.111.120 Enforcement.
- 3.111.130 Termination of a Solar Access Permit.
- 3.111.140 Reapplication for a Solar Access Permit.

**Chapter 3.112 SUSTAINABLE DEVELOPMENT COMMISSION**

- 3.112.010 Sustainable Development Commission; Mission.
- 3.112.020 Powers and Duties.
- 3.112.030 Membership.
- 3.112.040 Officers.

**Chapter 3.114 OFFICE OF CABLE COMMUNICATIONS AND FRANCHISE MANAGEMENT**

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

**Chapter 3.115 MT. HOOD CABLE REGULATORY COMMISSION**

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

**Chapter 3.116 WATERWAYS ADVISORY COMMITTEE**

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

<b>Chapter 3.122</b>	<b>ECONOMIC IMPROVEMENT DISTRICTS</b>
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.

<b>Chapter 3.123</b>	<b>PORTLAND UTILITY REVIEW BOARD</b>
3.123.010	Created - Purpose.
3.123.020	Scope.
3.123.030	Membership.
3.123.040	Appointments - Composition.
3.123.050	Recruitment Process.
3.123.060	Terms.
3.123.070	Standing Committees.
3.123.080	Staffing.
3.123.090	Meeting Schedule.
3.123.100	By-Laws.
3.123.110	Annual Report and Work session.

<b>Chapter 3.124</b>	<b>PORTLAND OFFICE OF EMERGENCY MANAGEMENT</b>
3.124.010	Definitions.
3.124.020	Portland Office 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.

**Chapter 3.125           DISASTER POLICY COUNCIL**

- 3.125.010 Disaster Policy Council.
- 3.125.020 Powers and Duties.
- 3.125.030 Membership.
- 3.125.040 Staff Support to Disaster Policy Council.

**Chapter 3.126           EMERGENCY MANAGEMENT COMMITTEE**

- 3.126.010 Powers and Duties of the Emergency Management Committee.
- 3.126.020 Emergency Management Committee Chair.
- 3.126.030 Membership.
- 3.126.040 Staff Support to Emergency Management Committee.
- 3.126.050 Emergency Management Steering Committee.

**Chapter 3.127           BUREAU OF PORTLAND FIRE AND POLICE DISABILITY AND RETIREMENT**

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

Chapter 3.124

PORTLAND OFFICE OF  
EMERGENCY MANAGEMENT

(New Chapter added by Ordinance  
No. 178616, effective July 21, 2004.)

**Sections:**

- 3.124.010 Definitions.
- 3.124.020 Portland Office 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.

**3.124.010 Definitions.**

(Amended by Ordinance No. 181352, effective October 10, 2007.)

- A. “Director” shall mean the director of the Portland Office of Emergency Management.
- B. “Disaster” means an occurrence of or threat of imminent widespread or severe damage, injury, or loss of life or property regardless of cause which in the determination of the Mayor or designated public official, causes or will cause significant damage as to warrant disaster assistance from outside City resources to supplement the efforts and available resources of the City to alleviate the damage, loss, hardship or suffering caused.
- C. “Disaster Policy Council” is the City’s policymaking body which advises the Mayor on public policy regarding pertinent decisions necessary in a disaster event. The DPC meets twice a year at the change of the President or at the Mayor’s request.
- D. “Emergency” means any natural, technological or human caused, event or circumstance causing or threatening: loss of life, injury to persons or property, human suffering or financial loss including but not limited to fire, flood, earthquake, severe weather, drought, volcanic activity, explosion, spills or releases of petroleum products or other hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, unmanageable crisis, influx of migrants, civil disturbance, riot, sabotage and war.

**TITLE 3  
ADMINISTRATION**

- E.** “Emergency Coordination Center” is the centralized location where local officials may coordinate activities and implement direction from the Mayor. The primary responsibility of the emergency coordination center is to provide information, policy direction, prioritization of resources, and coordination for any emergency or disaster.
- F.** “Emergency Management Committee” shall be designated bureau emergency coordinators established to develop and implement plans, programs and training exercises to promote integrated disaster response efforts.
- G.** “Emergency Operations Center” is a location where information from one bureau is collected to determine the tactical decisions and use of resources relative to the bureau’s mission, and responsibilities.

**3.124.020 Portland Office of Emergency Management.**

There is established by the City Council the Portland Office of Emergency Management as a part of the Mayor’s portfolio and charged with the implementation of Title 15, the Emergency Code.

**3.124.030 Purpose.**

(Amended by Ordinance No. 181352, effective October 10, 2007.) The purpose of the Portland Office of Emergency Management is to provide comprehensive emergency management planning in preparing for, mitigating against, responding to and recovering from emergencies and disasters. The Portland Office of Emergency Management has authority to coordinate City preparedness, mitigation, response and recovery actions.

**3.124.040 Organization.**

(Amended by Ordinance Nos. 180917 and 181352, effective October 10, 2007.) The Portland Office of Emergency Management (POEM) shall be directly responsible to the Mayor and, thereafter, to the City Council. All City Bureaus shall provide the POEM with necessary information and assistance in the times of emergency or disaster.

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

(Amended by Ordinance No. 181352, effective October 10, 2007.) The Director of the Portland Office of Emergency Management shall:

- A.** Be responsible for managing the Office of Emergency Management;
- B.** Serve as the principle strategic advisor to the Mayor and Council on emergency management matters regarding the City’s preparedness and the plans for prevention, mitigation, response and recovery to and from natural and human caused emergencies and disasters;



**TITLE 3  
ADMINISTRATION**

- C.** Lead and coordinate the activities of the City's Emergency Management Committee and the Emergency Management Steering Committee;
- D.** Oversee and coordinate development and maintenance of the City's overall Comprehensive Emergency Management Plan;
- E.** Be responsible for integrating emergency preparedness, mitigation, response and recovery related activities and programs both within the City and with outside organizations and agencies;
- F.** Review and propose amendments as necessary to all existing City emergency preparedness and management plans and, as appropriate, provide Council with the documentation necessary for its review and approval of the same.

**3.124.060 Staff and Delegation.**

(Amended by Ordinance No. 181352, effective October 10, 2007.)

- A.** The Director may appoint an Operations Manager who is accountable to the Director and other personnel necessary to carry out the provisions of this chapter, when in keeping with the adopted budget for the Portland Office of Emergency Management or specially funded projects.
- B.** The Director may delegate to his or her staff members any of the Director's duties when the Director is not available or able to perform those duties.
- C.** The Operations Manager shall succeed to all duties and responsibilities of the Director, including those specified by ordinance.
- D.** The line of succession for the POEM is: Director, Operations Manager, Training and Exercises Manager, Planning Manager, Community Emergency Services Manager, Senior Fire Liaison.

**TITLE 3  
ADMINISTRATION**

**Chapter 3.125**

**DISASTER POLICY COUNCIL**

(New Chapter added by Ordinance  
No. 178616, effective July 21, 2004.)

**Sections:**

- 3.125.010 Disaster Policy Council.
- 3.125.020 Powers and Duties.
- 3.125.030 Membership.
- 3.125.040 Staff Support to Disaster Policy Council.

**3.125.010 Disaster Policy Council.**

(Amended by Ordinance No. 181352, effective October 10, 2007.) There is hereby created a Disaster Policy Council (DPC) charged with providing policy oversight of integrated citywide emergency preparedness activities and initiatives and decision making guidance in response to citywide emergencies and disasters.

**3.125.020 Powers and Duties.**

(Amended by Ordinance No. 181352, effective October 10, 2007.) The Disaster Policy Council is the City's policymaking body which advises the mayor on public policy regarding pertinent decisions necessary in a disaster event. The DPC meets twice a year (January and July) at the change of the President of the Council or at the Mayor's request.

**3.125.030 Membership.**

(Amended by Ordinance No. 181352, effective October 10, 2007.) The Disaster Policy Council shall consist of the following members:

- A. The Mayor, who shall be Chair;
- B. Commissioner serving as President of the City Council, who shall be Vice Chair;
- C. City Auditor;
- D. Chief Administrative Officer;
- E. City Attorney;
- F. Director, Portland Office of Emergency Management;

- G.** Chief of Portland Fire & Rescue;
- H.** Chief of Portland Police Bureau;
- I.** Director, Portland Office of Transportation;
- J.** Director, Water Bureau;

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

(Amended by Ordinance No. 181352, effective October 10, 2007.) The Portland Office of Emergency Management shall provide staff support to the Disaster Policy Council.

**Chapter 3.126**

**EMERGENCY MANAGEMENT COMMITTEE**

(New Chapter added by Ordinance  
No. 178616, effective July 21, 2004.)

**Sections:**

- 3.126.010 Powers and Duties of the Emergency Management Committee.
- 3.126.020 Emergency Management Committee Chair.
- 3.126.030 Membership.
- 3.126.040 Staff Support to Emergency Management Committee.
- 3.126.050 Emergency Management Steering Committee.

**3.126.010 Powers and Duties of the Emergency Management Committee.**

(Amended by Ordinance No. 181352, effective October 10, 2007.) There is hereby created an Emergency Management Committee, charged with developing and, after approval by the Disaster Policy Council and City Council, as appropriate, implementing plans, programs and training exercises to promote integrated disaster response efforts. The Emergency Management Committee will provide operational direction for implementation of the programs and policies established by the Disaster Policy Council.

**3.126.020 Emergency Management Committee Chair.**

(Amended by Ordinance No. 181352, effective October 10, 2007.) The Emergency Management Committee shall be chaired by the Director, Portland Office of Emergency Management, or in his/her absence by the POEM Operations Manager. The Emergency Management Committee shall meet quarterly or upon call of the Chair, or in his/her absence from the City, upon call of the POEM Emergency Manager.

**TITLE 3  
ADMINISTRATION**

**3.126.030 Membership.**

(Amended by Ordinance No. 181352, effective October 10, 2007.) The Emergency Management Committee shall consist of designated bureau emergency coordinators from each city bureau. Bureau representatives shall be designated by bureau directors and shall be senior managers who are knowledgeable about their respective bureau mission and operations. Bureau directors shall be responsible for notifying the Portland Office of Emergency Management if there is a change in their designated bureau emergency coordinator.

**3.126.040 Staff Support to Emergency Management Committee.**

The Portland Office of Emergency Management shall provide staff support to the Emergency Management Committee.

**3.126.050 Emergency Management Steering Committee.**

(Added by Ordinance No. 181352, effective October 10, 2007.) The Emergency Management Steering Committee (EMSC) membership consists of representatives from Water, Fire, Police, Environmental Services, Parks, Transportation/Maintenance, Emergency Communications and POEM. The EMSC will provide input into projects and policies to integrate effective practices in emergency preparedness and response.

**Chapter 3.127**

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

(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;
- 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.

**TITLE 3  
ADMINISTRATION**

---

---

POLICE ARREST DOCKET AND MUNICIPAL COURT TRANSCRIPT  
City of Portland, Oregon  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
Bureau of Police

<u>Name of Defendant</u>	<u>Address of Defendant</u>	<u>Arresting Officer</u>	<u>Complainant</u>	<u>Charge</u>	<u>Where</u>	<u>Age</u>
<u>Nativity</u>	<u>Occupation</u>	<u>Bail</u>	<u>Plea</u>	<u>Fine</u>	<u>Days</u>	<u>Remarks</u>

---

---

FIGURE 1 - (Section 3.20.130)

**TITLE 7  
BUSINESS LICENSES**

any financial information submitted or disclosed to the City under the terms of the Business License Law. Nothing in this Section shall be construed to prohibit:

- A. The disclosure of the names and addresses of any persons that have a Bureau account;
- B. The disclosure of general statistics in a form which would prevent the identification of financial information regarding an individual licensee;
- C. The filing of any legal action by or on behalf of the Bureau to obtain payment on unpaid accounts; or
- D. The assignment to an outside collection agency of any unpaid account balance receivable, provided that the Bureau notifies the licensee of the unpaid balance at least 60 days prior to the assignment of the claim. Any assignment to an outside collection agency is subject to a reasonable collection fee, above and beyond any amount owed to the Bureau.

**7.02.240 Persons to Whom Information May be Furnished.**

(Amended by Ordinance No. 181445, effective November 21, 2007.)

- A. The Bureau may disclose and give access to information described in Section 7.02.230 to an authorized representative of the Department of Revenue, State of Oregon, or any local government of the State of Oregon imposing taxes upon or measured by gross receipts or net income, for the following purposes:
  - 1. To inspect the license application or renewal return of any licensee;
  - 2. To obtain an abstract or copy of the license application or renewal return;
  - 3. To obtain information concerning any item contained in any application or renewal return; or
  - 4. To obtain information of any financial audit of any renewal returns of any licensee.

Such disclosure and access shall be granted only if the laws, regulations or practices of such other jurisdiction maintain the confidentiality of such information at least to the extent provided by the Business License Law.

- B. Upon request of a licensee, or authorized representative, the Bureau shall provide copies of the licensee's application and/or renewal returns filed with the Bureau for any license year.

**TITLE 7  
BUSINESS LICENSES**

- C.** The Bureau may also disclose and give access to information described in Section 7.02.230 to:
- 1.** The City Attorney, his or her assistants and employees, or other legal representatives of the City, to the extent the Bureau deems disclosure or access necessary for the performance of the duties of advising or representing the Bureau, including but not limited to instituting legal actions on unpaid accounts.
  - 2.** Other employees, agents and officials of the City, to the extent the Bureau deems disclosure or access necessary for such employees, agents or officials to
    - a.** aid in any legal collection effort on unpaid accounts,
    - b.** perform their duties under contracts, agreements or written policies and procedures between the Bureau and any other department, bureau, agency or subdivision of the City relating to the administration of the Business License Law, or
    - c.** aid in determining whether a Bureau account is in compliance with all City, State and Federal laws or policies.
- D.** Officials, employees and agents of the Bureau or City, prior to the performance of duties involving access to financial information submitted to the Bureau under the terms of the Business License Law, shall be advised in writing of the provision of Section 7.02.730 relating to penalties for the violation of Sections 7.02.230 and 7.02.255. Such employees, agents and officials shall execute a certificate in a form prescribed by the Bureau, stating that the person has reviewed these provisions of law and is aware of the penalties for the violation of Sections 7.02.230 and 7.02.255. The requirements of this subsection do not apply to officials, employees and agents of the Bureau or City who are given access to financial information as part of their duties to process refunds and refund-related documents.
- E.** Prior to any disclosures permitted by this Section, all persons described in subsection A above, to whom disclosure or access to financial information is given, shall:
- 1.** Be advised in writing of the provisions of Section 7.02.730 relating to penalties for the violation of Section 7.02.230; and



2. Execute a certificate, in a form prescribed by the Bureau, stating these provisions of law have been reviewed and they are aware of the penalties for the violation of Section 7.02.230.

**7.02.250 Licensee Representation.**

No person shall be recognized as representing any licensee in regard to any matter relating to the fee of such licensee without written authorization of the licensee or unless the Bureau determines from other available information the person has authority to represent the licensee.

**7.02.255 Representation Restrictions.**

- A. No employee or official of the City shall represent any licensee in any matter before the Bureau. This restriction against licensee representation shall continue for two years after termination of employment or official status.
- B. Members of the Appeals Board, as described in Section 7.02.295 of the Business License Law shall not represent a licensee before the Appeals Board. No member of the Appeals Board shall participate in any matter before the Board if the appellant is a client of the member or the member's firm.

**7.02.260 Examination of Books, Records or Persons.**

- A. The Bureau may examine any books, papers, records or memoranda, including state and federal income or excise tax returns, to ascertain the correctness of any license application or renewal return, or to make an estimate of any license fee. The Bureau shall have the authority, after notice, to:
  1. Require the attendance of any person required to be licensed under the Business License Law, or officers, agents, or other persons with knowledge of the person's business operations, at any reasonable time and place the Bureau may designate;
  2. Take testimony, with or without the power to administer oaths to any person required to be in attendance; and
  3. Require proof for the information sought, necessary to carry out the provisions of this Chapter.
  4. Require the property manager of a tenant in common arrangement to provide financial information related to the arrangement as well as information regarding the owners, including but not limited to the name and last known address of the owners.

**TITLE 7  
BUSINESS LICENSES**

- B.** The Director shall designate the employees who shall have the power to administer oaths hereunder. Such employees shall be notaries public of the State of Oregon.

**7.02.270 Records.**

Every person required to be licensed under the Business License Law shall keep and preserve for not less than seven (7) years such documents and records, including state and federal income or excise tax returns, accurately supporting the information reported on the licensee's application and/or renewal returns, and the calculation of fee for such license year.

**7.02.280 Deficiencies and Refunds.**

- A.** Deficiencies may be assessed and refunds granted any time within the period provided under ORS 314.410, ORS 314.415, and ORS 317.950. The Bureau may by agreement with the licensee extend such time periods to the same extent as provided by statute.
- B.** Consistent with ORS 314.410 (3), in cases where no license application or renewal return has been filed, there shall be no time limit for a notice of deficiency and/or the assessment of fees, penalty, and interest due.
- C.** Notwithstanding subsections A and B, the Bureau is not required to accept any license application or renewal return from a licensee if:
  - 1.** The Bureau obtains a money judgment against the licensee for failure to pay an unpaid account balance due; and
  - 2.** The Bureau or its designee lawfully served the licensee with the lawsuit pursuant to the Oregon Rules of Civil Procedure; and
  - 3.** The license application or renewal return is for a taxable year that is the subject of the money judgment; and
  - 4.** The Bureau gave written notice stating that the licensee had an outstanding balance due at least 60 days before the Bureau (or its designee) filed a lawsuit for those particular tax years.

**7.02.290 Protests and Appeals.**

- A.** Any determination by the Bureau may be protested by the licensee. Written notice of the protest must be received by the Bureau within 30 days after the notice of determination was mailed or delivered to the licensee. The protest shall state the name and address of the licensee and an explanation of the grounds for

**TITLE 7  
BUSINESS LICENSES**

the protest. The Bureau shall respond within 30 days after the protest is filed with the Bureau with either a revised determination or a final determination. The Bureau's determination shall include the reasons for the determination and state the time and manner for appealing the determination. The time to file a protest or the time for the Bureau's response may be extended by the Bureau for good cause. Requests for extensions of time must be received prior to the expiration of the original 30 day protest deadline. Written notice shall be given to the licensee if the Bureau's deadline is extended.

- B.** Any final determination by the Bureau may be appealed by the licensee to the Business License Appeals Board. Written notice of the appeal must be received by the Bureau within 30 days after the final determination was mailed or delivered to the appellant. The notice of appeal shall state the name and address of the appellant and include a copy of the final determination.
- C.** Within 90 days after the final determination was mailed or delivered to the licensee, the appellant shall file with the Business License Appeals Board a written statement containing:
  - 1.** The reasons the Bureau's determination is incorrect, and
  - 2.** What the correct determination should be.

Failure to file such a written statement within the time permitted shall be deemed a waiver of any objections, and the appeal shall be dismissed.

- D.** Within 150 days after the final determination was mailed or delivered to the licensee, the Bureau shall file with the Business License Appeals Board a written response to the appellant's statement. A copy of the Bureau's response shall be promptly mailed to the address provided by the appellant.
- E.** The appellant shall be given not less than 14 days prior written notice of the hearing date and location. The appellant and the Bureau shall have the opportunity to present relevant testimony and oral argument. The Business License Appeals Board may request such additional written comment and documents as it deems appropriate.
- F.** Decisions of the Business License Appeals Board shall be in writing, state the basis for the decision and be signed by the Business License Appeals Board Chair.
- G.** The decision of the Business License Appeals Board shall be final on the date it is issued and no further administrative appeal shall be provided.

**TITLE 7  
BUSINESS LICENSES**

- H.** The filing of an appeal with the Business License Appeals Board shall temporarily suspend the obligation to pay any fee that is the subject of the appeal pending a final decision by the Business License Appeals Board.
- I.** Penalty waiver and/or reduction requests are not subject to the protest/appeal process until the licensee receives written notice from the Bureau that the licensee's request was either denied or only approved in part. The Bureau shall respond to requests to reduce and/or waive late and/or underpayment penalties within 60 days from the date that the written request is received by the Bureau.

**7.02.295 Business License Appeals Board.**

There is hereby created a Business License Appeals Board that shall consist of the following members:

- A.** A member of the public appointed by the City Auditor for a two year term that expires every even year.
- B.** A member of the public appointed by the elected official in Charge of the Bureau, (whether that elected official is the Mayor or a Commissioner) for a two year term that expires every odd year.
- C.** Three members of the public appointed by the Mayor, subject to confirmation by the City Council. In making the initial appointments, one member shall be appointed for one year, one for two years and one for three years. After making the initial appointments, each member shall serve for a term of three years.
- D.** Appointments to the Business License Appeals Board shall be made to provide for an appropriate level of expertise in accounting methods and tax regulation.
- E.** No employee or agent of the City may be appointed to or serve on the Business License Appeals Board.

**7.02.300 Requirements to be Licensed.**

- A.** No person shall do business within the City unless such person shall have first paid a license fee under this Chapter.
- B.** The payment of a license fee required hereunder and the acceptance of such fee by the City shall not entitle a licensee to carry on any business not in compliance with all requirements of this Code and all other applicable laws.
- C.** In the event that a court of competent jurisdiction determines that the requirement to be licensed hereby imposed is unconstitutional with respect to any person, such

person shall pay a tax determined as provided in this Chapter with respect to license fees.

- D.** Any licensee shall be deemed to be doing business within the City within any fiscal year he or she receives income from business activity conducted within the City, notwithstanding that such activity has ceased. Income from business activity that has ceased includes, but is not limited to, income from installment sales (including sales of real property), collection of accounts receivable, covenants not to compete, and income from contractual agreements related to the trade or business activity.

**7.02.310 Duplicate License Certificates.**

Upon request by the licensee a duplicate license certificate may be issued to replace any license certificate previously issued that has been lost or destroyed. Duplicate license certificates will be issued in accordance with the Bureau's written policy.

**7.02.320 License Account Transfer.**

- A.** The Bureau shall require the transfer of a licensee's account if, in the judgment of the Bureau, the successor or transferee business represents a continuity of business which does not change the substance of a business licensed under the Code. The Bureau shall establish guidelines through written policy to explain the requirements of a license transfer.
- B.** In the event of a license account transfer, the license fees for each partial or full year shall be computed upon the incomes earned by each entity involved in the transfer for all tax periods required to be reported under state and federal tax laws and regulations. The transferring license fee for the license year following the transfer shall be based upon the income of the transferor and shall be computed as though the transferor were continuing in business as the same tax entity.

**7.02.330 License Account Merger or Division.**

When two or more licensees combine by merger or acquisition into one reporting entity, or one licensee divides or spins off into more than one reporting entity, the license fee for the license year after the combination or division shall be computed upon the incomes earned by all entities for all tax periods required to be reported under state and federal tax laws and regulations.

**7.02.350 License Certificate Term.**

- A.** Each license year shall begin on the first day of the month in which a licensee was required to be licensed. Each license year shall expire at the end of the applicable tax period on the basis of which the licensee computes net income under the

**TITLE 7  
BUSINESS LICENSES**

applicable laws of the State of Oregon imposing taxes on or measured by net income, but shall not exceed one year.

- B.** Notwithstanding the expiration of the license certificate term, no person shall be deemed to be in violation of any provision of the Business License Law on account of such person not having filed a renewal return during the period of time permitted under Section 7.02.510 for the filing of such renewal return, provided that such renewal return shall have been filed before the end of such period.

**7.02.360 Temporary License Certificates and Fees.**

- A.** Notwithstanding other provisions of the Business License Law, persons doing business as provided in this Section shall apply for and obtain temporary business license certificates and pay the fees as provided herein.

- 1.** Vendors not located in a permanent structure and operators of amusement rides not in the same location for more than 14 days shall pay a temporary license fee of \$10 per day per vendor and \$10 a day for each ride operated.
- 2.** Promoters of commercial entertainment doing business in the City and production companies filming in the City for no more than 3 days in any calendar year shall pay a temporary license fee of \$25 per day. Any person doing business as a performing artist at a commercial entertainment event conducted by a licensed promoter shall be deemed to be in compliance with the Business License Law.
- 3.** Vendors conducting limited, seasonal sales (including, but not limited to, Christmas trees or fireworks), operating in temporary locations shall pay a temporary license fee of \$10 per day for each location, not to exceed \$100 per location.

- B.** Income from activity for which a temporary license certificate has been obtained shall be exempt from the business license requirements of Section 7.02.540 and 7.02.545.

**7.02.400 Exemptions.**

To the extent set forth below, the following persons or incomes are exempt from the requirements of the Business License Law:

- A.** Persons whom the City is prohibited from taxing under the Constitution or laws of the United States, the Constitution or laws of the State of Oregon, or the Charter of the City.

**TITLE 7  
BUSINESS LICENSES**

- B.** Income arising from transactions which the City is prohibited from taxing under the Constitution or the laws of the United States, the Constitution or laws of the State of Oregon, or the Charter of the City.
- C.** Persons whose gross receipts from all business, both within and without the City, amounts to less than \$50,000 (\$25,000 for tax years that begin prior to January 1, 2007). The Bureau may demand a statement that the person's gross receipts for the license year will be less than \$50,000. If such person shall have been exempt hereunder during the prior tax year, an additional statement shall be filed indicating the gross receipts for such year were less than \$50,000 or indicating the amount thereof.
- D.** Corporations exempt from the Oregon Corporation Excise Tax under ORS 317.080, provided that any such corporation subject to the tax on unrelated business income under ORS 317.920 to 317.930 shall pay a license fee based solely on such income.
- E.** Trusts exempt from Federal income tax under Internal Revenue Code Section 501, provided that any exempt trust subject to tax on unrelated business income and certain other activities under Internal Revenue Code Section 501 (b), shall pay a license fee based solely on that income.
- F.** Any individual whose only business transactions are exclusively limited to the renting or leasing of residential real property dwelling units provided that the beneficial owner rents or leases less than ten total units, regardless of whether they are located inside or outside of the Portland City limits. For purposes of this subsection, payments to foster care and other service providers shall be considered payments for "services" and not for "rent." If a building contains more than one residential living quarter, the term "dwelling unit" refers to each separate living quarter. This exemption does not apply if any income is recognized from the sale of residential rental property.
- G.** The following incomes of an individual:
  - 1.** Income from sales, exchanges or involuntary conversions of a primary or secondary residence;
  - 2.** Income from the sale of personal property acquired for household or other personal use by the seller;
  - 3.** Income from interest and dividend income earned from investments if the income is not created in the course of or related to the licensee's business activities;

**TITLE 7  
BUSINESS LICENSES**

4. Income from gains and losses incurred from the sale of investments (other than real property) that are not a part of a business.
- H.** Any person whose only business transactions are exclusively limited to the following activities:
1. Raising, harvesting and selling of the person's own crops, or the feeding, breeding, management and sale of the person's own livestock, poultry, furbearing animals or honeybees, or sale of the produce thereof, or any other agricultural, horticultural or animal husbandry activity carried on by any person on said person's own behalf and not for others, or dairying and the sale of dairy products to processors. This exemption shall not apply if, in addition to the farm activities described in this subsection, the person does any processing of the person's own farm products which changes their character or form, or the person's business includes the handling, preparation, storage, processing or marketing of farm products raised or produced by others; or the processing of milk or milk products whether produced by said person or by others for retail or wholesale distribution.
  2. Operating within a permanent structure a display space, booth or table for selling or displaying merchandise by an affiliated participant at any trade show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any tax year.
- I.** Gross incomes subject to Chapters 7.12 or 7.14. Unless otherwise prohibited by law, income which is not otherwise subject to Chapters 7.12 or 7.14 is subject to the Business License Law.
- J.** Gross incomes subject to franchise fees under residential solid waste, recycling and yard debris collection franchises issued by the City of Portland. Income which is not otherwise subject to such franchise fees is subject to the Business License Law.

**7.02.500 Fee Rate.**

- A.** The fee established by the Business License Law shall be 2.2 percent of adjusted net income, except as provided in subsections B. and C. of this section.
- B.** Surcharge applicable to Tax Years 2002 through 2005
1. For the tax year beginning on or after January 1, 2002, a surcharge is imposed in addition to the 2.2 percent fee established in subsection A above, in an amount calculated by the Director to be sufficient to raise \$20 million net of City costs, with the proceeds of that surcharge to be



**TITLE 7  
BUSINESS LICENSES**

dedicated to supplementing the funding provided by the State to the public schools within the City, and allocated to all of the public school districts within the City of Portland. The decision of the Director as to the surcharge amount shall be final. Allocation will be based on Average Daily Membership, weighted (ADMw) for the 2002 and 2003 tax years, and on an equitable method determined by the City Council for the 2004 and 2005 tax years.

2. No penalties or interest for failure to make quarterly estimated payments in the amount of the surcharge shall be charged or imposed for the 2002 tax year.
3. For tax years beginning on or after January 1, 2003, a surcharge is imposed in an amount sufficient to produce a net \$6 million for each tax year, to be dedicated as provided in subsection B. of this section. The Director shall calculate for the 2003, 2004 and 2005 tax years the surcharge amount that is expected to result in raising the specified amount and shall provide notice of the surcharge amount for each tax year. The decision of the Director as to the surcharge amount shall be final.
4. If the surcharge calculated by the Director for any tax year raises more than the specified amount in that tax year, the surcharge calculated for the ensuing tax year shall be adjusted to reduce the amount to be raised by the amount of the excess raised in the previous tax year.
5. If the surcharge calculated by the Director for any tax year raises less than the specified amount in that tax year, the surcharge calculated for the ensuing tax year shall be adjusted to increase the amount to be raised by the amount of the deficit in the previous tax year.
6. If the surcharge amount calculated by the Director raises more than \$500,000 in excess of the required amount for the final tax year in which the surcharge is imposed, the excess shall be refunded to or may be retained as a credit for fees due in the ensuing tax year.
7. This surcharge shall be terminated at the time the net \$38 million has been raised for school funding.

**C. Surcharge Applicable to Tax Years 2006 through 2007**

1. For the tax year beginning on or after January 1, 2006, a surcharge is imposed in addition to the 2.2 percent fee established in subsection A above, in an amount calculated by the Director to be sufficient to raise \$6 million plus City costs and minus the amount of the remaining balance

**TITLE 7**  
**BUSINESS LICENSES**

from the surcharge for the Tax Years 2002-2005. The proceeds of the surcharge shall be dedicated to supplementing the funding provided by the State to the public schools within the City, and allocated to all of the public school districts within the City of Portland. The proceeds of the surcharge shall be used by the school districts only for programs and activities on which the City is authorized to expend funds pursuant to its charter and state law. The decision of the Director as to the surcharge rate shall be final. Allocation will be based on ADMw.

2. No penalties or interest for failure to make quarterly estimated payments in the amount of the surcharge shall be charged or imposed for the 2006 tax year.
3. For the tax year beginning on or after January 1, 2007, a surcharge is imposed in addition to the 2.2 percent fee established in subsection A above, in an amount calculated by the Director to be sufficient to raise \$3 million plus City costs, with the proceeds of that surcharge to be dedicated as provided in Subsection C.1 of this Section. The decision of the Director as to the surcharge rate shall be final.
4. If the Director determines prior to calculating the surcharge for the 2007 tax year that the surcharge calculated by the Director for the 2006 tax year raised more than the specified amount in that tax year, the surcharge calculated for the 2007 tax year shall be adjusted to reduce the amount to be raised by the amount of the excess raised in the previous tax year.
5. If the Director determines prior to calculating the surcharge for the 2007 tax year that the surcharge calculated by the Director for the 2006 tax year raised less than the specified amount in that tax year, the surcharge calculated for the 2007 tax year shall be adjusted to increase the amount to be raised by the amount of the deficit in the previous tax year.
6. If the surcharge calculated by the Director raises more than \$9 million plus City costs but less than \$9.5 million plus City costs for the 2006 and 2007 tax years combined, the excess over \$9 million, less City costs, shall be dedicated to public schools within the City as provided in Subsection C.1 of this Section. If the surcharge calculated by the Director raises more than \$9.5 million plus City costs for the 2006 and 2007 tax years combined, the excess over \$9 million, less City costs, shall be retained as a credit for fees due in a later tax year. The Director shall apply the credit to fees due no later than the 2010 tax year. The Director shall have sole discretion to determine the method of calculating and distributing credits.

**7.02.510 License Application Renewal Return and Fee Due Dates.**

- A.** All persons required to be licensed shall apply to the Bureau upon application forms provided or approved by the Bureau. Thereafter, licensees shall file renewal returns with the Bureau. The following timing requirements shall apply:
  - 1.** Applications shall be filed, together with the specified license fee, before the applicant begins to do business in the City, and,
  - 2.** Renewal returns shall be filed by the 15th day of the 4th month following the end of the term of the prior license year.
- B.** The Bureau may, for good cause, grant extensions for filing renewal returns, except that no extension may be granted for more than six (6) months beyond the initial filing due date. This extension does not extend the time to pay the fee.
- C.** Applications and renewal returns shall contain a written declaration, verified by the applicant or licensee, to the effect that the statements made therein are true.
- D.** The Bureau shall prepare blank applications and renewal returns and make them available at its office upon request. Failure to receive or secure a form shall not relieve any person from the obligation to pay a license fee and be licensed under the Business License Law.

**7.02.520 Quarterly Estimates.**

For tax years beginning on or after January 1, 1994, every licensee expecting to have a fee liability under Section 7.02.500 of \$1,000 or greater shall make an estimate of the fee based upon the licensee's current tax year and pay the amount of fee determined as provided in Section 7.02.530.

**7.02.530 Schedule for Payment of Estimated Fee.**

A licensee required under Section 7.02.520 to make payments of estimated license fees shall make the payments in installments as follows:

- A.** One quarter or more of the estimated fee on or before the 15th day of the fourth (4th) month of the tax year; and
- B.** One quarter or more of the estimated fee on or before the 15th day of the sixth (6th) month of the tax year; and
- C.** One quarter or more of the estimated fee on or before the 15th day of the ninth (9th) month of the tax year; and

**TITLE 7**  
**BUSINESS LICENSES**

- D.** The balance of the estimated fee shall be paid on or before the 15th day of the twelfth (12th) month of the tax year.
- E.** Any payment of the estimated fee received by the Bureau for which the licensee has made no designation of the quarterly installment to which the payment is to be applied, shall first be applied to underpayments of estimated fees due for any prior quarter of the tax year. Any excess amount shall be applied to the installment that next becomes due after the payment was received.

**7.02.540 Fee - Applications.**

- A.** Each application shall be accompanied by a reasonable estimate of the income of the business to be licensed for the first license year and by an estimated fee at the rate established in Section 7.02.500 applied to such estimated income, provided that each such application shall be accompanied by a minimum fee of \$100.
- B.** Upon the filing of the licensee's first renewal return, or first renewal return after a license year in which the licensee was not required to be licensed, the estimated fee paid with the application shall be adjusted by being computed on the actual income of the first license year. This adjustment computation shall be in addition to the computation on the renewal fee in accordance with Section 7.02.545.
  - 1.** If the license fee so determined exceeds the estimated fee previously paid, the renewal return shall be accompanied by such additional fee plus interest thereon as specified in Section 7.02.710.
  - 2.** If the estimated fee exceeds the fee shown on the renewal return, the overpayment may be credited against the license fee due from the licensee for the next license year, and any additional overpayment may be refunded to the licensee. However, the minimum fee required by Section 7.02.540.A shall not be credited or refunded.

**7.02.545 Fee - Renewal Returns.**

Except as provided in Section 7.02.540, each renewal return shall be accompanied by a fee at the rate established in Section 7.02.500 applied to the income of the licensed business for the tax year immediately prior to which the return is filed, provided that each such renewal return shall be accompanied by a minimum fee of \$100 plus any amount due as a result of the temporary surcharge established in Section 7.02.500 B. and D. The minimum payment may have previously been paid by quarterly payments, an extension payment, or credit available from a prior tax year.

**7.02.550 Presumptive Fee.**

- A. If a person fails to file a license application or a renewal return, a rebuttable presumption shall exist that the fee payable amounts to \$500 for every license year for which an application or renewal return has not been filed.
- B. Nothing in this Section shall prevent the Bureau from assessing a fee due which is less than or greater than \$500 per license year.
- C. Presumptive fees assessed under this subsection shall be considered an initial application if the licensee did not file an initial application during the previous tax year. If the licensee filed either an initial application or a renewal return the previous tax year, then presumptive fees assessed under this subsection shall be considered a renewal return. In either situation, presumptive fees assessed under this subsection shall be considered filed documents and shall be subject to the time limitations for deficiencies and refunds as described in subsection 7.02.280.
- D. Fees determined under this subsection shall be assessed and subject to penalties and interest from the date the fees should have been paid as provided in Section 7.02.510 in accordance with Sections 7.02.700 and 7.02.710. The Bureau shall send notice of the determination and assessment to the person doing business in the City.

**7.02.560 Payment Plan Fee.**

If a person fails to pay the license fee when due, the Bureau may establish a payment plan and charge a set up fee pursuant to written policy.

**7.02.600 Income Determinations.**

- A. **Owners Compensation Deductions.** “Owners Compensation Deduction is defined as the additional deduction allowed in Sections B, C, and D Below. For tax years beginning prior to January 1, 1999, the owner’s compensation deduction cannot exceed \$50,000 per owner, as defined in Sections B, C, and D below. For tax years beginning after January 1, 1999, the owners compensation deduction will be indexed by the Consumers Price Index - All Urban Consumers (CPI-U) US City Average as published by the US Department of Labor, Bureau of Labor Statistics, using the September to September index, not seasonally adjusted (unadjusted index). The initial index will be the September 1998 to September 1999 index. The Bureau will determine the exact deduction amount and publish the amount on forms. Any increase or decrease under this paragraph that is not a multiple of \$500 will be rounded up or down to the next multiple of \$500 at the Bureau’s discretion. For tax years beginning on or after January 1, 2007, the owners compensation deduction cannot exceed \$80,000 per owner as defined in

**TITLE 7  
BUSINESS LICENSES**

Sections B, C and D below. For tax years beginning on or after January 1, 2008, the owners compensation deduction will be indexed as previously described.

- B. Sole Proprietorships.** In determining income, no deduction shall be allowed for any compensation for services rendered by, or interest paid to, owners. However, 75 percent of income determined without such deductions shall be allowed as an additional deduction, not to exceed the amounts listed in subsection A per owner.
- C. Partnerships.** In determining income, no deductions shall be allowed for any compensation for services rendered by, or interest paid to, owners of partnerships, limited partnerships, limited liability companies, limited liability partnerships, or family limited partnerships. Guaranteed payments to partners or members shall be deemed compensation paid to owners for services rendered. However:
1. For general partners or members, 75 percent of income determined without such deductions shall be allowed as an additional deduction, not to exceed the amounts listed in subsection A per general partner or member.
  2. For limited partners or members of LLCs who are deemed limited partners by administrative rule or policy, 75 percent of income determined without such deductions shall be allowed as an additional deduction, not to exceed the lesser of actual compensation and interest paid or the amounts listed in subsection A per compensated limited partner.
- D. Corporations.** In determining income, no deduction shall be allowed for any compensation for services rendered by, or interest paid to, controlling shareholders of any corporation, including but not limited to, C and S corporations and any other entity electing treatment as a corporation, either C or S. However, 75 percent of the corporation's income, determined without deduction of compensation or interest, shall be allowed as a deduction in addition to any other allowable deductions, not to exceed the lesser of the actual compensation and interest paid or the amounts listed in subsection A for each controlling shareholder.
1. For purposes of this subsection, to calculate the compensation for services rendered by or interest paid to controlling shareholders that must be added back to income, wages, salaries, fees or interest paid to all persons meeting the definition of a controlling shareholder must be included.
  2. For purposes of this subsection, in determining the number of controlling shareholders, a controlling shareholder and that person's spouse, parents and children count as one owner, unless such spouse, parent or child individually control more than 5 percent ownership of outstanding stock or securities in their own name. In that case, each spouse, parent or child

**TITLE 7  
BUSINESS LICENSES**

who owns more than 5 percent of stock shall be deemed to be an additional controlling shareholder.

3. For purposes of this subsection, joint ownership of outstanding stock or securities shall not be considered separate ownership.
- E. Estates and Trusts.** In determining income for estates and trusts, income shall be measured before distribution of profits to beneficiaries. No additional deduction shall be allowed.
- F. Non-business Income.** In determining income under this Section, an allocation shall be allowed for non-business income as reported to the State of Oregon. However, income treated as non-business income for State of Oregon tax purposes may not necessarily be defined as non-business income under the Business License Law. Interest and dividend income, rental income or losses from real and personal business property, and gains or losses on sales of property or investments owned by a trade or business shall be treated as business income for purposes of the Business License Law. Income derived from non-unitary business functions reported at the State of Oregon level may be considered non-business income. Non-unitary income will not be recognized at an intrastate level. The licensee shall have the burden of showing that income is non-business income.
- G. Taxes Based on or Measured by Net Income.** In determining income, no deduction shall be allowed for taxes based on or measured by net income. No deduction shall be allowed for the federal built-in gains tax.
- H. Ordinary Gain or Loss.** In determining income, gain or loss from the sale, exchange or involuntary conversion of real property or tangible and intangible personal property not exempt under Sections 7.02.400.G and H shall be included as ordinary gain or loss.
- I. Net Operating Loss.** In determining income, a deduction shall be allowed equal to the aggregate of the net operating losses incurred in prior years, not to exceed 75 percent of the income determined for the current license year before this deduction, but after all other deductions from income allowed by this Section and apportioned for business activity both within and without the City of Portland.
1. When the operations of the licensee from doing business both within and without the City result in a net operating loss, such loss shall be apportioned in the same manner as the net income under Section 7.02.610. However, in no case shall a net operating loss be carried forward from any license year during which the licensee conducted no business within the City or the licensee was otherwise exempt from license requirements.

**TITLE 7  
BUSINESS LICENSES**

2. In computing the net operating loss for any license year, the net operating loss of a prior year shall not be allowed as a deduction.
3. In computing the net operating loss for any license or tax year, no compensation allowance deduction shall be allowed to increase the net operating loss. "Compensation allowance deduction" is defined in Section 7.02.600 A.
4. The net operating loss of the earliest license year available shall be exhausted before a net operating loss from a later year may be deducted.
5. The net operating loss in any license year shall be allowed as a deduction in the 5 succeeding license years until used or expired. Any partial license year shall be treated the same as a full license year in determining the appropriate carry-forward period.

**7.02.610 Apportionment of Income.**

- A. "Business activity" means any of the elements of doing business. However, a person shall not be considered to have engaged in business activities solely by reason of sales of tangible personal property in any state or political subdivision, or solely the solicitation of orders for sales of tangible personal property in any state or political subdivision. Business activities conducted on behalf of a person by independent contractors are not considered business activities by the person in any state or political subdivision.
- B. Any licensee having income from business activity both within and without the City shall determine, in computing the license fee, the income apportioned to the City by multiplying the total net income from the applicant's business by a fraction, the numerator of which is the total gross income of the licensee from business activity in the City during the tax year, and the denominator of which is the total gross income of the licensee from business activity everywhere during the tax year.
- C. In determining the apportionment of gross income within the City under subsection B:
  1. Sales of tangible personal property shall be deemed to take place in the City if the property is delivered or shipped to a purchaser within the City regardless of the f.o.b. point or other conditions of sale. Sales of tangible personal property shipped from the City to a purchaser located where the licensee is not taxable shall not be apportioned to the City.



**TITLE 7  
BUSINESS LICENSES**

2. Sales other than sales of tangible personal property shall be deemed to take place in the City, if the income producing activity is performed in the City or the income producing activity is performed both in and outside the City and a greater portion of the income producing activity is performed in the City than outside the City based on costs of performance.
- D.** Certain industries or incomes shall be subject to specific apportionment and/or allocation methodologies. Such methodologies shall be described in administrative rules adopted in accordance with Section 7.02.210. Industry specific or income specific apportionment methodologies required by Oregon Revised Statutes shall be used in cases where no rule has been adopted by the Bureau regarding the apportionment of such industry or income. In those specific cases where Oregon has directed allocation of income, such income shall be apportioned for purposes of this Chapter, unless allocation is otherwise allowed in this Chapter.
- E.** If the apportionment provisions of subsection B do not fairly represent the extent of the licensee's business activity in the City and result in the violation of the licensee's rights under the Constitution of this State or the United States, the licensee may petition the Bureau to permit the licensee to:
1. Utilize the method of allocation and apportionment used by the licensee under the applicable laws of the State of Oregon imposing taxes upon or measured by net income; or
  2. Utilize any other method to effectuate an equitable apportionment of the licensee's income.

**7.02.620 Changes to Federal and/or State Tax Returns.**

- A.** If a licensee's reported net income under applicable Oregon laws imposing a tax on or measured by income is changed by the federal Internal Revenue Service or the Oregon Department of Revenue, or amended by the licensee to correct an error in the original federal or state return, a report of such change shall be filed with the Bureau within 60 days after the date of the notice of the final determination of change or after an amended return is filed with the federal or state agencies. The report shall be accompanied by an amended renewal return with respect to such income and by any additional fee, penalty, and interest due.
- B.** The Bureau may assess deficiencies and grant refunds resulting from changes to federal, state or business license renewal returns within the time periods provided for in Section 7.02.280, treating the report of change in federal, state or business license returns as the filing of an amended renewal return.

**TITLE 7  
BUSINESS LICENSES**

- C. The Bureau may assess penalties and interest on the additional fee due as provided in Section 7.02.700.A and 7.02.710.A, or may refuse to grant a refund of business license fees as a result of the amended renewal return if the amended renewal return is not filed with the Bureau within the time limits set forth in subsection A.

**7.02.630 Income - Long Term Construction Contract Methods.**

- A. A licensee reporting income using a long term construction contract method shall file an additional renewal return for the licensee's income earned during the last license year, not later than the 15th day of the 4th month following the end of the prior license year during which either:
  - 1. The licensee ceases to do business in the City; or
  - 2. The licensee ceases to receive income from such long term construction contracts.
- B. Net income for such licensee shall include apportioned income arising from all contracts completed during such license year.

**7.02.700 Penalties.**

- A. A penalty shall be assessed if a person:
  - 1. Fails to file a license application, renewal return or extension request at the time required under Section 7.02.510.A or 7.02.620.A; or
  - 2. Fails to pay the fee when due.
  - 3. The penalty under subsection A shall be calculated as:
    - a. Five percent (0.05) of the total fee liability, but not less than \$5, if the failure is for a period less than four (4) months;
    - b. An additional penalty of 20 percent (0.20) of the total fee liability if the failure is for a period of four (4) months or more; and
    - c. An additional penalty of 100 percent (1.00) of the total fee liability of all license years if the failure to file is for three (3) or more consecutive license years.
- B. A penalty shall be assessed if a person who has filed an extension request:

**TITLE 7  
BUSINESS LICENSES**

1. Fails to file a renewal return by the extended due date; or
  2. Fails to pay the fee liability by the extended due date.
  3. The penalty under subsection B shall be calculated as:
    - a. Five percent (0.05) of the total fee liability, but not less than \$5, if the failure is for a period less than four (4) months; and
    - b. An additional penalty of 20 percent (0.20) of the total fee liability if the failure is for a period of four (4) months or more.
- C.** A penalty shall be assessed if a person:
1. Fails to pay at least 90 percent (0.90) of the total fee liability, but not less than \$100, by the original due date; or
  2. Fails to pay at least 100 percent (1.00) of the prior year's total fee liability by the original due date.
  3. The penalty under subsection C shall be calculated as five percent (.05) of the fee underpayment, but not less than \$5.
- D.** The Director may impose a civil penalty of up to \$500 for each of the following violations of the Business License Law:
1. Failure to file any license application or renewal return within 60 days from the due date as further outlined in subsection 7.02.510 of this Chapter;
  2. Failure to pay any fee within 60 days of the Bureau's original written notice for payment; or
  3. Failure to provide documents as required by Section 7.02.260 within 60 days of the Bureau's original written notice to provide documents.
- E.** The Director may impose a civil penalty under subsections D 2 and D 3 only if the Bureau gave notice of the potential for assessment of civil penalties for failure to comply or respond in the original written notice.
- F.** The Bureau may waive or reduce any penalty determined under subsections A through D for good cause, according to and consistent with written policies.

**TITLE 7  
BUSINESS LICENSES**

**7.02.710 Interest.**

- A.** Interest shall be collected on any unpaid license fee at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the original due date of the fee to the 15th day of the month following the date of payment.
- B.** Interest shall be collected on any unpaid or underpaid quarterly estimated payment required by Section 7.02.520 and 7.02.530 at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the due date of each quarterly estimated payment to the original due date of the license application or renewal return to which the estimated payments apply.
- C.** Notwithstanding subsection B. there shall be no interest on underpayment of quarterly estimated payments if:
  - 1.** The total fee liability of the prior license year was less than \$1,000; or
  - 2.** An amount equal to at least 90 percent (0.90) of the total fee liability, but not less than \$100, for the current license year was paid in accordance with Section 7.02.530; or
  - 3.** An amount equal to at least 100 percent (1.00) of the prior year's total fee liability was paid in accordance with Section 7.02.530.
- D.** For purposes of Subsection B, the amount of underpayment is determined by comparing the 90 percent of the current total fee liability amount to quarterly estimated payments made prior to the original due date of the renewal return. However, if 100% of the prior year's total fee liability is paid to the Bureau by the due date of the fourth quarterly payment, the Bureau may use the prior year's fee liability if doing so will reduce the amount of interest owed.
- E.** For purposes of subsection A of this Section, the amount of fee due on the renewal return shall be reduced by the amount of any fee payment made on or before the date for payment of the fee in accordance with Section 7.02.510.A or 7.02.530.
- F.** Interest at the rate specified in subsection A of this Section shall accrue from the original due date without regard to any extensions of the filing date.
- G.** Any interest amounts properly assessed in accordance with this section may not be waived or reduced by the Bureau, unless specifically provided for by written policy.

**7.02.715      Payments Applied.**

License fees received shall first be applied to any penalty accrued, then to interest accrued, then to license fees due, unless the Bureau determines in accordance with its written policies that a more equitable method exists for a particular licensee's account.

**7.02.720      Interest on Refunds.**

When, under a provision of the Business License Law, licensees are entitled to a refund of a portion of the license fee paid to the Bureau, they shall receive simple interest on such amount at the rate specified in Section 7.02.710.A, subject to the following:

- A. Any overpayments shall be refunded with interest for each month or fraction thereof for a period beginning four (4) months after the later of:
  - 1. the original due date of the renewal return, or
  - 2. the date the renewal return was filed or the refund was otherwise requested, or
  - 3. the date the license fee was paid to the date of the refund; and
- B. Any overpayments of fees that are the result of an amended renewal return being filed shall be refunded with interest for each month or fraction thereof for the period beginning four (4) months after the date the licensee filed the amended renewal return. This subsection shall apply to renewal returns that are amended due to a change to the federal, state or renewal return.

**7.02.730      Criminal Penalties for Violation of the Business License Law by City Official, Employee or Agent.**

Anyone knowingly violating Section 7.02.230 may be punished, upon conviction thereof, by a fine not exceeding \$500.00 or by imprisonment for a period not exceeding six (6) months, or by both fine and imprisonment. Any City employee shall, upon conviction, be dismissed from employment and shall be ineligible for holding any position of employment or office in the City for a period of 5 years thereafter. Any agent of the City shall, upon conviction, be ineligible for participation in any City contract for a period of 5 years thereafter.

**7.02.800      Refundable Credit.**

For tax years beginning on or after January 1, 2005, a maximum of four (4) refundable credits of \$500 each are allowed for qualifying businesses that employ disconnected youth. For the purpose of this credit, the terms used in this section shall be defined as provided below or in written policies adopted under Section 7.02.210 unless the context requires otherwise.

**TITLE 7  
BUSINESS LICENSES**

- A. “Local Business”** means a business operating in the pursuit of profit, gain or the production of income that:
1. has at least one physical location (such as an office, warehouse, store or restaurant) within the geographic boundaries of the State of Oregon and/or Clark County, Washington; and
  2. is registered to do business in the State of Oregon and said registration has not expired or otherwise been dissolved; OR is a sole proprietorship that is not legally required to register to do business in the State of Oregon; and
  3. is currently licensed to do business within the City of Portland and has complied with all filing and payment requirements of Portland’s Business License Law and the Multnomah County Business Income Tax Law.
- B. “Disconnected Youth”** means a youth that is
1. a resident of the City of Portland,
  2. is 16-24 years old on the date on which the youth begins working with the local business,
  3. has a household income that is at or below 50% of the HUD Portland Area Median Income, and
  4. one or more of the following apply:
    - a. is receiving (or has received in the last six months) or is a member of a family receiving Temporary Assistance for Needy Families OR Aid to Families with Dependent Children OR Supplemental Security Income; or
    - b. is a 16-24 year old member of a family that is receiving (or has received in the last 6 months) food stamps; or
    - c. is a custodial parent; or
    - d. is a high school drop-out; or
    - e. is an adjudicated youth, meaning that he/she currently is, or has been, in the Oregon Juvenile Justice System or the equivalent thereof in another state.

**TITLE 7  
BUSINESS LICENSES**

- C.** “**Qualified Youth Employment Organization**” means an organization that is qualified and funded to operate youth employment and training programs by the youth certifying agency.
- D.** “**Credit Certificate**” means a pre-numbered certificate issued by the Youth Certifying Agency upon fulfillment of the employment contract. A separate certificate is required for each credit granted to a business.
- E.** “**Youth Certifying Agency**” means an agency that has entered into an agreement or other memorandum of understanding with the Bureau to act as the Youth Certifying Agency for the purpose of this program.
- F.** “**2005 Tax Year**” means a tax year that begins on or after January 1, 2005 and ends on or before November 30, 2006, but does not exceed a 12 month period.
- G.** “**2006 Tax Year**” means a tax year that begins on or after January 1, 2006 and ends on or before November 30, 2007, but does not exceed a 12 month period.
- H.** “**Non-exempt**” means that the local business has not claimed an exemption from the requirements of the Business License Law as defined and provided for in 7.02.400.

**7.02.810 Credits Issued.**

- A.** For the 2005 tax year, a total of 100 refundable credits of \$500 each will be available to non-exempt local businesses. For the 2006 tax year, a total of 100 refundable credits of \$500 each will be available to non-exempt local businesses. The credit is non-refundable if the local business was exempt during the tax year in which it claimed the credit. The credit cannot be used to offset amounts due under the Multnomah County Business Income Tax.
- B.** The 100 refundable credits allocated per year will be issued on a first come, first served basis as measured by the date on which the youth certifying agency completes the certification process for any particular business.
- C.** A maximum of four (4) credits can be claimed on the renewal return based on the taxable income for the tax year in which the credit is claimed. If a consolidated, combined or joint return is required to be filed under Section 7.02.110 B, the consolidated, combined or joint group is limited to a maximum of four (4) credits.
- D.** Credit certificates can only be used in the tax year in which they are claimed and cannot be used in any other tax year.

**TITLE 7  
BUSINESS LICENSES**

- E.** For the 2005 tax year, only hours worked after June 30, 2005 may be counted towards the 300 hour minimum requirement.
- F.** Businesses cannot count reimbursable or otherwise subsidized hours (wages) toward the 300 hours.
- G.** A business may claim a credit for the same disconnected youth in successive tax years, provided that the youth works the required minimum 300 hours in each tax year.
- H.** The 300 hour requirement must be completed during the business' fiscal tax year rather than the calendar year.

**7.02.820 Obligations of Participating Businesses.**

To be eligible to receive a refundable credit and participate in the program, a local business must do each of the following:

- A.** Submit an application to the youth certifying agency that includes an intent to employ an eligible disconnected youth for an average of 25 hours per week and a minimum of 300 hours within four months.
- B.** Contact one or more qualified youth employment organizations for assistance in identifying youth, enrolling a specific youth in one of the qualified youth employment programs in order to pursue eligibility of the youth in the program, and/or seek assistance working with a youth to increase his/her opportunity for employment success.
- C.** Complete employee evaluations or conduct reviews of employees that fall under this program;
- D.** Report employment data for each youth to the participating qualified youth employment organization or the youth certifying agency.

**7.02.830 Collection and Remittance of Donations to "Work for Art," a Program of the Regional Arts & Culture Council.**

The Revenue Bureau is authorized to collect and remit donations from taxpayers to "Work for Art," a program of the Regional Arts & Culture Council.

- A.** Taxpayers may donate to "Work for Art" by either
  - 1.** paying a sum above what is owed for their City Business License fees, or
  - 2.** by designating that all or some of any refund due to them be instead donated to "Work for Art."



- B.** To indicate a desire to donate, the taxpayer must check the appropriate donation box on their renewal return form (tax return) for the tax year in question. In addition, the taxpayer must indicate the amount that is to be donated.
- C.** Once the renewal return form (tax return) is filed with the Bureau, the taxpayer may not cancel the donation or request that it be instead credited to any other outstanding receivable owed to the Bureau.

**7.02.840 Frivolous Filing.**

A \$500.00 penalty shall be assessed if a licensee takes a "frivolous position" in respect to preparing the licensee's renewal return. A renewal return is considered frivolous if a licensee does not provide information on which the substantial correctness of the self-assessment may be judged or if the renewal return contains information that on its face indicates that the self-assessment is substantially incorrect. Examples of "frivolous positions" as provided in Oregon Administrative Rule 150-316.992(5) are hereby adopted by direct reference.

**7.02.850 Hacking.**

- A.** Any individual who intentionally accesses the Bureau's computer database without authorization shall be fined:
  - 1.** \$500 if the individual acquires any information regarding any business account found in the database;
  - 2.** \$1000 or the cost of the loss (whichever is greater) if the individual uses or attempts to use the acquired information for financial gain of any kind; or
  - 3.** \$5000 or the cost of the loss (whichever is greater) if the individual causes the transmission of a program, information, code, or command to the Bureau's computer database, and, as a result of such conduct, causes damage to the database.
- B.** Definitions. As used in this section:
  - 1.** the term "Bureau's computer database" means computer application(s) used by the Bureau to calculate and store business and financial data collected under the authority granted by the Business License Law;
  - 2.** the term "loss" means any reasonable cost incurred by the City of Portland, including but not limited to the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost,

**TITLE 7  
BUSINESS LICENSES**

cost incurred, or other consequential damages incurred because of interruption of service;

3. the term "damage" means any impairment to the integrity or availability of data, a program, a system, or information.

**Chapter 7.04**

**ADMINISTRATION**

(Repealed by Ordinance No. 166676,  
effective June 24, 1993.)

**Chapter 7.06**

**LICENSE REQUIREMENTS & APPLICATIONS**

(Repealed by Ordinance No. 166676,  
effective June 24, 1993.)

**Chapter 7.08**

**LICENSE FEES**

(Repealed by Ordinance No. 166676,  
effective June 24, 1993.)

**Chapter 7.10**

**VIOLATIONS**

(Repealed by Ordinance No. 166676,  
effective June 24, 1993.)

**8.52.020      Equipment.**

- A. Sterilization of equipment may be either by:
  - 1. Dry heat at a temperature of 320 degrees Fahrenheit (160 degrees Centigrade) for at least 1 hour and preferably 2 hours;
  - 2. Steam pressure sterilization (autoclave), approved by the City Health Officer;
  - 3. Needles must be thoroughly cleaned with soap and water after each use. To prepare for sterilization each needle shall be flushed with freshly distilled water and left distinctly moist, just before being placed in the sterilizer. The tubes containing the needles shall rest on their sides in the sterilizer to facilitate air removal and steam intake to each tube and needle. Under these conditions the exposure period is 30 minutes at 250 degrees Fahrenheit, followed by drying for not less than 15 minutes.
- B. All needles and other instruments shall be kept in a closed glass case while not in use.

**8.52.030      Skin Preparation.**

- A. Antiseptic techniques must be used. Each operator is required to scrub his hands thoroughly before beginning operations on the customer's skin. The skin area to be tattooed shall be thoroughly cleaned with liquid green soap or detergent and water.
- B. Only dyes containing an antiseptic may be used. Dyes shall be kept in individual containers.
- C. After tattooing, a sterile dressing shall be applied to the tattooed area.
- D. Tattooing shall not be performed on any person with any skin lesions or any communicable diseases.

**8.52.040      General Supplies.**

All establishments shall be provided with clean, laundered cloth or fresh paper towels in sufficient quantities. A clean towel must be used on each customer. Unused towels must be kept in a closed, dustproof container. All operators shall wear clean, washable garments. Operating tables preferably will be constructed of metal with a white enamel or porcelain finish or stainless steel.

**TITLE 8  
HEALTH AND SANITATION**

**8.52.050 Tattooing Minors - Infections - Medical Tests.**

It is unlawful to tattoo any person under the age of 21 years.

All infections resulting from the practice of tattooing shall be reported to the City Health Officer by the person owning or operating the tattooing establishment. Any person engaged in the practice of tattooing shall submit to an annual chest X-ray and serological blood test for syphilis.

**Chapter 8.65**

**SMOKING**

(Substituted by Ord. No. 165468  
May 27, 1992.)

**Sections:**

- 8.65.010 Smoking Instrument Defined.
- 8.65.020 Smoking Prohibited Buildings.
- 8.65.030 Smoking Prohibited Vehicles.

**8.65.010 Smoking Instrument Defined.**

“Smoking instrument” means any cigar, cigarette, pipe or other smoking equipment.

**8.65.020 Smoking Prohibited Buildings.**

(Amended by Ordinance Nos. 180917 and 181436, effective December 21, 2007.) No person shall smoke or carry any lighted smoking instrument in the interior portion or within 50 feet of the exterior of any building if:

- A. The building is owned by the City; and,
- B. The building is occupied by City employees as their work site, except for certain areas of Portland Fire & Rescue that are or can be fully opened to the out of doors as designated by the Fire Chief.

The exterior no-smoking zone shall be measured from the building footprint including any exterior structural elements such as portico and loggia. The exterior no-smoking zone shall not extend into any property adjacent to the building or onto the roadway, but does include driveways, planting strips, sidewalks and pedestrian ways within 50 feet of the building.

**8.65.030 Smoking Prohibited Vehicles.**

No person shall smoke or carry any lighted smoking instrument in any City owned or leased motor pool vehicle.

**Chapter 8.68**

**ENFORCEMENT**

**Sections:**

- 8.68.010 Right of Entry.
- 8.68.020 Notice of Unhealthful Condition of Premises.
- 8.68.030 Use of Premises Found to be Unhealthful.
- 8.68.040 Powers of Inspectors.

**8.68.010 Right of Entry.**

To the full extent permitted by the law, the Health Officer has authority to enter in and upon all private and public premises at any reasonable time for the purpose of inspecting said premises or doing any other lawful act required or authorized to be done by him under this Code or ordinances of the City, the Charter or pursuant to state or federal law. It is unlawful for any person owning or controlling any premises used for any occupancy or business requiring a permit under this Code or used for any business licensed by the City, to refuse or neglect to obey any order of the Bureau of Health authorized by this Code or other ordinance or Charter provision, or to obstruct the Health Officer in the performance of his lawful duties.

**8.68.020 Notice of Unhealthful Condition of Premises.**

When upon investigation or inspection by the Health Officer, it is found that any building, property, or place where foodstuff of any kind or description is manufactured, processed, stored, handled, kept, or exposed for sale, or any such building, property, or place in which any person or persons dwell, or engage in any occupation, or assemble, is kept or permitted to be or remain in an unsanitary or filthy condition, or is not lighted or ventilated as required by Code, or in which the drainage and/or plumbing is so defective or unsanitary as to constitute a danger to health, or where the construction or condition of a building or part thereof is such as to endanger health, it shall be the duty of the Health Officer to notify in writing the owner or agent of the owner or person occupying such building or property, stating therein the condition or thing to be corrected and requiring that the same be corrected within a reasonable time to be specified in such notice. If, within such time, the condition is not remedied, it shall be the duty of the Health Officer to post or cause to be posted in a conspicuous place on such building or property a notice

**TITLE 8  
HEALTH AND SANITATION**

stating that such building or property has been found to be dangerous to health and that notice for correction has been given. The posted notice shall be continued until the dangerous condition has been corrected and the premises again inspected and found to be in healthful condition, whereupon the Health Officer shall remove the notice so posted. It is unlawful for any person other than the Health Officer, or those acting under him, to remove, destroy, deface, cover up, or conceal any notice posted as herein provided except by written permission of the Health Officer.

**8.68.030 Use of Premises Found to be Unhealthful.**

It is unlawful for any owner, lessee, or person representing the owner or lessee to rent or sublet or allow to be occupied any property after a notice, as prescribed in Section 8.68.020, shall have been given, and before a correction of the condition in such notice has been made. It is unlawful for any person to occupy any premises after having knowledge of such a notice and before the correction of conditions mentioned in said notice has been made. In any case, however, the Health Officer may set such a time, as may be reasonable under the circumstances, in which either to obtain a correction of the conditions which cause the issuance of said notice or to discontinue completely the use of the premises.

**8.68.040 Powers of Inspection.**

All meat, milk, and sanitary inspectors shall, by nature of their position, be special policemen. They shall have full powers of police officers to enforce all laws or ordinances appertaining to the duties for which they are employed.

**Chapter 8.70**

**ANNEXATIONS**

(New Chapter added by Ord. No. 131609;  
passed and effective Oct. 1, 1970.)

**8.70.010 Annexation to Remove Danger to Public Health.**

When the State Board of Health finds that a danger to public health exists because of conditions within a territory contiguous to the City and otherwise eligible for annexation in accordance with Section 222.111, Oregon Revised Statutes, and that such conditions can be removed or alleviated by sanitary, water or other facilities ordinarily provided by the City, then the City shall follow the procedure authorized under Sections 222.850 to 222.915, Oregon Revised Statutes, to annex that territory.

**Chapter 8.80**

**RESIDENTIAL CARE FACILITIES**

(Repealed by Ord. No. 159765 passed  
June 11, effective June 30, 1987.)

**Chapter 8.95**

**ADULT CARE HOMES**

(Added by Ord. No. 155196; passed  
and effective Oct. 12, 1983.)

**8.95.010 Scope.**

- A.** The provisions of Multnomah County Adult Care Home Registration Ordinance No. 392, three copies of which are on file in the Office of the City Auditor, hereby are adopted by reference and made a part of this Title. Such provisions shall apply within the City of Portland and shall be administered and enforced by the Director of Human Services of Multnomah County, or his or her designee.
  
- B.** Nothing in the provisions of this Section shall be construed to create a cause or right of action against the City of Portland, its agents or employees, for the enforcement or failure to enforce any provisions of this Section.





**TITLE 14  
PUBLIC ORDER AND POLICE**

**14A General Provisions and Private Citizens**

**Chapter 14A.10      DEFINITIONS**

14A.10.010      Definitions.

**Chapter 14A.20      PROCEDURES**

14A.20.010      General Purpose of Title.  
14A.20.020      Principles of Construction.  
14A.20.030      Constitutionality.  
14A.20.040      Consistency with State Criminal Law.  
14A.20.050      Prohibited Acts Generally.  
14A.20.060      Penalty for Violation.  
14A.20.070      Claims for Rewards.  
14A.20.080      Restrictions on Rewards.  
14A.20.090      Council Decisions on Rewards Final.  
14A.20.100      Ineligibility of Police for Rewards.

**Chapter 14A.30      MISCELLANEOUS ACTS OF MISCONDUCT**

14A.30.010      Unlawful Noise Disturbance.  
14A.30.020      Unlawful Operation of Sound Producing Equipment.  
14A.30.030      Unauthorized Use of a Police Vehicle.  
14A.30.040      Unlawful Use of Badges.  
14A.30.050      Tampering with Animals Used for Law Enforcement Purposes.  
14A.30.060      Unlawful Possession or Use of Devices Used to Open Coin Boxes.

**Chapter 14A.40      INTERFERENCE WITH PERSONS AND SEXUAL MISCONDUCT**

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.

**Chapter 14A.50      CONDUCT PROHIBITED ON PUBLIC PROPERTY**

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 Obstructions.  
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.

**Chapter 14A.60 WEAPONS AND EXPLOSIVES**

- 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.

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

- 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.

**Chapter 14A.80 MINORS**

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

## **14B Regulatory Schemes and Business**

- Chapter 14B.10 BURGLARY AND ALARM SYSTEMS**
- 14B.10.010 Purpose and Scope.
  - 14B.10.020 Definitions.
  - 14B.10.030 Alarm Users Permits Required.
  - 14B.10.040 Failure to Post Person in Control Information Where Burglar Alarms and Fire Alarm Sprinkler Systems Exist.
  - 14B.10.050 Burglary and Alarm System Fines.
  - 14B.10.060 No Response to Excessive Alarms.
  - 14B.10.070 Special Permits.
  - 14B.10.080 User's Instruction.
  - 14B.10.090 Automatic Dialing Device - Certain Interconnections Prohibited.
  - 14B.10.100 Hearing.
  - 14B.10.110 Sound Emission Cutoff Feature.
  - 14B.10.120 Confidentiality Statistics.
  - 14B.10.130 Enforcement and Penalties.
  - 14B.10.140 Liability.
- Chapter 14B.20 DRUG-FREE ZONES**
- 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 and Variances.
  - 14B.20.070 Listing of Drug-Free Zones.
- Chapter 14B.30 PROSTITUTION-FREE ZONES**
- 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 and Variances.
  - 14B.30.070 Listing of Prostitution-Free Zones.
- Chapter 14B.40 IMPOUNDMENT AND INVESTIGATION FOR DUI**
- 14B.40.010 Impoundment.
  - 14B.40.020 Investigation.
  - 14B.40.030 Administration and Fees.

<b>Chapter 14B.50</b>	<b>FORFEITURE</b>
14B.50.010	Certain Vehicles as Nuisances.
14B.50.020	Forfeiture Proceedings.
14B.50.030	Prostitution.
14B.50.040	Gambling.
<b>Chapter 14B.60</b>	<b>CHRONIC NUISANCE PROPERTY</b>
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.
<b>Chapter 14B.70</b>	<b>SHORT TERM MOTEL RENTAL</b>
14B.70.010	Definitions.
14B.70.020	Rental of Rooms.
14B.70.030	Procedure.
14B.70.040	Appeals Process.
14B.70.050	City Remedies.
<b>Chapter 14B.80</b>	<b>GRAFFITI NUISANCE PROPERTY</b>
14B.80.010	Declaration of Purpose.
14B.80.020	Graffiti Nuisance Property.
14B.80.030	Definitions.
14B.80.040	Procedures.
<b>Chapter 14B.85</b>	<b>GRAFFITI MATERIALS AND SALES</b>
14B.85.010	Definitions.
14B.85.020	Sales and Display of Graffiti Materials.
14B.85.030	Civil Penalties.
14B.85.040	Criminal Penalties.
<b>Chapter 14B.90</b>	<b>SECONDHAND DEALERS</b>
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.90.100 Tagging Regulated Property for Identification.
- 14B.90.110 Inspection of Property and Records.
- 14B.90.120 Prohibited Acts.
- 14B.90.130 Civil 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.

**Chapter 14B.100 LIQUOR LICENSE RECOMMENDATIONS**

- 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.

**Chapter 14B.110 AMUSEMENT DEVICES, GAMES AND MACHINES**

- 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.

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

- 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.

## **14C Police Policy, Regulations, and Procedures**

### **Chapter 14C.10 POLICE DUTIES TO INVENTORY PROPERTY**

- 14C.10.010 Purpose.
- 14C.10.020 Definitions.
- 14C.10.030 Inventories of Impounded Vehicles.
- 14C.10.040 Inventories of Persons in Police Custody.

### **Chapter 14C.20 POLICE BUREAU PROPERTY/EVIDENCE DIVISION DUTIES**

- 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.

### **Chapter 14C.30 GENERAL PROCEDURES AND AUTHORITY OF THE BUREAU OF POLICE**

- 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.





**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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. 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;

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- 14B.90.090 Regulated Property Sale Limitations.
- 14B.90.100 Tagging Regulated Property for Identification.
- 14B.90.110 Inspection of Property and Records.
- 14B.90.120 Prohibited Acts.
- 14B.90.130 Civil 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.**

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.**

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

- A. "Acceptable identification" means either a current driver's license, a State of Oregon Identification Card issued by the Department of Motor Vehicles, or two current United States, state or local government-issued identification cards, one of which has a photograph of the seller.
- 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.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- 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 his or her designee.
- E. "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.
- F. "Dealer".
  - 1. Means any:
    - a. Sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business 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:

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- 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.
  
- G.** "Director" means the Director of the Portland Revenue Bureau or his or her designee.
  
- H.** "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.
  
- I.** "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.
  
- J.** "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.
  
- K.** "New" means anything conspicuously not used.
  
- L.** "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.
  
- M.** "Person" means a natural person.
  
- N.** "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% or greater interest in the company.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- O.** "Receive" means to take property into the inventory, possession, or control of a Dealer.
- P.** "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 this section 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.
- Q.** "Remanufactured" means that an item has been altered to the degree that the main components are no longer identifiable as the original item.
- R.** "Seller" means any person who:
  - 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.
- S.** "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.
- T.** "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.
- U.** "Used" means anything that has been put into action or service.

**14B.90.030 Permit Required.**

- 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 Bureau.
- 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

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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.**

- 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.
- B. Dealers shall comply with all applicable federal, state, and local regulations.

**14B.90.040 Application for Permit.**

- 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 any and 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;

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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 liability company, limited liability partnership or any other form of organization for doing business.
  - a. If a partnership, the application must set forth the names, birth dates, addresses, telephone numbers, and principal occupations, along with all other information required of any individual applicant, of each partner, whether general, limited, or silent, and the respective ownership shares owned by each;
  - b. If a corporation, or limited liability company, the application must set forth the corporate or company name, copies of the articles of incorporation or organization and the corporate by-laws or operating agreement, and the names, addresses, birth dates, telephone numbers, and principal occupations, along with all other information required of any individual applicant, of every officer, director, members or managers, and shareholder (owning more than five percent of the outstanding shares) and the number of shares held by each;
9. If the applicant does not own the business premises, a true and complete copy of the executed lease (and the legal description of the premises to be permitted) must be attached to the application;



**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

10. All arrests or convictions of each principal enumerated in paragraphs 1 through 7 of this Section;
  11. Upon request, principals and employees shall submit to the Portland Police Bureau the following information: fingerprints, passport size photographs, and a copy of the signature initials to be used by persons on transaction report forms. Principals and employees must submit new photos if requested to do so by the Portland Police Bureau;
  12. Any other information that the Director may reasonably feel is necessary to accomplish the goals of this Chapter.
- B.** The Dealer shall notify the Revenue Bureau of any changes in the information required in Section A within ten business days.
- C.** New employees of Dealers shall complete and submit the personal history form as required in Section A of this Subsection. Employees may not acquire regulated property until all required information has been reviewed and approved by the Portland Police Bureau. The criteria used to review a new employee will be the same as those used in the review of an initial application in 14B.90.050 B.
- D.** The personal and business information contained in the application forms required pursuant to Section 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.**

- A.** Upon the filing of an application for a Dealer 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 Section 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 Section 14B.90.050 C. the Director shall deny an application for a Dealer 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



**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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.** Dealer 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 Bureau for approval at least 14 days prior to the change.
- E.** Dealer permits must be displayed at the business location in a manner readily visible to patrons.
- F.** Upon denial of an application for a Dealer's 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.**

Every Dealer shall complete and submit all required forms to the Revenue Bureau and pay a nonrefundable fee as required by the Administrative Rules.

**14B.90.070 Subsequent Locations.**

- A.** Dealers must file an application for a permit for a subsequent or additional business location with the Revenue Bureau 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 Section 14B.90.040 A.2.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- 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.**

- 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 to the Special Property Investigations office by means of mail, the internet, or other computer media.
  - 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.** Pawnbrokers are required to report only new transactions. Loan renewals do not need to be reported.
- B.** The Portland Police Bureau will provide all Dealers with transaction report forms at cost until 60 days after such time that the Chief of Police directs a change in the reporting method. The Chief of Police may specify the format of the transaction report form. The Chief of Police may require that the transaction report form include any information relating to the regulations of this Chapter. Dealers may utilize their own forms, in lieu of those supplied by the Portland Police Bureau, if the Chief of Police has approved such forms. The Declaration of Proof of Ownership will be considered to be included in references in this Chapter to the transaction report form, as appropriate.

**14B.90.090 Regulated Property Sale Limitations.**

- 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

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

transactions are exempt from the 30-day hold requirements of 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 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 Bureau 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 A.2 are met.
  3. Held property requirements do not apply if:
    - a. The property is received from a Dealer regulated by the City of Portland who has already satisfied the holding requirements of this Chapter and the Dealer records the original transaction report number on the transaction report completed for the new transaction, or
    - b. If a customer, who originally purchased property from a Dealer, returns it to that Dealer with the original receipt.
- B.** Notwithstanding Section 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 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.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

The Dealer shall comply with the hold notice and notify the Portland Police Bureau Special Property Investigations unit 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 Special Property Investigations office 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 A.2 of this subsection, 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 shall 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 writing "90 day hold" next to the item on the transaction report or by an electronic means approved by the Portland Police Bureau. The held property must conform to all the requirements found in A.2 of this subsection.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- 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 transaction report number and any additional information regarding the name of the owner, if known.
- 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.90.100 Tagging Regulated Property for Identification.**

Dealers shall affix a tag to every item of regulated property, which must contain a unique, legible number. That unique number must either be the same as the transaction report number for that item or be referenced to the transaction report required by the Portland Police Bureau or assigned by the approved reporting method described in the Administrative Rules. After the holding period has expired, the transaction number must remain identifiable on the property until the sale of the property.

- A. After the applicable holding 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 holding period has expired, items that are remanufactured need not remain tagged.

**14B.90.110 Inspection of Property and Records.**

Upon presentation of official identification, a Dealer shall allow any representative of the Portland Police Bureau or the Revenue Bureau 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 may occur only during the Dealer's normal business hours.

**14B.90.120 Prohibited Acts.**

- A. It is unlawful for any person regulated by Chapter 14B.90:
  - 1. To receive any property from any person

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- 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;
    - b. Gift cards, in-store credit cards, or activated phone cards;
    - c. Property with serial numbers, personalized inscriptions or initials or other identifying marks that appear to have been intentionally altered or rendered illegible.
  3. To receive property that a reasonable person under similar circumstances would believe is more likely than not stolen, except as allowed by the Administrative Rules. A later determination regarding whether or not an item is found to be stolen will not be used as a factor to determine whether a Dealer has violated this subsection.
- B. Any violation of Section 14B.90 is punishable, upon conviction, by a fine of not more than \$500 and a jail sentence of up to six months.

**14B.90.130 Civil Penalties.**

- A. The Director may assess civil penalties in an amount up to \$500 for each violation of Chapter 14B.90.
- B. Procedure.
  1. The Director, having made a determination to seek civil penalties as provided by this Section, shall give the Dealer written notice of the determination.



**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

2. Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.
3. Mailing of the notice will be prima facie evidence of receipt of the notice.
4. The civil penalty will be due ten days from the date of the notice unless such civil penalty is appealed in accordance with Section 14B.90.150.

**14B.90.140 Revocation or Suspension of Permit.**

- 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 Bureau 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.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- 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.

**14B.90.150 Appeals.**

- 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 Revenue Bureau.
- 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.**

- 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 Bureau. Copies of all rules will be made available to the public upon request.
  - 4. Notwithstanding paragraphs 2 and 3 of this Section, the Director may adopt an interim rule without prior public notice upon a finding that failure

to act promptly would result in serious prejudice to the public interest. In so doing, the Director must include the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph will be effective for a period of not longer than 180 days.

### **Chapter 14B.100**

### **LIQUOR LICENSE RECOMMENDATIONS**

**Sections:**

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

**14B.100.010 Purpose.**

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

**14B.100.020 Delegation of Application Recommendation Authority.**

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

**14B.100.030 Application Procedure.**

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

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- A.** Any applicant for any license who is required by the OLCC to have a recommendation from the City of Portland concerning the suitability of the application shall present the license application forms prescribed by the OLCC to the Office of Neighborhood Involvement, or its designee, for the purpose of obtaining the recommendation of the Chief of Police concerning the license.
- B.** The Office of Neighborhood Involvement shall accept liquor license applications only when the following conditions are met:

  - 1. All required forms are properly completed and in order; and
  - 2. The applicant has obtained a valid City business license; and
  - 3. The processing fee has been paid. Fees shall be in the maximum amount allowed by Oregon law and shall be nonrefundable.
- C.** The Office of Neighborhood Involvement shall forward liquor license applications to the Chief of Police with a copy of the City of Portland Liquor Outlet Information form to the Bureau of Licenses within one business day of receipt.
- D.** Except for applications for new licensed premises for railroads, public passenger carriers or boats, health care facilities, or all OLCC wholesale type licenses, in addition to the posting of a conspicuous notice on the licensed premises as required by the OLCC, ONI shall:

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

    - a.** Property owners and property occupants within 300 feet of the proposed licensed premises;
    - b.** The neighborhood association within whose boundaries the licensed premises will be located.
  - 2. Post the proposed new licensed premises with a notice indicating the process for public comment.
  - 3. Request a response in writing from the neighborhood association, property owners and property occupants and allow at least 20 days after the mailing or posting of notification as provided in this Section, to provide a response in writing to ONI. ONI shall notify any person who responds pursuant to this Section of the recommendation made by the Chief of Police to the OLCC.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- E.** The Chief of Police shall conduct an investigation of each application for the purpose of determining the recommendation that shall be made to the OLCC. In addition to the information required by the OLCC application forms, the Chief of Police is authorized to require from the applicant any other pertinent information that the Chief of Police deems appropriate.
- F.** The Chief of Police shall coordinate with ONI and the City Noise Control Officer prior to issuance of a recommendation to determine if there is substantial neighborhood concern or opposition to the application, or if there is evidence that noise is or will be a significant and persistent problem at the licensed premises.

  - 1.** If the Chief of Police finds that there are valid grounds to make an unfavorable recommendation to OLCC as provided by Oregon liquor laws, the Chief of Police shall forward an unfavorable recommendation directly to the OLCC.
  - 2.** If there is substantial neighborhood concern or opposition to the application, or there is evidence that noise is or will be a significant and persistent problem at the licensed premises, but the Chief of Police, because of time constraints or other factors, does not find sufficient basis for an unfavorable recommendation as provided by Oregon liquor laws, the Chief of Police shall forward a no endorsement recommendation directly to the OLCC, with supporting documentation of neighborhood concern or opposition and/or evidence of noise as provided by ONI, and shall request that the OLCC hear testimony from the neighborhood. ONI shall coordinate neighborhood testimony for OLCC hearings.
  - 3.** If the Chief of Police finds no basis for an unfavorable recommendation as provided by Oregon liquor laws, and there is no substantial neighborhood concern or opposition or evidence that noise is or will be a significant and persistent problem at the licensed premises, the Chief of Police shall forward a favorable recommendation directly to the OLCC. The Chief of Police may also attach conditions or restrictions to a favorable recommendation, such as allowing sales only during limited hours, restricting the sale of alcoholic beverages associated with street drinkers, or other conditions or restrictions consistent with the Oregon liquor laws.
- G.** The Chief of Police shall notify the applicant of the recommendation.
- H.** The process for renewal applications shall be as provided by this Section except that the notification requirements of Subsection D shall not apply.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- I. If ONI believes a good neighbor agreement will alleviate substantial neighborhood concern or opposition, ONI shall attempt to work with the licensed premises and the neighborhood to achieve a good neighbor agreement. ONI shall notify the Chief of Police and the OLCC of any completed good neighbor agreements, or, of its attempts to achieve a good neighbor agreement, in the event ONI is unable to complete a good neighbor agreement within a reasonable period of time.

**14B.100.040 Reconsideration of Applications.**

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

**14B.100.050 Notification of OLCC Proceedings.**

ONI shall notify Council of OLCC hearing dates, places and times, and advise Council of applications that will receive unfavorable recommendations, no endorsements recommendations, or favorable recommendations with conditions or restrictions. ONI shall advise Council of the OLCC's decisions on applications.

**14B.100.060 Impact Areas.**

- A. It shall be the responsibility of the Chief of Police to review, from time to time, the locations, types and quantities of liquor licenses that have been issued for premises located in geographical areas, neighborhoods or sectors of the City. If the Chief of Police, upon inquiry, or at the request of citizens or groups finds: that some area of the City is saturated with certain types of licensed premises selling or serving alcoholic beverages and that the placement of additional licensed premises within that area will likely be deleterious to that area; or, that excessive criminal acts, traffic congestion, or litter problems are present or will increase due in part to the licensed premises; or, additional licensed premises are not justified by public interest or convenience, then the Chief of Police shall make a recommendation to Council that the area be designated as an impact area, and that liquor licenses of certain types should not be granted or renewed in that area for a specific period of time, or until the number of current licenses is reduced to the point that licensed premises can be permitted that will not be deleterious to the area, or, will not lead to additional criminal acts, traffic congestion or litter problems, or, are justified by public interest or convenience.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- B.** If Council declares an area to be an impact area based upon findings that valid grounds exist as provided by Oregon liquor laws, the Chief of Police shall notify OLCC so that OLCC may ensure that liquor license applicants are put on notice of the impact area.
- C.** Within any area declared to be an impact area as provided by this Chapter, the Chief of Police is authorized, on behalf of Council:

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

  - 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 12<sup>th</sup> 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

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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 42<sup>nd</sup> Avenue from NE Columbia Blvd. to NE Prescott Street, NE 23<sup>rd</sup> Avenue from NE Prescott Street to NE Mason Street, NE 21<sup>st</sup> Avenue from NE Mason Street to NE Fremont Street and NE 7<sup>th</sup> Avenue from NE Fremont Street to NE Broadway Blvd.

**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.**

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.
- 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 Portland Bureau of Licenses, 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

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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.
- 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 statutes 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	No. 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

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

- B.** It shall be unlawful for any owner of an amusement center to display or make available for operation any amusement device described in Subsection 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.**

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

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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.
- 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.
- 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,

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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.**

- A. Any person issued permits under this Chapter, or who controls any location in which a permitted amusement device is located, shall permit any Bureau of Licenses' 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 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.**

- 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 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.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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 Bureau of Licenses 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:
1. Sealed amusement device removed from location: the penalty shall be up to \$50 per amusement device.



**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

**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.

**Chapter 14B.120**

**TIME, PLACE AND MANNER  
REGULATION OF ESTABLISHMENTS THAT  
SELL AND SERVE ALCOHOLIC BEVERAGES**

(New 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

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

alcoholic beverages, ORS 147.164. 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.**

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.
- B. "Director" means the Director of the Office of Neighborhood Involvement, or the Director's designee.
- C. "Chief of Police" means the Chief of Police of the Portland Police Bureau.
- D. "Licensee" means any person holding a license issued by the Oregon Liquor Control Commission.
- E. "Establishment" means any location licensed under ORS Chapter 471 and includes all enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas where patrons are permitted to be present. "Establishment" also includes areas outside of a building that the Oregon Liquor Control Commission has specifically approved for serving alcoholic beverages.
- F. "Nuisance activity" means any of the following:
  - 1. Operation of sound producing equipment, as prohibited by City Code Section 14A.30.020.
  - 2. Disorderly conduct as defined in ORS 166.025 (2003).
  - 3. Offensive littering as defined in ORS 164.805 (2003).

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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.

**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.**

It shall be a violation of this Chapter if during any continuous thirty (30) day period, any combination of three or more nuisance activities occurs that is related to or arising out of an establishment that serves alcoholic beverages.

**14B.120.040 Notice.**

- 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 three nuisance activities have occurred in violation of Section 14B.120.030, the Director or the Chief of Police 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.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

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

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

**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.**

Upon making a determination that three or more nuisance activities have 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.

**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.**

If the Code Hearings Officer determines that three or more nuisance activities have occurred at an establishment, 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.

**TITLE 14C**  
**PUBLIC ORDER AND POLICE**  
Police Policy, Regulations and Procedures

**Chapter 14C.10**

**POLICE DUTIES TO INVENTORY PROPERTY**

**Sections:**

- 14C.10.010 Purpose.
- 14C.10.020 Definitions.
- 14C.10.030 Inventories of Impounded Vehicles.
- 14C.10.040 Inventories of Persons in Police Custody.

**14C.10.010 Purpose.**

This Chapter is meant to apply exclusively to the process for conducting an inventory of the personal property in an impounded vehicle and the personal possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search or seize possessions for other purposes.

**14C.10.020 Definitions.**

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

- A.** “Valuables” means:
  - 1.** Cash money of an aggregate amount of \$50 or more; or
  - 2.** Individual items of personal property with a value of \$500 or more.
- B.** “Open container” means a container which is unsecured or incompletely secured in such a fashion that the container’s contents are exposed to view.
- C.** “Closed container” means a container whose contents are not exposed to view.
- D.** “Police custody” means either:
  - 1.** The imposition of restraint as a result of an ‘arrest’ as that term is defined at ORS 133.005(1);
  - 2.** The imposition of actual or constructive restraint by a police officer pursuant to a court order;
  - 3.** The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 430, or Chapter 419B; or



**TITLE 14C**  
**PUBLIC ORDER AND POLICE**  
Police Policy, Regulations and Procedures

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.
- 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;

**TITLE 14C**  
**PUBLIC ORDER AND POLICE**  
Police Policy, Regulations and Procedures

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

**14C.10.040 Inventories of Persons In Police Custody.**

- A. A police officer will inventory the personal property in the possession of a person taken into police custody and such inventory will be conducted whenever:
  1. Such person will be either placed in a secure police holding room or transported in the secure portion of a police vehicle; or
  2. Custody of the person will be transferred to another law enforcement agency, correctional facility, or "treatment facility" as that phrase is used in ORS 426.460 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statute.
- B. The purpose of the inventory of a person in police custody will be to:

**TITLE 14C**  
**PUBLIC ORDER AND POLICE**  
Police Policy, Regulations and Procedures

1. Promptly identify property to establish accountability and avoid spurious claims to property; or
  2. Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the police officer for safekeeping; or
  3. Assist in the prevention of theft of property; or
  4. Locate toxic, flammable or explosive substances; or
  5. Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; or
  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



**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.**

- A. All property received by the property/evidence division as evidence shall be held

**TITLE 14C**  
**PUBLIC ORDER AND POLICE**  
Police Policy, Regulations and Procedures

subject to use as evidence in the appropriate court(s). 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.

- 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. The return of undisputed claims for money equal to or in excess of \$100.00 shall first be deposited into the General Fund and then shall be paid out from said Fund to the legal owner or rightful possessor. 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.

**TITLE 14C**  
**PUBLIC ORDER AND POLICE**  
Police Policy, Regulations and Procedures

- 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 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.**

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 14, Public Order and Police;
- B. All provisions of Title 16, Vehicles and Traffic;
- C. All provisions of Title 18, Noise Control; and
- D. 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





**TITLE 14C**  
**PUBLIC ORDER AND POLICE**  
Police Policy, Regulations and Procedures

**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.
  - 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.

**Chapter 15.04**

**EMERGENCY CODE**

(New Chapter substituted by  
Ordinance No. 172303, effective  
May 27, 1998.)

**Sections:**

- 15.04.010 Title.
- 15.04.020 Purpose.
- 15.04.030 Definitions.
- 15.04.040 Declaration of State of Emergency.

**15.04.010 Title.**

This title shall be known as the "Emergency Code."

**15.04.020 Purpose.**

(Amended by Ordinance No. 181352, effective October 10, 2007.) The purpose of this Code is to provide for regulations which set forth the responsibilities of the City in the event an emergency or disaster exists within the City. The regulations are intended to reduce the risk of the City to loss of life, injury to persons, property, the environment. The goal of regulations and the emergency code is to decrease human suffering and financial loss resulting from emergencies or disasters and to assign authority and responsibilities to various City bureaus. The State has assigned the responsibility for responding to emergencies and disasters to local governments.

**15.04.030 Definitions.**

(Amended by Ordinance Nos. 178616 and 181352, effective October 10, 2007.)

- A. "Disaster" means an occurrence or threat of imminent widespread or severe damage, injury, or loss of life or property regardless of cause which in the determination of the Mayor or designated public official, causes or will cause significant damage as to warrant disaster assistance from outside City resources to supplement the efforts and available resources of the City to alleviate the damage, loss, hardship or suffering caused.
- B. "Emergency" means any natural, technological or human caused event or circumstance causing or threatening: loss of life, injury to persons or property, human suffering or financial loss including but not limited to fire, flood, earthquake, severe weather, drought, volcanic activity, explosion, spills or releases of petroleum products or other hazardous material, contamination, utility

**TITLE 15  
EMERGENCY CODE**

or transportation emergencies, disease, blight, infestation, unmanageable crisis influx of migrants, civil disturbance, riot, sabotage and war.

- C. "State of Emergency" means a situation proclaimed in writing by a designated City official as an emergency or a disaster.

**15.04.040 Declaration of State of Emergency.**

(Amended by Ordinance Nos. 178616 and 181352, effective October 10, 2007.)

- A. A state of emergency exists when:
1. The situation requires a coordinated response beyond that which occurs routinely;
  2. The required response is not achievable solely with the added resources acquired through mutual aid or cooperative assistance agreements; and
  3. The Mayor or other City official, as provided in Portland City Code Section 15.08.010, has declared that a state of emergency or disaster exists by proclamation.
- B. The declaration shall be in writing, shall designate the geographic boundaries of the area in which the state of emergency exists, and shall fix the duration of time in which the state of emergency shall exist. The initial duration shall not exceed a two-week period, but may be extended in two-week increments.
- C. The Mayor must declare the City in a state of emergency prior to requesting resources through the governing body of Multnomah County.
- D. The Mayor shall have the power to request the Governor to declare a state of emergency or disaster within the City. The request must be submitted by the Mayor through the governing body of Multnomah County.
- E. The Mayor shall terminate the state of emergency by proclamation when the emergency no longer exists or when the threat of an emergency has passed. The Mayor will communicate the change from the disaster response phase to the recovery phase with all appropriate officials.

**Chapter 15.08**

**EXECUTIVE RESPONSIBILITY**

(New Chapter substituted by  
Ordinance No. 172303, effective  
May 27, 1998.)

**Sections:**

- 15.08.010 Mayor and Successor to Mayor.
- 15.08.020 Authority.
- 15.08.030 Declaration of Nuisance.
- 15.08.040 Enforcement.
- 15.08.050 Controlling Provisions

**15.08.010 Mayor and Successor to Mayor.**

(Amended by Ordinance No. 178616, effective July 21, 2004.)

- A.** The Mayor is the Chief Executive of the City of Portland. If the Mayor, for any reason, is unable or unavailable to perform the duties of office under this Code during a state of emergency, the duties shall be performed by the first of the following who is able and available:
  - 1.** The President of the Council;
  - 2.** The Council member who has most recently served as President of the Council;
  - 3.** The Council member holding the position with the lowest number;
  - 4.** The first of the City officials in the order listed in Section 2-206(g) of the Charter of the City of Portland (City Auditor, City Attorney, Director of Office of Management and Finance, executive assistants of disabled Council members in the order of their seniority as an executive assistant).
- B.** The powers of the successor to the Mayor shall be the same as the Mayor and the duration of succession shall be until such time as the Mayor is able to perform the duties of office.

**TITLE 15  
EMERGENCY CODE**

**15.08.020 Authority.**

(Amended by Ordinance No. 178616 and 181352, effective October 10, 2007.)

- A.** Upon the declaration of a state of emergency, the Mayor shall assume centralized control and shall have authority over all bureaus, departments and other City offices as among other powers. The Mayor may delegate any administrative or operative authority vested in the Mayor.
- B.** In addition to other powers granted to the Mayor, the Mayor may:
1. Utilize all City owned resources;
  2. Designate persons to coordinate the work of public and private relief agencies operating in the area and exclude from the area, any person or agency refusing to cooperate and work under the Director and/or Incident Commander or to coordinate with other agencies engaged in the emergency work.
  3. Regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods and services.
  4. Order the removal of debris and wreckage which may threaten the public health or safety on public or private property consistent with the provisions of PCC 15.08.030.
  5. Barricade streets and prohibit vehicular or pedestrian traffic, or regulate the same on any public street leading to the area designated as an emergency area for such distance as may be deemed necessary under the circumstances.
  6. Prohibit or limit the number of persons who may gather or congregate upon any public street, public place or any outdoor place within the area designated as an emergency area.
  7. Establish a curfew for the designated emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places.
  8. To the extent allowed by law, prohibit the sale, carrying or possession of any weapons or explosives of any kind on public streets or public places.

**TITLE 15  
EMERGENCY CODE**

9. Establish rent controls and provide temporary or permanent housing by purchase, lease or otherwise and to enter into arrangements necessary to prepare or equip the living units for occupancy.
10. Order the evacuation of persons from designated areas as necessary.
11. Order such other measures as may be necessary to protect the life, safety and health of persons, property or the environment.
12. Adopt rules for the expeditious issuance of permits necessary to address issues that arise from the emergency or disaster.
13. Enter into contracts to the extent authorized by Charter Sections 8-104 and 8-105.

**15.08.030 Declaration of Nuisance.**

(Amended by Ordinance No. 181352, effective October 10, 2007.)

- A. Debris or wreckage resulting from a disaster or emergency situation is declared to be a nuisance.
- B. The nuisance shall be abated as provided by City Code, however, in situations where the public health or safety may be in danger, the City may summarily abate the nuisance and assess the property for the actual cost. Assessment procedures shall be followed.

**15.08.040 Enforcement.**

Any person who violates any emergency measure shall be subject to a civil penalty of not more than \$500 per occurrence. Enforcement shall be by the Code Hearings Officer in accordance with the provisions of Title 22.

**15.08.050 Controlling Provisions.**

In the event of an emergency, these Code provisions shall control over any conflicting Code provisions.

**TITLE 15  
EMERGENCY CODE**

**Chapter 15.12**

**OFFICE OF EMERGENCY  
MANAGEMENT**

(New Chapter substituted by  
Ordinance No. 172303, effective  
May 27, 1998.)

**Sections:**

- 15.12.010      Organization.  
15.12.020      Duties.

**15.12.010      Organization.**

(Amended by Ordinance No. 178616, effective July 21, 2004.) The Office of Emergency Management shall be directly responsible to the Mayor and shall be supervised by the Director of the Office of Emergency Management.

**15.12.020      Duties.**

(Amended by Ordinance Nos. 176955, 178616, 180917 and 181352, effective October 10, 2007.) It shall be the responsibility of the Office of Emergency Management to recommend to the City Council a Basic Emergency Operations Plan (BEOP) to assist the Mayor in the performance of his/her duties by this Code. In order to develop and maintain a Basic Emergency Operations Plan, the duties of the Office of Emergency Management shall include, but not be limited to the following:

- A.**      The authority to cause those officials of City bureaus with emergency operations capabilities to prepare coordinated annexes to the Basic Emergency Operations Plan.
- B.**      Providing a plan for the procurement of personnel, equipment, material and supplies from City and private sources, for use in the event of a state of emergency, and to provide for the accounting of the procurements.
- C.**      Coordinating emergency plans programs and operations of federal, state and county agencies, and other public or private agencies and corporations with emergency service capabilities.
- D.**      Overseeing the development of the City's Emergency Coordination Center (ECC) and ensuring that it is appropriately sited, staffed, equipped, and maintained; and scheduling regular testing procedures to ensure operation efficiency.



**TITLE 15**  
**EMERGENCY CODE**

- E.** Reviewing annually the Basic Emergency Operations Plan and submitting to the City Council, during the month of January each year, the results of the review and any recommendations for revision.
- F.** Providing training and exercises to keep city emergency responders proficient in their emergency response and recovery roles and skills.
- G.** Coordinating citywide homeland security programs and activities in compliance with State and Federal requirements.
- H.** Evaluating emergency or disaster events and coordinating City response and improvement plans; promoting inter-bureau coordination of services and comprehensive emergency management planning to include preparedness, prevention, mitigation, response and recovery actions.
- I.** Coordinating the identification and implementation of actions that could mitigate any disaster's impact.
- J.** Reassign employees to Emergency Coordination Center duties as required.



**TITLE 16**  
**VEHICLES AND TRAFFIC**

**Chapter 16.10**

**ADMINISTRATIVE PROVISIONS**

- 16.10.001 Purpose.
- 16.10.020 Where Regulations Apply.
- 16.10.030 Authority to Direct Traffic on Public Rights of Way.
- 16.10.050 Compliance Required.
- 16.10.060 Citations and Nuisances.
- 16.10.080 Altering or Erecting Traffic Control Devices.
- 16.10.100 Road Authority.
- 16.10.200 Duties of the City Traffic Engineer.
- 16.10.300 Administrative Policy and Procedures.
- 16.10.400 Regulation Standards.
- 16.10.500 Fees and Fines.
- 16.10.600 Authority of Law Enforcement and Fire Officers.
- 16.10.650 Parking Code Enforcement Officers.

**Chapter 16.20**

**PUBLIC RIGHT-OF-WAY PARKING**

- 16.20.001 Purpose.
- 16.20.100 General Parking Methods.
- 16.20.110 Generally.
- 16.20.120 Prohibited Parking or Stopping of a Vehicle.
- 16.20.130 Prohibited in Specific Places.
- 16.20.150 Prohibited Practices.
- 16.20.160 Use of Streets in Lieu of Off-street Parking or Storage.
- 16.20.170 Storing Property on Street Prohibited.
- 16.20.190 Successive Violations.
- 16.20.200 Regulated Parking Zones.
- 16.20.201 Purpose.
- 16.20.203 Regulated Parking Zone Designations.
- 16.20.205 Enforcement of Regulated Parking Zones.
- 16.20.210 No Parking Zones.
- 16.20.213 No Parking or Stopping Zone.
- 16.20.215 Theater Zone.
- 16.20.220 Truck Loading Zone.
- 16.20.230 Bus Zone.
- 16.20.235 Tri-Met Bus Zone.
- 16.20.240 Taxi Zone.
- 16.20.250 Disabled Person Zone.
- 16.20.260 Time Zones.
- 16.20.270 Carpool Zone.

16.20.280 Official/Reserved Zones.  
16.20.400 Metered Parking Zones.  
16.20.401 Purpose.  
16.20.405 Enforcement of Metered Parking Spaces.  
16.20.410 Administration of Meters, City of Portland Owned and Operated Property.  
16.20.420 Determination of Meter District Boundaries.  
16.20.430 Meter Time (on City of Portland Right-of-Way).  
16.20.431 City of Portland Owned or Operated Property  
16.20.440 Meter Fees.  
16.20.445 Pay Stations.  
16.20.450 Obstruction of Meters.  
16.20.460 Parking Space Reservation.  
16.20.470 Injury to or Theft From Meters; Unauthorized Possession of Implement,  
Invalid Receipt.  
16.20.500 General Parking Permits.  
16.20.501 Purpose.  
16.20.503 Current Approval Required Before Use.  
16.20.505 All Traffic Laws Apply to Permit Holder.  
16.20.510 Construction Area Permit.  
16.20.520 Maintenance Hood Permit.  
16.20.530 Temporary Truck Loading Area Permit.  
16.20.540 Angle Loading Permit.  
16.20.550 Travel Lane Parking Permit.  
16.20.560 Special Use Permit.  
16.20.595 Improper Use.  
16.20.600 Vehicle Parking Permits.  
16.20.601 Purpose.  
16.20.603 Current Approval Required Before Use.  
16.20.605 All Traffic Laws Apply to Permit Holder.  
16.20.610 Media Permit.  
16.20.620 Commercial Permit.  
16.20.630 Delivery Permit.  
16.20.640 Disabled Person Permit.  
16.20.645 Wheelchair User Disabled Person Parking Permit.  
16.20.650 Government Permit.  
16.20.660 Nonprofit Permit.  
16.20.670 Carpool Permit for Metered Parking.  
16.20.675 Carpool Zone Permit.  
16.20.680 Other Permit.  
16.20.695 Improper Use.  
16.20.800 Area Parking Permit Program.  
16.20.801 Purpose.  
16.20.810 Definitions.

- 16.20.830 Area Eligibility.
- 16.20.840 Process.
- 16.20.850 Program Administration.
- 16.20.860 Violation and Enforcement.

**Chapter 16.30**

**TOWING & DISPOSITION OF VEHICLES**

- 16.30.001 Purpose.
- 16.30.100 Authority to Tow Vehicles and Establish Hearing Procedures.
- 16.30.200 Vehicle Towing.
- 16.30.210 When a Vehicle May be Towed.
- 16.30.220 Towing Without Prior Notice.
- 16.30.225 Towing With 24 Hour or 72 Hour Notice.
- 16.30.240 Towing Upon Order of Circuit Court.
- 16.30.300 Notice of Vehicle Tow.
- 16.30.310 Notice Prior to Tow.
- 16.30.320 Notice After Vehicle Tow.
- 16.30.340 Unidentifiable Vehicle.
- 16.30.350 Notice to Contest Tow When Vehicle Claimed.
- 16.30.400 Tow Hearing Procedure.
- 16.30.410 Request for Hearing.
- 16.30.420 Hearing Procedure.
- 16.30.430 When Tow Found Invalid.
- 16.30.440 When Tow Found Valid.
- 16.30.450 Hearing Administration.
- 16.30.500 Fee Payments and Vehicle Release Procedure.
- 16.30.510 Towing and Storage Rates.
- 16.30.520 Charges and Release of Vehicle.
- 16.30.530 When Tow Found Invalid.
- 16.30.540 When Tow Found Valid.
- 16.30.550 Storage Charges at Completion of Hearing.
- 16.30.600 Selling Abandoned Vehicles.
- 16.30.610 When a Vehicle May Be Sold.
- 16.30.620 Sale of Vehicles.
- 16.30.700 Moving Vehicles for Street and Utility Maintenance and for Emergencies.
- 16.30.710 Authority to Move Vehicles.
- 16.30.720 When a Vehicle May Be Moved.
- 16.30.730 Manner of Moving Vehicle.
- 16.30.800 Regulation of Towers.
- 16.30.810 Solicitation of Towing Business at Accidents Prohibited.
- 16.30.820 Obstructing Traffic.
- 16.30.830 Failure to Remove Injurious Substance.

**Chapter 16.40****TAXICAB REGULATIONS**

- 16.40.001 Purpose.
- 16.40.010 Definitions.
- 16.40.100 Administrative Procedures.
- 16.40.110 Private for Hire Transportation Board of Review (Board).
- 16.40.130 Public Hearings.
- 16.40.140 Financial and Operating Data.
- 16.40.150 Reports to the Supervisor.
- 16.40.200 Permits and Applications.
- 16.40.210 Taxicab Company Permit Required.
- 16.40.215 Taxicab Company Permit Application and Renewal.
- 16.40.220 Taxicab Company Permit Fee.
- 16.40.225 Limit on Number of Taxicabs Operated by Taxicab Company.
- 16.40.230 Taxicab Zone Permits.
- 16.40.235 Taxicab Driver's Permits Required.
- 16.40.240 Taxicab Driver's Permit Application and Renewal.
- 16.40.245 Denial of Taxicab Driver's Permit.
- 16.40.250 Driver's Permit to be Posted.
- 16.40.255 Permit Suspension and Revocation.
- 16.40.260 Appeals.
- 16.40.300 Rates and Payment for Services.
- 16.40.310 Rates.
- 16.40.500 Service Quality.
- 16.40.510 Minimum Standards for Taxicab Service Companies.
- 16.40.520 Identification.
- 16.40.530 Complaints.
- 16.40.540 Items Lost and Found.
- 16.40.550 Conduct of Drivers.
- 16.40.600 Private for Hire Transportation Safety Fund
- 16.40.700 Public Protection and Safety.
- 16.40.710 Equipment.
- 16.40.720 Safety Inspections and Certification.
- 16.40.730 Insurance.
- 16.40.800 Criminal Provisions.
- 16.40.810 Criminal Penalties.
- 16.40.900 Definitions.
- 16.40.910 Authority of the Private for Hire Transportation Board of Review.
- 16.40.920 Permits for Limited Passenger Transportation Vehicles.
- 16.40.930 LPT Drivers.
- 16.40.940 Civil Penalties.
- 16.40.950 Appeals.
- 16.40.960 No Effect on Taxicab Regulations.

<b>Chapter 16.50</b>	<b>MASS TRANSIT</b>
16.50.001	Purpose.
16.50.100	Designation of Transit Lanes.
16.50.200	Prohibited Use of Transit Lanes.
16.50.300	Vehicles Permitted in Transit Lanes.
16.50.400	Vehicles Allowed In Transit Lanes During Certain Hours.
16.50.500	Regulation and Permit Procedure.
<b>Chapter 16.60</b>	<b>MOTOR VEHICLES AND TRAFFIC</b>
16.60.010	Definitions.
16.60.020	Biofuel Requirements.
16.60.025	Additional Regulation in the 122 <sup>nd</sup> Avenue Subdistrict.
16.60.030	Exemptions.
16.60.040	Enforcement and Notice of Violation.
16.60.050	Penalties.
16.60.060	Disclosure.
16.60.070	Additional Regulations.
<b>Chapter 16.65</b>	<b>FUNERAL PROCESSIONS</b>
16.65.010	Funeral Processions.
<b>Chapter 16.70</b>	<b>MISCELLANEOUS REGULATIONS</b>
16.70.001	Purpose.
16.70.200	Pedestrians.
16.70.210	Must Use Crosswalks.
16.70.220	Must Cross at Right Angles.
16.70.230	To Obey Directions of School Traffic Patrol and Crossing Guard.
16.70.240	Bridge Railings.
16.70.300	Bicycles.
16.70.310	Persons Riding Bicycles to Obey Traffic Regulations.
16.70.320	Operating Rules.
16.70.330	Impounding Bicycles.
16.70.340	Renting Bicycles.
16.70.400	Other Transportation.
16.70.410	Roller Skates and Skateboards.
16.70.430	Train Switching Prohibited in Certain Areas
16.70.450	Off Street Parking Required for Trucks.
16.70.500	Traffic Regulations.
16.70.510	Trespassing - Leaving Pamphlet on Vehicle.
16.70.520	Hitching Onto Vehicle.
16.70.530	Central City Plan District Closed to Driving Lessons.
16.70.550	Vendor Traffic Regulations.
16.70.560	Traffic Regulations in Parks.

16.70.570	Inoperative Electric Traffic Control Signals.
16.70.600	Over Dimensional Vehicles.
16.70.610	General Prohibitions.
16.70.620	Exemptions.
16.70.630	Permits.
16.70.640	Limits of Authority to Issue Variance Permit.
16.70.650	Requirements, Conditions and Procedures for Issuance of Variance Permit; Duration; Cancellation.
16.70.660	Permit Must Be Carried and Displayed.
16.70.670	Movement of Building or Other Structure Excluded.
16.70.680	Liability for Damage to Streets or Other Public Property.
16.70.690	Designation of Streets for Vehicles of Excess Weight or Size.
16.70.700	Traffic Congestion Thoroughfares.
16.70.710	Purpose.
16.70.720	Posting Signs.
16.70.730	Signs.
16.70.740	Acts Prohibited.
16.70.750	Penalty.
16.70.760	Subsequent Violation.
16.70.770	Notice of Towing For Subsequent Violations.
16.70.800	Visibility.
16.70.810	Street Obstructions and Dangerous Conditions.
16.70.900	Reckless Driving.

**Chapter 16.90**

**DEFINITIONS**

16.90.001	Generally.
16.90.005	Abandoned Vehicle.
16.90.010	Accessory Recreational Vehicle.
16.90.015	Alley.
16.90.020	Angle Loading.
16.90.025	Bicycle.
16.90.030	Bicycle Boulevard.
16.90.032	Bicycle Lane.
16.90.034	Bikeway, Shoulder.
16.90.036	Bikeway, Extra Width Curb Lane.
16.90.038	Bikeway, Off-Street Path.
16.90.040	Bikeway, Signed Connection.
16.90.045	Block Face.
16.90.050	Bureau of Transportation System Management.
16.90.055	Carpool Vehicle.
16.90.060	Central City Plan District.
16.90.065	City Recognized Holidays.
16.90.070	Compact Car.



16.90.075 Conduct Business.  
16.90.080 Construction Zone.  
16.90.085 Crosswalk.  
16.90.090 Curb.  
16.90.095 Curb Line.  
16.90.100 Driver.  
16.90.105 Driveway.  
16.90.110 Drop box.  
16.90.115 Emergency Vehicles.  
16.90.120 Fire Station.  
16.90.125 Fog Line or Edge Line.  
16.90.130 Gross Vehicle Weight Rating.  
16.90.135 Guest.  
16.90.140 Handicap Access Ramp.  
16.90.145 Hotel.  
16.90.150 Improper Use.  
16.90.155 Intersection.  
16.90.160 Light Rail Transit System.  
16.90.165 Light Rail Vehicle.  
16.90.170 Load/Unload.  
16.90.175 Local Authorities.  
16.90.180 Long-Term Parking Meter.  
16.90.185 Mobile Construction Trailer.  
16.90.190 Motor Bus.  
16.90.195 Motor Home.  
16.90.200 Motor Vehicle.  
16.90.205 Municipal Terminal.  
16.90.210 Official.  
16.90.215 Official Vehicle.  
16.90.220 Official/Reserved Zone.  
16.90.225 Operator.  
16.90.230 Parade.  
16.90.235 Park, Parking or Parked.  
16.90.240 Parking Lane.  
16.90.245 Parking Meter.  
16.90.247 Payment Card.  
16.90.249 Space Reservation Device.  
16.90.250 Pedestrian.  
16.90.255 Pedestrian Way.  
16.90.260 Permanently Exhibit.  
16.90.265 Person.  
16.90.270 Planting Strip.  
16.90.275 Private Road.

16.90.285 Rail Vehicles.  
16.90.290 Recreational Vehicle.  
16.90.295 Regulated Parking Zone.  
16.90.300 Repair (a vehicle).  
16.90.302 Right-of-Way.  
16.90.305 Roadway.  
16.90.310 School Bus.  
16.90.315 Service (a vehicle).  
16.90.320 Short-Term Parking Meter.  
16.90.325 Shoulder.  
16.90.330 Sidewalk.  
16.90.335 Skateboard.  
16.90.340 Sled.  
16.90.345 Stop, Stopping or Stopped.  
16.90.350 Street or Highway.  
16.90.351 Storage Container.  
16.90.355 Taxicab.  
16.90.360 Tire.  
16.90.365 Traffic.  
16.90.370 Traffic Congestion Thoroughfare.  
16.90.375 Traffic Control Device.  
16.90.380 Traffic Control Signal.  
16.90.385 Traffic Hazard.  
16.90.390 Traffic Lane.  
16.90.395 Tri-Met Bus.  
16.90.400 Trolley or Streetcar.  
16.90.405 Truck.  
16.90.410 Truck Trailer.  
16.90.415 Uncontrolled Intersection.  
16.90.420 Utility Trailer.  
16.90.421 Valid Receipt.  
16.90.425 Vehicle.  
16.90.430 Vehicle Alarm System.  
16.90.435 Vendor.  
16.90.440 Way.

- B.** Persons appointed as parking code enforcement officers or as supervisors, will be special police officers of the City. As special police officers, the parking code enforcement officers and supervisors will have authority to issue citations for parking violations, including violations of disabled zones on property that is open to the public outside of the public right-of-way, or on City of Portland owned or operated property.

### **Chapter 16.20**

#### **PUBLIC RIGHT-OF-WAY PARKING**

**Sections:**

- 16.20.001 Purpose.
- 16.20.100 General Parking Methods.
- 16.20.110 Generally.
- 16.20.120 Prohibited Parking or Stopping of a Vehicle.
- 16.20.130 Prohibited in Specific Places.
- 16.20.150 Prohibited Practices.
- 16.20.160 Use of Streets in Lieu of Off-street Parking or Storage.
- 16.20.170 Storing Property on Street Prohibited.
- 16.20.190 Successive Violations.
- 16.20.200 Regulated Parking Zones.
- 16.20.201 Purpose.
- 16.20.203 Regulated Parking Zone Designations.
- 16.20.205 Enforcement of Regulated Parking Zones.
- 16.20.210 No Parking Zones.
- 16.20.213 No Parking or Stopping Zone.
- 16.20.215 Theater Zone.
- 16.20.220 Truck Loading Zone.
- 16.20.230 Bus Zone.
- 16.20.235 Tri-Met Bus Zone.
- 16.20.240 Taxi Zone.
- 16.20.250 Disabled Person Zone.
- 16.20.260 Time Zones.
- 16.20.270 Carpool Zone.
- 16.20.280 Official/Reserved Zones.
- 16.20.400 Metered Parking Zones.
- 16.20.401 Purpose.
- 16.20.405 Enforcement of Metered Parking Spaces.
- 16.20.410 Administration of Meters, City of Portland Owned and Operated Property.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- 16.20.420 Determination of Meter District Boundaries.
- 16.20.430 Meter Time (on City of Portland Right-of-Way).
- 16.20.431 City of Portland Owned or Operated Property
- 16.20.440 Meter Fees.
- 16.20.445 Pay Stations.
- 16.20.450 Obstruction of Meters.
- 16.20.460 Parking Space Reservation.
- 16.20.470 Injury to or Theft From Meters; Unauthorized Possession of Implement, Invalid Receipt.
- 16.20.500 General Parking Permits.
- 16.20.501 Purpose.
- 16.20.503 Current Approval Required Before Use.
- 16.20.505 All Traffic Laws Apply to Permit Holder.
- 16.20.510 Construction Area Permit.
- 16.20.520 Maintenance Hood Permit.
- 16.20.530 Temporary Truck Loading Area Permit.
- 16.20.540 Angle Loading Permit.
- 16.20.550 Travel Lane Parking Permit.
- 16.20.560 Special Use Permit.
- 16.20.595 Improper Use.
- 16.20.600 Vehicle Parking Permits.
- 16.20.601 Purpose.
- 16.20.603 Current Approval Required Before Use.
- 16.20.605 All Traffic Laws Apply to Permit Holder.
- 16.20.610 Media Permit.
- 16.20.620 Commercial Permit.
- 16.20.630 Delivery Permit.
- 16.20.640 Disabled Person Permit.
- 16.20.645 Wheelchair User Disabled Person Parking Permit.
- 16.20.650 Government Permit.
- 16.20.660 Nonprofit Permit.
- 16.20.670 Carpool Permit for Metered Parking.
- 16.20.675 Carpool Zone Permit.
- 16.20.680 Other Permit.
- 16.20.695 Improper Use.
- 16.20.800 Area Parking Permit Program.
- 16.20.801 Purpose.
- 16.20.810 Definitions.
- 16.20.830 Area Eligibility.
- 16.20.840 Process.
- 16.20.850 Program Administration.
- 16.20.860 Violation and Enforcement.

- F. Decisions of the City Traffic Engineer regarding the issuance of vehicle permits may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

**16.20.605 All Traffic Laws Apply to Permit Holder.**

All permit holders and permitted vehicles are subject to all traffic laws and regulations not explicitly superseded by the permit.

**16.20.610 Media Permit.**

(Amended by Ordinance No. 176394, effective April 17, 2002.) A media permit allows parking in any area designated by the permit. This permit may be issued to a radio or television station and to a newspaper. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

**16.20.620 Commercial Permit.**

A commercial permit allows parking in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

**16.20.630 Delivery Permit.**

A delivery permit allows parking in any area designated by the permit. This permit may contain restrictions deemed necessary by the City Traffic Engineer.

**16.20.640 Disabled Person Permit.**

(Amended by Ordinance Nos. 166575, 170923, 179141 and 181507, effective January 1, 2008.)

- A. A vehicle with an official disabled person registration plate, while transporting a disabled person, or a vehicle while transporting a person with an official disabled person placard issued by a state Department of Motor Vehicles, may park:
  - 1. In any space designated for a vehicle with a disabled person parking permit for any amount of time (subject to on-street storage regulations);
  - 2. In any metered or nonmetered space with a designated time limit of 30 minutes or more for any amount of time without fee; or
  - 3. In any metered or nonmetered space with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit with fee, if applicable, except in any space reserved for special types of vehicles or activities; e.g., truck loading zones, carpool zones, area parking permit areas.
- B. A vehicle with a program placard issued under ORS 811.607 may park as provided under ORS 811.637.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

**C. Penalties:**

- 1.** Unlawful use: if a person is not a disabled person and is not transporting the holder of a disabled parking permit to or from the parking location and the person uses a disabled parking permit to exercise parking privileges under this Section, that person commits unlawful use under Oregon Revised Statutes.
- 2.** Misuse: if a driver uses a disabled parking permit for any purpose other than exercising the privileges granted, the driver commits permit misuse under Oregon Revised Statutes.

**D.** A vehicle with an official disabled persons permit issued under ORS 811.602, 811.603, 811.604, 811.605, 811.606, 811.607, 811.608, and 811.609, or by the authority of another state, may park as provided under ORS 811.637.

**E. Penalties:**

- 1.** Invalid use of a disabled persons parking permit occurs if:
  - a.** Driver uses a disabled parking permit that has been previously reported lost or stolen,
  - b.** Has been altered, was issued to a person who is deceased at the time of the citation,
  - c.** Has not been issued under ORS 811.602, or by the authority of another state,
  - d.** Is a photocopy or other reproduction of a permit,
  - e.** The permit is displayed without the permit number and expiration date clearly displayed

**F.** Parking privileges for vehicle parking utilizing Section 16.20.640 will be extended under Senate Bill 716 Section 7 (3). All regulations within this Section will be granted and enforced; this Section will expire on June 30, 2008.

**16.20.645 Wheelchair User Disabled Person Parking Permit.**  
(Added by Ordinance No. 181507, effective January 1, 2008.)

**A.** A vehicle with a “Wheelchair User” placard or decal issued by a state Department of Motor Vehicles, while transporting a disabled person, or a vehicle while transporting a person with a “Wheelchair User” placard or decal, may park:

**TITLE 16  
VEHICLES AND TRAFFIC**

1. In any space designated for a vehicle with a “Wheelchair User” placard or decal for any amount of time (subject to on-street storage regulations);
  2. In any metered or non-metered space with a designated time limit of 30 minutes or more for any amount of time without fee; or
  3. In any metered or non-metered space with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit with fee, if applicable, except in any space reserved for special types of vehicles or activities; e.g., truck loading zones, carpool zones, area parking permit areas.
- B.** A vehicle with a program placard issued under ORS 811.607 may park as provided under ORS 811.637.
1. Penalties:
    - a. Unlawful use: if a person is not a disabled person and is not transporting the holder of a “Wheelchair User” placard or decal to or from the parking location and the person uses a “Wheelchair User” placard or decal to exercise parking privileges under this Section, that person commits unlawful use under Oregon Revised Statutes.
    - b. Misuse: if a driver uses a “Wheelchair User” placard or decal for any purpose other than exercising the privileges granted, the driver commits permit misuse under Oregon Revised Statutes.
- C.** A vehicle with a “Wheelchair User” placard or decal issued under ORS 811.602 through 811.637 or by the authority of another state with current Wheelchair User permit, may park as provided under ORS 811.637.
1. Penalties:
    - a. Invalid use of a “Wheelchair User” placard or decal occurs if:
      - (1) Driver uses a “Wheelchair User” placard or decal that has been previously reported lost or stolen,
      - (2) Has been altered, was issued to a person who is deceased at the time of the citation,

**TITLE 16  
VEHICLES AND TRAFFIC**

- (3) Has not been issued under ORS 811.602, or by the authority of another state,
- (4) Is a photocopy or other reproduction of a permit,
- (5) The permit is displayed without the permit number and expiration date clearly displayed

**16.20.650 Government Permit.**

A government permit allows a vehicle displaying the permit to park in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

**16.20.660 Nonprofit Permit.**

A nonprofit vehicle permit allows a vehicle displaying the permit to park in any area designated by the permit. This permit may be issued to a charitable organization when permit parking activities directly serve a charitable function. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

**16.20.670 Carpool Permit for Metered Parking.**

A vehicle with a carpool permit may park without payment of the meter fee only at any long-term metered parking space, or at spaces reserved for carpool permit parking.

**16.20.675 Carpool Zone Permit.**

A vehicle with a carpool zone permit may park in the area designated on the permit according to the rules of the permit.

**16.20.680 Other Permit.**

An other permit allows parking in any area designated on the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

**16.20.695 Improper Use.**

- A. The improper use of a permit, meter hood, or sign will be cause for the revocation of the permit, meter hood, or sign and/or for a fine to be levied by the City Traffic Engineer. Upon notice of revocation, the permit and/or meter hood(s) must immediately be returned to the City Traffic Engineer.
- B. The vehicle permit applicant is fully responsible for any violation of the conditions of the permit.
- C. All fees paid will be forfeited in the event of revocation. All fines will be due within 30 days after the fine is levied.



- D.** Decisions of the City Traffic Engineer regarding the revocation of a vehicle permit may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

**16.20.800 Area Parking Permit Program.**

**16.20.801 Purpose.**

- A.** The area parking permit program is intended to increase access to residents and businesses, reduce traffic congestion, increase traffic/pedestrian safety, reduce air pollution, reduce noise pollution, prevent blighted areas, and promote the use of mass transit, car pooling, and other alternative modes of transportation.
- B.** The area parking permit program will reduce commuter traffic that originates from outside the permit area and has no apparent connection or business within the permit area. A guest who originates from outside the permit area but is visiting a resident or conducting business within the permit area may be provided a guest permit by the area permittee.
- C.** Each area that implements the parking permit program will have a unique set of parking needs. These needs will be based in part on the extent of the parking congestion; the cause(s) of the congestion; the proximity of the neighborhood to the parking generator(s); the mix of residential/nonresidential use; the number of guests visiting the area; the frequency of guests visiting the area; the availability of off-street parking; the types of parking problems in surrounding areas; the availability of alternative modes of transportation; the possibility of alternative parking solutions; and the physical layout and boundaries of the area.
- D.** Each area must meet the eligibility criteria (16.20.830) and follow the prescribed process (16.20.840) in order to form a permit program.
- E.** Area residents and businesses will be allowed to purchase a permit granting on-street parking privileges in the area where they reside or have their places of business. A permit will allow a vehicle under the legal control of a resident, worker, or visitor, with a properly displayed permit decal or card, to exceed the area permit parking program time limits that are posted within a designated area.

**16.20.810 Definitions.**

(Amended by Ordinance Nos. 165594 and 176394, effective April 17, 2002.)

- A.** “**Address**” is the street number and applicable apartment number for each dwelling unit, business, or other use. Each apartment or commercial unit is regarded as a unique address.

**TITLE 16  
VEHICLES AND TRAFFIC**

- B.** “**Annual permit fee**” is the annual fee for each business, guest, or resident permit decal. If a permit is issued on or after the first day of the seventh month in the permit year, the fee will be one half of the yearly permit fee. Replacement permits will be one half of the current permit fee.
- C.** “**Area business**” is any professional establishment or nonresident property owner whose business property is located within a permit area.
- D.** “**Area Parking Committee**” is the group of not less than two people and not more than five people (excluding alternates) appointed by the neighborhood association and business district association which implements an Area Permit Parking Program or, when a proposed permit program area is not within the boundaries of a listed business district association, by the neighborhood association whose residents represent the greatest number of addresses within a permit area. Area Parking Committees will assist the City Traffic Engineer in establishment of the Area Permit Parking Program, development of a Supplemental Plan Description, and ongoing review of the program.
- E.** “**Area resident**” is any person who resides within the permit area.
- F.** “**Area vehicle**” is one that originates from inside the permit area and/or has an apparent connection or business within the permit area.
- G.** “**Business District Association**” is any group listed by the Office of Neighborhood Associations to represent businesses of a geographic area within the City.
- H.** “**Business permit decal**” is the decal issued by the City Traffic Engineer for assignment to vehicles under the legal control of workers, customers, clients, or others while conducting business in the area.
- I.** “**Complimentary Hours Permit**” is the permit(s) granted to each area program permit holder for guest parking for special occasions.
- J.** “**Effective hours**” are the days and hours during which the area permit program applies as defined by each individual Supplemental Plan.
- K.** “**Guest permit decal**” is the decal issued by the City Traffic Engineer to a permittee to identify any vehicle(s) under the legal control of guests during periods when guests are actually visiting at the permittee’s address.
- L.** “**Improper use**” has occurred when a permit holder violates the provisions described on the permit application. Improper use will lead to penalties as described in 16.20.860.

**TITLE 16  
VEHICLES AND TRAFFIC**

- M.** “**Neighborhood association**” is any group recognized by the Office of Neighborhood Associations to represent residents of a geographic area within the City.
- N.** “**Non-permitted vehicle**” is any vehicle which does not display a current permit decal for the Area Permit Parking Program Area in which it is parked.
- O.** “**Permit area**” is any area as designated by an initiating petition or as modified in the boundary description.
- P.** “**Permit decal**” (generally) means any resident, business, and guest decal issued by the City Traffic Engineer to residents and businesses in permit areas. Permit decals must be clearly identified as belonging to a specific permit area, for use during a specified permit year, and proper for only one of the following permits: resident, business, or guest. These decals must be displayed in the manner described in the administrative rules for Area Parking Permit decals. Permit decals expire on the last day of the permit year in which they are issued.
- Q.** “**Permit program**” is any Area Permit Parking Program created and administered under this Code Chapter 16.20.800.
- R.** “**Permit year**” is the 12-month period set for the administration of an Area Permit Parking Program by consent of the City Traffic Engineer and the Area Parking Committee.
- S.** “**Permitted vehicle**” is any vehicle which properly displays the correct permit decal, or temporary permit issued by the City Traffic Engineer for use on such vehicle.
- T.** “**Program administrator**” is designated by the City Traffic Engineer to administer an Area Permit Parking Program. Program administrator responsibilities include routine program administration, consulting with the Area Parking Committee to amend or interpret the Supplemental Plan Description, and giving approval or denial to proposed permit program provisions.
- U.** “**Resident permit decal**” is a decal issued by the City Traffic Engineer to a resident to identify the vehicle(s) under the resident’s legal control as permitted vehicle(s).
- V.** “**Supplemental plan description**” is the document established by the Area Parking Committee and the program administrator. It details the Area Parking Permit Program policies and procedures in accordance with Code Chapter 16.20.800.

**TITLE 16  
VEHICLES AND TRAFFIC**

- W.** “**Temporary permit**” is used in lieu of an annual permit decal on vehicles. The purpose of a temporary permit is for display in a vehicle under the legal control of an applicant without sufficient proof to obtain a permanent permit, for the usage of complimentary hours, or for construction projects. Applicants will be charged a fee for each vehicle they register with the exception of complimentary permit hours. The Area Parking Committees may establish any additional terms and conditions for use of temporary permit cards.
- X.** “**Unauthorized permit**” is the display of any permit decal not assigned to that vehicle as defined in the supplemental plan description.
- Y.** “**Vehicle of record**” is the vehicle which a permit holder has registered for a permit decal with the Program Administrator.

**16.20.830 Area Eligibility.**

All of the following eligibility criteria must be met before the area will be considered for the area parking permit program:

- A.** There must exist at some time during the day an occupancy rate of 75 percent or more of the existing on-street parking spaces. Twenty-five percent (25%) of the vehicles occupying the on-street spaces must be other than area vehicles. Vehicles that originate from outside the proposed permit program area but are visiting a resident or conducting business in the proposed permit program area will not be considered a commuter vehicle. This occupancy rate must occur at least 4 days per week and the neighborhood association, the business district association, and the City Traffic Engineer must agree that this occupancy will occur for a minimum of 9 months per year.
- B.** The requesting area must consist of a minimum of 40 block faces or 8,000 lineal feet of curb space.
- C.** An area that feels it is adversely affected by parking and is requesting permit parking must work through its neighborhood association or business district association as defined in City Code Section 3.96.020 and 3.96.030. If the area is not formally organized, it should directly contact the Office of the Neighborhood Associations for assistance. The Office of the Neighborhood Associations must review the request and discuss the eligibility of that area to form a neighborhood association or business district association in conformance with the criteria established.
- D.** The City Traffic Engineer must agree that the area permit parking program would promote benefits within the designated area.

**TITLE 16  
VEHICLES AND TRAFFIC**

1. Benefits may include, but are not limited to: increased access to area residents and businesses, reduced traffic congestion, increased traffic/pedestrian safety, reduced air/noise pollution, prevention of blighted areas, increased neighborhood unity, and promoting the use of alternative modes of transportation.
2. Adverse effects that may prevent implementation include, but are not limited to: transferring the problem to a different area, inability to effectively enforce program restrictions, lack of alternative modes of transportation, availability of simpler, cheaper solutions, and the legal existence of more than one firm with 50 or more employees that could not operate under the permit system constraints.

**16.20.840 Process.**

(Amended by Ord. No. 170923, effective March 21, 1997.) The following process must be followed to establish area permit parking programs:

- A. An area may apply to participate in a permit program through a community-initiated petition with signatures representing 50 percent of the affected addresses (one signature per address) to be submitted to the neighborhood association and the business district association. This petition shall include:
  1. The parking problem;
  2. The probable cause of the problem;
  3. The proposed boundaries of the congested area;
  4. The number of individual addresses in the congested area; and
  5. The permit fees of the program.
- B. The neighborhood association and business district association shall discuss the request with the City Traffic Engineer to determine if there are any conditions (as specified in 16.20.830 D above) that would prevent the implementation of a area permit parking program. If the City Traffic Engineer recommends that the application process continue, the neighborhood association and the business district association must work with the area to determine its eligibility and appoint an area parking committee.
- C. Upon receipt of the petition, the City Traffic Engineer must initiate a preliminary investigation to verify that the area meets the criteria.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- D.** Based on the findings of the investigations, the City Traffic Engineer will determine if a proposed area is eligible for an area parking permit program.
- E.** If an area is approved as eligible, the City Traffic Engineer may propose a program and mail this program and notice of a public meeting to all addresses in the proposal area. After the public meeting, the proposal will be refined and a ballot prepared. The City Traffic Engineer may expand or contract (if larger than the minimum) the proposed area to conform to major physical boundaries such as arterial roadways, rivers, hills, ridges, or political boundaries such as neighborhood boundaries or to protect projected impact areas as determined by the professional engineering or planning staff.
- F.** A ballot will be mailed to all addresses within the proposed area within 30 days after the last public meeting. The legal occupant of an address is eligible to vote. This ballot must be received by the City Traffic Engineer on or before the date specified in the mailing. A minimum of 50 percent of the ballots must be received, of which 60 percent must be “yes” votes, to approve the program.
- G.** If the vote in Paragraph F. is negative, a minimum of 12 months must elapse before any new proposal can be initiated.
- H.** If the vote in Paragraph F. of this Section is positive, the City Traffic Engineer will submit to the City Council an ordinance authorizing the permit system and required funding. If approved by Council, the City Traffic Engineer will notify all addresses of the approval and enclose application materials. Permit fees from at least 50 percent of the addresses must be collected prior to the installation of signs.
- I.** The program will renew annually, unless:

  - 1.** The City Traffic Engineer receives a petition, representing 50 percent of the addresses within the designated permit program area, requesting termination of the program. After receipt of a valid petition, the City Traffic Engineer will mail a ballot to the program area according to subsection F. The vote must be completed before the program will be terminated; or
  - 2.** The designated area does not meet the rules or procedures established by the City Traffic Engineer.
- J.** Changes to boundaries of existing permit areas desired by area residents must be made according to the following procedure:

**TITLE 16**  
**VEHICLES AND TRAFFIC**

1. The City Traffic Engineer must determine that the resulting permit area will meet the minimum standards for permit areas established in 16.20.830.
2. The changes must be approved by the City Traffic Engineer and by a majority of the Area Parking Committee.
3. The City Traffic Engineer will mail a ballot to the addresses of the area to be annexed into or deleted from the permit area. The completed ballot must be received by the City Traffic Engineer on or before the date specified in the mailing. A minimum of 50 percent of the ballots must be received, of which 60 percent must be “yes” votes, to approve the changes.
4. If the vote in is negative, a minimum of 12 months must elapse before any new proposal can be initiated.

**16.20.850 Program Administration.**

(Amended by Ordinance No. 177006, effective October 30, 2002.)

- A. For each Area Permit Parking Program, the City Traffic Engineer will guide the area in establishment, evaluation, revision, or termination of the Area Permit Parking Program by:
  1. Meeting with the Area Parking Committee;
  2. Planning and coordinating registration and enforcement; and
  3. Completing any other such duties described in the Supplemental Plan Description.
- B. Annual Review of Program Fees: Ordinance number 176868 (passed September 28, 2002) approved program permit fees at full cost of service. Beginning 2003, the City Traffic Engineer will review program costs (perform cost-of-service analysis) in October of each year. The structure of the annual review will be based on the cost-of-service model, dated August 2002. Any changes to program fees resulting from the annual review will be effective the following January.  
Notification of Fee Changes and Permit Renewal: Upon completion of the annual cost-of-service analysis, permit holders will be mailed advance notification of any change to permit fees. Notification of any change to permit fees will also be provided along with notification of the need to register for the coming year.
- C. It is the obligation of area residents and businesses to apply for permit decals in a timely manner and in accordance with Code Chapter 16.20 and the appropriate

**TITLE 16  
VEHICLES AND TRAFFIC**

Supplemental Plan Description. Applicants must present authorized documentation to the City Traffic Engineer as follows:

1. An area resident must present proof of current occupancy and current proof of vehicle control. A person using a vehicle owned by another must present a notarized statement from the owner stating that the vehicle has been assigned to the applicant for their personal use.
  2. An area business must present proof of current occupancy and a payroll record or a list of employees and the hours each employee works per week.
- D.** An area business is eligible to purchase business permit decals for workers in accordance with the supplemental plan description. The number of business permit decals which may be issued to an area business must be defined in each permit area's supplemental plan description.
- E.** One guest permit decal may be issued to each address for an area permit decal. A guest permit decal may not be converted to a business permit decal. Additional guest permit decals may be issued to an address according to the rules of each Supplemental Plan Description.
- F.** It is the obligation of the permit holder to notify the City Traffic Engineer of loss or theft of a permit decal within 3 business days. The permit holder may purchase a replacement for one half of the current fee, unless the City Traffic Engineer has disallowed purchase by the purchase holder under the penalty provision of 16.20.860.

**16.20.860 Violation and Enforcement.**

(Amended by Ordinance Nos. 165594 and 179141, effective March 23, 2005.)

- A.** A permitted vehicle which is parked in accordance with posted Area Permit Parking Program signing and in accordance with parking regulations generally (Chapter 16.20) is permitted to be parked in excess of the visitor parking time limit. An area parking permit does not allow parking in restricted parking zones (16.20.200).
- B.** Display of an area parking permit does not convey any privileges other than that of exceeding the posted permit parking visitor time limit. It does not authorize parking in any other restricted zone. Permitted vehicles are subject to the provisions of 16.20.170. (Storing Property on street is prohibited.)
- C.** During permit designated hours, it is unlawful for a nonpermitted vehicle to:



**TITLE 16**  
**VEHICLES AND TRAFFIC**

1. Exceed the maximum visitor time limit allowed within the signed permit area;
  2. Return to the signed permit area for a period of 12 hours after parking for any time period.
- D.** The permit holder is responsible for all improper use (16.20.810.L.) of any assigned permit decal(s), unless previously reported as lost or stolen. If investigation verifies improper use, the permit holder will be penalized as described below.
1. A fine will be assessed for each permit decal in violation. This fine shall be payable and due within 30 days following the violation.
  2. No additional permits will be issued to the permit holder until all fines have been paid.
- E.** It is unlawful for a vehicle to display an unauthorized permit. A vehicle displaying an unauthorized permit may be cited, or a fine assessed for each violation. The fine shall be payable and due within 30 days of the violation.
- F.** Improper use of a decal by a permit holder will result in cancellation of that permit decal for a period of 12 months. Further improper use of a permit decal by that permit holder within a 24-month period will additionally render the permit holder disqualified from purchasing any Area Parking Program Permit for two subsequent permit years.
- G.** Decisions of the City Traffic Engineer regarding the revocation or refusal to issue a permit may be appealed to the Code Hearings Office according to the provisions of Title 22 of the Portland City Code.
- H.** It is unlawful for a vehicle to improperly display any authorized permit, as outlined in the City of Portland, Transportation Administrative Rule.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

**Chapter 16.30**

**TOWING & DISPOSITION OF VEHICLES**

**Sections:**

- 16.30.001 Purpose.
- 16.30.100 Authority to Tow Vehicles and Establish Hearing Procedures.
- 16.30.200 Vehicle Towing.
- 16.30.210 When a Vehicle May be Towed.
- 16.30.220 Towing Without Prior Notice.
- 16.30.225 Towing With 24 Hour or 72 Hour Notice.
- 16.30.240 Towing Upon Order of Circuit Court.
- 16.30.300 Notice of Vehicle Tow.
- 16.30.310 Notice Prior to Tow.
- 16.30.320 Notice After Vehicle Tow.
- 16.30.340 Unidentifiable Vehicle.
- 16.30.350 Notice to Contest Tow When Vehicle Claimed.
- 16.30.400 Tow Hearing Procedure.
- 16.30.410 Request for Hearing.
- 16.30.420 Hearing Procedure.
- 16.30.430 When Tow Found Invalid.
- 16.30.440 When Tow Found Valid.
- 16.30.450 Hearing Administration.
- 16.30.500 Fee Payments and Vehicle Release Procedure.
- 16.30.510 Towing and Storage Rates.
- 16.30.520 Charges and Release of Vehicle.
- 16.30.530 When Tow Found Invalid.
- 16.30.540 When Tow Found Valid.
- 16.30.550 Storage Charges at Completion of Hearing.
- 16.30.600 Selling Abandoned Vehicles.
- 16.30.610 When a Vehicle May Be Sold.
- 16.30.620 Sale of Vehicles.
- 16.30.700 Moving Vehicles for Street and Utility Maintenance and for Emergencies.
- 16.30.710 Authority to Move Vehicles.
- 16.30.720 When a Vehicle May Be Moved.
- 16.30.730 Manner of Moving Vehicle.
- 16.30.800 Regulation of Towers.
- 16.30.810 Solicitation of Towing Business at Accidents Prohibited.
- 16.30.820 Obstructing Traffic.
- 16.30.830 Failure to Remove Injurious Substance.

**16.30.001 Purpose.**

This section describes when a vehicle may or will be towed for parking violation(s), the manner of the towing, storage of the vehicle, and the release or disposition of the vehicle.

**16.30.100 Authority to Tow Vehicles and Establish Hearing Procedures.**

(Amended by Ord. No. 170923, effective March 21, 1997.)

- A.** Any officer authorized by the City Council or by City Code may order a vehicle towed as provided in this Title.
  - 1.** Impoundment of a vehicle does not preclude issuance of a citation for violation of this Title.
  - 2.** Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
- B.** The authority to establish procedures in this Title for the disposition of towed vehicles is authorized by Oregon law. Disposition of vehicles towed under authority of this Title must follow the procedures established by this Title.
- C.** If any person tows a vehicle from the public streets without authority under the City Code, the City Towing Coordinator may assess a civil penalty of up to \$1,000 for each vehicle towed to be paid to the City Towing Coordinator and deposited to the City's general fund.

**16.30.200 Vehicle Towing.**

**16.30.210 When a Vehicle May be Towed.**

(Amended by Ordinance Nos. 172788 and 179141, effective March 23, 2005.) A vehicle may be towed and held at the expense of the owner or person entitled to possession thereof from:

- A.** Any public right-of-way, public park or other public place or property, when:
  - 1.** The vehicle is parked in violation of a temporary or permanent parking restriction;
  - 2.** The vehicle is parked unlawfully or in a manner that may be hazardous to traffic;
  - 3.** The vehicle is parked on City-owned or operated property without express City permission;

**TITLE 16  
VEHICLES AND TRAFFIC**

4. The vehicle was used in committing a traffic or parking violation for which an unserved warrant or citation is on file with the clerk of the Circuit court;
  5. The vehicle has been reported stolen;
  6. The vehicle or its contents is to be used as evidence in traffic or criminal prosecutions;
  7. The vehicle is in possession of a person taken into custody by a law enforcement agency;
  8. The vehicle is parked in a space that is marked as reserved for disabled persons unless such vehicle conspicuously displays appropriate decals, insignia, or registration plates as required by state statutes;
  9. The vehicle is parked in violation of any parking regulation;
  10. The vehicle is an abandoned vehicle, as defined in 16.90.005; or
  11. The vehicle is stored on the street in violation of 16.20.170.
- B.** Permanent parking restrictions may be enforced by tow 24 hours after placement in any meter or non meter areas.
- C.** Private property if:
1. The vehicle is parked or stopped without the permission of the person in control of such property; or
  2. In violation of this Title.
- D.** Temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area.
- E.** Temporary parking restrictions may be enforced by tow if the space reservation device and/or signs are in place by 12:30 p.m. the prior day in any meter district.

**16.30.220 Towing Without Prior Notice.**

(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

- A.** The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- B.** The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane;
- C.** The vehicle is parked in front of a rural-type mailbox and has been cited within the previous 30 days for violation of Section 16.20.130 E;
- D.** The vehicle poses an immediate danger to the public safety;
- E.** The vehicle is illegally parked within 10 feet of a fire hydrant.
- F.** A police officer reasonably believes that the vehicle is stolen;
- G.** A police officer reasonably believes that the vehicle or its contents constitute evidence of any offense, if such towing is reasonably necessary to obtain or preserve such evidence;
- H.** The vehicle was in possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle is available;
- I.** The vehicle is parked or stopped in violation of 16.20.120 A and the vehicle alarm system disturbs, injures, or endangers, or is likely to disturb, injure, or endanger, the peace, quiet, comfort, repose, health, or safety of the public or any person; or
- J.** The vehicle is in the possession of a person arrested for any felony traffic offense, as defined by Oregon Revised Statutes.
- K.** A police officer has probable cause to believe that the vehicle's operator has committed any of the following offenses:
  - 1.** Driving uninsured (ORS 806.010);
  - 2.** Driving while suspended or revoked (ORS 811.175 or ORS 811.182);
  - 3.** Operating a vehicle without driving privileges or in violation of license restrictions (ORS 807.010) and the operator's license has been expired for 60 days or more, or that the operator has not had a valid driver's license within the previous 60 days.
  - 4.** Driving while under the influence of intoxicants (ORS 813.010);

**TITLE 16  
VEHICLES AND TRAFFIC**

5. Fleeing or attempt to elude police officer (ORS 811.540);
  6. Speed racing on highway (ORS 811.125); or
  7. Reckless driving (ORS 811.140).
- L.** A police officer has probably cause to believe that the vehicle has been used or is possessed for the purpose of being used to commit or conceal the commission of one or more of these offenses:
1. Prostitution (ORS 167.007), Promoting prostitution (ORS 167.012), or Compelling prostitution (ORS 167.017) or any attempt, solicitation or conspiracy of one of these offenses; or
  2. Unlawful delivery of imitation controlled substance (ORS 475.991), Unlawful possession, delivery, or manufacture of controlled substance (OR 472.992), Unlawful distribution of controlled substance to minors (ORS 475.995), Unlawful manufacture or delivery of controlled substance within 1,000 feet of school (ORS 475.999), or any attempt, solicitation, or conspiracy of one of these offenses.

**16.30.225 Towing with 24 Hour or 72 Hour Notice.**

(Added by Ordinance No. 166947; amended by 170923, 172788 and 179141, effective March 23, 2005.)

- A.** A vehicle may be towed 24 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is an abandoned vehicle which is an immediate threat to the public health or safety because of its condition.
- B.** A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is an abandoned vehicle; or
- C.** A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is in violation of 16.20.120 H or I or 16.20.170.
- D.** Notice shall be mailed after tow as provided in 16.30.320.

**16.30.230 When Notice Required Before Towing.**

(Repealed by Ordinance No. 172788, effective November 13, 1998.)

**16.30.240 Towing upon Order of Circuit Court.**

(Amended by Ordinance No. 173369, effective May 12, 1999.) Vehicles that have been used in the commission of a traffic or parking violation, for which an unserved warrant or citation is on file with the Circuit Court clerk, may be towed upon order of the Circuit Court.

**16.30.300 Notice of Vehicle Tow.**

**16.30.310 Notice Prior to Tow.**

(Amended by Ordinance No. 172788, effective November 13, 1998.)

A. Except where shorter notice is allowed by this title, notice for vehicles which require prior notice before towing must be provided by:

1. Affixing a tow warning to the vehicle at least 10 days prior to the tow; and
2. Mailing a notice to the registered owner(s) and any other persons who reasonably appear to have an interest in the vehicle within 48 hours, Saturdays, Sundays, and holidays excluded, after the tow warning is affixed to the vehicle.

B. The tow warning and the mailed notice will state that:

1. The vehicle is parked in violation of City Code;
2. The City intends to tow and remove the vehicle if the violation is not corrected; and
3. A hearing is available to contest the validity of the intended tow, and the method of requesting a hearing, including the date by which a hearing may be requested.

C. If a timely request for hearing is received pursuant to Subsection 16.30.400, the vehicle will not be towed until the Tow Hearings Officer makes a determination.

**16.30.320 Notice After Vehicle Tow.**

A. After a vehicle has been towed pursuant to this Chapter, notice will be provided to the registered owner(s) and any other person(s) who reasonably appear to have an interest in the vehicle. Notice will be mailed to such persons within 48 hours after the tow of the vehicle, Saturdays, Sundays, and holidays excluded, and will state:

1. That the vehicle has been towed;

**TITLE 16  
VEHICLES AND TRAFFIC**

2. The location of the vehicle and that it may be reclaimed only upon evidence that the claimant is the owner or person entitled to possession;
  3. The address and telephone number of the person or facility that may be contacted for information on the charges that must be paid before the vehicle will be released and the procedures for obtaining the release of the vehicle;
  4. That the vehicle and its contents are subject to a lien for the towing and storage charges; that if the vehicle is not claimed within 15 days after the mailing date of the notice, the vehicle and its contents will be subject to sale by the City or the towing and storage facility where the vehicle is located and that failure to reclaim the vehicle within such time will constitute a waiver of all interest in the vehicle; and
  5. Unless notice of the availability of a hearing to contest the tow has been provided prior to towing as prescribed in Section 16.30.310, the notice will state that a hearing may be requested to contest the validity of the tow and will set forth the time in which a hearing must be requested and the method of requesting a hearing.
- B.** If a vehicle has been reclaimed prior to the mailing of the notice, no notice need be mailed or provided, but the person or persons reclaiming the vehicle must be provided with written notice of the opportunity for a hearing to contest the tow pursuant to Section 16.30.350.
- C.** In those circumstances in which it can reasonably be anticipated that mailing of notice may hinder or prevent the apprehension of a suspect in an ongoing criminal investigation, the mailing of notice may be delayed until such time as will not prejudice that investigation or apprehension.

**16.30.340 Unidentifiable Vehicle.**

No notice need be mailed pursuant to Subsections 16.30.310 or 16.30.320 when:

- A.** A vehicle does not display license plates or other identifying markings by which the registration or ownership of the vehicle can be determined, or;
- B.** When the identity of the owner of the vehicle is not available from the appropriate motor vehicle licensing and registration authority and when the identity and address of the owner and/or other persons with an interest in the vehicle cannot otherwise be reasonably determined.



**16.30.350 Notice to Contest Tow When Vehicle Claimed.**

Written notice of the opportunity to contest the validity of the tow of a vehicle, together with a statement of the time in which a hearing may be requested and the method of requesting a hearing, must be given to each person who seeks to redeem a vehicle which has been towed pursuant to this Chapter. This information will be made available by the tow company or other facility holding such vehicle.

**16.30.400 Tow Hearing Procedure.**

**16.30.410 Request for Hearing.**

(Amended by Ord. No. 170923, effective March 21, 1997.)

- A.** After a vehicle has been towed pursuant to subsection 16.30.220 or 16.30.225 and prior to towing pursuant to subsection 16.30.230, the owner(s) and any other persons who reasonably appear to have an interest in the vehicle are, upon timely application filed with the Tow Hearings Officer, entitled to request a hearing to contest the validity of the tow or intended tow of the vehicle.

  - 1.** In the case of a vehicle towed pursuant to Subsection 16.30.220 or 16.30.225, such application must be filed with and received by the Tow Hearings Officer not later than 10 days after the vehicle was towed.
  - 2.** In the case of a vehicle proposed to be towed pursuant to Subsection 16.30.230, such application must be filed with and received by the Tow Hearings Officer not later than 10 days after the affixing of the tow warning to the vehicle.
- B.** The Tow Hearings Officer may, for good cause shown, grant a request for hearing filed after the foregoing time requirements have expired. If the mailing of the towed vehicle notice was delayed pursuant to Subsection 16.30.310, the Tow Hearings Officer will grant a request for hearing received and filed within 10 days of the mailing date of the notice or 10 days of the date the vehicle was reclaimed, whichever first occurs.
- C.** The request for hearing must be in writing and will state the grounds upon which the person requesting the hearing believes the tow or proposed tow invalid, or, for any other reason, unjustified. The request for hearing will also contain such other information, relating to the purposes of this Chapter, as the Tow Hearings Officer may require.
- D.** The Tow Hearings Officer will set and conduct an administrative hearing on the matter within 14 days of receipt of a proper request filed pursuant to this Section. In all cases where a vehicle has been towed and not yet released, however, the

**TITLE 16  
VEHICLES AND TRAFFIC**

Tow Hearings Officer will set and conduct the hearing within 72 hours, not including Saturdays, Sundays, or holidays, on receipt of the request.

**16.30.420 Hearing Procedure.**

- A. The hearing shall afford a reasonable opportunity for the person(s) requesting it to demonstrate by the statements of witnesses and other evidence, that the tow and/or storage of the vehicle was or would be invalid, or for any other reason not justified.
- B. The Tow Hearings Officer will make necessary rules and regulations regarding the conduct of such hearings, consistent with this Section.

**16.30.430 When Tow Found Invalid.**

If the Tow Hearings Officer finds the tow and/or storage was or would be invalid or not justified, the Tow Hearings Officer will order the vehicle:

- A. Be immediately released if already towed. The owner(s) or any other person(s) who have an interest in the vehicle are not liable for the tow and/or storage charges and any money paid for tow and/or storage charges will be returned, as appropriate.
- B. Not be towed if such vehicle is about to be towed.

**16.30.440 When Tow Found Valid.**

(Amended by Ordinance No. 176352, effective March 27, 2002.) If the Tow Hearings Officer finds the towing and/or storage was or would be valid, the Tow Hearings Officer will order the vehicle, if still held, continue to be held until all towing and storage charges and an administrative fee are paid.

If such vehicle is about to be towed, pursuant to Subsection 16.30.230, the Tow Hearings Officer will order such vehicle to be towed and impounded if the violation involving that vehicle has not been completely corrected.

**16.30.450 Hearing Administration.**

- A. The decision of the Tow Hearings Officer is a quasi-judicial decision and is final, and is not appealable to the City Council.
- B. Any person who has a hearing scheduled pursuant to this Section and fails to appear at such hearing without good cause shown, as determined by the Tow Hearings Officer, will not be entitled to have such hearing rescheduled.
- C. The owner(s) and any other person(s) who have an interest in the vehicle are only entitled to one hearing for each tow of that vehicle.

- D.** Owners of vehicles towed by order of the District Court pursuant to Subsection 16.30.240 are not entitled to a hearing pursuant to this Chapter.
- E.** The Code Hearings Officer, appointed pursuant to Title 22, will act as Tow Hearings Officer pursuant to this Chapter. Subject to the approval of the Commissioner In Charge, the Code Hearings Officer may, in writing, designate one or more persons to act as Tow Hearings Officer during the absence or unavailability of the Code Hearings Officer.

**16.30.500 Fee Payments and Vehicle Release Procedure.**

**16.30.510 Towing and Storage Rates.**

The towing and storage charges that are to be paid before release of a vehicle towed by authority of this Chapter, if towed by a private company at the request of a City officer or employee, will be the charges fixed by City contract for private towing and storage. If a vehicle is towed by City equipment and personnel, the charges will be fixed by a schedule approved by the Council.

**16.30.520 Charges and Release of Vehicle.**

(Amended by Ordinance Nos. 165980, 167222, 175648 and 176352, effective March 27, 2002.)

- A.** Any private company that tows and stores any vehicle pursuant to this Chapter, shall have a lien on the vehicle, in accordance with ORS 87.152, for the just and reasonable charges for the tow and storage services performed. The company may retain possession of that vehicle, consistent with this Chapter, until towing and storage charges and an administrative fee have been paid.
- B.** If the required towing and storage charges and an administrative fee have been paid, the vehicle must be immediately released to the person(s) entitled to lawful possession. A vehicle towed pursuant to Section 16.30.220 K. shall be immediately released to the person(s) entitled to lawful possession upon proof that a person with valid driving privileges will be operating the vehicle, proof of insurance and payment of towing, storage and payment of an administrative fee to the police agency. If towing and storage charges and an administrative fee have not been paid, a vehicle will not be released, except upon order of the Towing Hearings Officer.
- C.** A vehicle towed pursuant to this Chapter may only be released to the owner, or to the person who was lawfully in possession or control of the vehicle at time it was towed, or to a person who purchased the vehicle from the owner and who produces written proof of ownership. In all cases, adequate evidence of the right

**TITLE 16  
VEHICLES AND TRAFFIC**

to possession of the vehicle as determined by the City Towing Board of Review, must be presented prior to release of the vehicle.

**16.30.530 When Tow Found Invalid.**

- A. The accrued towing and storage charges assessed under Section 16.30.520, will be waived by the Hearings Officer if the tow is found to be invalid or for any other reason not justified, after a hearing has been held pursuant to Section 16.30.400.
- B. A person's inability to pay the towing and storage charges, in and of itself, is not a sufficient basis for the waiving of such charges.
- C. If the charges are owed to a private company, the City will pay them if, after a hearing, the tow is found to be invalid or for any other reason not justified and the charges have not previously been paid.

**16.30.540 When Tow Found Valid.**

(Amended by Ordinance No. 176352, effective March 27, 2002.) If the Tow Hearings Officer finds the towing and/or storage was valid, the person entitled to possession of the vehicle will be responsible for all towing and storage charges.

**16.30.550 Storage Charges at Completion of Hearing.**

After the Tow Hearings Officer makes a public determination on a vehicle tow hearing, the vehicle must be picked up by the person entitled to possession within 24 hours to avoid further storage charges. If the vehicle is not claimed within this time period, it will not be released until the additionally accrued storage charges, if any, are paid.

**16.30.600 Selling Abandoned Vehicles.**

**16.30.610 When a Vehicle May be Sold.**

- A. Whenever any vehicle is taken into custody pursuant to this Chapter, the vehicle will be held at the expense and risk of the owner or person lawfully entitled to possession.
- B. At any time within 15 days after any such notice has been sent, as required in Section 16.30.300, the owner or person lawfully entitled to possession of any such vehicle may claim the vehicle by:
  - 1. presenting satisfactory proof of ownership or right to possession; and
  - 2. paying the charges and expenses, if any, incurred in the preservation and custody of the vehicle.

**TITLE 16  
VEHICLES AND TRAFFIC**

**16.30.620 Sale of Vehicles.**

(Amended by Ord. No. 166575, June 2, 1993.)

- A. As often as is necessary, the City Traffic Engineer will be provided with a list of all unclaimed vehicles which have been towed and stored by or for the City which:
  - 1. Have been in storage 15 days or longer and have been appraised at a value of \$750 or less, or;
  - 2. Have been in storage for 30 days or longer.
  
- B. The City Traffic Engineer will, as soon as convenient, authorize the sale of, or sell such vehicles in accordance with the provisions of any contract authorized by the Council. If there is no such contract, the City Traffic Engineer will sell such vehicle at public auction.
  - 1. If a vehicle is sold in accordance with the provisions of a contract, the Director of the City Traffic Engineer will ensure, at the time of sale, a certificate of sale in substantially the following form is issued to the purchaser:

“CERTIFICATE OF SALE

This is to certify that under the provisions of the Traffic Regulations of the City, I did on the . . . . day of . . . . ., 19 . . . . sell to . . . . . of . . . . . for the consideration . . . . . Dollars (\$ . . . .) the following described personal property:

(Brief description of property)

Dated this . . . . day of . . . . ., 19 . . . .

. . . . .  
City Traffic Engineer

**NOTE:** The City of Portland assumes no responsibility as to condition or Title of the above described property. In case this sale is for any reason invalid, the liability of the City is limited to return of the purchase price.”

- 2. If the City Traffic Engineer decides to sell any vehicles held pursuant to this Chapter at public auction, notice of the time and place of such auction sale must be given by publication in the official paper of the City for a

**TITLE 16  
VEHICLES AND TRAFFIC**

period of at least 10 days prior to the date of such sale. Such vehicles must be sold to the highest bidder for cash.

- C. The proceeds of such sale will be first applied to payment of the cost of such sale and expense incurred in the preservation and custody of such vehicles and the balance, if any, will be credited to the Transportation Operating Fund of the City.

**16.30.700 Moving Vehicles For Street and Utility Maintenance and For Emergencies.**

**16.30.710 Authority To Move Vehicles.**

(Amended by Ordinance No. 175564, effective May 9, 2001.) This Section applies when:

- A. The City has restricted parking in an area on a temporary basis and the signs, barriers, or other notice have been removed by someone other than the owner of the vehicle to be towed so that the vehicle owner has not had notice of the parking restriction;
- B. There is an emergency and a legally parked vehicle must be moved in order to attend to the emergency; or
- C. Vehicles are blocking the operation of Portland Streetcar.

**16.30.720 When a Vehicle May be Moved.**

(Amended by Ordinance Nos. 175564 and 179141, effective March 23, 2005.) Any vehicle parked on a public right-of-way, or on City of Portland owned or operated property, may be towed according to the provisions of 16.30.730 upon the order of an authorized City official, or designee, without prior notice to the owner of the vehicle, when removal of the vehicle is required:

- A. To provide immediate access for street or utility repair;
- B. To facilitate the operations by fire, police, ambulance, or other emergency personnel or vehicles;
- C. To provide safe clearance for special events such as parades, marches, or motorcades;
- D. To provide clear access for areas specifically reserved by City permit; or
- E. To provide clear access for operation of the Portland Streetcar.

**16.30.730 Manner of Moving Vehicle.**

(Amended by Ord. No. 165594, July 8, 1992.)

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- A. The City officer or employee ordering a vehicle to be towed may direct that the vehicle be towed and parked at any legal parking space on the public right-of-way at any storage facility designated by the City.
- B. The City officer or employee is not limited to the City Tow Contract rotation and may enter into agreements with any towing or other firm for removing vehicles.
- C. The City officer or employee ordering a vehicle to be towed pursuant to this Section will notify the Police Bureau of the location of the towed vehicle within 1 hour after the completion of the tow.
- D. The costs of towing and storing the vehicle for a period not to exceed 72 hours will be paid by:
  - 1. The City in the case of a tow requested by a City officer or employee, or
  - 2. The permittee in the case of a tow requested by a permittee.
- E. The owner of the vehicle may be charged a reasonable storage fee for the storage of the vehicle if the vehicle is towed and stored at a private storage facility and the owner fails to remove the vehicle from the private storage facility within 72 hours after the vehicle was towed.

**16.30.800 Regulation of Towers.**

**16.30.810 Solicitation of Towing Business at Accidents Prohibited.**

(Amended by Ord. No. 165594, July 8, 1992.)

- A. Except as otherwise provided herein, no person with a direct or indirect interest in any business engaged in the towing or recovery of motor vehicles for a profit nor any person employed by such a business nor any person receiving any fee or remuneration from such a business, may solicit or attempt to solicit towing business at or near the site of a motor vehicle accident.
- B. The prohibitions set forth in Subsection A do not prohibit any person from providing or offering to provide towing services if:
  - 1. The services are provided without charge, fee, or other remuneration;
  - 2. The services are provided or offered at the direction or request of a police officer;

**TITLE 16  
VEHICLES AND TRAFFIC**

3. The services have been requested by the owner, operator, or other person in charge of the vehicle by radio or telephone communication or otherwise at a location other than the accident site; or
  4. Allowed by government contract or franchise.
- C.** “Solicit or attempt to solicit towing business” means to offer or attempt to offer motor vehicle towing or recovery services for a fee or remuneration.
- D.** Violation of subsection A of this section is a traffic infraction, punishable by a fine not to exceed \$500.

**16.30.820 Obstructing Traffic.**

- A.** The operator of a wrecker or tow truck may stop a vehicle where it obstructs traffic when the operator:
1. Is engaged in the recovery of another vehicle; and
  2. Takes the precautionary measures required by this Section.
- B.** A person commits the offense of failure to take precautions when obstructing traffic with a tow vehicle or wrecker engaged in the recovery of another vehicle if the operator does not do all of the following:
1. Determine that the recovery operation requires stopping the tow or recovery vehicle in the roadway; and
  2. Activate tow vehicle warning lights described in ORS 816.280.

**16.30.830 Failure to Remove Injurious Substance.**

A person commits the offense of tow vehicle operator failure to remove injurious substance if the person is operating a tow vehicle that is removing a wrecked or damaged vehicle from a roadway and the person fails to remove any glass or other injurious substance dropped upon the roadway from such vehicle.



Chapter 16.40

TAXICAB REGULATIONS

(Added by Ord. No. 165947  
Oct. 28, 1992.)

**Sections:**

- 16.40.001 Purpose.
- 16.40.010 Definitions.
- 16.40.100 Administrative Procedures.
- 16.40.110 Private for Hire Transportation Board of Review (Board).
- 16.40.130 Public Hearings.
- 16.40.140 Financial and Operating Data.
- 16.40.150 Reports to the Supervisor.
- 16.40.200 Permits and Applications.
- 16.40.210 Taxicab Company Permit Required.
- 16.40.215 Taxicab Company Permit Application and Renewal.
- 16.40.220 Taxicab Company Permit Fee.
- 16.40.225 Limit on Number of Taxicabs Operated by Taxicab Company.
- 16.40.230 Taxicab Zone Permits.
- 16.40.235 Taxicab Driver's Permits Required.
- 16.40.240 Taxicab Driver's Permit Application and Renewal.
- 16.40.245 Denial of Taxicab Driver's Permit.
- 16.40.250 Driver's Permit to be Posted.
- 16.40.255 Permit Suspension and Revocation.
- 16.40.260 Appeals.
- 16.40.300 Rates and Payment for Services.
- 16.40.310 Rates.
- 16.40.500 Service Quality.
- 16.40.510 Minimum Standards for Taxicab Service Companies.
- 16.40.520 Identification.
- 16.40.530 Complaints.
- 16.40.540 Items Lost and Found.
- 16.40.550 Conduct of Drivers.
- 16.40.600 Private for Hire Transportation Safety Fund
- 16.40.700 Public Protection and Safety.
- 16.40.710 Equipment.
- 16.40.720 Safety Inspections and Certification.
- 16.40.730 Insurance.
- 16.40.800 Criminal Provisions.
- 16.40.810 Criminal Penalties.
- 16.40.900 Definitions.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- 16.40.910 Authority of the Private for Hire Transportation Board of Review.
- 16.40.920 Permits for Limited Passenger Transportation Vehicles.
- 16.40.930 LPT Drivers.
- 16.40.940 Civil Penalties.
- 16.40.950 Appeals.
- 16.40.960 No Effect on Taxicab Regulations.

**16.40.001 Purpose.**

- A. The purpose of this Chapter is to provide for the safe, fair and efficient operation of taxicabs. The taxicab industry should be allowed to operate without unnecessary restraint. However, because taxicabs constitute an essential part of the City's transportation system and because transportation so fundamentally affects the City's well being and that of its citizens, some regulation is necessary to insure that the public safety is protected, the public need provided, and the public convenience promoted. It is not the purpose of this Chapter to displace competition with regulation or monopoly public service.
- B. The provisions contained herein should be applied and enforced in such a manner as to require the taxicab industry to:
  - 1. Regulate itself, under City supervision;
  - 2. Promote innovation and adaptation to changing needs; and,
  - 3. Allow competition and response to the economic forces of the market place, so long as the public interest is served thereby.

**16.40.010 Definitions.**

(Amended by Ordinance Nos. 175503 and 177794, effective September 12, 2003.)

- A. **"Taxicab"** means any motor vehicle which carries passengers for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof, and which is duly permitted by the City of Portland under the terms of Chapter 16.40.
- B. **"Operate"** means driving a taxicab, using a taxicab to conduct a business, receiving money from the use of a taxicab, or causing or allowing another person to do the same.
- C. **"Taxicab company"** means any entity operating taxicabs other than as a driver and regardless of whether the vehicles so operated are owned by the company, or

**TITLE 16  
VEHICLES AND TRAFFIC**

leased, or owned by individual members of the company, and who is duly authorized by the City of Portland as a taxicab company under the terms of Chapter 16.40.

- D. “Taxicab driver”** means any person operating taxicabs as a driver for any permitted taxicab company regardless of whether the vehicles so operated are owned by the company, or leased, or owned by individual members of the company, and who is duly authorized by the City of Portland as a taxicab driver under the terms of Chapter 16.40.
- E. “Taximeter”** means a mechanical or electronic device which calculates and displays a fare based on an initial fee, distance traveled, waiting time, or any combination thereof.
- F. “Waiting time”** means time during which the taxicab is under the direction of a passenger and the taxicab is not moving.
- G. “Supervisor”** means the Taxicab Regulation Supervisor or a duly authorized agent.
- H. “Board”** means the Private For Hire Transportation Board of Review.
- I. “Taxicab Plate”** means a numbered metal identification plate, issued by the City, permanently affixed to and prominently displayed on the rear of a taxicab.
- J. “Digital Security Camera System”** means a camera system approved by the Board for installation in taxicabs.

**16.40.100 Administrative Procedures.**

**16.40.110 Private for Hire Transportation Board of Review (Board).**

(Replaced by Ordinance No. 176869; amended by 177794, effective September 12, 2003.)

- A. Creation and Jurisdiction of the Board**
  - 1.** The Private For Hire Transportation Board of Review is hereby created.
  - 2.** The jurisdiction of the Board shall be regulation of private for hire transportation, consisting of taxicabs, executive sedans, shuttles and specially attended transportation, within the jurisdiction of the City of Portland.
- B. Composition of the Board**

**TITLE 16**  
**VEHICLES AND TRAFFIC**

1. The Board shall consist of nine voting representatives, including a Chairperson. A quorum shall consist of five representatives. The Director shall be a permanent representative of the Board. The positions on the Board as provided by Section 16.40.110 B.1.b. through g. shall be appointed by the Commissioner in Charge of the Bureau. The positions on the Board as provided by Section 16.40.110 B.1.h. and i. shall be selected as provided by Section 16.40.110 B.3.c. The Board shall be composed of:
  - a. The Director, who shall serve as the chairperson;
  - b. A representative from the Bureau of Transportation System Management;
  - c. A representative from the tourism industry;
  - d. A representative for persons with disabilities;
  - e. A representative of the riding public;
  - f. A representative from the Port of Portland;
  - g. A representative from Tri-Met;
  - h. A representative from permitted vehicle for hire companies;
  - i. A representative from permitted vehicle for hire drivers.
2. With prior approval of the Director, a representative of the Board may designate a substitute representative who shall be authorized to attend and participate in all proceedings of the Board, if the regular representative is unable to attend the Board meeting, and the regular representative has complied with the notice requirement of Section 16.40.110 B.5.
3. Standing Committees. There shall be two permanent standing committees of the Board. There shall be one standing committee consisting of company members and one standing committee consisting of driver members.
  - a. Composition of Standing Committees.
    - (1) Company Standing Committee.

**TITLE 16  
VEHICLES AND TRAFFIC**

- (a) The company standing committee shall consist of two general managers from each of the following segments of the permitted vehicle for hire industry for a total of eight members: taxicab, executive sedan, shuttle and specially attended transportation companies.
                - (b) Each vehicle for hire industry shall select company standing committee members no later than November 1, 2002, and by November 1 of every odd numbered year thereafter. The selection shall be made by consensus or election as determined by each industry.
                - (c) If any industry fails to select standing committee members by November 1, 2002, or for any subsequent term, the Board shall appoint members for the term for which the industries failed to select members.
- (2) Driver Standing Committee.
  - (a) The driver standing committee shall consist of all the permitted drivers who wish to participate as members.
- b. Purpose of Standing Committees. The standing committees shall bring to the Board, through representatives selected by the standing committee members as provided by Section 16.40.110 B.3.c., issues from companies and drivers concerning permits, standards and enforcement as provided by this Chapter.
- c. Selection of Company and Driver Representatives to the Board.
  - (1) The company standing committee shall first meet no later than December 1, 2002, and thereafter no later than December 1 of the year preceding the expiration of the term, as provided by Section 16.40.110 B.6., of the representative from permitted vehicle for hire companies. At that meeting, the standing committee shall select the representative to the Board from those members of the standing committee present at the meeting. The selection may be made by consensus or election as determined by the standing committee.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- (2) The driver standing committee shall first meet no later than December 1, 2002, and thereafter no later than December 1 of the year preceding the expiration of the term, as provided by Section 16.40.110 B.6., of the representative from permitted vehicle for hire drivers. At that meeting, the standing committee shall select the representative to the Board from those members of the standing committee present at the meeting. The selection may be made by consensus or election as determined by the standing committee.
  - (3) The selected representatives shall also serve as the chairpersons of the respective standing committees.
  - (4) The standing committees shall meet separately.
  - (5) The representatives selected by the standing committees shall be reported to the Board at the December, 2002 meeting of the Board. The Board representatives selected by the standing committees shall be seated at the January, 2003 meeting of the Board. Those representatives shall serve terms as provided by Section 16.40.110 B.6.
  - (6) If one or both standing committees fail to select representatives by December 1, 2002, or for any subsequent term, the Commissioner in Charge of the Bureau shall appoint a representative or representatives to fill the position for the term for which the standing committee failed to select a representative.
- d.** Duty of Board Representatives Selected by Standing Committees. The Board representatives, whether selected by the members of the standing committees or appointed by the Commissioner in Charge of the Bureau, shall represent the private for hire transportation industry as a whole. The selected representatives shall bring issues from all segments of the private for hire transportation industry to the Board for review. If a selected representative fails to fulfill this duty, the Board may dismiss the selected representative, and the Commissioner in Charge of the Bureau shall appoint a representative for the remainder of the dismissed representative's term. After the completion of that term, a representative shall be selected as provided by Section 16.40.110 B.3.c.

**TITLE 16  
VEHICLES AND TRAFFIC**

- e. The standing committees shall adopt rules of procedure for their meetings, including without limitation, the frequency of standing committee meetings, the procedure for conduct of the meetings and the procedure for raising issues regarding permits, standards and enforcement for consideration by the Board.
          - f. The City shall assist the standing committees with notices, meeting rooms and other administrative requirements.
- 4. Board representatives shall serve without pay, except they may receive their regular salary during time spent on Board matters.
- 5. If any Board representative is absent from more than three regularly scheduled Board meetings during a single calendar year, without having notified the Chairperson in advance, that representative shall be dismissed and another representative shall be appointed or selected to fill the vacant position.
- 6. Term of Board Representatives.
  - a. Representatives shall serve a term of two years, except the first year when the representatives as provided by Section 16.40.110 B.1.b., d., f., and h. shall serve for less than two years to achieve the goal of staggered terms. The first term of those representatives shall expire December 31, 2003. Thereafter, the term of the representatives as provided by Section 16.40.110 B.1.b., d., f. and h. shall expire in odd numbered years.
  - b. The first term of the representatives as provided by Section 16.40.110 B.1.c., e., g. and i. shall be more than two years to achieve the goal of staggered terms. The first term of the representatives as provided by Section 16.40.110 B.1.c., e., g. and i. shall expire on December 31, 2004. Thereafter, the term of those representatives shall expire in even numbered years.
- 7. Meetings of the Board. The Board shall meet monthly at regularly scheduled meetings. Meetings of the Board shall be noticed and conducted as provided by ORS 192.610 *et seq.* The Board shall establish and limit the matters to be considered at all meetings of the Board. The chairperson of the Board shall maintain order.
- 8. Administrative Regulations of the Board. The Board may adopt administrative regulations as necessary to carry out the purposes of this Chapter 16.40. Prior to adopting administrative regulations, the Board

**TITLE 16**  
**VEHICLES AND TRAFFIC**

shall give public notice of its intent to adopt administrative regulations, provide copies of the proposed administrative regulations to persons that request them and conduct a meeting for the purpose of discussing and hearing public comment on the proposed administrative regulations. Meetings shall be noticed and conducted as provided by ORS 192.610 *et seq.* To the extent any administrative regulation of the Board conflicts with the provisions of this Chapter 16.40, this Chapter shall control and prevail. It is a violation of this Chapter to violate administrative regulations adopted by the Board.

9. The Board shall adopt administrative regulations providing for a process to purchase, install, maintain, inventory and manage digital security camera systems.
10. The Board shall be authorized to adopt administrative regulations that increase or decrease the amount of the company and driver permit fees allocated to the City's General Fund, as provided by Section 16.40.220 A.1, 16.40.240 C.1, 16.40.920 E.1 and 16.40.930 B.2.a, without additional authorization of the Council. The Board shall not be authorized to increase the amount of the company and driver permit fees allocated to the Safety Fund as provided in Section 16.40.220 A. 2; Section 16.40.240 C. 2; Section 16.40.920 E. 2; and, Section 16.40.930 B.2.b. The Board may decrease the amount of the Safety Fund portion of the company and driver permit fees if the Board determines that the Safety Fund is adequately funded and any future funding requirements may be met by reduced company and driver permit fees.

**16.40.120 Regulations.**

(Repealed by Ordinance No. 177794, effective September 12, 2003.)

**16.40.130 Public Hearings.**

The Board or the City Council, as appropriate, shall preside over all public hearings held pursuant to this Chapter. The Board shall have the power to establish and limit the matters to be considered at the hearing, to prescribe procedures for the conduct of the hearings, to administer oaths and take evidence, and to preserve order. Technical rules of evidence shall not be applied in such hearings. Notice of all hearings shall be given to the public and all taxicab companies. The Board shall make written findings to support all decisions.

**16.40.140 Financial and Operating Data.**

(Amended by Ordinance No. 177794, effective September 12, 2003.)

- A. The Supervisor may require a taxicab company to report financial and operating data, in such form and at such times as the Supervisor requires. The taxicab



**TITLE 16  
VEHICLES AND TRAFFIC**

company shall compile the necessary data and submit reports to the Supervisor. A taxicab driver shall not fail to timely submit complete records to the taxicab company. A taxicab company shall not fail to timely submit required reports to the Supervisor.

- B.** Except as otherwise required by law, information submitted to the Supervisor shall be used within the City government only. Such information shall not be released to the public except in aggregate form, identifying only the taxicab companies and not the individual drivers.
- C.** After 72 hours prior notice, the Supervisor shall have the right to examine any and all books, records, or files relating to the operation of taxicabs or any person holding a permit issued pursuant to this Chapter.
- D.** Immediate access to any record produced by the digital security camera systems required by Section 16.40.710 F. shall be made available to the Portland Police Bureau to assist in the investigation of any crime. Except as provided by Section 16.40.140 E., no person other than a sworn officer of the Portland Police Bureau may access any record produced by the digital security camera systems.
- E.** To the extent any digital security camera system records are revealed to the taxicab companies during the inspection and testing process required by Section 16.40.510 K., taxicab companies shall not be in violation of the non-access requirements of Section 16.40.140 D.
- F.** Except as provided by Section 16.40.140 E., no taxicab company or driver shall permit any person to access any records produced by the digital security camera systems.
- G.** No taxicab company or driver shall offer for sale or otherwise attempt to benefit or gain from any records produced by digital security camera systems.

**16.40.150 Reports to the Supervisor.**

- A.** Every taxicab company shall immediately report to the Supervisor as soon as it becomes known the occurrence of any of the following events:
  - 1.** The arrest or conviction for any criminal offense of any officer or principal managing employee of the taxicab company involving the operation of the taxicab company;
  - 2.** Any taxicab accident required to be reported to the State of Oregon involving a vehicle driven for the taxicab company;

**TITLE 16  
VEHICLES AND TRAFFIC**

3. The filing of a lawsuit against or on behalf of the taxicab company related to the operation of the taxicab company;
  4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the taxicab company; or,
  5. Any information required to be disclosed by Subsection 16.40.150.B that comes to the taxicab company's attention.
- B.** Every taxicab driver shall immediately report to the Supervisor, and any taxicab company for whom he drives, the occurrence of the following:
1. Any arrest, charge, or conviction of the taxicab driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the taxicab driver's operation of a taxicab;
  2. Any arrest, charge or conviction of the taxicab driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or any related offense;
  3. Any vehicle accident required to be reported to the State of Oregon involving any taxicab operated by the taxicab driver; or,
  4. Any restriction, suspension or revocation of the taxicab driver's motor vehicle driver's license.

**16.40.200 Permits and Applications.**

**16.40.210 Taxicab Company Permit Required.**

- A.** No person shall conduct business as a taxicab company without a current taxicab company permit to do business issued by the City under this Chapter.
- B.** Any person lawfully doing business as a taxicab company on October 1, 1992 may continue to do so, regardless of whether such person is in compliance with the minimum standards established by Section 16.40.510.D, upon payment of the taxicab company permit fees established in Section 16.40.220 and upon compliance with all other provisions of this Chapter. A person lawfully doing business as a taxicab company on the effective date of any amendments to Section 16.40.510.D may continue to do so regardless of whether such person is in compliance with the minimum standards of that Section, so long as that person is in compliance with all other provisions of this Chapter. Such person may not operate any taxicabs in excess of the number permitted prior to the adoption of this Section, except as authorized pursuant to Section 16.40.225.

- C.** No taxicab company permit shall be assigned, transferred, merged, leased or mortgaged without the prior consent of the City as expressed by ordinance. The City's granting of consent in one instance shall not render unnecessary any subsequent consent in any other instance. Within ten (10) days after execution and delivery of any instrument so consented to by the City, Grantee shall file with the Auditor an executed counterpart or certified copy thereof.
- D.** In determining whether the City will consent to any assignment, transfer, merger, lease or mortgage, the City may inquire into the technical, legal, and financial qualifications of the prospective party. The taxicab company shall assist the City in any such inquiry. The City may impose conditions relating to the technical, legal, and financial qualifications of the prospective party.
- E.** Nothing contained in this Section shall be deemed to prohibit the mortgage, pledge, or assignment of tangible assets of a taxicab company for the purpose of financing the acquisition of equipment for the operation of a taxicab company without the City's consent. Taxicab companies may also sell tangible assets in the ordinary conduct of business without the consent of the City.

**16.40.215 Taxicab Company Permit Application and Renewal.**

(Amended by Ordinance No. 171873, effective December 17, 1997.)

- A.** An applicant for a permit to do business as a taxicab company shall submit to the Supervisor an application form containing such information as the Supervisor may require. The City of Portland will accept new taxicab company applications only during the same period of time as established by the Board for accepting requests from permitted taxicab companies for authorization to operate additional taxicabs. The application shall include a non-refundable fee of one hundred dollars (\$100.00).
- B.** The Supervisor shall forward the application to the Board, together with a recommendation based upon the requirements of this Chapter, any regulations established by the Board pursuant to Section 16.40.110, and any additional information deemed appropriate by the Supervisor. The Board shall review and consider the Supervisor's recommendation. The Board shall forward its recommendation to the City Council. The Supervisor shall set, through the Auditor's Office, a Council hearing date on the Board's recommendation and the application. The Council shall conduct a public hearing regarding the Board's recommendation on the application after the date on which the Board has made its final decisions on any requests by existing taxicab companies for authorization to operate additional taxicabs. At such hearing, the officers or major stockholders in the applicant company may be directed personally to appear before the Council.

**TITLE 16  
VEHICLES AND TRAFFIC**

- C.** The Council shall consider the following factors in determining whether or not to grant an application for a taxicab company permit:
- 1.** The current status of the public transportation system in the City, including, but not limited to;
    - a.** The current and future ability of the public transportation system to provide the timely and effective movement of persons; and,
    - b.** The ratio of population within the City of Portland to the number of taxicabs currently in operation;
  - 2.** The demonstrated need for additional taxicab service in the City that is not accomplished by existing companies, as shown by the applicant;
  - 3.** The present utilization patterns of taxicabs currently in operation;
  - 4.** The interests of the applicant in establishing a local business to legitimately serve the citizens of this City; and,
  - 5.** The extent to which granting the application will serve the purposes of this Chapter, as set out in Section 16.40.001.
- D.** The Council shall issue a taxicab company permit to the applicant if, after a hearing, the Council finds:
- 1.** That the applicant has established both fitness and ability to comply with the requirements of this Chapter;
  - 2.** After consideration of the factors listed in Subsection 16.40.215.C, that the interests of the City will be served thereby; and,
  - 3.** That the applicant has sufficient financial resources to be able to meet the minimum standards established by Section 16.40.510.
  - 4.** The permit may contain such terms or conditions as the Council deems appropriate. The permit shall establish the number of vehicles that may be operated as taxicabs, as established by the Council. Violation of these terms or conditions may result in revocation of the permit.
- E.** The Supervisor shall assist the Board and the Council in establishing such further standards as the Board or the Council deems appropriate, in addition to those listed in Subsection 16.40.215.C, for the issuance of taxicab company permits, the

number of taxicabs to be approved, and the imposition of special terms and conditions.

**16.40.220 Taxicab Company Permit Fee.**

(Amended by Ordinance No. 177794, effective September 12, 2003.)

- A. Each person operating a taxicab company subject to the terms of this Chapter shall pay an annual taxicab company permit fee equal to \$155 times the maximum number of permitted vehicles as fixed by the Council. Upon payment of the correct permit fee by the taxicab company, the Supervisor shall issue a permit. Permit fees paid under this subsection shall be allocated as follows:
  - 1. \$100 shall be deposited into the City's General Fund, and used for the administration and enforcement of Chapter 16.40.
  - 2. \$55 shall be deposited into the Private For Hire Transportation Safety Fund.
- B. Taxicab company permits shall expire on December 31st of each year. The permit shall be renewed without a hearing, upon payment of the annual fee provided for in Subsection 16.40.220.A, unless otherwise revoked under this Chapter.

**16.40.225 Limit on Number of Taxicabs Operated by Taxicab Company.**

- A. No taxicab company may operate more taxicabs than authorized by the Council, unless additional taxicabs have been authorized by the Board pursuant to this Section. No vehicle may be operated as a taxicab unless it is listed on the register of vehicles operated by a taxicab company as maintained on the company's official records.
- B. A taxicab company may apply to the Board for an increase of the number of taxicabs which the company may operate. The application shall be in a form established by the Board. After a public hearing, the Board may grant the application in whole or in part upon finding that the purposes of this Chapter and the public interest will be served.
- C. The Board may, after notice to the company concerned and a public hearing if requested by the company affected, reduce the maximum number of taxicabs that may be operated by a taxicab company upon finding that the company has failed to operate the vehicle as a taxicab.
- D. The Board shall establish, pursuant to Section 16.40.110:

**TITLE 16  
VEHICLES AND TRAFFIC**

1. Regulations further defining circumstances constituting the failure to operate a taxicab;
  2. Regulations providing for the identification of taxicabs which a taxicab company has been authorized to operate within the City, such as by medallion, stickers, or decals displayed on or within each authorized taxicab; and,
  3. Regulations defining standards for the approval of request for an increase in the number of taxicabs to be operated.
- E. The effect of any order of the Board, authorizing either an increase or a decrease in the number of taxicabs operated by a taxicab company, shall be automatically stayed if a timely appeal of such order is filed pursuant to the procedure of Section 16.40.260.

**16.40.230 Taxicab Zone Permits.**

(Amended by Ordinance No. 173627, effective August 4, 1999.)

- A. No person shall stop or park in a Taxicab Zone without having paid the current annual taxicab company permit fee pursuant to PCC 16.40.220.
- B. Any taxicab company desiring to stop or park in a Taxicab Zone shall, on or before November 1 of each year, file an application with the Bureau of Transportation System Management. Any taxicab company with a current taxicab company permit may park in a taxicab zone upon paying the nonrefundable taxicab zone fees.
- C. On or before December 1 of each year, the Bureau of Transportation System Management shall inform each applicant for a Taxicab Zone Permit of the total permit fees to be paid. Each applicant shall pay the required fees on or before December 31 of that year, or its application for a Taxicab Zone Permit shall be denied.
- D. If the number of taxicab zones changes during the permit year, the Bureau of Transportation System Management shall apply the following procedures:
  1. If the number of taxicab zones is larger, no additional permit fees shall be paid for the remainder of the year; or
  2. If the number of taxicab zones is smaller, the permit holder shall be allowed a credit equal to the difference between the old fee and the adjusted fee, prorated by the number of full months remaining in the year. The permit holder may apply these credits against the Taxicab Zone

Permit fee for the next succeeding year, but in no event shall fees be refunded.

3. If the location of a taxicab zone is changed, this Subsection shall not apply and the fees paid shall not be effected.

**16.40.235 Taxicab Driver's Permits Required.**

- A. No person shall drive or allow another person to drive a taxicab without a valid motor vehicle driver's license, issued by the Oregon Department of Motor Vehicles or an equivalent government agency, together with any endorsements necessary to operate a taxicab, and a taxicab driver's permit issued under this Chapter.
- B. Taxicab driver's permits shall be valid for no more than 1 year and all such permits shall expire on December 31 of each year.

**16.40.240 Taxicab Driver's Permit Application and Renewal.**

(Amended by Ordinance Nos. 177794 and 179684, effective November 18, 2005.)

- A. An applicant for a taxicab driver's permit shall submit to the Supervisor an application form containing such information as the Supervisor may require, a signed statement from a permitted taxicab company verifying successful completion of the annual standardized taxicab driver safety training program pursuant to Section 16.40.510 L., and a nonrefundable fee of \$60. The applicant shall submit evidence of fingerprinting if required by the Supervisor.
- B. Review of Permit Applications.
  1. The Supervisor shall perform a driver license background check using the Oregon Department of Transportation DMVCIC System for drivers licensed by the State of Oregon. For drivers licensed from states other than Oregon, the applicant shall provide a copy of his or her driving record from the state in which the driver is licensed for the driver license background check.
  2. The Supervisor shall obtain a Portland Police Records check and a Law Enforcement Data Systems (LEDS) check of any criminal activity. The Supervisor may, at the Supervisor's sole discretion, require or accept in lieu of a Portland Police Records and LEDS check, a criminal background report from another source, as long as such source is approved by the Board.
  3. The Supervisor shall review the application and the driver background and criminal activity checks and, within ten calendar days, either grant the

**TITLE 16  
VEHICLES AND TRAFFIC**

driver permit or notify applicant and sponsoring company that the application is being denied or that additional time is needed to process the application.

- C. Except as provided in Section 16.40.245, a taxicab driver's permit shall be renewed upon successful completion of the annual standardized taxicab driver safety training program pursuant to Section 16.40.510 L., submission of the signed statement required by Section 16.40.240 A., and the payment of a renewal fee of \$60 on or before December 1 of each year. If any of the information contained in the application changes, the applicant or taxicab company shall promptly report the change to the Supervisor.
- D. Fees paid under this subsection shall be allocated as follows:
  - 1. \$30 shall be deposited into the City's General Fund, and used for the administration and enforcement of Chapter 16.40.
  - 2. \$30 shall be deposited into the Private for Hire Transportation Safety Fund.

**16.40.245 Denial of Taxicab Driver's Permit.**

- A. No taxicab driver's permit shall be issued or renewed to any person if the Supervisor determines, after a review of that person's traffic and criminal record and any other information the supervisor deems pertinent, that the public safety would not be served by the issuance or renewal of a permit to that person. However, the Supervisor may not deny a taxicab driver's permit under this Section, except for cause specified in regulations adopted pursuant to Section 16.40.120.

**16.40.250 Driver's Permit to be Posted.**

(Amended by Ordinance No. 179684 and 180153, effective June 16, 2006.)

- A. Upon receipt of the application materials specified in Section 16.40.235, the Supervisor shall issue to the applicant a temporary taxicab driver's permit, valid for 30 days after date of issuance. The permit shall prominently display the words, "TEMPORARY DRIVER'S PERMIT. NOT VALID AFTER ...," followed by the expiration date of the permit in number of the same size. The temporary driver's permit shall be posted in the manner specified in Subsection 16.40.250.B, and shall be surrendered if the taxicab driver's permit is denied.
- B. When a taxicab driver's permit has been granted, the Supervisor shall furnish to the taxicab driver a printed identification card containing the permit number and expiration date and the taxicab driver's name and photograph. This card shall be



**TITLE 16  
VEHICLES AND TRAFFIC**

posted in a prominent place within the passenger compartment of any taxicab being driven by the taxicab driver, and shall be shown to any passenger, police officer, or the Supervisor or his agent upon request.

- C. No person shall drive or allow any person to:
  - 1. Drive any taxicab without a valid permit card; or,
  - 2. Drive with the permit card of another taxicab driver displayed in accordance with this Section.
  
- D. Upon presentation of convincing evidence that a taxicab driver's permit has been lost or destroyed and payment of a replacement fee of \$10, the Supervisor shall issue a replacement permit.

**16.40.255 Permit Suspension, Revocation, and Civil Penalties.**

(Amended by Ordinance No. 171759, effective November 12, 1997.)

- A. Any permit issued under this Chapter may be revoked or suspended by the Supervisor if the Supervisor finds, based upon investigation, reasonable grounds to believe that:
  - 1. The provisions of this Chapter or regulations adopted hereunder have been violated;
  - 2. Any statement contained in the application for such permit or license is false;
  - 3. The suspension or revocation is necessary to protect the public safety generally or the safety of the taxicab-riding public in particular; or
  - 4. The revocation or suspension is otherwise authorized by this Chapter.
  
- B. Any suspension or revocation pursuant to this Section shall be in writing, setting forth the reasons therefor and the right of appeal pursuant to Section 16.40.260.
  
- C. Except as provided below, any suspension or revocation shall be effective 10 days after mailing a copy thereof by first class United States mail addressed to the taxicab company or taxicab driver at the business or residence address shown on the permit application or renewal.
  
- D. Notwithstanding Subsection 16.40.255.C, a suspension or revocation may be made effective immediately if the Supervisor finds reasonable grounds to believe that:

**TITLE 16**  
**VEHICLES AND TRAFFIC**

1. A person holding a taxicab driver's permit is not covered by liability insurance required by Section 16.40.730; or,
  2. Continued operation by the taxicab company or taxicab driver would cause, or is likely to cause, imminent danger to the public health, safety, or morals.
- E.** The Supervisor may assess a civil penalty in an amount of up to \$500 per day or per occurrence against any person found to be in violation of Chapter 16.40 or any regulation or order of the Taxicab Board of Review. The civil penalty, payable to the City of Portland, shall be submitted to the City Taxicab Supervisor and deposited to the City's General fund. In assessing a civil penalty against a taxicab company or taxicab driver the Supervisor may assess civil penalties in lieu of a suspension, and may provide that if the specified civil penalty is paid in full, within the time and on the terms and conditions specified, the suspension shall be waived.
- F.** In calculating the amount of any civil penalty to be assessed under this Section, the Supervisor shall consider:
1. The extent and nature of the person's involvement in the violation;
  2. The benefits, economic, financial, or otherwise, accruing or likely to accrue as a result of the violations;
  3. Whether the violations were repeated and continuous, or isolated and temporary;
  4. The magnitude and seriousness of the violation;
  5. The City's costs of investigating the violation and correcting or attempting to correct the violation;
  6. Whether the facts underlying the violation have been considered in a previous disciplinary proceeding; and,
  7. Any other factors the Supervisor deems to be relevant.
- G.** If a suspension, revocation, or civil penalty in lieu of suspension is appealed to the hearing officer pursuant to Subsection 16.40.260.A, such action of the Supervisor shall be stayed, pending the outcome of such appeal, in all cases except a suspension or revocation made immediately effective pursuant to Subsection 16.40.255.D.

**16.40.260 Appeals.**

(Amended by Ordinance Nos. 171759 and 173369, effective May 12, 1999.)

- A.** Appeals to the Code Hearings Officer, pursuant to the provisions of Chapter 22.10 of this Code, may be made by any person assessed a civil penalty for violating any provision of Chapter 16.40 or any regulation or order of the Taxicab Board of Review, including any person operating as a taxicab company or driver without a taxicab company or driver permit, or any taxicab company, taxicab driver, or applicant for a taxicab driver permit:
1. Whose application for a taxicab driver's permit or renewal of a taxicab company or driver's permit has been denied by the Supervisor;
  2. Whose permit has been revoked or suspended by the Supervisor;
  3. Who has been directed to pay a civil penalty in lieu of suspension by the Supervisor; or
  4. If the Supervisor has suspended the company's authority to operate any vehicle under its permit, when enforcing regulations adopted by the Taxicab Board of Review.
- B.** Any person aggrieved by a decision of the Board, pursuant to Section 16.40.225, regarding the number of taxicabs a taxicab company may operate, or adopting regulations pursuant to Section 16.40.120, may appeal such action to Council as follows:
1. A person appealing the Board's action shall, within 10 days of such action, file a written notice of appeal with the City Auditor and provide a copy of such notice to the Supervisor.
  2. The City Auditor shall fix the time for the appeal to be heard by the City Council, place the hearing of the appeal upon the calendar of the Council, and notify the appellant and the Supervisor of the time fixed no less than 5 days prior to that time.
  3. The appellant shall be entitled to appear personally and by counsel and to present such facts and arguments as may tend to support his appeal.
  4. The Supervisor shall be present at the hearing, representing the Board, and if requested by the Council, shall explain the reasons for and present facts and arguments in support of the act appealed from.

**TITLE 16  
VEHICLES AND TRAFFIC**

5. The Council shall take such action upon the appeal as it sees fit and such action by the Council shall be final.
6. The action of the Board shall be stayed pending the outcome of an appeal properly filed pursuant to this Subsection.

**16.40.300 Rates and Payment for Services.**

**16.40.310 Rates.**

(Amended by Ordinance Nos. 170221, 175876 and 179369, effective July 22, 2005.)

- A. Every taxicab company shall file with the Supervisor a schedule of rates to be charged for the services of taxicabs it operates.
- B. The rate schedule filed with the Supervisor may contain special rates for zone fares, ride sharing, taxi pooling, jitney service, fixed route service, or any other special services offered by the company.
  1. Each rate schedule shall also include a meter-based fare that shall not exceed the maximum fare established in Subsection 16.40.310 C. of this Section.
  2. The fare schedule shall also require that the passenger or passengers shall pay an airport gate fee not to exceed the amount charged by the Port of Portland for trips originating at the Portland International airport.
- C. The following schedule of rates shall be the maximum fare which shall be charged and collected for the transportation of passengers in taxicabs for trips within the City and within 3 airline miles from the City limits:
  1. An initial charge of \$2.50, for one passenger, and waiting time at a rate of \$30.00 per hour or proportionate fraction thereof;
  2. Subsequent to the initial charge provided for in Subsection 16.40.310 C.1., the maximum charges shall not exceed \$2.00 per mile, divided in a manner approved in advance by the Supervisor and waiting time subsequent to the initial charge provided in Subsection 16.40.310 C.1. shall be at the rate of \$30.00 per hour or proportionate fraction thereof;
  3. For each extra passenger, \$1.00 additional charge; and
  4. The Taxicab Board of Review shall develop an index for considering the raising or lowering of maximum meter-based rates no less frequently than every two years.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- D.** Except as provided in Subsections 16.40.310 B.1. and 16.40.310 B.2. or as otherwise specified in the rate schedule, where passengers board or leave the cab at different points, the last person leaving the cab is responsible for the entire fare. Passengers may make whatever arrangements for payment of the fare between themselves that they desire. One flag drop shall be made at the beginning of the trip but not again until all passengers have been delivered to their respective destinations.
- E.** Where a passenger is being transported, no extra charge is to be made for transporting any items belonging to that passenger, including personal luggage and aids necessary for travel by disabled persons, if those items fit within the interior of the taxicab, including the trunk, each item can be carried by a single person, and all such items can be carried by the passenger or passengers and the driver in a single trip to the taxicab.
- F.** No charge is to be made for time lost or distance traveled while the taxicab is disabled. No charge is to be made for traveling empty while en route to pick up a passenger, unless the person requesting the taxicab refuses to hire it after it arrives, in which case an amount equal to the minimum charge on file as specified in Subsection 16.40.310 C.1. of this Section may be made.
- G.** A taxicab company may make written contractual arrangements to charge rates other than those specified in the filed rate schedules, provided that these contracts not be made effective prior to filing with the Supervisor in the same manner as prescribed for rate schedules.
- H.** A clear and complete summary of the rate schedule filed with the Supervisor, pursuant to Section 16.40.310 A., shall be printed on a rate card to be posted in a conspicuous place in the passenger compartment of every taxicab, and a summary of the meter rate in a form approved by the Supervisor shall be placed in a manner to be visible from the outside of every taxicab. The form of the rate summaries shall be subject to the review and approval of the Supervisor prior to their being posted. When a change of rate schedule is filed with the Supervisor, the taximeter, rate card, and rates posted shall be converted for every taxicab as soon as practicable. The rates posted shall not vary from those used in the taximeter in any taxicab in service.
- I.** No person shall charge, or cause or allow any person to charge any fare other than the applicable fare from rate schedules posted on the taxicab or from contracts approved by the Supervisor.
- J.** It is unlawful for any person to refuse or fail to pay the applicable fare for a taxicab after hiring or requesting that taxicab. In the event of a dispute over a

**TITLE 16**  
**VEHICLES AND TRAFFIC**

fare, the passenger shall pay the fare demanded by the driver. The driver shall give the passenger a receipt noting the amount of the fare and a description of the trip. The passenger may apply for a refund of any overcharge and ask that the driver be disciplined.

**16.40.500 Service Quality.**

**16.40.510 Minimum Standards for Taxicab Service Companies.**

(Amended by Ordinance Nos. 177794, 178526 and 178705, effective August 25, 2004.)  
Any taxicab company operating under permit to do business issued under this Chapter, shall comply with the following minimum standards:

- A. An office open and staffed for a minimum of 8 hours a day, 5 days a week.
- B. A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests received by telephone.
- C. Facilities and personnel sufficient to insure that every taxicab operated by the company complies with the requirements of this Chapter.
- D. Not less than 15 taxicabs, with two thirds of the fleet to be operational at all times, to provide service on a City-wide basis in accordance with the Supervisor's regulations adopted pursuant to Section 16.40.120.
- E. Insurance policies in force sufficient to meet the requirements of Section 16.40.730 and to protect the company to the same limits of liability.
- F. A taxicab company shall not refuse to respond to any request for taxicab service received from a location within the City.
- G. Each driver shall maintain a log in which a record of every trip shall be kept, in a form approved by the Supervisor. The taxicab company shall maintain the log for at least 1 year after the last entry therein.
- H. Digital security camera systems shall be installed in every permitted taxicab. Companies shall own and be responsible for maintenance of digital security camera systems and records produced by digital security camera systems. Each company shall keep current an inventory of the digital security camera systems in the company's fleet according to administrative regulations adopted by the Board.
- I. In the event a taxicab ceases to be utilized by a taxicab company, or a driver-owner of a taxicab, the responsible taxicab company shall remove the digital security camera system from the taxicab to be decommissioned. The taxicab company shall retain the digital security camera system and install it in any

**TITLE 16  
VEHICLES AND TRAFFIC**

replacement taxicab. If the decommissioned taxicab is not replaced, the responsible taxicab company shall retain the digital security camera system until otherwise instructed by the Supervisor. The responsible taxicab company shall report any removal and/or reinstallation of a digital security camera system in writing to the Supervisor within twenty four hours of removal or reinstallation of the digital security camera system.

- J.** In the event a taxicab is sold or otherwise transferred from one taxicab company or one driver-owner to another, the digital security camera system shall remain with the taxicab and the responsible taxicab company shall report the sale or transfer of the taxicab in writing to the Supervisor within twenty four hours of sale or transfer.
- K.** Taxicab companies shall perform inspection and testing of the digital security camera systems on a regular basis according to product specifications or administrative regulations adopted by the Board.
- L.** Taxicab companies shall provide each of their taxicab drivers with a standardized driver safety training program, approved in advance by the Supervisor. Taxicab companies shall provide taxicab drivers with a signed statement certifying successful completion of the program. Taxicab companies shall require drivers to successfully complete the standardized driver safety program, and demonstrate successful completion by production of a certified signed statement, prior to allowing any driver to operate a taxicab. Taxicab companies shall provide the safety training and require drivers to repeat the training annually, or as otherwise required by administrative regulations adopted by the Board.
- M.** Each taxicab company shall have an effective policy that prohibits smoking of any substance and the use of tobacco in any form by drivers or passengers in taxicabs.
  - 1.** Each permitted taxicab shall display a warning sign, in a form and location approved by the Supervisor, including details of the prohibition, fines for violating the prohibition and a contact telephone number for complaints.
  - 2.** Taxicab companies found to be in violation of this prohibition shall be subject to civil penalties as provided elsewhere in this Chapter.
  - 3.** If civil penalties have been assessed against a taxicab driver for a violation of this section, the taxicab company shall be prohibited from assessing additional penalties against the taxicab driver for the same incident.
  - 4.** In the event that a passenger persists in using tobacco after warning by the taxicab driver in violation of this prohibition, the passenger may be subject

**TITLE 16  
VEHICLES AND TRAFFIC**

to denial of service, provided such denial does not jeopardize the safety of the passenger.

**16.40.520 Identification.**

Every taxicab shall prominently display on the outside of the vehicle, on both sides, the full name of the taxicab company, the cab number, the telephone number of that company where service can be requested, and the word “taxi” or “cab.” Every taxicab shall be painted in the colors of that company. No two taxicab companies shall have the same colors. The colors of taxicab companies shall be subject to the approval of the Board.

**16.40.530 Complaints.**

- A. Every taxicab shall have posted in a prominent place within the passenger compartment the following notice: “The driver of this taxicab is required by the Portland City Code to give a receipt for services provided to any passenger who requests one. If you have a complaint about a taxicab, contact the taxicab company (name, address, phone number) or the Taxicab Regulation Supervisor(mailing address), (phone number).” The size, shape, color, type of material, size of characters, location of the notice, or other relevant factors shall be subject to the Supervisor’s approval.
- B. The Supervisor shall have the power to investigate any and all complaints concerning possible violations of this Chapter or regulations adopted hereunder.

**16.40.540 Items Lost and Found.**

Taxicab drivers shall examine their cabs at the end of each shift and turn over any items left by a passenger within the cab to the taxicab company. The taxicab company shall maintain a written record of all items turned over to it. This record shall contain a description of the item, the date it was turned in, the cab in which it was found, and the driver who turned in the item. The item shall be examined and the owner identified and notified, if possible. If the item is claimed, a record shall be made of the name and address of the claimant. No item shall be disposed of, other than by return to its owner, within 90 days of the date it is turned in, and if disposed of a record must be made of its disposition.

**16.40.550 Conduct of Drivers.**

(Amended by Ordinance Nos. 177794 and 178705, effective August 25, 2004.) No taxicab driver shall:

- A. Allow another person to use his driver’s permit;
- B. Operate any taxicab while consuming, or while under the influence of alcohol, or in a careless or reckless manner or in a manner contrary to the laws of this City or the State of Oregon;



**TITLE 16**  
**VEHICLES AND TRAFFIC**

- C.** Operate any taxicab while consuming, or while under the influence of drugs, unless such drugs are available commercially over the counter, or are being taken pursuant to a doctor's prescription, and, in any case, such drug usage does not impair the driver's ability to operate the taxicab;
- D.** Use a taxicab in the commission of any crime;
- E.** Use profane or obscene language offensive to the passenger while operating a taxicab;
- F.** Smoke any substance or use tobacco in any form, inside a permitted vehicle;
  - 1.** Violation of this prohibition by any driver shall result in the following sanctions:
    - a.** First offense, a letter of warning;
    - b.** Second offense, civil penalty of \$100.00;
    - c.** Subsequent offenses, temporary suspension of driver permit.
- G.** Charge a fare higher than that authorized by this Chapter for passenger transportation or defraud a passenger in any way;
- H.** Be discourteous to a passenger;
- I.** Drive a passenger to his destination by any other than the most direct and safe route, unless requested to do so by the passenger;
- J.** Refuse to transport to his requested destination any passenger of proper demeanor who requests services or is assigned by a taxicab service company when the taxicab is not already in service, and who is able to demonstrate the ability to pay the fare; nor,
- K.** Refuse to issue a receipt for a fare paid if one is requested.
- L.** Fail to utilize, tamper with, damage, disturb, remove or disable a digital security camera system in a taxicab.
- M.** Fail to immediately notify the taxicab company if a digital security camera system in a taxicab driven by the driver is or appears to be damaged, stolen or inoperative.

**TITLE 16  
VEHICLES AND TRAFFIC**

**16.40.600 Private for Hire Transportation Safety Fund.**

(Added by Ordinance No. 177794, effective September 12, 2003.)

- A.** The Private for Hire Transportation Safety Fund (Safety Fund) is hereby created.
- B.** The Safety Fund shall be administered by the Board. The Board shall have the authority to determine appropriate expenditures of the Safety Fund for driver, passenger and vehicle safety improvements for the industries regulated by this Chapter.
- C.** The Safety Fund shall be funded initially by the City with an interagency loan, guaranteed by revenues generated as provided by Sections 16.40.220 A.2., 16.40.240 C.2., 16.40.920 E.2 and 16.40.930 B.2.b. After the loan for the Safety Fund is repaid, revenues generated by Sections 16.40.220 A.2, 16.40.240 C.2, 16.40.920 E.2. and 16.40.930 B.2.b shall accumulate in the Safety Fund and shall be used as provided by Section 16.40.600.
- D.** Until the loan is repaid, not less than 85% of the revenues allocated by Sections 16.40.220 A.2, 16.40.240 C.2, 16.40.920 E.2 and 16.40.930 B.2.b shall be used to reduce the debt on the loan. Until the loan is repaid, not more than 15% of the revenues allocated by Sections 16.40.220 A.2, 16.40.240 C.2, 16.40.920 E.2 and 16.40.930 B.2.b shall be used to support the non-capital costs associated with administration, maintenance, operation and replacement of driver, passenger and vehicle safety improvements authorized by the Board. After the loan is fully repaid, not less than 85% of revenues allocated by Section 16.40.220 A.2, 16.40.240 C.2, 16.40.920 E.2 and 16.40.930 B.2.b shall be applied to the Safety Fund for distribution of grants authorized by the Board, and not more than 15% of revenues shall be applied to support the non-capital costs associated with administration, maintenance, operation and replacement of driver, passenger and vehicle safety improvements authorized by the Board.
- E.** The Board shall disperse Safety Fund revenues only by grant. The grant process shall be in accordance with administrative regulations adopted by the Board. Utilization of digital security camera system grants by taxicab companies shall be restricted to the cost of purchase of digital security camera systems plus a uniform amount sufficient to subsidize installation of digital security camera systems as determined by the Board.
- F.** The Board shall utilize the Safety Fund to maintain a minimum supply of fifteen digital security camera systems to replace damaged, stolen or inoperative digital security camera systems. However, taxicab companies shall remain responsible for the cost of replacement of any damaged, stolen or inoperative digital security camera systems if the result of the negligence of the taxicab company or its drivers.

- G.** The Bureau of Licenses shall store replacement digital security camera systems, and shall administer distribution of replacement digital security camera systems.

**16.40.700 Public Protection and Safety.**

**16.40.710 Equipment.**

(Amended by Ordinance Nos. 175503 and 177794, effective September 12, 2003.)

- A.** Every taxicab shall be equipped with a taximeter in accurate operating condition, with a lighted face which can be easily read at all times by passengers. Every taximeter shall be inspected and certified at installation, at change in rate, and within 1 year of the last inspection. A certificate of inspection shall be issued by a qualified taximeter repair service upon each inspection. Such certificate of inspection shall include:
- 1.** The identifying number of the taximeter;
  - 2.** The make, model and license number of the taxicab in which the taximeter is installed;
  - 3.** The name of the taxicab company;
  - 4.** The date of inspection;
  - 5.** A certification that the taximeter has been inspected and approved as operating within the limits of accuracy as specified by this Section and on the basis of rates on file with the Supervisor under Section 16.40.310;
  - 6.** The signature of the individual making the certification; and
  - 7.** A copy of the certificate shall be kept on file in the office of the taxicab company.
- B.** No taxicab shall be operated with a taximeter which does not operate within the following limits of accuracy: Plus or minus 150 feet in 1 mile and 5 seconds in 1 minute of waiting time. A certificate of inspection may be examined or a taximeter reinspected by any police officer or the Supervisor at any time during normal business hours.
- C.** Every taxicab shall be equipped with a top light.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- D.** Every taxicab will be equipped with such safety equipment as is required by state or federal law, this Code, or by the Board's Regulations. Every taxicab shall be equipped with seat belts or other restraining devices for every passenger.
- E.** Taxicabs authorized to operate by the City pursuant to Section 16.40.225 A., shall be equipped with taxicab plates.
- F.** Digital Security Camera Systems.
- G.** Signage in a visible location within taxicabs which says: YOU ARE ON CAMERA. IT IS A FELONY IN OREGON TO ASSAULT A TAXICAB DRIVER.

**16.40.720 Safety Inspections and Certification.**

The Board shall establish safety and quality standards to be met by every taxicab. Every taxicab shall be:

- A.** Kept clean;
- B.** Kept in good appearance and good repair;
- C.** Properly equipped;
- D.** Kept in a safe condition; and,
- E.** Equipped with all pollution control equipment and safety devices originally installed by the manufacturer, and such equipment and devices shall be kept in good working order.

**16.40.730 Insurance.**

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

- A.** No person shall operate any vehicle as a taxicab unless that vehicle is covered by liability insurance providing coverage of not less than \$200,000 for personal injury to any person, \$500,000 for each occurrence, and \$50,000 for each occurrence involving property damage, or in lieu of such coverage, a single limit insurance policy of not less than \$500,000 covering all claims per occurrence. A certificate of insurance coverage, evidencing insurance coverage in compliance with this Section, shall be filed with the Supervisor. The adequacy of such insurance coverage shall be subject to the approval of the City Attorney.
- B.** The limits of insurance coverage required under this Section shall be subject to the statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of the taxicab company permit.

**TITLE 16  
VEHICLES AND TRAFFIC**

- C.** Insurance policies for all vehicles operating as taxicabs shall contain a provision that the policy will not be reduced in coverage or canceled without 30 days prior written notice to the Supervisor.
- D.** The Board may consider proposed alternatives to the insurance requirements of this Section, such as deposit of securities, letters of credit or self-insurance, (as provided in ORS 825.166 and 825.168). Alternatives to insurance may occur only if the level of coverage shall not be reduced, and the public safety and well being will not be effected. The adequacy of proposed alternative insurance coverage shall be subject to the approval of the City Attorney before the alternative to insurance may become effective.
- E.** Policies in existence at the effective date of this Section which provide for notice to the Supervisor need not be modified until time for their renewal.
- F.** Failure to maintain adequate insurance as required under this Section shall be cause for immediate suspension or revocation of a taxicab company permit by the Supervisor.

**16.40.800 Criminal Provisions.**

**16.40.810 Criminal Penalties.**

The violation of the following provisions is punishable upon conviction by a fine of not more than \$500 or imprisonment for not more than 6 months or both:

- A.** It is unlawful to tamper with a taximeter or to conduct any fraudulent scheme with the intent to charge any person a fare greater than that allowed by this Chapter.
- B.** It is unlawful for any person to knowingly falsify any application, certification, report, or document of any kind required by this Chapter.
- C.** It is unlawful for any person to operate a taxicab without a current, valid taxicab driver's permit to do so issued pursuant to this Chapter.
- D.** It is unlawful for any person to operate a taxicab company without a current, valid taxicab company permit, issued pursuant to this Chapter.
- E.** It is unlawful for any passenger to violate the provisions of Section 16.40.310.J.

**16.40.900 Definitions.**

(Replaced by Ordinance No. 176282; amended by 177794, effective September 12, 2003.) As used in City Code Sections 16.40.900 through 16.40.950 and in regulations adopted by the Taxicab Board of Review pursuant to these sections, the terms defined

**TITLE 16**  
**VEHICLES AND TRAFFIC**

below shall have the meanings provided in this section, unless the context requires otherwise:

- A.** “Limited Passenger Transportation” means providing specialized transportation services by motor vehicle for hire other than as a taxicab, to passengers to or from points within the jurisdiction of the City, including but not limited to or Specially Attended Transportation, Executive Sedan Transportation or Shuttle Transportation.
- 1.** “Shuttle Transportation” means transportation provided in a motor vehicle:
- a.** over a fixed route and time schedule; or,
  - b.** other than on a fixed route and time schedule for:
    - (1)** transportation originating at Portland International Airport; or,
    - (2)** transportation originating in the City of Portland where the destination is Portland International Airport; and,
      - (a)** only if the shuttle operator has a valid Port of Portland permit; and,
      - (b)** the shuttle operator provides regular, ongoing transportation service with a vehicle used exclusively for shuttle service.
- 2.** “Executive Sedan Transportation” means a form of luxury transportation provided by vehicles for hire that utilizes standard size, top of the line or luxury sedan vehicles. Specific vehicles otherwise not in compliance with this definition may be permitted if approved in writing by the Taxicab Board of Review.
- 3.** “Specially Attended Transportation” means providing regular, ongoing specialized transportation services for passengers with special needs, not otherwise requiring emergency medical transportation by ambulance.
- B.** “Person” means any individual, partnership, joint venture, association, club, trust, estate, corporation, or other form of business organization recognized by Oregon Law.

- C. “Private For Hire Transportation Board of Review” (Board) has the same meaning as set forth in City Code Section 16.40.010.

**16.40.910 Authority of the Private for Hire Transportation Board of Review.**

(Replaced by Ordinance No. 176282; amended by 177794, effective September 12, 2003.)

- A. The Board shall adopt, by regulation, a uniform set of conditions that shall apply to all limited passenger transportation permits by category. In exercising this authority, the Board shall consider the public safety, health, welfare and convenience.
- B. The Board shall enforce the regulations by monitoring the performance of all limited passenger transportation permits. In order to carry out this monitoring duty, the Board may make reasonable inspections and tests, and require reports and records, as the Board may deem necessary to protect the public safety, health, welfare and convenience. The Board may delegate its responsibility to perform inspections and tests, and to require reports and records to the Supervisor or other City staff.

**16.40.920 Permits for Limited Passenger Transportation Vehicles.**

(Replaced by Ordinance No. 176282; amended by 177794 and 178705, effective August 25, 2004.)

- A. No person shall provide limited passenger transportation without a vehicle permit.
- B. The Supervisor shall review applications for limited passenger transportation vehicle permits and grant or deny the applications within 90 days of receipt of the applications.
- C. Except for the initial permitting period for limited transportation providers who have not previously been permitted, vehicle permits shall be issued for a period not to exceed one year.
- D. Each person operating a limited passenger transportation service shall complete and file an application form, checklist and vehicle inspection form with the Supervisor, and pay an application fee of \$155 per vehicle, payable to the City of Portland, for each vehicle to be permitted. The application fee is non-refundable. If the permit is granted, the application fee shall become the permit fee for the first term.
- E. The fee shall be allocated as follows:

**TITLE 16  
VEHICLES AND TRAFFIC**

1. \$100 shall be deposited into the City's General Fund, and used for the administration and enforcement of Chapter 16.40.
  2. \$55 shall be deposited into the Private for Hire Transportation Safety Fund.
- F.** All limited passenger transportation vehicle permits are subject to revocation by the Supervisor upon expiration of the term of the permit if there is inadequate demand for service to justify renewal of the permit. The Supervisor shall develop uniform standards that shall apply to revocation of vehicle permits based on inadequate demand.
- G.** All limited passenger transportation providers shall comply with the permit conditions and any applicable administrative regulations of the Board. Violation of any of the conditions shall result in denial of an application for a vehicle permit or in revocation of an issued vehicle permit. In the event of revocation of a vehicle permit due to violation of permit conditions, the applicant or permittee shall be barred from reapplication for a vehicle permit for a period of 180 days from the date of revocation.
- H.** Limited Passenger Transportation vehicle permit renewal. Permittees shall pay a renewal fee in the amount of \$155 per year for each permitted vehicle. Payment is due no later than December 31 of the year preceding renewal. If permittee fails to pay the renewal fee or provide other renewal information by December 31 of the year preceding renewal, the vehicle permit shall be deemed abandoned and the vehicle permit shall become void on January 1 of the renewal year. Any voided vehicle permit shall not be renewable in a subsequent year, and any permittee whose vehicle permit has become void shall be required to complete the initial application process if the permittee wants a vehicle permit in the future.
- I.** The renewal fee shall be allocated as provided by Section 16.40.920 E.
- J.** Each limited passenger transportation permit holder shall have an effective policy that prohibits smoking of any substance and the use of tobacco in any form by LPT drivers or passengers in LPT vehicles.
1. Each permitted LPT vehicle shall prominently display a warning sign, in a form and location approved by the Supervisor, including details of the prohibition, fines for violating the prohibition and a contact telephone number for complaints.
  2. In the event that a passenger persists in using tobacco in violation of this prohibition, the passenger may be subject to denial of service, provided such denial does not jeopardize the safety of the passenger.



**TITLE 16**  
**VEHICLES AND TRAFFIC**

**16.40.930 LPT Drivers.**

(Replaced by Ordinance No. 176282; amended by 177794, 178705, 179684 and 180153, effective June 16, 2006.)

**A. Prohibitions.**

1. No person shall drive or allow another person to drive an LPT vehicle without a valid driver's license.
2. No person shall drive or allow another person to drive an LPT vehicle without a valid LPT driver permit issued to that person by the City.
3. No LPT driver shall drive an LPT vehicle while consuming or under the influence of alcohol, or in a careless or reckless manner or in a manner contrary to the laws of this City or the State of Oregon.
4. No LPT driver shall drive any LPT vehicle while consuming, or under the influence of drugs, unless the drugs are available commercially over the counter, or are being taken pursuant to a doctor's prescription, and, in any case, the drug usage does not impair the driver's ability to drive the LPT vehicle.
5. No LPT driver shall use an LPT vehicle in the commission of any crime.
6. No LPT driver shall use profane or obscene language offensive to a passenger while driving an LPT vehicle.
7. No LPT driver shall smoke any substance or use tobacco, or allow a passenger to smoke any substance or use tobacco in any form inside any LPT vehicle, including Specially Attended Transportation (SAT) Vehicles, Executive Sedans, and Shuttle vehicles.
  - a. Violation of this prohibition by any driver shall result in the following sanctions:
    - (1) First offense, a letter of warning;
    - (2) Second offense, civil penalty of \$100.00;
    - (3) Subsequent offenses, temporary suspension of driver permit.
8. No LPT driver shall defraud a passenger in any way.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

9. No LPT driver shall be discourteous to a passenger.
  10. No LPT driver shall refuse to issue a receipt for a fare paid if one is requested.
- B. Permit Application.**
1. An applicant for an LPT driver permit shall submit a fully completed application in a form provided by the Supervisor.
  2. A nonrefundable fee of \$70.00 shall accompany the application, allocated as follows:
    - a. \$35 shall be deposited into the City's General Fund.
    - b. \$35 shall be deposited into the Private for Hire Transportation Safety Fund.
- C. Review of Permit Applications.**
1. The Supervisor shall perform a driver license background check using the Oregon Department of Transportation DMVCICSystem for drivers licensed by the State of Oregon. For drivers licensed from states other than Oregon, the applicant shall provide a copy of his or her driving record from the state in which the driver is licensed for the driver license background check.
  2. The Supervisor shall obtain a Portland Police Records check and a Law Enforcement Data Systems (LEDS) check of any criminal activity. The Supervisor may, at the Supervisor's sole discretion, require or accept in lieu of a Portland Police Records and LEDS check a criminal background report from other sources, as long as such sources are approved by the Board.
  3. Within ten calendar days the Supervisor shall review the application and the driver background and criminal activity checks to determine whether an LPT driver permit should be issued, and either grant the LPT driver permit, or notify the applicant and the sponsoring company that the application is denied or that additional time is needed to process the application.

**D. Permit Denial.**

1. If the Supervisor's review indicates that an LPT driver permit should not be issued in the interest of public safety, based on the applicant's application, driver background or criminal history record, the Supervisor shall not issue an LPT driver permit. The Supervisor's review shall be based on the following factors:
  - a. The applicant has failed to disclose any information required in the application, or fails or refuses to provide upon written request by the Supervisor any information that reasonably relates to the application or clarification thereof, or provides false information in the application or to the Supervisor.
  - b. During the ten year period preceding the filing of the initial application the applicant has been convicted of any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, weapons, or any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, and leaving the scene of an injury accident or hit and run injury.
  - c. During the ten year period preceding the filing of the initial application, the applicant has greater than ten traffic infractions as defined in ORS 801.557; and greater than ten serious traffic violations ORS 801.477; greater than ten motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than ten of any combination of traffic infractions, serious traffic violations, or motor vehicle accidents as provided above.
  - d. During the ten-year period preceding the initial application the applicant has been suspended or revoked pursuant to ORS 809.410.
  - e. The applicant is not properly licensed to do business in the City of Portland pursuant to PCC Title 7.
2. If the Supervisor denies the permit application, the Supervisor shall so notify the applicant in writing.

**E. Issuance of Permit.** If the Supervisor's review indicates that the application should be approved and an LPT driver permit granted based on the application,

**TITLE 16**  
**VEHICLES AND TRAFFIC**

the applicant's driver background and criminal activity record, and if none of the factors listed in Section 16.40.930 D.1.a. to e. is present, the Supervisor shall provide the applicant with a printed identification card containing the permit number and expiration date and the driver's name and photograph.

**F.** Identification Cards.

1. The LPT driver's identification card shall be posted in a prominent place within the passenger compartment of the LPT vehicle.
2. The LPT driver shall display his or her identification card upon request to any passenger, police officer, the Supervisor or the Supervisor's designee.
3. The identification card shall be in possession of the LPT driver at all times the LPT driver is driving an LPT vehicle.
4. The Supervisor may issue a replacement identification card if presented with convincing evidence that the original identification card has been lost or destroyed. The fee for issuance of a replacement identification card is \$15.00.

**G.** Permit Term. Permits shall be issued for a term not to exceed one year. All permits shall expire on December 31 of each year.

**H.** Permit Renewal.

1. An LPT driver permit may be renewed upon the payment of a renewal fee of \$70.00 on or before December 1 of each year.
2. If the LPT driver fails to pay the renewal fee or provide required information by December 1 of the year preceding renewal, the permit shall be deemed abandoned and the permit shall be void on January 1 of the renewal year. Any voided permit shall not be renewable in a subsequent year, and any LPT driver whose permit has become void shall be required to complete the initial application process, and pay \$70.00, to obtain another LPT driver permit.
3. Renewal fees shall be allocated as provided by Section 16.40.930 B.2.
4. If any information provided on the initial application has changed by the time of renewal, the LPT driver shall complete a renewal application update form provided by the Supervisor.

**TITLE 16  
VEHICLES AND TRAFFIC**

5. If the LPT driver's permit expires before completion of the renewal process, the LPT driver shall not operate any LPT vehicle until the permit renewal process is completed.
  6. If at the time of submission of a renewal application the Supervisor determines that an application for an initial permit for that applicant would be denied the Supervisor shall deny the renewal application.
- I. Immediate Suspension.** Immediate suspension is an immediate and temporary loss of a permit, pending completion of the process provided by this section, for a violation that if proved will result in revocation, or for conduct that constitutes a continuing threat to public safety.
1. Process.
    - a. Upon a finding of probable cause that a violation has occurred that if proved will result in revocation of a permit, or upon a finding of probable cause that conduct has occurred that constitutes a threat to the public safety, the Supervisor shall impose an immediate suspension pending resolution of the alleged violation.
    - b. The Supervisor shall attempt to immediately notify the alleged violator by telephone of the immediate suspension and shall follow the telephone notification by a written notification mailed by U.S. Mail, certified, return receipt requested, and by regular U.S. Mail.
    - c. The written notice shall contain the Supervisor's findings concerning the alleged violation and shall allow a time of ten (10) days from the date of issuance of the notice for the alleged violator to file a written response with the Supervisor. The written notice shall contain the date of issuance of the notice and the potential civil penalty if the violation is sustained.
    - d. If the alleged violator fails to timely respond to the written notice, or if the Supervisor sustains the violation after response by the alleged violator, immediate suspension shall be imposed. A second notice shall be issued by the Supervisor to the violator including the date of issuance of the notice, the term of the immediate suspension, the consequences of failure to timely comply with the immediate suspension, and information concerning the appeal process.

**TITLE 16  
VEHICLES AND TRAFFIC**

- e. If after response by the alleged violator the Supervisor determines that no violation has occurred, the violation shall be dismissed and the permit shall be reinstated.
  - 2. Term. The immediate suspension shall be effective upon actual notification by the Supervisor, or no later than ten (10) days following issuance of the notice of immediate suspension. An immediate suspension shall remain in effect until the alleged violation is dismissed, or if the violation is sustained, until imposition of revocation.
- J.** Permit Revocation. An LPT driver permit may be revoked by the Supervisor at any time if the LPT driver commits any act which would be grounds for denial of an initial permit. Permits that have been revoked during their term are not renewable. An LPT driver whose LPT driver permit has been revoked shall be required to successfully complete the initial application process to obtain another LPT driver permit.
- K.** Civil Penalties.
- 1. The Supervisor may assess a civil penalty of up to \$500 per day or per occurrence in lieu of revocation against:
    - a. An LPT driver if the Supervisor finds reasonable grounds to believe that the LPT driver has violated any provisions of this Code, regulations of the Board or the conditions of a permit; or
    - b. Any person found to be operating as a limited passenger transportation provider without a limited passenger transportation permit or identification card.
  - 2. In determining whether to impose a civil penalty and how much that penalty shall be, the Supervisor shall consider:
    - a. The extent and nature of the person’s involvement in the violation;
    - b. The benefits, economic, financial, or otherwise, accruing or likely to accrue as a result of the violation;
    - c. Whether the violations were repeated and continuous, or isolated and temporary;
    - d. The magnitude and seriousness of the violation;
    - e. The City’s costs of investigating the violation and correcting or attempting to correct the violation;



**TITLE 16  
VEHICLES AND TRAFFIC**

1. The extent and nature of the person's involvement in the violation;
2. The benefits, economic, financial, or otherwise, accruing or likely to accrue as a result of the violation;
3. Whether the violations were repeated and continuous, or isolated and temporary;
4. The magnitude and seriousness of the violation;
5. The City's costs of investigating the violation and correcting or attempting to correct the violation;
6. Whether the facts underlying the violation have been considered in a previous disciplinary proceeding; and
7. Any other factors the Supervisor deems to be relevant.

**16.40.950 Appeals.**

(Replaced by Ordinance No. 176282, effective March 29, 2002.)

- A. Any denial of a permit or revocation of a permit resulting from violation of this Code, or violation of a condition of a limited passenger transportation permit, or any civil penalty imposed by the Supervisor, may be appealed to a committee of the Board. The Board shall appoint a committee to hear appeals. Appeals shall be heard no later than thirty (30) days from the date the appeal is filed. Appeals shall be conducted according to rules of procedure adopted by the Board.
- B. Any denial of a permit or revocation of a permit resulting from violation of this Code or violation of a condition of a limited passenger transportation permit, or any civil penalty imposed by the Supervisor that is upheld by the committee of the Board after hearing pursuant to PCC 16.40.940.A, may be appealed to the Code Hearings Officer pursuant to the provisions of Chapter 22.10 of this Code.
- C. Any denial of a permit or revocation of a permit based on inadequate demand may be appealed to the Board. The Board shall hear the appeal at its next regularly scheduled meeting. Appeals to the Board shall be conducted according to rules of procedure adopted by the Board.
- D. All appeals initiated under this section shall be final as provided by this section.

**16.40.960 No Effect On Taxicab Regulations.**



(Added by Ordinance No. 176282, effective March 29, 2002.) Nothing contained in Sections 16.40.910 through 16.40.940 shall in any manner repeal, change or otherwise modify the provisions of City Code Chapter 16.40 applicable to taxicabs.

**Chapter 16.48**

**TAXICAB REGULATIONS**

(Added by Ord. No. 139316; new Chapter substituted by Ord. No. 147243; repealed by 165189, reinstated by 165522, and repealed by 165947, Oct. 28, 1992.)

**Chapter 16.50**

**MASS TRANSIT**

**Sections:**

- 16.50.001 Purpose.
- 16.50.100 Designation of Transit Lanes.
- 16.50.200 Prohibited Use of Transit Lanes.
- 16.50.300 Vehicles Permitted in Transit Lanes.
- 16.50.400 Vehicles Allowed In Transit Lanes During Certain Hours.
- 16.50.500 Regulation and Permit Procedure.

**16.50.001 Purpose.**

This section describes how mass transit lanes are designated, the regulations that apply, and which vehicles may use them.

**16.50.100 Designation of Transit Lanes.**

Designation of transit lanes will be made by the City Traffic Engineer upon advice of the City Engineer and the Tri-County Metropolitan Service District of Oregon (Tri-Met). Designation will be shown by official signs or markings. Signs or markings will distinguish whether the transit lane may be used by:

- A.** Bus only;
- B.** Light rail vehicle only;

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- C. Trolley or streetcar vehicle; or
- D. Carpool vehicle only; or some combination of the above.

**16.50.200 Prohibited Use of Transit Lanes.**

- A. Except as otherwise provided for in this Section, no vehicle may enter upon, park on, or use an officially designated transit lane.
- B. Restrictions on transit lane use will vary depending on whether the lane is designated for light rail, motor bus, trolley, or carpool use.

**16.50.300 Vehicles Allowed In Transit Lanes.**

The following vehicles may enter upon, stop or park in a transit lane:

- A. A vehicle owned or operated by the Tri-County Metropolitan Transportation District of Oregon.
- B. A vehicle so allowed by the terms of a contract or franchise with the City of Portland or Tri-Met.
- C. A police, fire, ambulance, or outpatient vehicle, if performing emergency services.
- D. A vehicle and equipment engaged in emergency:
  - 1. Towing;
  - 2. Snow removal; or
  - 3. Street, sewer, utility, bus or fire alarm repair.

**16.50.400 Vehicles Allowed in Transit Lanes During Certain Hours.**

(Amended by Ordinance No. 173627, effective August 4, 1999.)

- A. A vehicle may enter upon and park in a transit lane if the lane is closed by a street closure permit from the City Engineer per 17.44.020 and if the vehicle is specifically authorized to do so by the street closure permit.
- B. A vehicle with a travel lane parking permit (16.20.550) or an angle loading permit (16.20.540) may park in a transit lane if authorized to do so by the permit.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- C.** A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use except during the following hours: 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, after giving notification as required by regulations governing the Special Traffic Control District (17.23.050).
- D.** A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use between the hours of 7 a.m. to 9 a.m. and/or 4 p.m. to 6 p.m., Monday through Friday, when specifically allowed during this time by a permit from the City Traffic Engineer. The City Traffic Engineer will notify Tri-Met and the City Engineer before issuing such a permit.
- E.** A vehicle requiring direct access to properties facing a transit lane for ingress/egress or special loading may enter upon and use (but not park in) the transit lane(s) between 7 p.m. and 6 a.m. A permit from the City Traffic Engineer is required for this access between 6 a.m. and 7 p.m.
- F.** A taxicab, for hire vehicle, delivery vehicle, maintenance vehicle, or garbage truck may enter certain transit lanes during times established by the Bureau of Transportation System Management's "Rules and Procedures" Manual.

**16.50.500 Regulation and Permit Procedure.**

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

**TITLE 16  
VEHICLES AND TRAFFIC**

**Chapter 16.60**

**MOTOR VEHICLE FUELS**

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

**Sections:**

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

**16.60.010 Definitions.**

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

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

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- G.** “Diesel” means petroleum based liquid that is suitable for use as a fuel in diesel powered vehicles.
- H.** “E10” means a fuel mixture of 10% ethanol and 90% gasoline.
- I.** “Ethanol” means ethyl alcohol, a flammable liquid used or sold for the purpose of blending or mixing with gasoline.
- J.** “Feedstock” means the plant or animal matter from which a biofuel is derived.
- K.** “Fuel” means all gasoline or diesel sold within the City of Portland for the purpose of operating motor vehicles on public roadways.
- L.** “Fuel distributor” means a person that causes the transportation or storage of fuel at any point between a refinery or importer’s facility and any retail outlet or wholesale purchaser-consumer within the City of Portland.
- M.** “Gasoline” means any fuel sold for use in spark ignition engines.
- N.** “Motor Vehicle” means every inanimate vehicle which is self-propelled. For the purposes of this Chapter, the definition of motor vehicle shall not include aircraft, watercraft, or locomotives.
- O.** “Nonretail dealer” means any person who owns, operates, controls or supervises an establishment at which motor vehicles fuel is dispensed through a car or key-activated fuel dispensing device to nonretail customers.
- P.** “Reseller” means a person who purchases fuel and resells or transfers it to a retailer or wholesale purchaser-consumer within the City of Portland.
- Q.** “Retail outlet” means any establishment within the City of Portland at which fuel is sold or offered for sale to the ultimate consumer for use in motor vehicles.
- R.** “Retailer” means any person who owns, leases, operates, controls or supervises a retail outlet within the City of Portland.
- S.** “Wholesale purchaser-consumer” means any organization within the City of Portland that is an ultimate consumer of fuel, and which purchases or obtains diesel or gasoline from a fuel distributor or reseller for use in motor vehicles, and receives delivery of that product into a storage tank or directly into a vehicle’s tank.

**TITLE 16  
VEHICLES AND TRAFFIC**

**16.60.020 Biofuel Requirements.**

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

**A.**

1. On and after July 1, 2007, all diesel fuel sold by fuel distributors or resellers to fuel retailers, nonretail dealers or wholesale purchaser-consumers within the City of Portland shall contain a minimum blend of 5% Biodiesel (B5 fuel).
2. On and after August 15, 2007, all diesel fuel sold by fuel retailers, dispensed by nonretail dealers or purchased by wholesale purchaser-consumers within the City of Portland shall contain a minimum blend of 5% Biodiesel (B5 fuel).

**B.**

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

**C.**

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

- D.** The Director of the Bureau of Development Services shall establish, and revise as necessary, standards for biofuels sold in the City of Portland. The Director shall consult specifications established for biofuels by the American Society for

**TITLE 16**  
**VEHICLES AND TRAFFIC**

Testing and Materials, the Oregon Department of Agriculture or similar specifications, in forming its standards.

- E.** Biodiesel produced from a feedstock of palm oil may not be used to satisfy the requirements of this Chapter.
- F.** The Bureau of Development Services shall study and monitor biodiesel production, use and sales in Oregon and in the City of Portland. When the production of biodiesel from Oregon grown feedstock and used cooking oil reaches a level of at least two million five hundred thousand gallons on an annualized basis for at least three months, the Bureau of Development Services shall notify all fuel distributors, resellers, retailers, nonretail dealers and wholesale-purchaser consumers that:
  - 1.** The production of biodiesel from Oregon grown feedstock and used cooking oil has reached the level described above; and
  - 2.** That three months from the date of the notice, all biodiesel used for the purposes of satisfying the requirements of this Chapter shall contain a minimum of 50% (by volume) of biodiesel produced from used cooking oil and/or feedstock from the Genera Brassica, Camelina, Helianthus or Carthamus.
- G.** Fuel retailers shall be required to conspicuously place signage denoting the type of biofuel mixture available for sale by the fuel retailer in accordance with the labeling guidelines or rules established by the Oregon Department of Agriculture. For example, B5 fuel shall be labeled “B5 Biodiesel Blend.”

**16.60.025 Additional Regulation in the 122<sup>nd</sup> Avenue Subdistrict.**

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

**16.60.030 Exemptions.**

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

- A.** Any retailer who offers a biodiesel blend of 20% (B20 fuel) or greater shall be exempt from the requirements of Section 16.60.020 (A) and (B), and may also provide for sale, on the same site or a contiguous site, diesel fuel which does not contain biodiesel.

**TITLE 16  
VEHICLES AND TRAFFIC**

- B.** The Director of the Bureau of Development Services may temporarily suspend or modify the minimum biofuel content requirements of this Chapter based on a determination that such requirements are temporarily infeasible due to economic or technical circumstances. The Director's determination shall be made by filing a report with the City Council.
- C.** The requirements of this Chapter do not apply to fuel used for the operation of railroad locomotives, watercraft or aircraft.
- D.** Nothing in this Chapter is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using up to eighty-five percent ethanol fuel blends.

**16.60.040 Enforcement and Notice of Violation.**

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

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

**16.60.050 Penalties.**

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

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

**16.60.060 Disclosure.**

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



**16.60.070 Additional Regulations.**

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

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

**Chapter 16.65**

**FUNERAL PROCESSIONS**

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

**Sections:**

16.65.010 Funeral Processions.

**16.65.010 Funeral Processions.**

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

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

**TITLE 16  
VEHICLES AND TRAFFIC**

**Chapter 16.70**

**MISCELLANEOUS REGULATIONS**

**Sections:**

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

**TITLE 16  
VEHICLES AND TRAFFIC**

- 16.70.730 Signs.
- 16.70.740 Acts Prohibited.
- 16.70.750 Penalty.
- 16.70.760 Subsequent Violation.
- 16.70.770 Notice of Towing For Subsequent Violations.
- 16.70.800 Visibility.
- 16.70.810 Street Obstructions and Dangerous Conditions.
- 16.70.900 Reckless Driving.

**16.70.001 Purpose.**

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

**16.70.200 Pedestrians.**

**16.70.210 Must Use Crosswalks.**

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

**16.70.220 Must Cross at Right Angles.**

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

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

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

**16.70.240 Bridge Railings.**

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

**16.70.300 Bicycles.**

**16.70.310 Persons Riding Bicycles to Obey Traffic Regulations.**

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

**TITLE 16**  
**VEHICLES AND TRAFFIC**

**16.70.320 Operating Rules.**

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

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

**16.70.330 Impounding Bicycles.**

- A.** A bicycle left on a street or other public property for more than 72 hours may be impounded.
- B.** A bicycle may be immediately impounded if:
  - 1.** It is parked in violation of this code and obstructs or impedes pedestrian or vehicular traffic; or

- 2. It is an immediate threat to the public welfare.
- C. The impounding agency must make reasonable efforts to notify the owner of the impoundment and a description of how and by what date the bicycle must be claimed.
- D. A fee may be charged to the owner of an impounded bicycle. No impoundment fee will be charged to the owner of a stolen bicycle that has been impounded.
- E. An impounded bicycle that remains unclaimed after 30 days may be disposed of in accordance with city procedures for disposal of abandoned or lost personal property.

**16.70.340 Renting Bicycles.**

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

**16.70.400 Other Transportation.**

**16.70.410 Roller Skates and Skateboards.**

(Replaced by Ordinance No. 175211, effective January 26, 2001.)

- A. No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any sidewalk within the area bounded by and including SW Jefferson, Naito Parkway, NW Hoyt and 13<sup>th</sup> Avenue. The middle and bisecting sidewalks in the Park Blocks are considered sidewalks for the purposes of this subsection. The penalty for failing to follow the rules of this subsection shall be a maximum fine of \$25.
- B. No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, roadway or sidewalk on SW 5<sup>th</sup> or 6<sup>th</sup> Avenues between SW Lincoln and Burnside, and on NW 5<sup>th</sup> or 6<sup>th</sup> Avenues between Burnside and Union Station. The penalty for failing to follow the rules of this subsection shall be a maximum fine of \$25.
- C. All persons under 16 years of age shall wear protective headgear when using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, sidewalk, or bridge. The penalty for failure to wear protective headgear as required in this subsection shall be a maximum fine of \$25.00.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

- D.** All persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street or sidewalk between the hours of sunset and sunrise must be equipped with and use lighting equipment that shows a white light visible from a distance of at least 500 feet to the front of the device.  
All persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street or sidewalk between the hours of sunset and sunrise must be equipped with and use lighting equipment that has a red reflector or lighting device or material of such size or characteristic and so mounted, carried or worn as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.  
The penalty for failing to follow the rules of this subsection shall be a maximum fine of \$25.
- E.** Persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, sidewalk or premises open to the public shall be subject to the provisions applicable to and shall have the same rights and duties as the driver of a bicycle as provided by the Oregon Vehicle Code, except when those provisions by their very nature can have no application. The penalty for failing to follow the rules of this subsection shall be a maximum fine of \$25.
- F.** A copy of a citation issued for violation of this section by persons under 16 years of age shall be mailed to the parents or guardians of the cited person at their home address, if known.
- G.** The Portland Police Bureau shall monitor and maintain a record of injuries and deaths attributed to riders of roller skates, including in-line skates, a skateboard, or other similar device in the City of Portland and report their findings annually to City Council. The first report shall be made on or before October 1, 2001.
- H.** Before this ordinance takes effect, the Portland Department of Transportation shall consult with the Bureau of Risk Management to minimize claims resulting from defects in City streets.
- I.** The Council directs PDOT staff to meet with members of the Police Bureau's traffic safety division to recommend and designate "preferred skating routes" in the downtown core area as well as throughout the rest of the City. PDOT will report these recommendations back to Council by March 1, 2001. Signage and informational materials will be prepared for distribution by April 1, 2001.

**16.70.430 Train Switching Prohibited in Certain Areas.**

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

**16.70.450 Off-Street Parking Required for Trucks.**

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

**16.70.500 Traffic Regulations.**

**16.70.510 Trespassing -Leaving Pamphlet On Vehicle.**

(Amended by Ord. No. 165987, Nov. 12, 1992.)

- A. It is unlawful for any person to ride or trespass upon or within any motor vehicle without the consent of the owner or operator thereof.
- B. It is unlawful for any person to post, stick, or place upon or within any motor vehicle any card, notice, handbill, leaflet, pamphlet, survey, or similar matter without the consent of the owner or operator.
- C. The provisions of this Section do not apply to any card, notice, handbill, leaflet, pamphlet, survey, or similar matter placed upon or within such motor vehicle by authority of law, by an authorized officer of the City, County, or State or by a designee of the City Traffic Engineer.

**16.70.520 Hitching Onto Vehicle.**

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

**TITLE 16**  
**VEHICLES AND TRAFFIC**

**16.70.530 Central City Plan District Closed to Driving Lessons.**

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

**16.70.550 Vendor Traffic Regulations.**

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

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

**16.70.560 Traffic Regulations in Parks.**

(Amended by Ord. No. 165594, July 8, 1992.)

- A.** Except as otherwise provided in this Section, the provisions of this Title regulating street traffic and parking apply to driving or parking a vehicle in a City park or golf course.
- B.** With approval of the Commissioner In Charge, the Superintendent of Parks may restrict or prohibit traffic or types of traffic and parking in City parks and golf courses. Signs giving notice of any restriction or prohibition imposed under this Subsection shall be posted and maintained by the Superintendent in a conspicuous manner and place to inform the public. It is unlawful for any person to violate any restriction or prohibition imposed under this Subsection after notice thereof has been posted.
- C.** The Bureau of Police has authority to enforce the provisions of this Section.



- D.** The provisions of this Section do not apply to City authorized vehicles used in park or golf course service.

**16.70.570 Inoperative Electric Traffic Control Signals.**

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

**16.70.600 Over Dimensional Vehicles.**

**16.70.610 General Prohibitions.**

- A.** It is unlawful for any person or owner to drive, move, or to cause or permit to be driven or moved on any street in the City any vehicle or combination of vehicles that:

1. Exceeds the weight or size limitations set forth in the Oregon Revised Statutes (ORS), Chapter 818;
2. Is not constructed or equipped as required by ORS 818;
3. Is dragging upon or over the surface of a street any log, pole, piling, or other thing;
4. Does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the street;
5. Is so constructed or loaded so as to allow its contents to drop, sift, leak, or otherwise escape therefrom; or
6. Violates any other provisions of this Title.

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

**16.70.620 Exemptions.**

- A.** The provisions of this Chapter governing size and weight do not apply to:
1. Any vehicle, combination of vehicles, article, machine, or other equipment in use by the Federal Government, the State of Oregon, or any county or

**TITLE 16  
VEHICLES AND TRAFFIC**

city while in the immediate vicinity of and involved with the construction, maintenance, or repair of public highways;

2. Any vehicle in use by a mass transit district for the purposes authorized under ORS 267.010 to ORS 267.390, provided the size or weight of the vehicle is approved by the City for that route; or
3. Any vehicle, combination of vehicles, article, machine, or other equipment operated under a permit issued by the Traffic Engineer and in compliance with the conditions and restrictions thereof.

- B.** None of the size limits described in ORS 818, except the maximum limit of allowable extension beyond the last axle of a combination of vehicles, apply to agricultural equipment hauled, towed, or moved upon any street if the movement is incidental to the farming operations of the owner of the agricultural equipment.

**16.70.630 Permits.**

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

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

**16.70.640 Limits of Authority to Issue Variance Permit.**

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

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

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

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

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



**TITLE 16  
VEHICLES AND TRAFFIC**

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

**16.70.660 Permit Must Be Carried and Displayed.**

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

**TITLE 16**  
**VEHICLES AND TRAFFIC**

**16.70.670 Movement of Building or Other Structure Excluded.**

The movement of buildings or other structures on or over the streets and other public right-of-ways of the City is excluded from the provisions of this Chapter. (See Chapter 17.48, Public Improvements.)

**16.70.680 Liability for Damage to Streets or Other Public Property.**

Any person moving any vehicle of excess weight or size on or over any street or other public right-of-way in the City is responsible for damage to pavement or other public improvement or property caused thereby.

**16.70.690 Designation of Streets for Vehicles of Excess Weight or Size.**

- A.** When in the judgement of the City Traffic Engineer any City street or section thereof is capable of carrying any vehicle or combination of vehicles having a gross weight or overall size in excess of that authorized in ORS 818, the City Traffic Engineer may report to the City Council so declaring that street and fixing the maximum gross weight, width, height, and/or length and types and classes of vehicles or combination of vehicles which may be operated thereon.
- B.** The provisions of any report accepted by the City Council pursuant to recommendation of the City Traffic Engineer under this Section may be changed or rescinded at any time and is subject to any order made pursuant to Section 16.10.200.
- C.** If a report submitted by the City Traffic Engineer under this Section is accepted by the City Council, a duplicate original thereof (and any amendment or revocation thereof) must be filed by the Auditor with the Secretary of State. After such resolution is adopted and filed, no permit is required for the operation upon such street or section thereof of a vehicle or combination of vehicles not exceeding the maximum gross weight and length fixed by the report for vehicles or combinations of vehicles of that type and class.

**16.70.700 Traffic Congestion Thoroughfares.**

**16.70.701 Purpose.**

The purpose of this Chapter is to prohibit the repeated driving of a motor vehicle along and across one portion of a congested public street, which constitutes a strict liability violation without any requirement of culpable mental state, all as described in this Chapter.

**16.70.720 Posting Signs.**

With respect to any traffic congestion thoroughfare, the Chief of the Bureau of Police or his/her designee is authorized to declare that portion of the street to be a traffic

**TITLE 16  
VEHICLES AND TRAFFIC**

congestion thoroughfare and to cause signs, as described in this Chapter, to be posted notifying of that designation.

**16.70.730 Signs.**

The signs referred to in Section 16.70.720 will notify drivers that they are entering a traffic congestion thoroughfare; that repeated passage of a motor vehicle through or across the traffic congestion thoroughfare is a violation of City Code Section 16.70.740; and that for a subsequent violation, the vehicle will be towed.

**16.70.740 Acts Prohibited.**

Between the hours of 9 p.m. and 5 a.m. of the following morning, no vehicle may pass along or across a traffic congestion thoroughfare, designated as such by signs as described in Section 16.70.730, more than two times.

**16.70.750 Penalty.**

(Amended by Ordinance Nos. 165987 and 176394, effective April 17, 2002.) Violation of this Chapter is an infraction punishable by a fine not to exceed \$150.

- A. Except as provided below, violation of this Chapter is an infraction punishable by a fine not to exceed \$150.
- B. Violation of Sections 16.20.470, 16.70.510 A, 16.70.210, 16.70.220 and 16.10.060, is punishable by a fine of not more than \$500, or by imprisonment not exceeding 10 days or both.

**16.70.760 Subsequent Violation.**

If a vehicle passes along or across a traffic congestion thoroughfare as designated by signs in violation of Section 16.70.740, any single subsequent drive-through of that traffic congestion thoroughfare by that vehicle within the same 9 p.m. to 5 a.m. time period constitutes a separate violation of Section 16.70.740, punishable as provided in section 16.70.750; and the vehicle may be towed and taken to a storage area designated by the City and may be held for not more than 24 hours, all at the expense of the owner or person entitled to possession.

**16.70.770 Notice of Towing For Subsequent Violations.**

Upon issuing a citation for a violation of Section 16.70.740, the officer will give the person to whom the citation is issued a written notice which will state:

NOTICE

You have been cited for violation of Code Section 16.70.740 for repeated passage of a motor vehicle on or across a traffic congestion thoroughfare.

**TITLE 16  
VEHICLES AND TRAFFIC**

If the vehicle you are driving is again driven along or across this traffic congestion thoroughfare before 5 a.m. this morning, this vehicle may be impounded and towed in accordance with City Code Section 16.70.760.

Chief of the Bureau of Police

**16.70.780 Exemptions.**

This Section does not apply to:

- A. Any publicly owned vehicle of any city, county, public district, state, or federal agency;
- B. Any vehicle licensed for public transportation; or
- C. Any other vehicle granted an exemption by the Chief of Police because passage of the vehicle along or across the traffic congestion thoroughfare is necessary for commercial or medical reasons.

**16.70.800 Visibility.**

(Amended by Ordinance Nos. 165987 and 173369, effective May 12, 1999.)

- A. It is the responsibility of the owner or occupant of any property to prevent any vegetation or street tree on the property or the abutting public right-of-way from partially or wholly obstructing the visibility of traffic control devices, the visibility of or for drivers, bicyclists, or pedestrians, or in any way presents a safety hazard.
- B. The person who owns or occupies said property is liable to any person who is injured or otherwise suffers damage by reason of the failure to remove or prune such vegetation as required by Title 16 or any other Title of the City Code. Furthermore, said person is liable to the City of Portland for any judgement or expense incurred or paid by the City, by reason of said person's failure to satisfy the obligations imposed by this or any other Title of the City Code.
- C. Any street tree removal or pruning required by this Title must be done in accordance with the provisions of Title 20.
- D. Any vegetation or street tree not removed or pruned as required in this Title is hereby declared to be a public nuisance and may be summarily abated as provided in Title 29.
- E. Whenever the provisions of this section conflict with those of any other section of this code, including but not limited to Titles 16, 17, 18, 20, and 33, the stricter provisions shall govern.



**16.70.810 Street Obstructions and Dangerous Conditions.**

(Added by Ordinance No. 176585, effective July 5, 2002.) No person, whether acting as private citizen, principal, employee or agent shall:

- A. Between the hours of sunset and sunrise, place or allow to remain on any street any obstruction, other than a lawfully parked vehicle or any permitted structure, unless a clearly displayed warning light or lights are:
  - 1. plainly visible for 200 feet in either direction parallel to the street and at least 25 feet in all other directions, and
  - 2. placed on the edge or side of the obstruction nearest the center of the street.
- B. At any time, create a dangerous condition on any street without erecting and maintaining a distinctly visible barricade which provides a clear indication of the danger and directs people safely around it; and/or
- C. Remove such a barricade from any street while the danger continues.

**16.70.900 Reckless Driving.**

(Added by Ordinance No. 173097, effective by February 10, 1999.)

- A. A driver of a vehicle commits the crime of reckless driving within the City of Portland if the driver commits two or more of the following violations in a single series of acts in such a way as to endanger the safety of persons or property:
  - 1. Unlawful or unsignaled lane change;
  - 2. Unsafe passing on the left or right;
  - 3. Passing in a no-passing zone;
  - 4. Following too close;
  - 5. Illegal backing;
  - 6. Unlawful stop or deceleration;
  - 7. Failure to signal;
  - 8. Violation of maximum speed limit in an urban area; or

**TITLE 16  
VEHICLES AND TRAFFIC**

9. Taking other actions that a reasonable driver would know endanger the safety of persons or property in a congested urban driving environment such as the City of Portland.
- B. Violation of this law shall constitute a Class A Misdemeanor as prescribed in State law.

**Chapter 16.90**

**DEFINITIONS**

**Sections:**

16.90.001	Generally.
16.90.005	Abandoned Vehicle.
16.90.010	Accessory Recreational Vehicle.
16.90.015	Alley.
16.90.020	Angle Loading.
16.90.025	Bicycle.
16.90.030	Bicycle Boulevard.
16.90.032	Bicycle Lane.
16.90.034	Bikeway, Shoulder.
16.90.036	Bikeway, Extra Width Curb Lane.
16.90.038	Bikeway, Off-Street Path.
16.90.040	Bikeway, Signed Connection.
16.90.045	Block Face.
16.90.050	Bureau of Transportation System Management.
16.90.055	Carpool Vehicle.
16.90.060	Central City Plan District.
16.90.065	City Recognized Holidays.
16.90.070	Compact Car.
16.90.075	Conduct Business.
16.90.080	Construction Zone.
16.90.085	Crosswalk.
16.90.090	Curb.
16.90.095	Curb Line.
16.90.100	Driver.
16.90.105	Driveway.
16.90.110	Drop box.
16.90.115	Emergency Vehicles.
16.90.120	Fire Station.
16.90.125	Fog Line or Edge Line.
16.90.130	Gross Vehicle Weight Rating.
16.90.135	Guest.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

16.90.140	Handicap Access Ramp.
16.90.145	Hotel.
16.90.150	Improper Use.
16.90.155	Intersection.
16.90.160	Light Rail Transit System.
16.90.165	Light Rail Vehicle.
16.90.170	Load/Unload.
16.90.175	Local Authorities.
16.90.180	Long-Term Parking Meter.
16.90.185	Mobile Construction Trailer.
16.90.190	Motor Bus.
16.90.195	Motor Home.
16.90.200	Motor Vehicle.
16.90.205	Municipal Terminal.
16.90.210	Official.
16.90.215	Official Vehicle.
16.90.220	Official/Reserved Zone.
16.90.225	Operator.
16.90.230	Parade.
16.90.235	Park, Parking or Parked.
16.90.240	Parking Lane.
16.90.245	Parking Meter.
16.90.247	Payment Card.
16.90.249	Space Reservation Device.
16.90.250	Pedestrian.
16.90.255	Pedestrian Way.
16.90.260	Permanently Exhibit.
16.90.265	Person.
16.90.270	Planting Strip.
16.90.275	Private Road.
16.90.285	Rail Vehicles.
16.90.290	Recreational Vehicle.
16.90.295	Regulated Parking Zone.
16.90.300	Repair (a vehicle).
16.90.302	Right-of-Way.
16.90.305	Roadway.
16.90.310	School Bus.
16.90.315	Service (a vehicle).
16.90.320	Short-Term Parking Meter.
16.90.325	Shoulder.
16.90.330	Sidewalk.
16.90.335	Skateboard.
16.90.340	Sled.
16.90.345	Stop, Stopping or Stopped.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

16.90.350	Street or Highway.
16.90.351	Storage Container.
16.90.355	Taxicab.
16.90.360	Tire.
16.90.365	Traffic.
16.90.370	Traffic Congestion Thoroughfare.
16.90.375	Traffic Control Device.
16.90.380	Traffic Control Signal.
16.90.385	Traffic Hazard.
16.90.390	Traffic Lane.
16.90.395	Tri-Met Bus.
16.90.400	Trolley or Streetcar.
16.90.405	Truck.
16.90.410	Truck Trailer.
16.90.415	Uncontrolled Intersection.
16.90.420	Utility Trailer.
16.90.421	Valid Receipt.
16.90.425	Vehicle.
16.90.430	Vehicle Alarm System.
16.90.435	Vendor.
16.90.440	Way.

**16.90.001 Generally.**

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

**16.90.005 Abandoned Vehicle.**

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

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

**16.90.010 Accessory Recreational Vehicle.**

See Recreational Vehicle.

**16.90.015 Alley.**

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

**16.90.020 Angle Loading.**

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

**16.90.025 Bicycle.**

A type of vehicle that:

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

**16.90.030 Bicycle Boulevard.**

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

**16.90.032 Bicycle Lane.**

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

**16.90.034 Bikeway, Shoulder.**

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

**16.90.035 Bicycle Path.**

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

**TITLE 16  
VEHICLES AND TRAFFIC**

**16.90.036 Bikeway, Extra Width Curb Lane.**

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

**16.90.038 Bikeway, Off-Street Path.**

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

**16.90.040 Bikeway, Signed Connection.**

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

**16.90.045 Block Face.**

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

**16.90.050 Bureau of Transportation System Management.**

(Amended by Ordinance No. 173627, effective August 4, 1999.) Chapter 3.12 establishes the Bureau of Transportation System Management.

**16.90.055 Carpool Vehicle.**

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

**16.90.060 Central City Plan District.**

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

**16.90.065 City Recognized Holidays.**

City recognized holidays are:

- A. New Year's Day;

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

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

**16.90.070 Compact Car.**

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

**16.90.075 Conduct Business.**

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

**16.90.080 Construction Zone.**

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

**16.90.085 Crosswalk.**

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

- A.** Where sidewalks, shoulders or a combination thereof exists, a crosswalk is the portion of a roadway at an intersection, not more than 20 feet in width as measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:

**TITLE 16**  
**VEHICLES AND TRAFFIC**

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

**16.90.090 Curb.**

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

**16.90.095 Curb Line.**

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

**16.90.100 Driver.**

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

**16.90.105 Driveway.**

- A.** A road or access, whether improved or unimproved, extending from a public right-of-way onto private or public lands or structures for the purpose of gaining vehicular access to such areas and reasonably designated at the property line so as to be an obvious opening for access. For purposes of enforcement, a driveway:
1. Extends from one curb return to the other;
  2. If winged, includes the wings; or
  3. If the street is unimproved, the driveway area falls between the projections of the edges of an improved driveway or the most established tire ruts of an unimproved driveway.
- B.** Such road or access will be enforced as a driveway unless closed by a structure or permanent closure device.



**16.90.110 Drop Box.**

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

**16.90.115 Emergency Vehicles.**

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

**16.90.120 Fire Station.**

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

**16.90.125 Fog Line or Edge Line.**

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

**16.90.130 Gross Vehicle Weight Rating.**

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

**16.90.135 Guest.**

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

**16.90.140 Handicap Access Ramp.**

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

**16.90.145 Hotel.**

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

**16.90.150 Improper Use.**

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

**16.90.155 Intersection.**

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

**TITLE 16**  
**VEHICLES AND TRAFFIC**

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

**16.90.160 Light Rail Transit System.**

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

**16.90.165 Light Rail Vehicle.**

A component car in a light rail transit system.

**16.90.170 Load/Unload.**

To load or unload a vehicle means to be actively engaged in removing merchandise from or putting merchandise in a vehicle.

**16.90.175 Local Authorities.**

Every county, municipality, and other local board or body having authority to adopt local police regulations under the constitution and laws of this State.

**16.90.180 Long-Term Parking Meter.**

A parking meter with a designated time limit of more than 4 hours.

**16.90.185 Mobile Construction Trailer.**

A trailer that is used temporarily in conjunction with a construction site for office and other related purposes.

**16.90.190 Motor Bus.**

Every motor vehicle designed or used for carrying passengers and their personal baggage for compensation. The term "motor bus" does not mean or include taxicabs designed or constructed to accommodate and transport not more than five passengers, exclusive of the driver, and fitted with taximeters or using or having some other device, method, or system to indicate and determine the passenger fare paid for distance traveled.

**16.90.195 Motor Home.**

See Recreational Vehicle.

**16.90.200 Motor Vehicle.**

Every inanimate vehicle which is self-propelled.

**16.90.205 Municipal Terminal.**

Any property owned or operated by the Port of Portland for the provision of port services.

**16.90.210 Official.**

By authority of or recognized by law or code.

**16.90.215 Official Vehicle.**

Any government vehicle so identified by public registration plates.

**16.90.220 Official/Reserved Zone.**

(Amended by Ordinance No. 179141, effective March 23, 2005.) Any space adjacent to the curb or edge of the roadway, or on City of Portland owned or operated property, which is exclusively reserved for those vehicles which have been assigned the use of such space through official permits or other means of designation.

**16.90.225 Operator.**

Any person who is in actual physical control of a vehicle.

**16.90.230 Parade.**

Any group of persons and/or vehicles moving on a street or streets of the City under permit as herein provided in accordance with a plan or common purpose for a celebration, display, exhibition, show, or advertisement, whether for public, semi-public, or private purposes, but does not include funeral processions or advertising vehicles operating under the provisions of Title 7.

**16.90.235 Park, Parking, or Parked.**

The stopping or standing of any vehicle upon any street or highway within the City, whether such vehicle is occupied or not. It does not mean stopping or halting temporarily for less than 30 seconds to load/unload passengers, or in obedience to traffic regulations, signs, signals, or officers.

**16.90.240 Parking Lane.**

The area between the curb and not more than 8 feet from the curb or curb line or as shown by official street markings. The parking lane is generally intended for vehicle parking. Parking regulations may apply to the parking lane area according to the provisions of Title 16 of the Portland City Code.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

**16.90.245 Parking Meter.**

(Amended by Ordinance Nos. 176394 and 179141, effective March 23, 2005.) A device placed at or near the curb adjacent to the street area, or on City of Portland owned or operated property authorized by the City and designed to register the duration of the parking time and the limit thereof, upon payment by a U.S. coin or a payment card. Parking meter includes a pay station.

**16.90.247 Payment Card.**

(Added by Ordinance No. 176394, effective April 17, 2002.) A valid credit, debit or stored value card.

**16.90.249 Space Reservation Device.**

(Added by Ordinance No. 176394; amended by 179141, effective March 23, 2005.) A hood that is secured over a parking meter or a marker that is placed near the curb of the parking space, which contains administrative information on permit holder and regulations.

**16.90.250 Pedestrian.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) A person afoot; a person operating a pushcart; a person riding on or pulling a coaster wagon, sled, scooter, tricycle, bicycle with wheels less than 14 inches in diameter, or a similar non-motorized vehicle; or on roller skates, skateboard, wheelchair, or a baby in a carriage.

**16.90.255 Pedestrian Way.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) A facility intended for pedestrian movement.

**16.90.260 Permanently Exhibit.**

To display affixed to a vehicle so that the sign may not be removed from the vehicle without mechanical tools.

**16.90.265 Person.**

A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

**16.90.270 Planting Strip.**

The area between the curb or edge of the roadway and an improved sidewalk.

**16.90.275 Private Road.**

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

**16.90.280 Public Right-of-Way.**

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

**16.90.285 Rail Vehicles.**

Any steel-wheeled vehicle(s) propelled on fixed steel rails, including, but not limited to: trolleys; light rail vehicles; and diesel- powered trains.

**16.90.290 Recreational Vehicle.**

A vehicle which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

- A. Motor Home. A motor vehicle designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck.
- B. Accessory Recreational Vehicle. A nonmotor vehicle designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is not on the back of a pick-up or truck. Accessory recreational vehicle also includes vehicles designed for off-road use such as off-road vehicles, dune buggies, and recreational boats.

**16.90.295 Regulated Parking Zone.**

(Amended by Ordinance No. 179141, effective March 23, 2005.) A space adjacent to a curb or curb line, designated by official signs or markings, where special regulations for parking or stopping a vehicle apply in addition to the general parking regulations that apply to all parking areas in the public right-of-way, or on City of Portland owned or operated property.

**16.90.300 Repair (a vehicle).**

To perform work on the motor, mechanical, or body parts of a vehicle.

**16.90.302 Right-of-Way.**

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

- A. The area between property lines of a street, easement, tract or other area dedicated to the movement of vehicles, pedestrians and/or goods.
- B. A public right-of-way is dedicated or deeded to the public for public use and under the control of a public agency.
- C. A private right-of-way is in private ownership, for use by the owner and those having express or implied permission from the owner, but not by others.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

**16.90.305 Roadway.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) The portion of a street or highway improved for vehicle movement, including any parking lane. On an improved street, the area between the curbs or edge lines of a street.

**16.90.310 School Bus.**

A motor bus owned or operated by authority of any lawfully recognized school district.

**16.90.315 Service (a vehicle).**

To perform routine maintenance such as replacing fluids or charging batteries. It does not include repairs to motor or body parts.

**16.90.320 Short-Term Parking Meter.**

A parking meter with a designated time limit of 4 hours or less.

**16.90.325 Shoulder.**

The portion of a public street or highway without curbs, whether paved or unpaved, contiguous to the roadway that is primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

**16.90.330 Sidewalk.**

The portion of the street between the curb or lateral lines of the roadway and the adjacent property lines, intended for use by pedestrians. An improved sidewalk is a pedestrian walkway with permanent surfacing in the sidewalk area of a street or highway.

**16.90.335 Skateboard.**

A board of any material, natural or synthetic, with wheels affixed to the underside, designed to be ridden by a person.

**16.90.340 Sled.**

Vehicles that do not move exclusively on revolving wheels in contact with the surface of the road or on fixed rails.

**16.90.345 Stop, Stopping, or Stopped.**

Any halting, even momentarily, of a vehicle, whether occupied or not, except to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

**16.90.350 Street or Highway.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) The entire width of a right-of-way when any portion thereof is intended for motor vehicle movement or motor vehicle access to abutting property.

**16.90.351 Storage Container.**

(Added by Ordinance No. 179141, effective March 23, 2005.) A Storage Container in which any material is temporarily stored or collected. For the purposes of Title 16, a storage container will be considered a vehicle in terms of parking provisions and restrictions.

**16.90.355 Taxicab.**

Any motor vehicle which carries passengers for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof, and which is duly licensed by the City of Portland as a taxicab.

**16.90.360 Tire.**

The band of material used on the circumference of a wheel, on the outer face of a track or on a runner of a sled, which forms the tread that comes in contact with the surface of the road, or, if no band is used, then it means the tread or runner of a sled.

**16.90.365 Traffic.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) Pedestrians, ridden or herded animals, and vehicles, either singly or together, while using any street or highway for purposes of movement or parking.

**16.90.370 Traffic Congestion Thoroughfare.**

Any portion of a street or highway within the City affected by traffic congestion caused in whole or in part by the repeated driving of the same motor vehicles along or across that portion of the thoroughfare.

**16.90.375 Traffic Control Device.**

- A. All signs, signals, markings, and devices consistent with this Title placed or operated by direction of the City Traffic Engineer for the purpose of guiding, directing, warning, or regulating traffic or parking.
- B. Any device that remotely controls by electrical, electronic, sound, or light signal the operation of any device identified in subsection (A) of this definition.

**16.90.380 Traffic Control Signal.**

Any device, whether manually, electrically, or mechanically operated, by which traffic is directed. An electric traffic control signal is considered inoperative when none of the signal control indications are illuminated.

**TITLE 16**  
**VEHICLES AND TRAFFIC**

**16.90.385 Traffic Hazard.**

(Amended by Ordinance No. 179141, effective March 23, 2005.) Any object, including vehicles, that impede the safe movement of vehicles in the public right-of-way or, on City of Portland owned or operated property.

**16.90.390 Traffic Lane.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) An area of a street or highway, designated by official signs or markings, as dedicated to the movement of one vehicle at a time.

**16.90.395 Tri-Met Bus.**

A motor bus owned or operated by the Tri-Metropolitan Transit District of Oregon.

**16.90.400 Trolley or Streetcar.**

(Amended by Ordinance No. 175564, effective May 9, 2001.) An electric or diesel powered, steel wheeled rail vehicle, operating on steel rails, used to transport passengers.

**16.90.405 Truck.**

(Amended by Ordinance No. 179141, effective March 23, 2005.) Every motor vehicle designed, used or maintained primarily for the transportation of property, goods or providing a service, tow truck with passenger plates, step vans, vehicle length or width or height greater than original manufacturer's vehicle dimensions, and meeting the description as defined by DMV registration as a truck, van or pickup.

**16.90.410 Truck Trailer.**

A vehicle which is not a recreational vehicle or utility trailer, is more than 16 feet in length, and is designed to be pulled by a motor vehicle.

**16.90.415 Uncontrolled Intersection.**

Any intersection with no official traffic control device to designate vehicular right-of-way.

**16.90.420 Utility Trailer.**

A vehicle which is used to carry property, refuse, or special equipment, is 16 feet or less in length and is designed to be pulled by a motor vehicle. Boat trailers are included as utility trailers no matter what their length.

**16.90.421 Valid Receipt.**

(Added by Ordinance No. 179141, effective March 23, 2005.) A parking meter receipt dispensed from a City of Portland Parking Meter device indicating the valid date, time purchased, expiration time, watermark, or any other identifications showing validity of receipt. The receipt issued is valid only in the designated meter district where purchased.



**TITLE 16**  
**VEHICLES AND TRAFFIC**

**16.90.425 Vehicle.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) Every device in, upon, or by which any person or property is or may be transported or drawn upon any street or highway. Bicycle is more specifically defined in Section 16.90.025.

**16.90.430 Vehicle Alarm System.**

Any device, equipment, assembly, or system designed, arranged, or intended to sound an alarm horn, siren, klaxon, or other sound emitting device to signal an entry or attempted entry into, or tampering with, a vehicle.

**16.90.435 Vendor.**

Any person who conducts business in the public right-of-way or any other public property.

**16.90.440 Way.**

(Added by Ordinance No. 177028, effective December 14, 2002.) A facility for the movement of pedestrians, vehicles or goods, the specific user or users being determined by modifying words, such as road, bicycle, pedestrian, etc. Path and lane are synonyms for way, and likewise may be given a more specific meaning through use of a specified user or specific definition. See: Roadway, Pedestrian Way, Traffic Lane, Bicycle Path, et. al.



**TITLE 17**  
**PUBLIC IMPROVEMENTS**

**Chapter 17.04**

**DEFINITIONS**

17.04.010	Person.
17.04.020	Pronoun.
17.04.025	Responsible Official.
17.04.030	City Engineer.
17.04.035	Director
17.04.037	Responsible Engineer.
17.04.040	Sewer.
17.04.050	Street.
17.04.060	Local Improvement.
17.04.070	Public Improvement.
17.04.080	Engineer's Estimate.

**Chapter 17.08**

**LOCAL IMPROVEMENT PROCEDURE**

17.08.010	Definitions and Scopes of Duties.
17.08.020	City Council Control.
17.08.030	Charter Provisions Applicable.
17.08.040	Initiation of Local Improvement Proceedings.
17.08.050	Petition for a Local Improvement District.
17.08.060	Resolution of Intent.
17.08.070	Local Improvement District Formation and Remonstrances.
17.08.080	Changes to Scope or Cost of Improvements and Notice to Proceed.
17.08.090	Abandonment of Local Improvement District.
17.08.100	Completion of Construction.
17.08.110	Total Cost of Local Improvement
17.08.120	Alternative Financing Methods.
17.08.130	Final Assessment and Objections.

**Chapter 17.12**

**ASSESSMENTS**

17.12.010	Lien Docket and General Assessment Procedure.
17.12.060	Assessing Ordinance.
17.12.070	Notice of Assessment.
17.12.080	Payment of City's Share.
17.12.100	Surplus.
17.12.120	Correction of Mistake in Assessment - Refund or Overpayment.
17.12.125	Mid-County Sewer Financial Assistance Program.
17.12.130	Segregation of Assessments
17.12.140	Bonding.
17.12.150	Rebonding.
17.12.170	Collection.

<b>Chapter 17.13</b>	<b>Parks and Recreation System Development Charge</b>
17.13.010	Scope and Purposes
17.13.020	Definitions
17.13.030	Rules of Construction
17.13.040	Application
17.13.050	Application Requirements
17.13.060	Partial and Full Exemptions
17.13.070	SDC Credits and SDC Reimbursements
17.13.080	Alternative Calculation of SDC Rate, Credit or Exemption
17.13.090	Payment
17.13.100	Refunds
17.13.110	Dedicated Account and Appropriate Use of Account
17.13.120	Challenges and Appeals
17.13.130	City Review of SDC
17.13.140	Time Limit on Expenditure of SDCs
17.13.150	Implementing Regulations
17.13.160	Amendment of Parks and Recreation SDC-CIP List
17.13.170	Severability

<b>Chapter 17.14</b>	<b>FINANCING SYSTEMS DEVELOPMENT CHARGES</b>
17.14.010	Purpose.
17.14.020	Definitions.
17.14.030	Application, Consent to Assessment.
17.14.040	Payment Schedule, Interest.
17.14.050	Assessment.
17.14.060	Cancellation.

<b>Chapter 17.15</b>	<b>TRANSPORTATION SYSTEM DEVELOPMENT CHARGE</b>
17.15.010	Scope and Purposes.
17.15.020	Definitions.
17.15.030	Rules of Construction.
17.15.040	Application.
17.15.050	Partial and Full Exemptions.
17.15.060	SDC Credits, SDC Credit Transfers and SDC Reimbursements.
17.15.070	Alternative Calculation for SDC Rate, Credit or Exemption.
17.15.080	Payment.
17.15.090	Refunds.
17.15.100	Dedicated Account and Appropriate Use of Account.
17.15.110	Challenges and Appeals.
17.15.120	City Review of SDC.
17.15.130	Time Limit on Expenditure of SDCs.
17.15.140	Implementing Regulations; Amendments.

- 17.15.150 Amendment of SDC-CIP List.
- 17.15.160 Severability.

**Chapter 17.16 GENERAL PROVISIONS**

- 17.16.010 Specifications and Authority to Revise.
- 17.16.020 Interpretation of Specifications.
- 17.16.030 Progress Payments.
- 17.16.040 Interest on Progress Payment and Final Warrants.
- 17.16.050 Progress Payment not Deemed Final Acceptance.
- 17.16.060 Division of Warrants.
- 17.16.065 Purchase of Warrants by the City.
- 17.16.070 Claims against Contractors.
- 17.16.080 Statutory Provisions Relating to Labor and Wages.
- 17.16.090 Bonding City Property.
- 17.16.100 Facilities in Street Area Affected by Improvement.
- 17.16.110 Facilities in Street Area Damaged by Contractor.
- 17.16.120 Engineer's Standards.
- 17.16.130 Approvals by City Attorney.

**Chapter 17.18 GENERAL OBLIGATION IMPROVEMENT WARRANTS**

- 17.18.010 General Obligation Improvement Warrants Authorized.
- 17.18.020 Procedure for Issuance and Delivery.
- 17.18.030 Application of Proceeds.
- 17.18.040 Repayment.
- 17.18.050 Payment or Bonding Mandatory.
- 17.18.060 Provision in Budget.

**Chapter 17.19 NORTHWEST TRANSPORTATION FUND**

- 17.19.010 Purpose.
- 17.19.020 Applicability.
- 17.19.030 Payment.
- 17.19.040 Implementing Regulations.
- 17.19.050 Dedicated Account and Appropriate Use of Account.

**Chapter 17.23 SPECIAL TRAFFIC CONTROL DISTRICT**

- 17.23.010 Application.
- 17.23.020 Definitions.
- 17.23.030 Designated Boundary.
- 17.23.040 Special Jurisdiction.
- 17.23.050 Permits Required.
- 17.23.060 Traffic Standards.
- 17.23.070 Revocation.

**Chapter 17.24****PERMITS**

- 17.24.010 Permits Required.
- 17.24.020 Fees for Street Use Permits.
- 17.24.025 Fees for Public Improvement Permits.
- 17.24.026 Fees for Review of Land Use Applications.
- 17.24.030 Application for Permit.
- 17.24.035 Deposit Required.
- 17.24.040 Refusal of Permit.
- 17.24.050 Contents of Permit.
- 17.24.055 Assurance of Performance.
- 17.24.060 Permit Conditions.
- 17.24.070 Engineering and Superintendence for Street and Transportation Facility Public Improvements.
- 17.24.080 Work Done Under Permit.
- 17.24.085 Original Documents Become the Property of the City.
- 17.24.090 Certificate by City Engineer.
- 17.24.100 Street Pavement Preservation.
- 17.24.110 Record of Permits.
- 17.24.120 Removal of Improvement.
- 17.24.200 Structural Driveway Defined.
- 17.24.205 Structural Driveways in Public Streets.
- 17.24.210 Permit Applications.
- 17.24.220 Engineer's Review.
- 17.24.230 Design Standards.
- 17.24.240 Permits.
- 17.24.250 Revocation of Permit.
- 17.24.260 Removal of Structural Driveways.
- 17.24.270 Fees.
- 17.24.280 Inspection of Construction Required.

**Chapter 17.25****SIDEWALK CAFES**

- 17.25.010 Permit Required.
- 17.25.020 Definitions.
- 17.25.030 Permit Fee.
- 17.25.040 Permit Application.
- 17.25.050 Permit Requirements.
- 17.25.060 Location Rules and Review.
- 17.25.070 Liability and Insurance.
- 17.25.080 Forms and Conditions of Permit.
- 17.25.090 Denial, Revocation, or Suspension of Permit.
- 17.25.100 Appeal.

**Chapter 17.26****SIDEWALK VENDORS**

- 17.26.010 Conducting a Business on City Sidewalks Unlawful without Permit.
- 17.26.020 Definitions.
- 17.26.030 Item for Sale.
- 17.26.040 Permit Fee.
- 17.26.050 Application for Permit.
- 17.26.060 Location Selection.
- 17.26.070 Location Review.
- 17.26.080 Payment for Written Consent is Unlawful.
- 17.26.090 Design Review.
- 17.26.100 Fire Marshal Inspection.
- 17.26.110 Application Time Limit.
- 17.26.120 Form and Condition of Permit.
- 17.26.125 Renewal of Permits.
- 17.26.130 Restrictions.
- 17.26.140 Special Event Designation.
- 17.26.150 Denial, Suspension or Revocation of Permit.
- 17.26.160 Appeal.
- 17.26.170 Penalty for Violation.
- 17.26.180 Violation a Nuisance, Summary Abatement.

**Chapter 17.27****KIOSKS**

- 17.27.010 Application.
- 17.27.020 Definitions.
- 17.27.025 Kiosks Locations.
- 17.27.030 Poster Kiosks-Permitted Uses.
- 17.27.040 Bulletin Board Kiosks-Permitted Uses.
- 17.27.045 Retail Information Kiosks-Permitted Uses.
- 17.27.050 Kiosk-Insurance Requirements.
- 17.27.055 Maintenance and Repairs to Concessions and Display Kiosks by Permit Holder.
- 17.27.060 Display or Concessions Kiosk-Permit Requirement.
- 17.27.070 Application for Display or Concessions Permit.
- 17.27.080 Denial or Revocation of Permit.
- 17.27.090 Form and Conditions of Display or Concessions Kiosk Permit.
- 17.27.100 Advertisement for Bids.
- 17.27.105 Display and Concessions Kiosks Fee Payments.
- 17.27.106 Retail Information Kiosk Fee Payment.
- 17.27.110 Restrictions on Display Kiosks.
- 17.27.120 Restrictions on Concessions Kiosks.
- 17.27.130 Appeal.
- 17.27.140 Duties, Responsibilities and Liabilities.

**Chapter 17.28****SIDEWALKS, CURBS AND DRIVEWAYS**

- 17.28.010 Sidewalk Defined.
- 17.28.015 Owner Defined.
- 17.28.020 Responsibility for Sidewalks and Curbs.
- 17.28.025 Property Owner Responsible for Snow and Ice on Sidewalks.
- 17.28.030 Notice for Construction of Sidewalks and Curbs.
- 17.28.035 Curb and Intersection Corner Ramps.
- 17.28.040 Construction Alternatives.
- 17.28.050 City Construction if Owner Fails to Construct.
- 17.28.060 Location, Size and Materials of Sidewalks and Curbs.
- 17.28.065 Bicycle Parking.
- 17.28.070 Owners to Repair Sidewalks and Curbs-Notice to Repair.
- 17.28.080 Permit for Sidewalk and Curb Repairs.
- 17.28.090 Repair by City.
- 17.28.100 Driveways Defined.
- 17.28.110 Driveways - Permits and Conditions.
- 17.28.120 After Construction Driveways Deemed Part of Sidewalk.
- 17.28.130 Reconstruction of Existing Driveways.
- 17.28.140 City Charges for Construction or Repair of Sidewalks, Curbs and Driveways.
- 17.28.150 Billing for Charges.
- 17.28.160 Report of Past Due Bills -Assessment of Charges.

**Chapter 17.32****SEWER REGULATIONS**

- 17.32.005 Definitions.
- 17.32.010 Permit Required.
- 17.32.015 Fees for Sewer Permits.
- 17.32.020 Application for Connection Work Permit.
- 17.32.021 Connection from Properties Outside the City.
- 17.32.022 Easements for Public Sanitary and Storm Sewers.
- 17.32.040 Bond for Connection Work Permit.
- 17.32.050 Issuance of Connection Work Permit.
- 17.32.055 Maintenance of Sewer Systems.
- 17.32.060 Failure to Restore and Maintain Street Area.
- 17.32.080 Separation of Storm and Sanitary Sewer Lines on Private Property.
- 17.32.090 Use of Restricted Sewers.
- 17.32.095 Sewer Extension Reimbursement.
- 17.32.100 Reimbursement for Installation of Sewer Backflow Devices in Existing Buildings on Combination Sewer Lines.
- 17.32.110 Application for Permit to Construct a Public Sewer.
- 17.32.120 Deposit Required.
- 17.32.130 Refusal of Permit.
- 17.32.140 Contents of Permit.
- 17.32.150 Fees for Public Sewer Improvement Permits.



17.32.170	Work Done Under Permit.
17.32.180	Original Documents Become Property of the City.
17.32.190	Certificate by Chief Engineer of the Bureau of Environmental Services.
17.32.200	Record of Permits.
17.32.220	Removal of Sewer Improvement.
17.32.500	Administrative Rules, Procedures and Forms.

**Chapter 17.33**

**MANDATORY SEWER CONNECTION**

17.33.005	Definitions.
17.33.010	Sewer Connection Required.
17.33.020	Sewer Availability Notices.
17.33.030	Service Connection Charges; Incentives.
17.33.035	Sewer Connection Assistance.
17.33.040	Declaration of Nuisance.
17.33.050	Abatement by Owner; Administrative Review and Appeal.
17.33.060	Connection Enforcement.
17.33.070	Enforcement Charges.
17.33.080	Withholding Bureau Services.
17.33.090	Interference with Sewer Connection Activities Unlawful.
17.33.100	Liability.
17.33.105	Replacing Non-Conforming Sanitary Sewer Connections.
17.33.110	Administrative Rules, Procedures and Forms.
17.33.120	Civil Remedies.
17.33.130	Notice of Sufficiency.
17.33.140	Bureau Actions.
17.33.150	Severability.

**Chapter 17.34**

**INDUSTRIAL WASTEWATER DISCHARGES**

17.34.005	Intent of Chapter.
17.34.010	Declaration of Policy.
17.34.020	Definitions.
17.34.025	Authority of Director to Adopt Rules.
17.34.030	General Discharge Prohibitions.
17.34.040	Discharge Limitations.
17.34.050	Pretreatment Facilities.
17.34.060	Reporting Requirements.
17.34.070	Industrial Wastewater Discharge Permits.
17.34.075	Other Sanitary Discharge Permits or Authorizations.
17.34.080	Inspection and Sampling.
17.34.090	Accidental Spill Prevention and Control.
17.34.110	Enforcement.
17.34.120	Records Retention.
17.34.130	Conflict.

- 17.34.140 Severability.
- 17.34.150 Fees.
- 17.34.160 Requests for Reconsideration.

**Chapter 17.35 SEPTAGE DISCHARGE**

- 17.35.010 Definitions.
- 17.35.020 Permit Required.
- 17.35.030 Septage Discharge Limitations.
- 17.35.040 Reserved.
- 17.35.050 Reserved.
- 17.35.060 Performance Guaranty.
- 17.35.070 Fee Schedule.
- 17.35.080 Collection and Billing.
- 17.35.090 Revocation/Amendment of Permit.
- 17.35.100 Protection of the Public Interest.
- 17.35.110 Enforcement.

**Chapter 17.36 SEWER USER CHARGES**

- 17.36.005 Definitions.
- 17.36.010 Sewer User Service Charges.
- 17.36.012 Clean River Incentive and Discount Program.
- 17.36.020 Special Charges.
- 17.36.022 Mid-County Sewer Financial Assistance Program.
- 17.36.025 Stormwater System Development Charge.
- 17.37.027 Partial and Full Exemptions of Sanitary and Stormwater System Development Charges for Affordable Housing Developments.
- 17.36.030 Sewage Service Agreements with Governmental Agencies.
- 17.36.040 Special Provisions.
- 17.36.050 Meters.
- 17.36.060 Extra-Strength Wastewater Charges.
- 17.36.065 Other Charges.
- 17.36.070 Computing and Billing.
- 17.36.080 Certain Installations Unlawful.
- 17.36.090 Identification of Inspectors.
- 17.36.100 Collection.
- 17.36.105 Deposit and Application.
- 17.36.120 Compensation to Bureau of Water Works.
- 17.36.130 Adjustment of Bills.
- 17.36.135 Administrative Rules, Procedures and Forms.
- 17.36.150 Appeal.

<b>Chapter 17.37</b>	<b>DOWNSPOUT DISCONNECTION</b>
17.37.010	Purpose.
17.37.020	Definitions.
17.37.030	Establishment of Downspout Disconnection Program.
17.37.040	Disconnection Procedures in Voluntary and Mandatory Program Areas.
17.37.050	Disconnection Reimbursement in Voluntary and Mandatory Program Areas.
17.37.060	Declaration of Nuisance.
17.37.070	Abatement by Owner; Challenge and Administrative Review; Appeal
17.37.080	Disconnection Enforcement
17.37.090	Enforcement Charges.
17.37.100	Withholding Services Provided by the Bureau of Environmental Services.
17.37.110	Interference with Disconnection Activities Unlawful.
17.37.120	Liability.
17.37.130	Civil Remedies.
17.37.140	Notice Sufficiency.
17.37.150	Bureau Actions.
17.37.160	Severability.
17.37.170	Reports.

<b>Chapter 17.38</b>	<b>DRAINAGE AND WATER QUALITY</b>
17.38.010	Authority.
17.38.015	Rule Making.
17.38.020	Purpose.
17.38.021	Protection of Drainageway Areas.
17.38.025	Stormwater Management Policies and Standards.
17.38.030	Definitions.
17.38.040	Stormwater Quality and Quantity Control Facilities Required.
17.38.041	Parking Lot Stormwater Requirements.
17.38.045	Enforcement.
17.38.050	Erosion Control Required.
17.38.060	Fill Mitigation In-lieu of Balanced Cut and Fill - the Johnson Creek Fill Mitigation Bank.

<b>Chapter 17.39</b>	<b>STORMWATER DISCHARGES</b>
17.39.005	Intent of Chapter.
17.39.010	Declaration of Policy.
17.39.020	Definitions.
17.39.025	Authority of the Director of Environmental Services to Adopt Rules.
17.39.030	General Discharge Prohibitions.
17.39.040	Discharge Limitations.
17.39.045	Control of Illicit Discharges.
17.39.050	Stormwater System Discharge Permits.

- 17.39.060 Inspection and Sampling.
- 17.39.070 NPDES Stormwater Permit Reporting Requirements.
- 17.39.080 Stormwater Pollution Control Plan (SWPCP).
- 17.39.090 Accidental Spill Prevention and Control.
- 17.39.100 Records Retention.
- 17.39.110 Enforcement.
- 17.39.130 Severability.
- 17.39.140 Requests for Reconsideration.

**Chapter 17.40 PROTECTION OF PAVEMENT ROADWAY REPAIRS**

- 17.40.010 Injuries to Pavement.
- 17.40.020 Endangering Pavement.
- 17.40.030 Charges for City Patching of Roadway Areas.

**Chapter 17.41 LANDSLIDE ABATEMENT**

- 17.41.010 Purpose.
- 17.41.020 Definitions.
- 17.41.030 Applicability.
- 17.41.040 Landslide As a Nuisance; Costs.
- 17.41.050 Abatement.
- 17.41.060 Administrative Review.

**Chapter 17.42 PROPERTY OWNER RESPONSIBILITY FOR STREETS**

- 17.42.010 Policy.
- 17.42.020 Maintenance and Construction Responsibility.
- 17.42.025 Maintenance Restrictions.
- 17.42.030 Liability.
- 17.42.040 Definition.

**Chapter 17.44 STREET OBSTRUCTIONS - ADVERTISING BENCHES**

- 17.44.010 Unlawful Acts Enumerated.
- 17.44.015 Revocable Permits to Construct and Maintain Structures in the Street Area.
- 17.44.016 Obligation of Property Owner for Structures in the Street Area.
- 17.44.017 Permit Revocation.
- 17.44.020 Temporary Street Closure.
- 17.44.030 Advertising Bench Allowed.
- 17.44.040 Fee.
- 17.44.050 Revocation.
- 17.44.060 Authority

<b>Chapter 17.45</b>	<b>BANNER STANDARDS</b>
17.45.010	Definitions.
17.45.020	Banner Standards - Permitted Uses.
17.45.030	Dimensions.
17.45.040	Insurance Requirements.
17.45.050	Application for Banner Permit.
17.45.060	Design Review.
17.45.070	Applicability of Other Code Provisions.
17.45.080	Maintenance.
17.45.090	Appeal.
<b>Chapter 17.46</b>	<b>NEWSRACKS</b>
17.46.010	Definitions.
17.46.020	Newsracks On or Near Mass Transit Avenues.
17.46.030	Violations of Ordinance.
17.46.040	Appeals.
17.46.050	City Engineer Designated Representative.
17.46.060	Abandonment.
17.46.070	Penalty.
<b>Chapter 17.48</b>	<b>MOVING BUILDINGS</b>
17.48.010	Permit Required.
17.48.020	Application and Fee Deposit.
17.48.030	Moving Permit.
17.48.040	Regulations.
17.48.050	Cutting Wires in Moving Operation.
<b>Chapter 17.52</b>	<b>TREES</b>
17.52.010	Clearances.
17.52.020	Sidewalks to be Kept Cleaned of Leaves and Organic Matter.
17.52.030	Interference with Sewer by Tree Roots.
17.52.040	Curb or Sidewalk Damage from Ornamental Trees.
17.52.050	Tree Tubs.
17.52.060	Trimming For or By City.
<b>Chapter 17.56</b>	<b>PUBLIC UTILITIES</b>
17.56.010	General Bond.
17.56.020	Plans for Underground Construction by Franchise Holder.
17.56.030	Monthly Payments by Utility Companies.
17.56.040	Permits in Certain Areas.
17.56.050	Poles or Wires in Public Area.
17.56.060	Relocation of Facilities.
17.56.070	Placement of Overhead Wires.

- 17.56.080 Service Shutoff Outside Premises.
- 17.56.090 Control of Electrical Currents.
- 17.56.100 Preservation of Cobblestones.

**Chapter 17.60 UNDERGROUND WIRING DISTRICTS**

- 17.60.010 Designated.
- 17.60.020 Overhead Wires Prohibited.
- 17.60.030 Application for Permit.
- 17.60.040 Designation of Space.
- 17.60.050 Filing Plans and Specifications.
- 17.60.060 Issuance of Permit.
- 17.60.070 Emergency Repair.
- 17.60.080 Restoration of Streets and Public Use Easements.
- 17.60.090 Use of Sidewalk Space and Building Fronts.
- 17.60.100 Location Maps.
- 17.60.110 Exemptions.
- 17.60.120 Joint Use of Conduits.
- 17.60.130 Special Control Districts.
- 17.60.140 Conversion to Underground Wiring Within Control Districts.
- 17.60.150 Service Entrance Requirements in Control Districts.

**Chapter 17.64 PROTECTION OF CITY OWNED TELECOMMUNICATIONS LINE AND EQUIPMENT, STREET LIGHTING AND TRAFFIC SIGNAL SYSTEMS.**

- 17.64.010 Interference With.
- 17.64.020 Permit for Interference.
- 17.64.030 Supervision and Expense of Work.
- 17.64.040 Use of City Poles or Posts.

**Chapter 17.68 STREET LIGHTS**

- 17.68.010 Injuring or Destroying.
- 17.68.020 Private Street Lighting.
- 17.68.030 Design Requirements for Special Street Lighting Districts.
- 17.68.040 Requirements for Lights on New or Reconstructed Streets.
- 17.68.050 Street Light Removal and Relocation.

**Chapter 17.76 FUEL TANKS**

- 17.76.010 Permit Issuance.
- 17.76.020 Conditions.
- 17.76.030 Form of Permit.

<b>Chapter 17.80</b>	<b>PLATS AND DEDICATIONS</b>
17.80.010	Approval by City Engineer.
17.80.020	Appeal.
<b>Chapter 17.82</b>	<b>LAND DIVISIONS</b>
17.82.010	Administration.
17.82.020	Streets and Alleys.
17.82.030	Partial Width Streets.
17.82.040	Access Control Strips.
17.82.050	Temporary Turnarounds.
17.82.060	Public Utility Easements.
17.82.070	Improvements in Land Divisions.
17.82.080	Improvement Procedures for Land Divisions.
17.82.090	Agreement for Construction of Public Improvements.
<b>Chapter 17.84</b>	<b>VACATIONS</b>
17.84.010	Plat Must Be Filed.
17.84.020	Fees.
17.84.030	Preliminary Consideration of Petition.
17.84.040	Bond or Cash Deposit.
17.84.050	Statutory Procedures Applicable.
17.84.060	Consent to Vacation for City as Owner.
17.84.065	Vacation on Council's Own Motion; Notification.
<b>Chapter 17.88</b>	<b>STREET ACCESS</b>
17.88.001	Purpose.
17.88.010	Definitions.
17.88.020	For Building and Planning Actions.
17.88.030	Location of Multiple Dwellings.
17.88.040	Through Streets.
17.88.050	Transportation Impact Study.
17.88.060	Dedication Prior to Construction.
17.88.070	Routes of Travel in Park Areas.
17.88.080	Special Requirements.
<b>Chapter 17.92</b>	<b>STREET DESIGNATION</b>
17.92.010	Administration.
17.92.020	Prefixes for Street Designations in the City.
17.92.030	Designation of Streets, Avenues, Boulevards and Drives.
<b>Chapter 17.93</b>	<b>RENAMING CITY STREETS</b>
17.93.010	Criteria for Renaming a City Street.
17.93.020	Selection of Street to be Renamed.

- 17.93.030 Application Procedures and Fees.
- 17.93.040 Review of Application and Public Hearings.
- 17.93.050 City-Initiated Action to Rename a City Street.
- 17.93.060 Implementation.

**Chapter 17.96 SURVEYS, ELEVATIONS AND MEASUREMENTS**

- 17.96.010 Base Line Established.
- 17.96.020 Monuments Established.
- 17.96.030 Base Line for Couch's Addition Established.
- 17.96.040 Monuments Established in Couch's Addition.
- 17.96.050 Datum Plane Established.
- 17.96.060 Grade Elevations To Be Recorded.
- 17.96.070 Grade Elevations To Be Referred to Datum Plane.
- 17.96.080 Prior Grades Not Affected.

**Chapter 17.100 REMEDIES & PENALTIES**

- 17.100.010 Enforcement Independent of Other Officials.
- 17.100.020 Responsible Official and Responsible Engineer Designated Representative.
- 17.100.030 Liability.
- 17.100.040 Remedies.
- 17.100.050 Penalty for Violation.

**Chapter 17.102 SOLID WASTE & RECYCLING COLLECTION**

- 17.102.010 Declaration of Policy.
- 17.102.020 Definitions.
- 17.102.030 Authority of Director to Adopt Rules.
- 17.102.040 Residential Collection Franchise Required.
- 17.102.042 Exceptions to Residential Franchise Requirement.
- 17.102.045 Penalties for Unauthorized Collection of Recyclable Material.
- 17.102.050 Franchise Administration.
- 17.102.060 Franchise Size Limitation.
- 17.102.070 Forfeiture and Replacement.
- 17.102.080 Residential Recycling Service Delivery.
- 17.102.090 Residential Recycling Plans Required.
- 17.102.100 Franchise System Evaluation.
- 17.102.110 Residential Solid Waste and Recycling Rates and Charges.
- 17.102.115 Large Size Container Service to Residential Customers.
- 17.102.120 Commercial Collection Permit Required.
- 17.102.121 Administration and Enforcement of Commercial Collection Permits.
- 17.102.122 Exceptions to Commercial Collection Permit Requirement.
- 17.102.130 Transporting Garbage.
- 17.102.140 Commercial Collection Permit Application.
- 17.102.150 Reserved.



- 17.102.155 Commercial Tonnage Fee.
- 17.102.158 Divulging Particulars of Reports Prohibited.
- 17.102.160 Registration Required for Independent Commercial Recyclers.
- 17.102.180 Businesses and Multifamily Complexes Required to Recycle.
- 17.102.190 Fees Credited to Solid Waste Management Fund.
- 17.102.200 Fees As A Debt, Enforcement and Collection.
- 17.102.210 Reserved.
- 17.102.230 Right of Appeal and Payment of Penalties.
- 17.102.240 Definitions for Ban of Polystyrene Foam Food Containers (PSF).
- 17.102.250 Prohibition on Certain PSF Uses.
- 17.102.260 Exemptions for PSF Use.
- 17.102.270 Enforcement and Notice of Violations for PSF Ban.
- 17.102.280 Fines for PSF Ban.
- 17.102.290 Additional Regulations for PSF Ban.



**Chapter 17.15**

**TRANSPORTATION SYSTEM  
DEVELOPMENT CHARGE**

(Added by Ordinance No. 171301,  
effective July 18, 1997.)

**Sections:**

17.15.010	Scope and Purposes
17.15.020	Definitions
17.15.030	Rules of Construction
17.15.040	Application
17.15.050	Partial and Full Exemptions
17.15.060	SDC Credits, SDC Credit Transfers and SDC Reimbursements
17.15.070	Alternative Calculation for SDC Rate, Credit or Exemption
17.15.080	Payment
17.15.090	Refunds
17.15.100	Dedicated Account and Appropriate Use of Account
17.15.110	Challenges and Appeals
17.15.120	City Review of SDC
17.15.130	Time Limit on Expenditure of SDCs
17.15.140	Implementing Regulations; Amendments
17.15.150	Amendment of SDC-CIP List
17.15.160	Severability

**17.15.010 Scope and Purposes.**

(Amended by Ordinance No. 181322, effective January 1, 2008.)

- A.** New development within the City of Portland contributes to the need for capacity increases for roads, multi-modal transportation and related transportation improvements, to enable new development to take advantage of transit systems and, therefore, new development should contribute to the funding for such capacity increasing improvements. This SDC will fund a portion of the needed capacity increases for arterial, boulevard and collector roads, multi-modal transportation improvements and associated bus and transit improvements, sidewalks, bicycle and pedestrian facilities, street lighting and stormwater drainage and treatment facilities, and other public facilities specified in the City of Portland Transportation System Plan.
  
- B.** ORS 223.297 through 223.314 grant the City authority to impose a SDC to equitably spread the costs of essential capacity increasing capital improvements to new development.

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

- C.** The SDC is incurred upon application to develop property for a specific use or at a specific density. The decision regarding uses, densities, and/or intensities causes direct and proportional changes in the amount of the incurred charge. This SDC is separate from other fees provided by law or imposed as a condition of development. It is a fee for service because it contemplates a development's receipt of transportation services based upon the nature of that development.
- D.** The SDC imposed by this Chapter is not a tax on property or on a property owner as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or legislation implementing that section. This Chapter does not shift, transfer or convert a government product or service, wholly or partially paid for by ad valorem property taxes, to be paid for by a fee, assessment or other charge, within the meaning of Section 11g, Article XI of the Oregon Constitution.
- E.** The funding provided by this Chapter constitutes a mandatory collection method based upon the guidelines set forth in ORS 223.297 through 223.314 to assure the construction of capacity increasing improvements to arterial, boulevard and collector roads as well as to bicycle, pedestrian and transit facilities as contemplated in the Transportation Element of the City Comprehensive Plan, City of Portland Transportation System Plan and the list of projects, referred to as the SDC-CIP, to be funded with money collected under this Chapter and incorporated as Table 3-2 in the attached Update of Transportation System Development Charges rate study, (dated July 2007). The SDC-CIP is not to be confused with the City of Portland Capital Improvement Program.
- F.** This Chapter is intended only to be a financing mechanism for the capacity increases needed for major City traffic and collector streets, multi-modal improvements associated with new development and capacity increasing transportation improvements and does not represent a means to fund maintenance of existing roads or the elimination of existing deficiencies.
- G.** The City hereby adopts the methodology report and rate study entitled Update of Transportation System Development Charges, (dated July 2007), and incorporates herein by this reference the assumptions, conclusions and findings in the report which refer to the determination of anticipated costs of capital improvements required to accommodate growth. This report is hereinafter referred to as "City Rate Study" and is attached to Ordinance No. 181322 as Exhibit A. The City Council may from time to time amend or adopt a new City Rate Study by Ordinance.

- H.** The Transportation SDC provided for in this Chapter is designed to help finance the Transportation System facilities listed in Table 3-2 in the SDC-CIP as a means of ensuring that adequate capacity is maintained in the City's Transportation System. However, the City specifically recognizes that the entire project list will likely not receive full funding from the proceeds of this SDC, and it is unlikely that every one of the projects listed will be constructed. The City recognizes that the project list in the SDC-CIP is not complete but that construction of other projects, not included on the SDC-CIP, may also advance the policy objective of maintaining capacity in the City's Transportation System.
- I.** In conjunction with the Transportation System capacity objectives of this Chapter, the City also seeks to encourage certain types of development by granting a partial or full credit for the Transportation SDC. In particular, the city places a high priority on the development of low-income housing. The City has also recognized a higher public purpose in Transit Oriented Development (TOD) in creating a more dense, mixed-use urban design that promotes and integrates transit ridership with housing. Likewise, the development of low-income housing promotes the public purpose of providing quality housing options for families and individuals earning 60% or less of the Area Median Income. Providing a credit for the Transportation SDC will make it possible to develop more and better low income housing within the metropolitan area where jobs and shopping are available by transit and non-motorized modes. For both the low income housing and TOD credit, the City has made the policy decision that the entire SDC-CIP project list may not be fully funded, but that other policy objectives, equally important as maintaining transportation system capacity, will be advanced.

**17.15.020 Definitions.**

(Amended by Ordinance Nos. 171698, 172677, 173121, 175717, 176782 and 181322, effective January 1, 2008.)

- A.** “**Accessway**” means a walkway that provides pedestrian and/or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees and lighting. Where Accessways cross driveways, they may be raised, paved or marked in a manner which provides convenient access for pedestrians.

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

- B.** “**Administrator**” means that person as appointed by the Director of Transportation to manage and implement this SDC program.
- C.** “**Alternative System Development Charge**” means any SDC established pursuant to Section 17.15.070 of this Chapter.
- D.** “**Applicant**” means the person who applies for a Building Permit.
- E.** “**Application**” means the written request by an Applicant for a Building Permit.
- F.** “**Building Official**” means that person, or his designee, certified by the State and designated as such to administer the State Building Codes for the City.
- G.** “**Building Permit**” means that permit issued by the City Building Official pursuant to the State of Oregon Structural Specialty Code or as amended, and the State of Oregon Residential Specialty Code or as amended. In addition, Building Permit shall mean the Manufactured Home Installation Permit issued by the City Building Official, relating to the placement of manufactured homes in the City.
- H.** “**City**” means City of Portland, Oregon.
- I.** “**City Rate Study**” means the methodology report entitled *Update of Transportation System Development Charges*, dated July 2007 and adopted as Exhibit A to Ordinance No. 181322.
- J.** “**Comprehensive Plan**” means the current, adopted Comprehensive Plan of the City of Portland.
- K.** “**Condition of Development Approval**” is a Portland Office of Transportation requirement imposed on an Applicant by a city land use or limited land use decision, site plan approval or building permit either by operation of law, including but not limited to the City Code or Rule or regulation adopted thereunder, or a condition of approval.
- L.** “**Construction Cost Index**” means the Oregon Composite Construction Cost Index published by the Oregon Highway Division.
- M.** “**Credit**” means the amount by which an Applicant may be able to reduce the SDC fee as provided in this Chapter.
- N.** “**Developer**” means the person constructing a Qualified Public Improvement prior to the construction of the New Development.
- O.** “**Development**” means all improvements on a site, including buildings, other

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities which has the effect of generating additional weekday or weekend trips. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.

- P.** “**Director of Transportation**” means that person or her or his designee who is responsible for managing the Portland Office of Transportation.
- Q.** “**Finance Director**” means that person or his or her designee who is responsible for managing the Finance Department for the City of Portland.
- R.** “**Institutional Development**” means development associated with a medical or educational institution and associated uses, on a site of at least five acres in area. Medical institutional campuses include medical centers and hospitals. Educational institutional campuses include universities, colleges, high schools, and other similar institutions offering course of study leading to a high school diploma or a degree certified by a recognized accreditation body. Associated uses on institutional campuses may include some commercial or light industrial uses, residential and other uses.
- S.** “**ITE Manual**” means that manual entitled “An Institute of Transportation Engineers Informational Report - Trip Generation” Seventh Edition (2003) or as amended. A copy of the ITE Manual shall be kept on file with the City Office of Transportation.
- T.** “**Multi-Modal**” means vehicular, transit, bicycle, pedestrian and wheel chair transportation.
- U.** “**New Development**” means Development on any site which increases overall trip generation from the site according to Table 4-9 of The City Rate Study or pursuant to Section 17.15.070 of this Chapter. Except as provided under Section 17.15.050, New Development for purposes of this Chapter includes remodeling to the extent that it generates additional trips.
- V.** “**Non-Motorized**” means transportation that is neither vehicular or transit. Non-motorized includes pedestrian and bicycle transportation. Pedestrian transportation includes wheelchair transportation regardless of whether the wheelchair is motorized or hand propelled.

**TITLE 17  
PUBLIC IMPROVEMENTS**

- W.** “**Over-capacity**” means that portion of an improvement that is built larger or with greater capacity (over-capacity) than is necessary to serve the Applicant’s New Development or mitigate for transportation system impacts attributable to the Applicant’s New Development. There is a rebuttable presumption that improvements built to the City’s minimum standards are required to serve the Applicant’s New Development and to mitigate for transportation system impacts attributable to the Applicant’s New Development.
- X.** “**Pedestrian Connection**” means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian connections may also include rights-of-way or easements for future pedestrian improvements.
- Y.** “**Permit**” means a Building Permit.
- Z.** “**Planned light rail station**” means a station included in local and regional transportation plans for which a full funding agreement has been executed by the Federal Transit Administration or other U. S. governmental agency, which agreement contains the terms and conditions applicable to the approval of a light rail project and the grant of federal funds for that project which includes construction of planned stations and other light rail facilities.
- AA.** “**Port Development**” means a planned development owned or operated by a unit of government involving a facility used for cargo freight or passenger transportation by air, water, rail or public mass transit, including accessory uses. Uses that are accessory to Port Development are those which send or receive cargo freight or are related to passenger movement or service.
- BB.** “**Portland Office of Transportation**” means the City of Portland’s Office of Transportation.
- CC.** “**Previous use**” means the most recent permitted use conducted at a particular property. Where the site was used simultaneously for several different uses (mixed use) then, for purposes of this Chapter, all of the specific use categories shall be considered. Where one use of the site accounted for 70% or more of the total area used, then that dominant use will be deemed to be the sole previous use of the site. Where the previous use is composed of a primary use with one or more ancillary uses that support the primary use and are owned and operated in common, that primary use shall be deemed to be the sole use of the property for purposes of this chapter.



**TITLE 17**  
**PUBLIC IMPROVEMENTS**

- DD. “Proposed use”** means the use proposed by the Applicant for a New Development. Where the Applicant proposes several different uses (mixed use) for the New Development then, for purposes of this Chapter, all of the specific use categories shall be considered. Where the proposed use is composed of a primary use with one or more ancillary uses that support the primary proposed use and are owned and operated in common, that primary use shall be deemed to be the sole proposed use of the property for purposes of this chapter.
- EE. “Qualified Public Improvement”** means any transportation system capital improvement or conveyance of an interest in real property that increases the capacity of the City’s Transportation System and is in one of the following categories:
1. Is a capital improvement listed on the City’s SDC-CIP regardless of the improvement’s proximity to the Applicant’s New Development site or
  2. Pertains to an arterial or collector street and is required by the Portland Office of Transportation as a condition of the development approval and in the opinion of the Administrator is built larger or with greater capacity (over-capacity) than is necessary to serve the Applicant’s New Development or mitigate for transportation system impacts attributable to the Applicant’s New Development. There is a rebuttable presumption that improvements built to the Portland Office of Transportation’s minimum standards are required to serve the Applicant’s New Development and to mitigate for transportation system impacts attributable to the Applicant’s New Development. Potentially eligible improvements include, but are not limited to:
    - a. vehicle travel, turning or refuge lanes and traffic signals and sidewalks
    - b. bicycle lanes, bicycle parking facilities or bicycle lockers, other than those required by the Portland Office of Transportation to serve the Applicant’s New Development, or
    - c. any improvement to traffic or transportation safety that corrects an identified safety problem or defect in the City’s transportation system.
- FF. “Remodel” or “Remodeling”** means to alter, expand or replace an existing structure.

**TITLE 17  
PUBLIC IMPROVEMENTS**

- GG.** “**Right-of-Way**” means that portion of land that is dedicated for public use including use for pedestrians, bicycles, vehicles and transit, utility placement and signage.
- HH.** “**Roads**” means streets, roads and highways.
- II.** “**Temporary use**” means a construction trailer or other non-permanent structure.
- JJ.** “**Transit Oriented Development**” means
1. All development located within the following subdistricts of the Central City Plan District as shown on Map 510-8 of PCC Chapter 33.510: DT 1 through DT 6-2; UD 1-1 and UD 1-2; RD 3,4,5-1 and 5-2; GH 1; CE 2 and 3; and LD 1-4.
  2. Any development located in any other subdistrict of the Central City Plan District that either
    - a. includes at least 40 units of housing per net acre, or
    - b. achieves a floor area ratio of 2 to 1.
  3. Any development, except an auto-related use as defined in City Code 33.910, located outside the Central City Plan District that is within 500 feet of a street with fixed-route frequent (every 15 minutes or better during the day) transit service or within 1,000 feet of a light rail station and that either:
    - a. includes at least 30 units of housing per acre of site, and there are no drive through facilities, or
    - b. achieves a floor area ratio of 1 to 1, and there are no drive through facilities, or
    - c. is located in a commercial zone where no parking is required by the Planning and Zoning code of the City of Portland and no on-site parking is provided and there are no drive through facilities.

For purposes of this definition, “site” shall include the building footprint and all associated land required for parking, landscaping and the like. For the purpose of this definition, “fixed-route frequent transit service” shall include the I-205 light rail corridor and “light rail station” shall include the I-205 light rail stations.

- KK.** “**Transportation SDC Capital Improvement Plan,**” also called SDC-CIP, means the City program set forth in the City Rate Study that identifies all of the major transportation system and facilities capacity, safety, reconstruction, bicycle, pedestrian, transit and bridge improvements projected to be necessary to accommodate existing and anticipated transportation system demands within the next 10 years.
- LL.** “**Transportation System Development Charge,**” or “**SDC,**” refers to the fee to be paid under this Chapter.
- MM.** “**Transportation System Plan**” or “**TSP**”, means the current, adopted 20-year plan for transportation improvements in the City of Portland.
- NN.** “**Vehicle**” means motorcycles, automobiles, trucks, boats and recreational vehicles, but does not include transit, bicycles and motorized wheelchairs for the disabled.
- OO.** “**Vehicular**” means a reference to a vehicle.
- PP.** “**Walkway**” means an area intended and suitable for use by pedestrians, that meets standards of the American with Disabilities Act, located in public right-of-way.

**17.15.030 Rules of Construction.**

For the purposes of administration and enforcement of this Chapter, unless otherwise stated in this Chapter, the following rules of construction shall apply:

- A.** In case of any difference of meaning or implication between the text of this Chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
- B.** The word “shall” is always mandatory and not discretionary; the word “may” is permissive.
- C.** Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- D.** The phrase “used for” includes “arranged for,” “designed for,” “maintained for,” or “occupied for.”
- E.** Where a regulation involves two or more connected items, conditions, provisions, or events:

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

1. “And” indicates that all the connected terms, conditions, provisions or events shall apply;
  2. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- F. The word “includes” shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

**17.15.040 Application.**

(Amended by Ordinance No. 181322, effective January 1, 2008.) This Chapter applies to all New Development throughout the City of Portland except for those areas where Washington County, Multnomah County or Clackamas County imposes a transportation SDC or Traffic Impact Fee. The amount of the Transportation SDC shall be calculated according to this section.

**A. New Development.**

1. Except as otherwise provided in this Chapter, a Transportation SDC shall be imposed upon all New Development for which an Application is filed after October 18, 1997.
2. The Applicant shall at the time of Application provide the Administrator with the information requested on an SDC application form regarding the previous and proposed use(s) of the property, including the following:
  - a. A description of each of the previous and proposed uses for the property for which the Permit is being sought--with sufficient detail to enable the City to calculate trip generation for the entire property under the previous use and for the proposed use(s) of the New Development.
  - b. For residential uses--the number of residential dwellings, including type, e.g., single family or multi-family.
  - c. For commercial uses--the square footage for each type of commercial use, e.g., office, retail, etc.
3. Except as otherwise provided in this Chapter, the amount of the SDC due shall be determined by estimating the trip generation of the previous use(s) on the property and the trip generation for all of the proposed use(s) and then calculating the total SDC for the previous use(s) and the proposed uses(s) as provided in Table 4-9 of The City Rate Study.

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

- a. If the SDC attributable to the proposed use of the New Development is within 15%± of the SDC attributable to the total previous use of the property, the Applicant is not required to pay any SDC and is not eligible for any SDC reimbursement or credit.
    - b. If the SDC attributable to the proposed use of the New Development is more than 115% of the SDC attributable to the total previous use, the Applicant shall pay the difference between the SDC attributable to the proposed use and the SDC attributable to the total previous use.
    - c. If the SDC attributable to the proposed New Development is less than 85% of the SDC attributable to the total previous use(s), the Applicant shall be eligible for an SDC Reimbursement under Section 17.15.060.
  4. In the event an identified use does not have a basis for trip determination stated in The City Rate Study, the Administrator shall identify the land use or uses that has/have a trip generation rate most similar to the use(s) in question and apply the trip generation rate most similar to the proposed use or uses.
  5. Notwithstanding any other provision, the dollar amounts of the SDC set forth in The City Rate Study shall on July 1st of each year be increased or decreased automatically by the difference of the 10-year moving average of the Oregon Composite Construction Cost Index published by the Oregon Highway Division.
- B. Institutional Development.**
1. Institutional Development shall be subject to assessment under this Subsection or under Subsection 1 above, at the election of the Applicant. If the Applicant elects assessment under this Subsection, this method of assessment shall be utilized on Institutional properties designated in the election for a period of not less than three years from date of initial election.
  2. Within 60 days of election of the alternate assessment under this Subsection, the Applicant Institution shall submit the proposed methodology for counting trips to the Administrator. The Administrator shall determine whether the proposed methodology is acceptable within twenty (20) days from the date of election and submission, and, if the

**TITLE 17  
PUBLIC IMPROVEMENTS**

methodology is rejected, the Administrator shall provide an explanation for the decision.

3. Within one year of the date of election of the alternative method of assessment under this Subsection, at the time(s) designated in the accepted methodology to count trips, the applicant Institution shall establish the average weekday trip count. Such data and related analysis shall be based upon a methodology to calculate trips accepted by the Administrator. This average weekday trip count shall be calculated, unless otherwise specified in the accepted methodology, by dividing the total current average weekday trips that occur in each mode during an average week by the number of weekdays.
  4. The amount of the SDC shall be determined at the end of each 12 month period by multiplying the applicable dollar amount, as provided in the City Rate Study, by the change in average weekday trip count by mode type during the intervening 12 month period over the highest prior documented average weekday trip count since October 18, 1997. Such SDC, if any, shall be due and payable within 45 days from the close of the 12-month period. A reduction in trips by any mode shall allow the Applicant Institution to reduce future annual assessment against the same mode by the number of such reduced trips.
  5. For uses that calculate the SDC using a unit of measure other than square feet, such as the number of students, movie screens, etc., the first Application submitted for such a use that is subject to this Chapter shall establish the baseline number of existing units of measure. No SDC shall be assessed against that baseline. A baseline trip rate so established shall be valid, and need not be recalculated, for the next 12 months.
- C. Port Development. At the applicant's option, Port Development may be subject to assessment under Subsection A. of this section, or under this Subsection. If the Applicant elects assessment under this Subsection C., the Applicant and the City shall negotiate an agreement for the payment of a fee in lieu of the Transportation SDC that includes the following elements:
1. A methodology for estimating the amount of the SDC which would be imposed pursuant to Subsection A. or B. above, during a period of not less than either 3 years or until the expiration of the SDC project list, whichever is less, nor more than 10 years as specified by the Applicant. The methodology shall take into account the Port Development anticipated under the Applicant's master plan during the period specified in that plan, the trips that the Port Development is expected to generate, trip levels against which SDC charges have historically been assessed, the

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

anticipated increases or decreases in the dollar amounts of the SDC during the specified period, any applicable credits or exemptions and any other factors which the Administrator deems to be relevant. In no event shall the charge estimated under this Subsection be less than the SDC that would otherwise be due for the Port Development and the Applicant shall indicate its agreement to the methodology in writing; and

2. A payment period shall be imposed by which the Applicant shall pay in full the amount due within 12 months of the Applicant's agreement to the methodology
3. In the event the Applicant and the City are unable to agree to a methodology under this Subsection, the normal method of calculating and assessing the SDC under Subsection A. or B. shall apply.

**17.15.050 Partial and Full Exemptions.**

(Amended by Ordinance Nos. 171698, 173437, 177198 and 181322, effective January 1, 2008.) The uses listed and described in this section shall be exempt, either partially or fully, from payment of the Transportation SDC. Any Applicant seeking an exemption under this Section shall specifically request that exemption within 180 days after building permit issuance for the New Development. Where New Development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption. The balance of the New Development which does not qualify for any exemption under this section shall be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption request, the Applicant must apply for an Alternative Exemption calculation under Section 17.15.070. The Applicant has the burden of proving entitlement to any exemption so requested.

- A. Temporary uses are fully exempt so long as the use or structure proposed in the New development will be used not more than 180 days in a single calendar year.
- B. New Development which, will not generate more than 15% more vehicle trips than the present use of the property shall be fully exempt.
- C. Affordable Housing which meets the following requirements shall be fully exempt from the Transportation SDC:
  1. If rental housing, the units receiving an exemption shall be affordable to households earning 60% or less at time of occupancy and shall be leased, rented or made available on a continuous basis to persons or households whose incomes are 60% or less of area median family income, as adjusted by unit size and as determined by the U.S. Department of Housing and

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

Urban Development for the Portland Metropolitan Area. Such units shall remain affordable for a period of 60 years.

2. If owner occupied housing, the units receiving an exemption shall be affordable to households earning at or below 100% of area median income and shall be sold to persons or households whose incomes are at or below 100% of area median family income, as adjusted by family size and as determined by the U.S. Department of Housing and Urban Development for the Portland Metropolitan Area.
3. The Portland Development Commission (PDC) may require that real property covenants be recorded in the deed records for properties receiving exemptions under this section in order to restrict the sales prices and rents to be charged for exempted units, or to provide remedies for failure to restrict units, or both.
4. 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% of the gross household income at the level of the rent restrictions. "Affordable" for ownership units means a purchase price for which the sum of debt service and housing expenses including an allowance for utilities and other required ownership fees, when compared to the annual gross income for a family at or below 100% of area median family income, adjusted for family size, does not preclude conventional mortgage financing.
5. Per Section 30.01.040, the Bureau of Housing and Community Development and PDC are responsible for certifying exemptions to housing developments that meet the income requirements specified in 17.15.050 C. 1. or 2. and for enforcing the 60 year affordability requirement for rental housing developments. In the event a qualifying rental housing development fails to maintain qualifying rents and/or occupancy requirements or a qualifying ownership project fails to comply with applicable recapture or retention covenants, the exemption shall terminate for that development and the Transportation SDC, calculated using the rates in effect at the time PDC finds the exemptions have been lost, shall be due and owing.
6. If the exemption terminates within two years of initial building permit issuance, additional charges will be due and owing. These charges include a processing fee of \$120.00 and carrying charges of 12% per year (1% per month), added to the system development charge rates in effect at the time, charged back to the date the exemption was granted. The City may collect reinstated system development charges, processing fees, carrying



**TITLE 17**  
**PUBLIC IMPROVEMENTS**

charges and the actual costs of collections by recording a property lien pursuant to Title 22.

7. To obtain the exemption, the applicant must present to the Office of Transportation, at the time of Application, documentation from PDC that the development qualifies for the exemption.
- D.** The City of Portland is phasing out the exemption for the Transit Oriented Development (TOD) as calculated per Section 17.15.050 D.1. and 3. below. From January 1, 2008 through December 31, 2008, eligible development shall receive 100% of the exemption; from January 1, 2009 through December 1, 2009, eligible development shall receive 67% of the total exemption; and from January 1, 2010 through December 31, 2010, eligible development shall receive 33% of the total exemption. No TOD exemption shall be provided after December 31, 2010, as calculated per Section 17.15.050 D.1. and 3. Transit Oriented Development (TOD) as calculated per Section 17.15.050 D.2. shall be exempt from the SDC as described below from January 1, 2008 through December 31, 2012. No TOD exemption shall be provided after December 31, 2012.
1. Within the Central City Plan District, New Development that meets Transit Oriented Development definition JJ.1., JJ.2.a. or JJ.2.b. shall be liable for only 10% of the vehicle portion of the SDC and 90% of the transit and non-motorized portion of the SDC.
  2. For all areas outside of the Central City Plan District, New Development that meets Transit Oriented Development definition JJ.3.a., JJ.3.b., or JJ.3.c. shall be liable for only 50% of the vehicle portion of the SDC and 100% of the transit and non-motorized portion of the SDC.
  3. For all areas outside of the Central City Plan District, New Development that meets the density requirements in Transit Oriented Development definition JJ.2.a., or JJ.2.b. shall be liable for only 10% of the vehicle portion of the SDC and 90% of the transit and non-motorized portion of the SDC.
- E.** Graded Scale: A change in occupancy of an existing building where the gross enclosed floor area does not exceed 3,000 square feet is fully exempt. A change in occupancy of an existing building where the gross floor area is between 3,000 square feet and 5,000 square feet shall be assessed on a graded scale. The percentage of the rate to be assessed on the entire existing building shall be calculated by the following equation:

**TITLE 17  
PUBLIC IMPROVEMENTS**

(size of existing building - 3,000 square feet) / 2,000 square feet

Examples of Graded Scale Assessment Calculations

$(4,000 - 3,000) / 2,000 = 0.50$  Existing 4,000 square foot building assessed at 50% of the rate

$(3,200 - 3,000) / 2,000 = 0.10$  Existing 3,200 square foot building assessed at 10% of the rate

$(4,900 - 3,000) / 2,000 = 0.95$  Existing 4,900 square foot building assessed at 95% of the rate

- F. Alteration permits for tenant improvements, new construction or remodeling where
  - 1. no additional dwelling unit(s) or structure(s) are created;
  - 2. which is not reasonably expected to result in a significant increase in additional trips according to table 4-9 of the City Rate Study;
  - 3. the use or structure is of a temporary nature and is used less than 180 days in a calendar year;
- G. The construction of accessory buildings or structures which will not create additional dwelling units or which do not create additional demands on the City's capital improvements.
- H. For New Development which includes a mix of exempt and non-exempt forms of development, the applicable exemption(s) shall apply only to that portion of the New Development to which the exemption applies.

**17.15.060 SDC Credits, SDC Credit Transfers and SDC Reimbursements.**

(Amended by Ordinance Nos. 172677, 173121, 173437, 174936 and 181322, January 1, 2008.)

- A. SDC Credits:
  - 1. The City shall grant a credit against the Transportation SDC, which is otherwise assessed for a New Development, for any Qualified Public Improvement(s) constructed or dedicated as part of that New Development. The Applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC Credit and to a particular value of SDC Credit.

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

- a.** To obtain an SDC Credit, the Applicant must specifically request a credit within 180 days after building permit issuance for the New Development. In the request, the Applicant must identify the improvement(s) for which credit is sought and explain how the improvement(s) meet the requirements for a Qualified Public Improvement. The Applicant shall also document, with credible evidence, the value of the improvement(s) for which credit is sought. If, in the Administrator's opinion, the improvement(s) are Qualified Public Improvement, and the Administrator concurs with the proposed value of the improvement(s), an SDC Credit shall be granted. The value of SDC Credits under Section 17.15.060 A.1. shall be determined by the Administrator based on the cost of the Qualified Public Improvement, or the value of land dedicated, as follows:
- (1)** For dedicated lands, value shall be based upon a written appraisal of fair market value by a qualified, professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction;
  - (2)** For improvements yet to be constructed, value shall be based upon the anticipated cost of construction. Any such cost estimates shall be certified by a professional architect or engineer or based on a fixed price bid from a contractor ready and able to construct the improvement(s) for which SDC Credit is sought;
  - (3)** For improvements already constructed, value shall be based on the actual cost of construction as verified by receipts submitted by the Applicant;
  - (4)** For all improvements for which credit is sought, only the fraction of over-capacity in the improvement as described in the definition of Qualified Public Improvement is eligible for SDC Credit. There is a rebuttable presumption that improvements built to the City's minimum standards are required to serve the Applicant's New Development and to mitigate for transportation system impacts attributable to the Applicant's New Development;
- b.** The Administrator will respond to the Applicant's request in writing within 21 days of when the request is submitted. The

**TITLE 17  
PUBLIC IMPROVEMENTS**

Administrator shall provide a written explanation of the decision on the SDC Credit request.

- c.** If an Applicant disputes the Administrator’s decision with regard to an SDC Credit request, including the amount of the credit, the Applicant may seek an alternative SDC Credit calculation under Section 17.15.070. Any request for an Alternative SDC Credit calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial credit request.
- 2.** Granting SDC Credits to New Development Prior to Commencing Construction of New Development. When a Qualified Public Improvement is built by a Developer prior to an Applicant applying for Building Permits for the New Development, the City shall grant a credit for any Qualified Public Improvement(s) to be constructed or dedicated as a Condition of Development Approval of that New Development. Credits issued pursuant to Section 17.15.060 A.3. are in lieu of any other SDC Credits that could otherwise be claimed in connection with the Qualified Public Improvement, and are issued pursuant to the following requirements and conditions:

  - a.** The Developer must specifically request a credit prior to the first Application for a Building Permit, but after the issuance of the Public Works Permit for the Qualified Public Improvement;
  - b.** For improvements yet to be constructed, the Developer shall provide the City with an enforceable mechanism to guarantee completion of the Qualified Public Improvement, either in the form of a performance bond or other financial guarantee acceptable to the Administrator;
  - c.** The Developer shall submit written confirmation to the Administrator on the form provided acknowledging:

    - (1)** That SDC credits issued pursuant to this Section are in lieu of any other credits that could be claimed by the Developer or other Applicants on account of the Qualified Public Improvement and
    - (2)** That it is the Developer's obligation to advise subsequent Applicants of the New Development that SDC credits associated with the Qualified Public Improvement have already been issued and that no further credits are available.

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

3. Where the amount of an SDC Credit approved by the Administrator under this section exceeds the amount of the Transportation SDC assessed by the City upon a New Development, the excess may be transferred. SDC Credit Transfers shall be issued by the City for a particular dollar value to the Applicant and may be used by the Applicant or any other party to satisfy Transportation SDC requirement for any other New Development within the City. The Applicant may convey by any means and for any value an SDC Credit Transfer to any other party.
4. The City shall accept at face value any SDC Credit Transfer presented as full or partial payment for the Transportation SDC due on New Development. Neither the City nor any of its employees or officers shall be liable to any party for accepting a SDC Credit Transfer, approved and issued by the City under this Section, as payment for a Transportation SDC.
5. SDC Credit Transfers are void and of no value if not redeemed with the City for payment of a Transportation SDC within 10 years of the date of issuance.
6. It shall be a violation of this title for any person to counterfeit or forge an SDC Credit Transfer or knowingly attempt to negotiate or redeem any counterfeit or forged SDC Credit Transfer.

**B. SDC Reimbursement.**

1. If an Applicant proposes New Development on property on which there is already a use which generates at least 15% more vehicle trips than the proposed use, then the Applicant shall be entitled to an SDC Reimbursement. The SDC Reimbursement shall be in the form of a credit equal to the difference between the SDC Rate of the previous use and that for the proposed use. The Applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC Reimbursement and to a particular amount of such a reimbursement.
2. To obtain an SDC Reimbursement, the Applicant must request the Reimbursement within 180 days after building permit issuance for the New Development and document the basis for the request with traffic reports prepared and certified to by a Professional Traffic Engineer.
3. If, in the Administrator's opinion, the Applicant has sufficiently demonstrated that the new use will generate fewer trips than did the previous use, the Administrator shall refund to the Applicant the

**TITLE 17  
PUBLIC IMPROVEMENTS**

difference between the Transportation SDC that was paid on the previous use and the Transportation SDC amount that would be assessed for the proposed use. The Administrator shall notify the Applicant in writing of its decision on the SDC Reimbursement request and shall provide a written explanation of the decision.

4. If an Applicant disputes the Administrator's decision with regard to an SDC Reimbursement decision, including the amount of the Reimbursement, the Applicant may seek an Alternative SDC Reimbursement calculation under Section 17.15.070 in the same manner as for an Alternative SDC Rate request. Any request for an Alternative SDC Reimbursement calculation must be filed with the administrator in writing within 10 calendar days of the written decision on the initial reimbursement request.

**17.15.070 Alternative Calculation for SDC Rate, Credit or Exemption.**

(Amended by Ordinance No. 181322, effective January 1, 2008.)

- A. Pursuant to this section, an applicant may request an alternative SDC calculation, alternative SDC credit determination or alternative SDC exemption, but only under the following circumstances:
  1. The Applicant believes the number of vehicle trips resulting from the New Development is, or will be, less than the number of trips established in The City Rate Study, and for that reason the Applicant's SDC should be lower than that calculated by the City.
  2. The Applicant believes the City improperly excluded from consideration a Qualified Public Improvement that would qualify for credit under Section 17.15.060, or the City accepted for credit a Qualified Public Improvement, but undervalued that improvement and therefore undervalued the credit.
  3. The Applicant believes the City improperly rejected a request for an exemption under Section 17.15.050 for which the Applicant believes it is eligible.
- B. Alternative SDC Rate Request:
  1. If an Applicant believes the number of trips resulting from the New Development is less than the number of trips established in The City Rate Study, the Applicant must request an alternative SDC rate calculation, under this section, within 180 days after building permit issuance for the New Development. The City shall not entertain such a request filed after 180 days after building permit issuance for the New Development. Upon

**TITLE 17  
PUBLIC IMPROVEMENTS**

the timely request for an alternative SDC rate calculation, the Administrator shall review the Applicant's calculations and supporting evidence and make a determination within 21 days of submittal as to whether the Applicant's request satisfies the requirements of this Section.

2. In support of the Alternative SDC rate request, the Applicant must provide complete and detailed documentation, including verifiable trip generation data, analyzed and certified to by a Professional Traffic Engineer. The Applicant's supporting documentation must rely upon generally accepted sampling methods, sources of information, cost analysis, traffic and growth projections and techniques of analysis as a means of supporting the proposed alternative SDC rate. The proposed Alternative SDC Rate calculation shall include an explanation by a registered engineer explaining with particularity why the rate established in The City Rate Study does not accurately reflect the New Development's impact on the City's capital improvements
3. The Administrator shall apply the Alternative SDC Rate if, in the Administrator's opinion, the following are found:
  - a. The evidence and assumptions underlying the Alternative SDC Rate are reasonable, correct and credible and were gathered and analyzed by a suitable, competent professional in compliance with generally accepted engineering principles and methodologies and consistent with this Section, and
  - b. The calculation of the proposed Alternative SDC rate was by a generally accepted methodology, and
  - c. The proposed alternative SDC rate better or more realistically reflects the actual traffic impact of the New Development than the rate set forth in The City Rate Study.
4. If, in the Administrator's opinion, all of the above criteria are not met, the Administrator shall provide to the Applicant by certified mail, return receipt requested, a written decision explaining the basis for rejecting the proposed alternative SDC rate.

**C. Alternative SDC Credit Request:**

1. If an Applicant has requested an SDC Credit pursuant to Section 17.15.060, and that request has either been denied by the City or approved but at a lower value than desired, the Applicant may request an Alternative SDC Credit calculation, under this section. Any request for an Alternative

**TITLE 17  
PUBLIC IMPROVEMENTS**

SDC Credit calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial credit request. The City shall not entertain such a request filed after 10 calendar days of the written decision on the initial credit request. Upon the timely request for an Alternative SDC Credit calculation, the Administrator shall review the Applicant's calculations and supporting evidence and make a determination within 21 days of submittal as to whether the Applicant's request satisfies the requirements of this Section.

2. In support of the Alternative SDC credit request, the Applicant must provide complete and detailed documentation, including appraisals, cost analysis or other estimates of value, analyzed and certified to by an appropriate professional, for the improvements for which the Applicant is seeking credit. The Applicant's supporting documentation must rely upon generally accepted sources of information, cost analysis and techniques of analysis as a means of supporting the proposed Alternative SDC credit.
3. The Administrator shall grant the Alternative SDC Credit if, in the Administrator's opinion, the following are found:
  - a. The improvement(s) for which the SDC Credit is sought are Qualified Public Improvement(s), and
  - b. The evidence and assumptions underlying the Applicant's Alternative SDC Credit request are reasonable, correct and credible and were gathered and analyzed by an appropriate, competent professional in compliance with generally accepted principles and methodologies, and
  - c. The proposed alternative SDC Credit is based on realistic, credible valuation or benefit analysis.
4. If, in the Administrator's opinion, any one or more of the above criteria is not met, the Administrator shall deny the request and provide to the Applicant by certified mail, return receipt requested, a written decision explaining the basis for rejecting the Alternative SDC Credit proposal.

**D. Alternative SDC Exemption Request:**

1. If an Applicant has requested a full or partial exemption under Section 17.15.050, and that request has been denied, the Applicant may request an Alternative SDC Exemption under this section. Any request for an Alternative SDC Exemption calculation must be filed with the Administrator in writing within 10 calendar days of the written decision



**TITLE 17**  
**PUBLIC IMPROVEMENTS**

on the initial credit request. The City shall not entertain such a request filed after 10 calendar days of the written decision on the initial credit request. Upon the timely request for an Alternative SDC Exemption, the Administrator shall review the Applicant's request and supporting evidence and make a determination within 21 days of submittal as to whether the Applicant's request satisfies the requirements of section 17.15.050 for exemptions.

2. In support of the Alternative SDC Exemption request, the Applicant must provide complete and detailed documentation demonstrating that the Applicant is entitled to one of the exemptions described in section 17.15.050.
3. The Administrator shall grant the exemption if, in the Administrator's opinion, the Applicant has demonstrated with credible, relevant evidence that it meets the pertinent criteria in section 17.15.050.
4. Within 21 days of the Applicant's submission of the request, the Administrator shall provide a written decision explaining the basis for rejecting or accepting the request.

**17.15.080 Payment.**

(Amended by Ordinance Nos. 173437 and 181322, effective January 1, 2008.)

- A. The Transportation SDC required by this Chapter to be paid is due upon issuance of the Building Permit. However, in lieu of payment of the Full SDC, the applicant may elect to pay the SDC in installments as provided in ORS chapter 223. If the Applicant elects to pay the SDC in installments, a lien will be placed against the property that is subject to the SDC, and that lien will be given first priority as provided by statute. The Applicant's election to pay the SDC by installments shall be memorialized in an SDC Installment Agreement entered into by the Applicant and the City on a form provided by the City, and which may provide that no payments are due for 180 days after issuance of building permits. In any event, the Applicant shall either pay the SDC in full or enter into an SDC Installment Agreement as provided in this section, before the City will issue any building permits.
- B. Upon written request of the Office of Transportation, the City Auditor is authorized to cancel assessments of SDCs, without further Council action, where the New Development approved by the Building Permit is not constructed and the Building Permit is cancelled.
- C. For property that has been subject to a cancellation of assessment of SDCs, a new installment payment contract shall be subject to the code provisions applicable to

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

SDCs and installment payment contracts on file on the date the new contract is received by the City.

- D.** The City of Portland shall not be responsible for nor have any responsibility to honor or enforce agreements made by private parties regarding the payment or collection of SDC assessments.

**17.15.090 Refunds.**

(Amended by Ordinance No. 181322, effective January 1, 2008.) Refunds may be given by the Administrator upon finding that there was a clerical error in the calculation of the SDC. Refunds shall not be allowed for failure to timely claim credit or for failure to timely seek an Alternative SDC Rate calculation. The City shall refund to the Applicant any SDC revenues not expended within ten (10) years of receipt.

**17.15.100. Dedicated Account and Appropriate Use of Account.**

(Amended by Ordinance No. 181322, effective January 1, 2008.)

- A.** There is created a dedicated account entitled the “SDC Account.” All monies derived from the SDC shall be placed in the SDC Account. Funds in the SDC Account shall be used solely to provide the SDC-CIP listed capacity increasing improvements according to the SDC-CIP as it currently exists or as hereinafter amended, and eligible administrative costs. In this regard, SDC revenues may be used for purposes which include:

1. project development, design and construction plan preparation;
2. permitting;
3. right-of-way acquisition, including any costs of acquisition or condemnation;
4. construction of new through lanes for vehicular, transit, or bicycle use;
5. construction of turn lanes;
6. construction of bridges;
7. construction of drainage and stormwater treatment facilities in conjunction with new roadway construction;
8. purchase and installation of traffic signs and signals;
9. construction of curbs, medians and shoulders;

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

10. relocating utilities to accommodate new roadway construction;
11. construction management and inspection;
12. surveying and soils and material testing;
13. construction of Accessways, bicycle facilities, Pedestrian Connections and Walkways;
14. landscaping;
15. bus pullouts, and transit shelters, fixed rail transit systems and appurtenances;
16. demolition that is part of the construction of any of the improvements on this list;
17. payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide money to construct or acquire transportation facilities;
18. direct costs of complying with the provisions of ORS 223.297 to 223.314, including the costs of developing system development charges methodologies and providing an annual accounting of system development charges expenditures.

**B.** Money on deposit in the SDC Accounts shall not be used for:

1. any expenditure that would be classified as a maintenance or repair expense; or
2. costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements; or
3. costs associated with acquisition or maintenance of rolling stock.

**17.15.110 Challenges and Appeals.**

(Amended by Ordinance Nos. 173121 and 181322, effective January 1, 2008.)

- A.** Any person with interest may challenge the expenditure of SDC revenues by filing a challenge to the expenditure with the Administrator within two years after the date of the disputed SDC revenue expenditure. The fee for filing such a challenge shall be \$250.

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

- B.** Except where a different time for an Administrator's determination is provided in this Chapter, all determinations of the Administrator shall be in writing and shall be delivered to the Applicant within 21 days of an Application or other Applicant request for an Administrator determination. Delivery of such determination shall be deemed complete upon the earlier of actual delivery to the Applicant or upon deposit by the Administrator in the mail, first class postage prepaid, addressed to the address for notice Applicant has designated in the Application. Such determination shall be accompanied by a notice of the Applicant's right to appeal and an outline of the procedures therefore.
- C.** Any Applicant aggrieved by an Administrator's determination may appeal that determination to the Code Hearings Officer as provided in Chapter 22.10 of this Code. Notwithstanding any other provisions of this Code, there shall be a non-refundable fee of \$250 for any appeal pursuant to this subsection. Such fee must accompany any such appeal and no such appeal shall be considered filed or received until such fee is paid in full.
- D.** The City shall withhold all permits and other approvals applicable to the Applicant's property of the New Development pending resolution of all appeals under this Chapter unless the SDC is paid in full or the Applicant provides, for the pendency of the appeal, a financial guarantee or security for the charge in a form acceptable to the City Attorney

**17.15.120 City Review of SDC.**

(Amended by Ordinance No. 181322, effective January 1, 2008.)

- A.** No later than every two (2) years as measured from initial enactment, the City shall undertake a review to determine the total SDC's assessed and collected by transportation district and the total SDC's expended and programmed by transportation district and project; to determine that sufficient money will be available to help fund the SDC-CIP identified capacity increasing facilities; to determine whether the adopted SDC rate keeps pace with inflation, whether the SDC-CIP should be modified, and to ensure that such facilities will not be overfunded by the SDC receipts.
- B.** In the event that during the review referred to above, it is determined an adjustment to the SDC is necessary for sufficient funding of the SDC-CIP improvements listed in City Rate Study or to ensure that such SDC-CIP improvements are not overfunded by the SDC, the City Council may propose and adopt appropriately adjusted SDCs.
- C.** The City Council may from time to time amend or adopt a new City Rate Study by resolution.

- D.** Beginning January 1, 2009 through December 31, 2012, the City shall undertake an annual review to determine the amount of Transit Oriented Development (TOD) exemptions provided by district.

**17.15.130 Time Limit on Expenditure of SDCs.**

The City shall expend SDC revenues within ten (10) years of receipt, based on the priorities in the SDC-CIP list.

**17.15.140 Implementing Regulations; Amendments.**

(Amended by Ordinance Nos. 171698 and 181322, effective January 1, 2008.) The City Council delegates authority to the Director of Transportation to adopt administrative rules and procedures necessary to implement provisions of this Chapter including the appointment of an SDC program Administrator. All rules pursuant to this delegated authority shall be files with the office of City Auditor and be available for public inspection.

**17.15.150 Amendment of SDC-CIP List.**

The City may, by resolution, amend its SDC-CIP as set forth in the City Rate Study, from time to time to add projects the City deems appropriate.

**17.15.160 Severability.**

(Amended by Ordinance No. 181322, effective January 1, 2008.) The provisions of this Chapter are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any word, definition, clause, section or provision of this Chapter shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this Chapter shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. In the event a definition is held to be invalid or is severed, the defined word or term shall be deemed to have the meaning given to that word or term under Oregon law if Oregon law contains such a definition. If there is no established definition of the word or term under Oregon law, the word or term shall have its ordinary dictionary meaning. It is hereby declared to be the Council's express legislative intent that this Chapter would have been adopted had such an unconstitutional or otherwise invalid provision not been included herein.



Chapter 17.33

MANDATORY SEWER CONNECTION

(New Chapter Substituted by Ordinance No.  
161643, effective March 24, 1989.)

**Sections:**

17.33.005	Definitions.
17.33.010	Sewer Connection Required.
17.33.020	Sewer Availability Notices.
17.33.030	Service Connection Charges; Incentives.
17.33.035	Sewer Connection Assistance.
17.33.040	Declaration of Nuisance.
17.33.050	Abatement by Owner; Administrative Review and Appeal.
17.33.060	Connection Enforcement.
17.33.070	Enforcement Charges.
17.33.080	Withholding Bureau Services.
17.33.090	Interference with Sewer Connection Activities Unlawful.
17.33.100	Liability.
17.33.105	Replacing Non-Conforming Sanitary Sewer Connections.
17.33.110	Administrative Rules, Procedures and Forms.
17.33.120	Civil Remedies.
17.33.130	Notice of Sufficiency.
17.33.140	Bureau Actions.
17.33.150	Severability.

**17.33.005 Definitions.**

(Added by Ordinance No. 167504, effective Mar. 30, 1994.) For the purpose of this Chapter, the following definitions shall apply:

- A. **“Connection”**. The connection of all sanitary waste disposal lines from all non-dry development on a property to the public sanitary sewer system, and the disconnection and/or removal of all other waste disposal systems such as cesspools or septic systems.
- B. **“Dry development”**. Any structure which does not require sanitary waste disposal by State Plumbing code or the Code or policies of the City of Portland. Storage buildings which have no plumbing, and other structures which have had all plumbing removed by permit, are examples of dry development.

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

- C. **“Director”**. The Director of the Bureau of Environmental Services; the organizational head of the Bureau or his/her designate.

**17.33.010 Sewer Connection Required.**

(Amended by Ordinance Nos. 162019, 164789, 167504; 168724, 176955 and 178009, effective November 28, 2003.)

- A. Except as provided elsewhere in this Title, properties that meet all of the following criteria are required to connect to a public sewer within 3 years of its availability:
1. The property has development that has or requires sewage disposal facilities;
  2. The development is not completely connected to a public sewer system;
  3. The property is adjacent or has easement access to an available public sewer system; and
  4. The property owner or legal title holder has been notified by the Director of the Bureau of Environmental Service (Director) of the availability of the public sewer system, the requirement to connect, and the time limit for connection. For purposes of this section, notice shall be deemed to have been received upon the mailing of said notice by first class mail or upon delivery of the notice in person.
- B. A public sewer system shall be considered available when connection can be made by the intended route of service, and the system parallel to the right-of-way does not have to be extended to provide service.
- C. Three (3) years from notification of the requirement to connect, a property becomes connection delinquent, and is subject to proceedings to compel connection to the public sewer system.
- D. When property subject to the requirement imposed by this section has less than 180 days remaining in the three-year connection period referred to above is sold, the new owner may enter into an agreement with the City extending the time to connect to the public sewer system for 180 days from the date of the sale of the property. In the event a new owner elected to enter into an agreement, said election shall constitute a waiver of the right to the administrative review provided for in Section 17.33.050.  
All connection charges due under the provisions of this title shall become payable to the City at the time of completion or closing of the sale of the property. Only one agreement per property may be entered into under the terms of this



**TITLE 17**  
**PUBLIC IMPROVEMENTS**

subsection. As used herein, the term “sale” includes every disposition or transfer including the transfer of equitable title or legal title to real property.

- E.** Proof of the sewer connection shall be by documents of the City, by proof provided by the property owner, or development of physical evidence or inspection. The sufficiency or adequacy of any proof presented shall be left to the sole discretion of the Director.
- F.** Any construction for which a building permit is required under the terms of Title 24 of this Code and which meets the requirements of subsection A. above, shall connect to the public sewer system prior to the issuance of a final inspection report or Certificate of Occupancy by the authorized City agency.

**17.33.020 Sewer Availability Notices.**

(Amended by Ordinance Nos. 167504 and 178009, effective November 28, 2003.) Following the notice set out in paragraph 17.33.010 A.5. the property owner or legal title holder shall receive three additional notices of the connection requirement, at least 180, 90 and 30 days prior to the date of the connection deadline.

**17.33.030 Service Connection Charges; Incentives.**

(Amended by Ordinance Nos. 165188 and 178009, effective November 28, 2003.)

- A.** A property owner can elect to pay the sewer connection charge prior to the availability of a public sewer system. Provided the property is connected to the public sewer system within the time specified in Section 17.33.010 the rate shall be the one applicable as of the date of payment; otherwise the rate shall be that in force at the time of connection.

**17.33.035 Sewer Connection Assistance.**

(Added by Ordinance No. 178009, effective November 28, 2003.) The City shall provide sewer connection assistance to eligible property owners based on administrative rules and procedures adopted by the Director. Sewer connection assistance shall consist of the following:

- A.** Connection Deferrals. Connection deferrals shall be limited to 5 years, may be renewed based on a re-evaluation of eligibility, and shall not transfer with the sale or transfer of property. Eligibility criteria shall include financial, medical or other hardship criteria related to the property owner and hardship conditions related to the property and the work required to complete the sewer connection. Deferred property shall be subject to the requirements of this Chapter following the termination of the connection deferral.
- B.** Private Plumbing Loans. The City shall grant loans to finance the costs of sewer connection work performed on private property. The loans shall be limited to

**TITLE 17  
PUBLIC IMPROVEMENTS**

eligible owner-occupants of single family and duplex residences. Loan terms shall not exceed 10 years. Eligibility property must be free of delinquent property taxes, special assessments, assessment loans and City utility charges.

- C. Sewer Connection Loans. The City shall grant loans to property owners to finance City sewer connection fees and system development charges, as provided in Chapter 17.14.

**17.33.040 Declaration of Nuisance.**

(Amended by Ordinance Nos. 167504, 178009 and 181506, effective January 2, 2008.)

- A. Any property not connected to a public sewer system as required by Section 17.33.010 or Section 17.33.105 is hereby declared a nuisance and subject to abatement or correction as provided for in Section 17.33.060. The Director shall establish the procedures and forms to be used to notify property owners about sewer system availability and connection delinquencies.

**17.33.050 Abatement by Owner; Administrative Review and Appeal.**

(Amended by Ordinance Nos. 167504 and 178009, effective November 28, 2003.)

- A. The owner of a connection delinquent property shall have at least 30 days from the date of the Notice to Remove Nuisance to file documentation of the removal or abatement of the nuisance, or to file a written request for an administrative review of the nuisance abatement requirement. Following notification of the administrative review and determination by the Director, the property owner shall have 10 days to file a written request for an appeals hearing by the Code Hearings Officer as set forth by Title 22 of this Code.
- B. The administrative review, Director's determination, appeals hearing and Code Hearing Officer's order shall be limited findings of fact regarding the following criteria:
  - 1. The subject property has one or more on-site structures with plumbing facilities that require sanitary waste disposal pursuant to State Plumbing Code or related City Code.
  - 2. The subject property is not fully connected to the City sewer system.
  - 3. The subject property has direct access via an intended route of service to a sewer branch, lateral or other component of the City sewer system abutting a property line or a permanent easement acquired for the benefit of the property.

**TITLE 17  
PUBLIC IMPROVEMENTS**

4. The deadlines described in the sewer availability notice, notice of connection deferral and/or the Notice to Remove Nuisance have expired without full compliance with the sewer connection requirement.
5. The property owner does not have a current sewer connection deferral.

**17.33.060 Connection Enforcement.**

(Amended by Ordinance Nos. 167504, 170216 and 178009, effective November 28, 2003.)

- A. If the nuisance described in the notice has not been removed or cause shown why such nuisance does not exist, the City may apply for an order authorizing the City to remove or correct the nuisance, consistent with the terms and requirements of the Code Hearings Officer. The Director shall set forth the procedures and forms to be used to obtain an Order of the Code Hearings Officer to remove or correct the nuisance.

**17.33.070 Enforcement Charges.**

(Amended by Ordinance Nos. 167504 and 178009, effective November 28, 2003.) In the event that the City needs to enforce the terms of the Code Hearings Officer's order referred to in Section 17.33.060, an accurate record of all expenses incurred, including an overhead charge of 26 percent, an administration fee of \$500 for each occurrence, connection charges including any revoked benefits of the Mid-County Financial Assistance Program, sewer user charges and permit fees shall be kept, and be made a lien on the property in accordance with the provisions of Chapter 22.06.

**17.33.080 Withholding Services provided by the Bureau of Environmental Services.**

(Added by Ordinance No. 167504, effective Mar. 30, 1994.) Except as provided elsewhere in this Title or when the public welfare is endangered; the Bureau of Environmental Services may at its discretion withhold from the owner(s) (or the owner's agent) of connection delinquent property as defined in Section 17.33.010, any service that is provided by the Bureau. This may include but is not limited to refusal to accept application for permits relating to development on property of the said owner(s) other than the connection delinquent property.

This withholding may continue until the connection delinquency no longer exists.

**17.33.090 Interference with Sewer Connection Activities Unlawful.**

(Amended by Ordinance No. 167504, effective Mar. 30, 1994.) It shall be unlawful for any person to attempt to obstruct, impede, or interfere with any officer, employee, contractor, agent, or authorized representative of the City whenever such officer, employee, contractor, agent, or authorized representative of the City is engaged in the work of connecting a property to the public sewer, or removing or abandoning an existing sewage disposal system under the authority of an order of the Code Hearings Officer issued pursuant to subsection 17.33.060 C. above.

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

**17.33.100 Liability.**

(Amended by Ordinance No. 167504, effective Mar. 30, 1994.) Neither the City nor any of its officers, employees, contractors, agents, or authorized representatives shall be liable for any damage to or loss of the real property of any improvements, emblems, or personal property thereon due to the enforcement or administration of this Chapter.

**17.33.105 Replacing Non-Conforming Sanitary Sewer Connections.**

(Added by Ordinance No. 181506, effective January 2, 2008.)

- A. Purpose.** The purpose of this Section is to facilitate the replacement of non-conforming sanitary sewer connections with connections that are in conformance with applicable plumbing codes. This Section sets forth requirements for the timely connection of individual properties to the public sewer system when a public sanitary sewer is available, and provides for financial assistance to affected property owners.
- B. Administration.** Unless otherwise established, the Bureau of Environmental Services is responsible for administering the provisions of this Section.
- C. Applicability.** This Section applies to properties that are served by a non-conforming sanitary sewer connection, such as individual or shared connections that that extend through neighboring property or in a public-right-of-way without recorded easements and operation and maintenance agreements.
- D. Public Sewer Improvements.** The Bureau shall identify the most appropriate means to construct public sewer improvements to facilitate the conversion of non-conforming sanitary sewer connections based on factors that protect public health and safety, and minimize the financial impacts on the City's sanitary sewer utility and utility ratepayers. The Bureau will establish the criteria used to make system improvement decisions in administrative rules. In the event that the Council organizes a local improvement district for the purposes of this Section, the Bureau shall employ procedures set forth in this Title and administrative rule.
- E. Mandatory Conversions.** The City requires the abandonment of a non-conforming sanitary sewer connection within 180 days of providing notice to affected property owners of the availability of individual and direct sanitary sewer connections. The City will provide a reminder to all affected property owners at least 30 days prior to the connection deadline.
- F. Sanitary Sewer Conversion Charges.**

  - 1. Obligation.** Property owners shall pay or finance sanitary sewer conversion charges for the costs of constructing public sanitary sewers to

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

facilitate the replacement of non-conforming sewer connections. The conversion charge is paid in lieu of line, branch and system development charges set forth in Chapter 17.36, and in lieu of special assessments for local improvement districts as further described in this Section.

2. Financing. The City shall provide financial arrangements for conversion charges in the same manner as provided in this Title for local improvement special assessments and sanitary system development charges.
3. Calculation of Rates. Council shall establish rates for sanitary sewer conversion charges by general ordinance adopted annually for the purposes provided in Chapter 17.36 of this Title.
4. Timing. Property owners must pay or finance the conversion charges prior to the issuance of permits to replace the non-conforming sanitary sewer connection with an individual and direct connection to a public sanitary sewer. The Bureau shall calculate sanitary sewer connection charges for subject properties based on rates in effect on the earliest of the following dates:
  - a. the date the property owner pays the sanitary sewer conversion charges or finances the charges by means of the City's assessment loan or safety net program; or
  - b. the date the property owner files a signed waiver of remonstrance for the formation of a future local improvement district to construct public sanitary sewers; or
  - c. where the property is served by a local improvement district, the date the City calculates estimated special assessments for the district formation notice; or
  - d. where a property is served by a sewer extension project, the date the property owner seeks sewer connection and/or plumbing permits to make an individual and direct connection to the public sewer system.
5. Relationship to Special Assessments for Local Improvement Districts. The Bureau shall apply the following conditions to the calculation of special assessments for local improvements districts organized for the purposes of this Section:

**TITLE 17  
PUBLIC IMPROVEMENTS**

- a.** The estimated special assessment roll shall be limited to the amount of the sanitary sewer conversion charges as determined by Subsection 17.33.105 F.4.
  - b.** In the event that a benefited property owner paid or financed sanitary sewer conversion charges prior to the preparation of the estimated special assessment roll as provided in this Section, the Bureau shall establish a zero assessment for the benefited property.
  - c.** The Bureau shall pay to the LID Construction Fund the difference between the final total costs of each local improvement district organized for the purposes of this Section, and the sum of estimated assessments that were established at the formation of the district.
  - d.** The Bureau shall take the following actions in the event that the total actual costs of the local improvement district are less than the sum of sanitary sewer conversion charges calculated for the benefited properties:

    - (1)** the Bureau shall apportion the difference to each affected property in proportion to the property's share of the sum of sanitary sewer conversion charges paid, financed or incorporated into the local improvement district special assessment roll.
    - (2)** The final assessment roll shall reflect the apportionment based on the actual project costs.
    - (3)** Where a property owner paid or financed the sanitary sewer conversion charge prior to the notice of estimated assessment, the Bureau shall determine the most administratively efficient method to refund or credit the apportioned difference allocated to the property. The refund or credit shall be provided to the current owner of the property at the time the Council adopts the final assessment roll for the local improvement district.
- G.** Relationship to Mandatory Sewer Connections. This section is exempt from the provisions and requirements of Sections 17.33.010 through 17.33.030, and 17.33.035 A.

**17.33.110 Administrative Rules, Procedures and Forms.**

(Replaced by Ordinance No. 178009, effective November 28, 2003.)

- A.** The Director of the Bureau of Environmental Services may adopt, amend and repeal rules, procedures, and forms pertaining to matters within the scope of this Chapter.
- B.** Any adoption, amendment or repeal of a rule pursuant to this section shall require a public review process. Not less than thirty, nor more than forty-five, days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time and purpose of the public review process and the location at which copies of the full text of the proposed rules may be obtained.
- C.** During the public review, a designee of the Director of Environmental Services shall hear testimony or receive written comment concerning the proposed rules. The Director shall review the recommendation of his or her designee; taking into consideration the comments received during the public review process and shall either adopt the proposal, modify or reject it. If a substantial modification is made, additional public review shall be conducted, but no additional notice shall be required if such additional review is announced at the meeting at which the modification is made. Unless otherwise stated, all rules shall be effective upon adoption by the Director of the Bureau of Environmental Services and shall be filed in the office of the Director of Environmental Services and in the Portland Policy Documents repository described in Chapter 1.07.
- D.** Notwithstanding paragraphs B. and C. of this section, an interim rule may be adopted without prior 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, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than 180 days.

**17.33.120 Civil Remedies.**

(Amended by Ordinance No. 167504, effective Mar. 30, 1994.)

- A.** In addition to the remedies provided by any other provision of this Chapter, the City shall have the right to obtain, in any court of competent jurisdiction, a judgment against the person or property failing to connect to a sewer in accordance with the provisions of Section 17.33.010. In any such action, the measure of damages shall be the costs for abatement by the City, administrative costs, permit fees, overhead costs, penalties, and connection charges as determined by the Director.

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

- B.** In addition to any other remedy provided in this Chapter, the City Attorney, acting in the name of the City, may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain by in junction the violation of any provision of this Chapter.

**17.33.130 Notice Sufficiency.**

(Amended by Ordinance No. 167504, effective Mar. 30, 1994.) For the purposes of any noticing procedure as set forth by this Chapter 17.33, notice shall be deemed to have been received upon mailing of that notice. An error in the name of the owner or agent of the owner or the use of a name other than that of the true owner or agent for the property shall not render the notice void.

**17.33.140 Bureau Actions.**

(Amended by Ordinance No. 167504, effective Mar. 30, 1994.) All City bureaus shall, to the fullest extent consistent with their authority, carry out their programs in such a manner as to further the provisions of this Title, and shall cooperate to the fullest extent in enforcing the provisions of this Chapter.

**17.33.150 Severability.**

(Amended by Ordinance No. 167504, effective Mar. 30, 1994.) If any provision of this Chapter, or its application to any person or circumstances, is held to be invalid, the remainder of this Chapter, or the application of the provision to other persons or circumstances, shall not be affected.



Figure 12 (Section 17.15.060)

(Added by Ordinance No. 174936;  
Repealed by Ordinance No. 181322,  
effective January 1, 2008.)



**Chapter 24.10**

**ADMINISTRATION AND  
ENFORCEMENT**

**Sections:**

- 24.10.010 Title.
- 24.10.020 Purpose.
- 24.10.030 Scope.
- 24.10.040 Codes.
- 24.10.050 Organization.
- 24.10.060 Enforcement.
- 24.10.070 Application for Permits.
- 24.10.080 Board of Appeals.
- 24.10.085 Structural Engineering Advisory Committee.
- 24.10.090 Pre-application and Pre-construction Meetings.
- 24.10.095 Commercial and Industrial Minor Structural Labels.
- 24.10.100 Fees.

**24.10.010 Title.**

This Title shall be known as the “Building Regulations,” and may be so cited and pleaded and is referred to herein as “this Title.”

**24.10.020 Purpose.**

(Amended by Ordinance No. 163908, effective Feb. 27, 1991.) The purpose of this Title is to provide minimum performance standards to safeguard the health, safety, welfare, comfort, and security of the residents of this City who are occupants and users of buildings, and will provide for the use of modern methods, devices, materials, techniques, and practicable maximum energy conservation by regulating and controlling the design, construction, quality of materials, use, and occupancy, location and maintenance of all buildings, structures and land within this jurisdiction.

**24.10.030 Scope.**

(Amended by Ordinance Nos. 163237, 163908, 165678 and 176783, effective August 30, 2002.) The provisions of this Title shall apply to the construction, alteration, moving, demolition, repair, and use of any building, structure or land, and to any land clearing or grading within the City. Exceptions are work in the public right-of-way as approved by the City Engineer; publicly constructed sanitary and storm sewer systems and facilities approved by the BES Chief Engineer; and public utility towers and poles, mechanical equipment not specifically regulated in this Code.

**TITLE 24**  
**BUILDING REGULATIONS**

**24.10.040 Codes.**

(Amended by Ordinance Nos. 158651, 162695, 163908, 164950, 166111, 166436, 169312, 169905, 172737, 174891, 177414, 177433, 178745, 179125 and 181359, November 16, 2007.)

- A. Structural Specialty Code. The provisions of the State of Oregon Structural Specialty Code 2007 Edition, as published by the International Code Council and known as the International Building Code 2006 Edition and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, including Appendix L and the provisions of Section 903.2.7.2, are hereby adopted by reference. The Structural Specialty Code is on file in the Development Services Center of the City of Portland.
- B. Compliance with recognized standards. Where requirements of this Title do not provide necessary regulation or are not fully detailed with regard to processes, methods, specifications, equipment testing, and maintenance, standards of design, performance, and installation, and other pertinent criteria, the applicable standards and recommendation of the National Fire Protection Association, as set forth in its National Fire Code, current Edition, Volumes 1 through 16 shall apply, a copy of which is on file in the City Auditor's Office. Said volumes and all subsequent editions are hereby incorporated in this Title by reference.
- C. Application of other titles. Nothing in this Title is intended to permit the establishment or conversion of any structure or use of any land in any zone which is not in accordance with the applicable sections of Title 25 (Plumbing Regulations), Title 26 (Electrical Regulations), Title 27 (Heating and Ventilating Regulations), Title 33 (Planning and Zoning Regulations).
- D. Residential code. The provisions of the State of Oregon, Residential Specialty Code, 2005 Edition, as published by the International Code Council, and known as the International Residential Code, 2003 Edition, and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, including the appendices and standards adopted by the State of Oregon, is hereby adopted by reference. Furthermore, in that Appendix AN is adopted by the State of Oregon as part of the 2005 Residential Specialty Code, Section AN109.4 is hereby specifically adopted and supercedes the provisions of Section AN103.2.3. The Residential Specialty Code is on file in the Development Services Center of the City of Portland.

**24.10.050 Organization.**

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. Bureau of Development Services. The Bureau of Development Services shall be under the jurisdiction of the Director designated by the appointing authority.

**Chapter 25.05**

**PERMITS**

**Sections:**

- 25.05.010 Required.
- 25.05.020 Permit and Report Required To Do Plumbing Work on Water System.
- 25.05.030 Plumbing Permit Application.
- 25.05.040 Plumbing Plan Examination.
- 25.05.050 Life of Permit Limited.
- 25.05.060 Fees.
- 25.05.070 Repairs, Replacements, and/or Completions.
- 25.05.080 Revocation.
- 25.05.090 Partial Refund of Fees.
- 25.05.100 Reduction of Fees.

**25.05.010 Required.**

(Amended by Ordinance Nos. 170576, 170811 and 178578, effective September 1, 2004.) Excepting fire systems provided for in Title 31, Fire Regulations, a permit, or minor label as outlined in Section 25.04.040, shall be obtained for the installation, construction, alteration, or repair of any plumbing or sewage system, fire hose valve, water supply system, water supply well, rainwater harvesting system, sewage holding tank, fire hose cabinet, or the installing of any device if the device requires either water supply, or waste connection to drainage system or both; of plugging of sewer where a building has been wrecked or moved; for removing plumbing fixtures and sealing openings; all of the above coming under the regulations of this Title and the Oregon Plumbing Specialty Code. As used in this Section, the word “repair” does not apply to ordinary repairs to faucets or valves, or to the clearing of obstructions from a fixture, sewer, or waste pipe, if there be no disconnecting of the fixture or device, or if there be no opening of, or cutting into, the sewer or waste pipe or fittings.

**25.05.020 Permit and Report Required To Do Plumbing Work on Water System.**

(Amended by Ordinance Nos. 168902 and 170811, effective January 2, 1997.) It is unlawful for any plumber or other person to make connections, installations, replacements, extensions, or repairs to any City water service pipe, or to extend a water pipe from one building to another building, or to connect one service pipe with another service pipe without first obtaining the proper plumbing permit or minor label if applicable, unless making emergency repairs. Permits for emergency repairs to water lines must be obtained within 48 hours (except weekends and holidays) of commencing the repair work. Every plumbing system in the City of Portland shall be connected to a City water main or water supply furnished by the City of Portland or other State approved purveyor.

**TITLE 25  
PLUMBING REGULATIONS**

**25.05.030 Plumbing Permit Application.**

(Amended by Ordinance Nos. 156924, 168183, 170576 and 176955, effective October 9, 2002.) An application for a plumbing permit shall be made on an application form furnished by the Bureau of Development Services. The application shall denote the name of the contractor who holds a State of Oregon Plumbing Contractor's Registration the State Contractors Certification Board registration and the City of Portland's Contractors Business License number. However, an owner may sign an application for a plumbing permit under the regulation as stated in Section 25.04.050, and any person may sign and obtain a plumbing permit for the plugging of a sewer or for disconnection of a roof drain system on one and two-family dwellings. An application for a permit for dry wells, or soakage trenches for storm water disposal may be taken out by an owner, plumbing contractor, or sewer contractor.

**25.05.040 Plumbing Plan Examination.**

(Amended by Ordinance Nos. 158895, 186183, 170576 and 181359, effective November 16, 2007.)

- A. Installations requiring plan review: Plumbing plan review is required for all complex structures as set forth in OAR 918-780-0040 cert ef. 10-1-06. Plan review for all other plumbing systems is optional.
- B. Submittal Requirements: When plan review is either required or requested, prior to the issuance of a building permit, three sets of plumbing plans and specifications providing the information as prescribed by the Director shall be filed with the Plumbing Section, Bureau of Development Services. Plans shall be of sufficient clarity to indicate the location, nature and extent of the work proposed.

**25.05.050 Life of Permit Limited.**

(Replaced by Ordinance No. 174880; amended by 178578, effective September 1, 2004.) If no inspection approval has taken place within six months after permit issuance, the permit shall become void, and no further plumbing work shall be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit shall be deemed to be automatically extended for six months, until final approval is granted. The Director may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond his or her control. Extension requests shall be in writing and shall be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit shall be void. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. No permit may be renewed if it has been expired for more than six months. A permit may be renewed only once. If an inspection approval has not been granted within the time period

**TITLE 25  
PLUMBING REGULATIONS**

of permit renewal the permit shall be void. The renewal fee shall be as specified in the Council adopted fee schedule.

**25.05.060 Fees.**

(Replaced by Ordinance No. 174720, effective August 21, 2000.) 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.

**25.05.070 Repairs, Replacements, and/or Completions.**

- A. A regular fee shall be charged on all work for the finishing of any plumbing installation for which a permit was secured and which installation was roughed in only; nor shall any such original permit cover any person other than the original permittee.
- B. The fees for alterations, replacements, or repairs shall be the same as for new work.
- C. If any work on the construction, alteration, repair, replacement, or completion of a plumbing system be commenced without a plumbing permit having first been secured, the regular fee shall be doubled when the plumbing permit is issued, provided that when a person performing the work notifies the Plumbing Inspector's office before any work is commenced at a given location, and the permit is secured within 24 hours, not including Sundays or holidays, the additional fee shall not be exacted. Payment of such fee, however, shall in no way relieve such person of the penalties imposed for violation of this Title.

**25.05.080 Revocation.**

(Amended by Ordinance No. 176955, effective October 9, 2002.) If, upon inspection, it is found that the workmanship or material employed does not in all respects conform to the statements given in the plumbing permit application or does not comply with the provisions of this Title, the Plumbing Inspector shall, in writing, notify the permittee that all additional plumbing work under the permit shall be suspended until permission to deviate from the specific terms of the permit is obtained or until the work already installed is corrected to comply fully with the terms of the permit. If the permittee fails to comply with such notice immediately upon its service, the Plumbing Inspector of the Bureau of Development Services shall forthwith cancel the permit, informing the permittee in writing of the action, and posting a notice announcing such revocation at the site of the work. Thereafter it is unlawful for any person to perform any plumbing work upon such premises without first securing a new plumbing permit.

**TITLE 25  
PLUMBING REGULATIONS**

**25.05.090 Partial Refund of Fees.**

(Amended by Ordinance No. 162101, effective Aug. 1, 1989.) 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 six 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 three months of the request. Exceptions to the above requirements may be made by the Director or designee.

**25.05.100 Reduction of Fees.**

(Added by Ordinance No. 168183, effective Nov. 1, 1994.) The Director may reduce any fee when, under the Director's authorization, another public agency, public utility, or other organization processes the permit thereby reducing the bureau's cost of issuing the permit.

**Chapter 25.06**

**REGISTRATIONS**

**Sections:**

- 25.06.010 Compliance Agreement.
- 25.06.020 State Registration Number Required.

**25.06.010 Compliance Agreement.**

(Amended by Ordinance No. 178578, effective September 1, 2004.) Any person applying for registration and any owner doing any plumbing work, shall, in consideration of the granting of a plumbing permit therefor, agree to comply with all of the codes and ordinances of the City regulating plumbing, water, rainwater harvesting systems, sewers, and rain drain disposal, and with the provisions of the building regulations, housing regulations, health regulations, and the Oregon Plumbing Specialty Code.

**25.06.020 State Registration Number Required.**

(Amended by Ordinance No. 176955, effective October 9, 2002.) The Bureau of Development Services shall not issue a plumbing permit to any plumbing contractor, or any sewer contractor, to install, construct, alter, or repair any plumbing or drainage



**TITLE 26**  
**ELECTRICAL REGULATIONS**

3. Repair or replacement of light fixtures, light switches, lighting ballast, electrical outlets or smoke detectors in a building used for housing purposes that is owned, leased, managed or operated by a housing authority;
4. Repair, alteration or replacement of existing electrical products at an industrial plant, a commercial office building, a building that is owned, leased, managed or operated by the state or a local government entity or other facilities designated by the Electrical and Elevator Board when the owner, operating manager or electrical contractor of the facility who meets the provisions of ORS 479.630(1) and (2) obtains a master permit for inspection under ORS 479.560(3).
5. Replacing light bulbs, fluorescent tubes, or approved fuses, or connecting approved portable electrical equipment to permanently installed and properly wired receptacles;
6. Experimental electrical work or testing of electrical products in testing laboratories of electric shops, educational institutions, industrial plants, or recognized testing laboratories;
7. Installing heating, ventilating, air conditioning and/or refrigeration components exempted by OAR 918-261-0020, Exemption for HVAC/R Electrical Components.
8. Any other work exempted from permit requirements under ORS and OAR.

**26.04.020 Electrical Permit Application.**

Applications for electrical permits shall be made on forms furnished by the Bureau. For one and two family dwellings, the electrical subcontractor inspection sticker shall be considered part of the application form. The applicant shall provide all information required in a complete and legible manner. The application shall be signed by the appropriate person as required by OAR. Permit fees and/or plan review fees shall be paid at the time of application. Failure to properly complete the permit application may result in a delay or prevention of permit issuance until required information has been submitted.

**EXCEPTION:** Any jurisdiction's electrical permit application may be used for temporary permits (see Section 26.04.070) as long as fees are paid in accordance with Title 26.

**26.04.030 Permit to Owner.**

(Amended by Ordinance No. 179125, effective April 1, 2005.) A permit to perform electrical work in or about a residential or farm building may be issued to the owner of that building, subject to the following conditions:

**TITLE 26  
ELECTRICAL REGULATIONS**

- A. All wiring shall be installed in accordance with the Electrical Code and this Title.
- B. All work done under such permit shall be performed by the owner or by a member of the immediate family of the owner as defined in the OAR.
- C. The owner does not intend to sell, exchange, lease or rent the property. If the Director determines that the property is offered for sale, exchange, lease or rent within 6 months of final approval of permitted work, this shall create a rebuttable presumption that the owner intended to offer the property for sale, exchange, lease or rent at the time the permit was issued. In such case the Director may assess a penalty of up to \$500.
- D. If any of the above conditions are not met, the permit may be revoked in accordance with Section 26.04.090.

**26.04.040 Plans and Specifications.**

(Amended by Ordinance Nos. 176955, 179125 and 181359, effective November 16, 2007.)

- A. **Installations Requiring Plan Review.** Plans and specifications shall be submitted to the Director for all complex structures as set forth in OAR 918-311-0040 (1), cert ef. 10-01-06.
- B. **Submittal Requirements:** When plan review is either required or requested, prior to the issuance of a building permit, two sets of electrical plans and specifications providing the information as prescribed by the Director shall be filed with the Electrical Section, Bureau of Development Services. Plans shall be of sufficient clarity to indicate the location, nature and extent of the work proposed.

**26.04.050 Permit Issuance.**

When the Director finds that the work described in the permit application, plans and specifications and other data filed therewith conforms to all requirements of this Title, that the electrical permit application has been signed as required, and that the specified fees have been paid, the Bureau shall issue an electrical permit to the applicant. All permits issued shall be subject to the following conditions:

- A. Plans, specifications and other data approved at permit issuance shall not be altered without the Director's authorization.
- B. All work shall be done in accordance with approved plans.
- C. The issuance of a permit and/or approval of plans and specifications shall not prevent the Director from thereafter requiring the correction of errors or

**TITLE 26**  
**ELECTRICAL REGULATIONS**

omissions in plans, specifications, other data, actual electrical work or installations when in violation of this Title or other laws and ordinances.

**26.04.060 Partial Permits.**

The permit for an electrical installation requiring plan review will not be issued, nor may work proceed, until the plans are approved by an electrical plan examiner. However, the Director may authorize the issuance of a partial permit before the entire plans and specifications are submitted or approved. Adequate information shall be submitted showing the areas of work to be covered by the partial permit and compliance with pertinent portions of the Electrical Code. Applicants will be notified in writing of which portions of the work may proceed and of the conditions under which work may proceed. Issuance of a partial permit, or authorization to commence an installation, shall not constitute assurance to the applicant that a permit on the entire installation will be issued, or that corrections will not be required on the portions of the installation granted preliminary authorization.

**26.04.070 Temporary Permits.**

The Bureau shall have a temporary permit program and procedure for emergency or unanticipated electrical work. Temporary permits shall only be used by licensed electrical contractors. Temporary permits are valid for 7 days.

When work is being done under a temporary permit, the permit application and fees shall either:

- A. Be received by the Bureau within 7 calendar days of the start of work; or,
- B. When mailed, be postmarked within 7 calendar days of the start of work.

**26.04.080 Life of Permit Limited.**

(Replaced by Ordinance No. 174880, effective October 6, 2000.) If no inspection approval has taken place within six months after permit issuance, the permit shall become void, and no further electrical work shall be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit shall be deemed to be automatically extended for six months, until final approval is granted. The Director may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond his or her control. Extension requests shall be in writing and must be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit shall be void. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. No permit may be renewed if it has been expired for more than six months. A permit may be renewed only once. If an inspection approval has not been granted within the time period of permit renewal the permit shall be void. The renewal fee shall be one half the amount required for a new plumbing permit.

**TITLE 26  
ELECTRICAL REGULATIONS**

**26.04.090 Permit Suspension or Revocation.**

The Director may, in writing, suspend or revoke a permit issued under requirements of this Title whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any law, ordinance, or requirement of this Title.

**Chapter 26.05**

**FEES**

**Sections:**

- 26.05.010 Permit Fees.
- 26.05.020 Refund of Fees.

**26.05.010 Permit Fees.**

(Replaced by Ordinance No. 174721, effective August 21, 2000.) 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.

**26.05.020 Refund of Fees.**

(Replaced by Ordinance No. 174721, effective August 21, 2000.) When permit or plan review fees were paid incorrectly due to an error on the part of the City, permit and plan check fees will, as a general rule, be refunded in full when the services covered by the fees have not commenced. 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% of the amount remaining. State surcharge fees are only refundable when a permit was issued in error. Refund requests shall be made within 6 months of payment or permit issuance, whichever is later. Refunds shall be made to the same person or firm who paid the fee. Fees will be refunded within 3 months of receipt of the refund request. Exceptions to the above requirements may be made by the Director.

**26.05.030 Investigation Fees.**

(Repealed by Ordinance No. 174721, effective August 21, 2000.)

**26.05.040 Permit Fees.**

(Repealed by Ordinance No. 174721, effective August 21, 2000.)

**26.05.050 Electrical Master Permit (Industrial Plant) Program Fees and Master Permit/Annual Facilities Program Fees.**

(Repealed by Ordinance No. 174721, effective August 21, 2000.)

**26.05.060 Refund of Fees.**

(Repealed by Ordinance No. 174721, effective August 21, 2000.)

**Chapter 26.06**

**INSPECTION**

**Sections:**

- 26.06.010 Required Inspections
- 26.06.020 Other Inspections
- 26.06.030 Scope of Inspectors' Duties
- 26.06.040 Inspection Requests
- 26.06.050 Corrections
- 26.06.060 Electrical Connections
- 26.06.070 Electrical Reconnections
- 26.06.080 Reinspection
- 26.06.090 Inspections in Other Jurisdictions of Custom-Built Electrical Products

**26.06.010 Required Inspections.**

All electrical installations requiring an electrical permit shall be subject to inspection. Work shall not be covered prior to inspection. The Bureau may inspect electrical installations in the following sequence or at such other times deemed necessary to obtain compliance with this Title.

- A. Temporary service completion.
- B. Underground or underfloor.
- C. Prior to cover (ceiling and wall).
- D. Service.
- E. Final or completed installation.

## **TITLE 26**

### **ELECTRICAL REGULATIONS**

#### **26.06.020 Other Inspections.**

In addition to the required inspections specified in Section 26.06.010, the Director may make or require other inspections of any electrical installation to ascertain compliance with this Title.

#### **26.06.030 Scope of Inspectors' Duties.**

Inspectors inspect electrical installations and provide public information on the meanings or applications of electrical code provisions, but do not lay out work or act as consultants for electrical contractors, property owners or users.

#### **26.06.040 Inspection Requests.**

It is the responsibility of the person doing the work authorized by the permit to notify the Bureau when the work is ready for inspection. A person requesting an inspection shall ensure access and means for the Bureau to perform the required inspection. The Director or City shall not be liable for expenses entailed in removal or replacement of any material required for inspection.

#### **26.06.050 Corrections.**

**A.** The Bureau shall provide written notice of corrections required to be made to defective electrical wiring, equipment or installations. Notice of correction shall be placed on the premises, the electrical panel box, or such other conspicuous place as the Director may determine. In addition the Bureau shall send a duplicate of the correction notice by mail or FAX to the person responsible for the work.

Corrections shall be completed and an inspection requested within 20 calendar days of the correction notice. Extensions may be granted by the Bureau for reasonable cause. Failure to complete corrections and request an inspection within the time provided may result in the Bureau gaining compliance by:

1. Any of the remedies outlined in Section 3.30.015; or,
2. Revoking the permit.

**B.** If the premises affected become vacant, the premises shall not be occupied for dwelling purposes until necessary permits are obtained, corrections are completed, and the corrections are inspected and approved by the Bureau.

#### **26.06.060 Electrical Connections.**

Connecting electrical installations to an electrical supply source shall be done only after approval by the Bureau. Such inspection approval is identified by the City of Portland Electrical Inspection Record initialed by the Director and posted on the panel box or other conspicuous place.

**TITLE 26**  
**ELECTRICAL REGULATIONS**

**Exceptions:** An electrical installation under this Title may be legally energized prior to inspection provided:

- A. An emergency service tag, issued by the Bureau, is attached to the installation. These tags may only be issued to and used by Oregon licensed electrical contractors. The electrical contractor shall request an inspection prior to or immediately after attaching the tag to the installation. When signed by the contractor or authorized representative and bearing a number issued by the Bureau, the tag will authorize the electrical utility to make connections pending final approval by the Director; or,
- B. The electrical contractor is performing minor electrical work utilizing a valid minor installation label or when the installation is under an Electrical Master Permit (Industrial Plant) Program.

**26.06.070 Electrical Reconnections.**

When a building has been vacant and the power has been off for 6 months, the Director shall inspect the building prior to reconnection of power. A reconnection permit fee shall be paid prior to the inspection.

**26.06.080 Reinspection.**

A reinspection may be required, and a reinspection fee may be assessed, if any of the following conditions exist:

- A. Access to the work to be inspected is unobtainable or denied upon arrival of the Director; or,
- B. Unapproved installation has been covered in a manner which prevents the Director from determining compliance with this Title; or,
- C. Corrections required from a previous inspection have not been completed; or,
- D. Work has not been started or is substantially incomplete.

**26.06.090 Inspections in Other Jurisdictions of Custom-Built Electrical Products.**

Electrical products intended for use within the City shall meet the requirements of this Title even when fabricated in another jurisdiction. The Director may require in-plant or on-site inspection of the fabricating process to ensure acceptability of the finished fabrication for use within the City.

Such in-plant or on-site inspection costs as determined by the Director shall be paid by the product fabricator prior to Bureau authorization for product use within the City.

**TITLE 26  
ELECTRICAL REGULATIONS**

**Chapter 26.07**

**REGISTRATION OF ELECTRICAL CONTRACTORS**

**Sections:**

- 26.07.010 Electrical Contractor Registration
- 26.07.020 Application

**26.07.010 Electrical Contractor Registration.**

For the purposes of maintaining accurate records, verifying contractors' and Supervising Electricians' State of Oregon registrations (ORS 479.560(1)(b) and 479.855(2)(a)(A), and OAR 918-020-0090(2)(f) and 918-309-0000(1)), assisting in the speedy processing of permits, and providing timely notifications, the Bureau shall keep a registry of any individual or firm performing for hire or profit electrical installation work regulated by this Title. All such firms shall register with the Bureau prior to performing such electrical work within the City. Whenever information contained on the registration becomes invalid, the registrant shall provide the Bureau with up-to-date information. Registrations are not transferable.

**26.07.020 Application.**

Registration application shall be made on forms supplied by the Bureau. The applicant shall provide all information in a complete and legible manner.

**Chapter 26.08**

**ELECTRICAL MASTER PERMIT  
(INDUSTRIAL PLANT) PROGRAM**

**Sections:**

- 26.08.010 Program
- 26.08.020 Application Requirements
- 26.08.030 Application Form
- 26.08.040 License Requirements
- 26.08.050 No Separate Permit Required
- 26.08.060 Registration Suspension and Termination
- 26.08.070 Appeal of Suspension or Termination Order



**26.08.010 Program.**

The Bureau shall conduct an Electrical Master Permit (Industrial Plant) Program as identified in OAR 918-309-0100. This program shall regulate repair, alteration or replacement of existing electrical products in qualified facilities and electrical installations which are part of a tenant remodel or construction within a covered facility involving a mechanical, plumbing or structural master permit. Electrical product replacement includes installing a product in place of another that does not exceed the capacity or design of the existing electrical system. The following types of facilities are allowed to be registered for the Master Permit (Industrial Plant) Program:

- A. Industrial producer or servicer;
- B. School;
- C. Hospital;
- D. Sewer plant;
- E. Water plant;
- F. Commercial office building;
- G. Buildings owned, leased, managed or operated by a state or local government entity;
- H. Institution;
- I. Any other category of facility designated by the State Electrical and Elevator Board.

**26.08.020 Application Requirements.**

Applicants for registration in the Electrical Master Permit (Industrial Plant) Program shall be the owner, building operations manager or electrical contractor responsible for all electrical installations in the facility. Each registration shall be limited to a single facility, which may be more than one building in a complex of buildings. Applicants with multiple facility locations on non-contiguous lots shall obtain a registration for each facility.

**26.08.030 Application Form.**

An application for a registration shall be made on the form furnished by the Bureau. The applicant shall provide all information required in a complete and legible manner. Registration fees shall be paid at the time of application.

**TITLE 26**  
**ELECTRICAL REGULATIONS**

**26.08.040 License Requirements.**

Electrical work shall not be done beyond the scope of the license held. Applicants with Limited Maintenance Electricians or Limited Building Maintenance Electricians on staff are not required to hold an Electrical Contractor's License or to employ a Supervising Electrician for work within the scope of these limited license categories. Before registration will be granted, applicants shall either:

- A. Employ one or more persons possessing an Oregon Limited Maintenance Electrician's License, a Limited Building Maintenance Electrician's License, or other Oregon electrical license as allowed by the OAR; or,
- B. Contract for electrical work with a licensed electrical contractor employing a signing supervising electrician.

**26.08.050 No Separate Permit Required.**

When a facility is registered in the Electrical Master Permit (Industrial Plant) Program, no separate permit is required for repair, alteration or replacement of existing electrical products. Any electrical work not covered by the Electrical Master Permit (Industrial Plant) Program requires the completion and submission of an electrical permit application to the Bureau prior to performing such work. Any installation outside the scope of the Electrical Master Permit (Industrial Plant) Program shall be installed by appropriately licensed electricians and shall be inspected by the Bureau.

**26.08.060 Registration Suspension and Termination.**

If any registrant refuses or neglects to comply with the requirements of this Title or a related regulation (all regulations pertaining to building construction, remodeling or alteration are related regulations) within 30 calendar days after the Bureau has sent the written correction notice, the Bureau may suspend or terminate the registration. In addition, the penalty provided for in this Title may be enforced, and all work shall be corrected and made to comply with the requirements of this Title. A new registration shall not be issued or suspension lifted until all violations cited have been corrected.

**26.08.070 Appeal of Suspension or Termination Order.**

If the Bureau orders the suspension or termination of a Master Permit (Industrial Plant) registration, the registrant aggrieved may appeal, in writing, to the Electrical Board of Appeal within 15 calendar days after such order. The registrant shall be given not less than 15 calendar days notice of the hearing. The Board shall proceed to hear and determine the appeal. Any suspension of a registration by the Electrical Board of Appeal may be on such conditions as the Board may order. In all cases, decisions of the Board shall be final.

**Chapter 26.09**

**MINOR INSTALLATION LABEL PROGRAM**

**Sections:**

- 26.09.010 General.
- 26.09.020 Requirements for Minor Labels.
- 26.09.030 Inspection and Enforcement Authority.
- 26.09.040 Violations.

**26.09.010 General.**

(Amended by Ordinance No. 179125, effective April 1, 2005.) ORS 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 statewide minor labels program. Implementation rules are found in Oregon Administrative Rules 918-100-000 through 918-100-060. The Bureau will operate the Minor Electrical Label Program in accordance with the Oregon Administrative Rules. The Minor Installation Label Program utilizes minor labels in lieu of regular electrical permits.

**26.09.020 Requirements for Minor Labels.**

(Added by Ordinance No. 179125, effective April 1, 2005.) Minor Electrical Labels may be used in all occupancies (including commercial, industrial, apartment, multi-family and one and two family residence installations). As provided by Oregon law, the Tri-County Service Center sells minor electrical labels. The Bureau will refer all requests for minor electrical labels to the Tri-County Service Center.

**26.09.030 Inspection and Enforcement Authority.**

(Added by Ordinance No. 179125, effective April 1, 2005.) The Bureau, in accordance with Oregon Administrative Rule 918-100-0060, shall conduct inspections and issue necessary correction notices for labels issued by the Tri-County Service Center.

**26.09.040 Violations.**

(Added by Ordinance No. 179125, effective April 1, 2005.) It is unlawful to violate the requirements of this section. Any violation of this section may be sanctioned by application of the remedies provided in Section 3.30.040.

**TITLE 26  
ELECTRICAL REGULATIONS**

**Chapter 26.10**

**CERTIFIED ELECTRICAL  
PRODUCT REQUIREMENTS**

**Sections:**

- 26.10.010 Electrical Products to be Approved.  
26.10.020 Exempt Product Inspections.

**26.10.010 Electrical Products to be Approved.**

No person, firm, or corporation shall sell, transfer or otherwise dispose of any electrical product, material or device which is used or intended to be used in the installations regulated by this Title, unless such product, material or device has been certified or listed as per ORS 479.760.

**26.10.020 Exempt Product Inspections.**

Some products are exempted from certification by ORS 479.540. The Bureau shall inspect the installation of any exempt product to ensure that Electrical Code requirements are met.

**TITLE 27**  
**HEATING AND VENTILATING REGULATIONS**

**Chapter 27.01**

**TITLE AND SCOPE**

**Sections:**

27.01.010	Title.
27.01.020	Purpose.
27.01.030	Scope.
27.01.035	Specialty Solar Code.
27.01.040	Existing Equipment.
27.01.050	Alternate Materials and Methods of Construction

**27.01.010 Title.**

This shall be known as Title 27, Heating and Ventilating Regulations and will be referred to herein as “this Code.”

**27.01.020 Purpose.**

The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances.

**27.01.030 Scope.**

(Amended by Ordinance Nos. 150873, 158654, 162693, 166110, 166438, 169905, 174891, 176956, 177414, 178745 and 181359, effective November 16, 2007.)

A. Mechanical Specialty Code. The provisions of the State of Oregon Mechanical Specialty Code, 2007 Edition, as published by the International Code Council as the International Mechanical Code, 2006 Edition along with the International Fuel Gas Code, 2006 Edition, and as amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, are hereby adopted by reference. The Mechanical Specialty Code is on file in the Development Services Center of the City of Portland.

Unless specifically provided for in other Chapters of this Code, where requirements of this Title do not provide for or are not fully detailed with regard to processes, methods, specifications, equipment testing and maintenance standards of design performance and installation, and other pertinent criteria, applicable standards and recommendations of the National Fire Protection Association (hereinafter referred to as N.F.P.A.) as set forth in its National Fire Codes, current edition shall apply.

**TITLE 27**  
**HEATING AND VENTILATING REGULATIONS**

In the following Chapters references may have been made to equipment not governed by this Code, in which case other Code or Codes shall apply.

- B.** One- and Two-Family Dwelling Code. The provisions of the State of Oregon, One- and Two-Family Dwelling Specialty Code, 2003 Edition, as published by the International Code Council, as the International Residential Code, 2000 Edition, and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, is hereby adopted by reference. The One- and Two-Family Dwelling Specialty Code is on file in the Development Services Center of the City of Portland.

**27.01.035 Specialty Solar Code.**

(Repealed by Ordinance No. 169905, effective April 1, 1996.)

**27.01.040 Existing Equipment.**

Heating, ventilating, comfort cooling or refrigeration systems, incinerators or other miscellaneous heat-producing appliances lawfully installed prior to the effective date of this Code may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health, or property.

All heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code in heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances when installed, altered, or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators, or other miscellaneous heat-producing appliances.

**27.01.050 Alternate Materials and Methods of Construction.**

The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed by this Code, provided any such alternate has been approved.

The Building Official may approve any such alternate provided he finds that the proposed design is satisfactory and complies with the provisions of this Code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability, and safety.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

**TITLE 28  
FLOATING STRUCTURES**

<b>Chapter 28.01</b>	<b>PURPOSE AND SCOPE</b>
28.01.010	Statement of Purpose and Intent.
28.01.020	Scope.
<b>Chapter 28.02</b>	<b>DEFINITIONS</b>
28.02.010	General.
28.02.020	Definitions.
<b>Chapter 28.03</b>	<b>ADMINISTRATION AND ENFORCEMENT</b>
28.03.010	Responsibility.
28.03.015	River Community Advisory Committee.
28.03.020	Permits and Inspections.
28.03.030	Fees.
28.03.040	Appeals.
28.03.050	Enforcement.
28.03.060	Abatement of Dangerous Floating Structures.
<b>Chapter 28.04</b>	<b>REGULATIONS FOR FLOATING STRUCTURES</b>
28.04.010	General.
28.04.020	Maintenance.
<b>Chapter 28.05</b>	<b>REGULATIONS PERTAINING TO EXISTING CONSTRUCTION</b>
28.05.010	Floating Structures.
28.05.020	Moorages.
<b>Chapter 28.06</b>	<b>NEW CONSTRUCTION</b>
28.06.010	Minimum Standards.
28.06.020	Materials and Installations.
28.06.030	Conventional Construction Methods and Materials for Floating Structures and Walkways Using Log Support Systems.
28.06.040	Engineered Construction.
28.06.050	Fire Safety.
28.06.055	Life Safety.
28.06.060	Gangways, Ramps, Walkways and Walks.
28.06.070	Identification.
<b>Chapter 28.07</b>	<b>ELECTRICAL INSTALLATIONS</b>
28.07.010	General.
28.07.020	Specific Requirements.

**Chapter 28.08**      **PLUMBING INSTALLATIONS**  
    28.08.010      General.  
    28.08.020      Specific Requirements.

**Chapter 28.09**      **MECHANICAL INSTALLATIONS**



**Chapter 28.01**

**PURPOSE AND SCOPE**

(Added by Ordinance No. 163535,  
effective November 3, 1990.)

**Sections:**

- 28.01.010 Statement of Purpose and Intent.
- 28.01.020 Scope.

**28.01.010 Statement of Purpose and Intent.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) It is the purpose of Title 28 to promote the public’s health, safety and welfare through the regulation of floating structures and their appurtenances. The City of Portland recognizes the River Community as an important part of the City’s overall vitality and livability, and that Floating Structures by their nature are a “Water Dependent Activity”.

These regulations recognize that waterborne structures, by their very nature, confront different environmental factors than do structures located on land. Furthermore, it is recognized that waterborne structures have distinctive design requirements such that strict adherence or application of the land-oriented Specialty Codes is not always appropriate and that modifications or exceptions should be made in appropriate circumstances in the application of those codes.

**28.01.020 Scope.**

(Amended by Ordinance Nos. 178745 and 181437, effective December 21, 2007.) The Director may issue permits for the construction, reconstruction, relocation, alteration, repair, maintenance and siting of floating structures and related structures located within the City of Portland as provided by Title 28 and limited thereto.

Chapter 33.236 regulates the location, use and development of floating homes and floating home moorages. New, relocated or replacement floating structures on sites located within the Portland International Airport Noise Impact overlay zone, as identified in the City of Portland’s zoning maps, are subject to the noise insulation, noise disclosure statement, and noise easement requirements of Chapter 33.470.

Title 28 does not apply to the construction, maintenance, or operation of boats, except as provided in Section 28.06.050.

Title 28 does not apply to any buildings or structures located on land above the mean high water mark. Such buildings or structures, including but not limited to parking lots, carports, club houses, sales or business offices, shall be constructed in compliance with the applicable State Specialty Codes and Portland City Code (PCC) Title 24 Building Regulations.

**TITLE 28  
FLOATING STRUCTURES**

Except as specifically provided in Title 28 the State Specialty Codes, PCC Title 24 Building Regulations, PCC Title 31 Fire Regulations and PCC Title 19 Harbors, are the base codes for the design and construction and maintenance of floating structures. Recognizing the unique history and traditions associated with floating structures, alternatives to the requirements of the base codes are included in Section 28.06.055 and elsewhere in Title 28. Due to the history and tradition, the Director shall give additional consideration to prior interpretations, rulings, permitting and appeals.

Should any conflicts arise between the requirements specified in the base codes and the requirements specified in Title 28, the requirements of Title 28 shall control. Where two requirements of Title 28 are in conflict the most restrictive requirement shall apply. If, after taking into consideration the nautical application of the codes, the application of the specific code requirement is deemed to be overly restrictive, the Director may refer the question to the Floating Structures Board of Appeal for interpretation.

**Chapter 28.02**

**DEFINITIONS**

**Sections:**

- 28.02.010 General.
- 28.02.020 Definitions.

**28.02.010 General.**

(Added by Ordinance No. 181437, effective December 21, 2007.) For the purpose of Title 28 certain words, phrases, terms and their derivatives shall be construed to have the meaning as specified in this Chapter and elsewhere in Title 28.

Where words, phrases, or terms are not defined in this Title, their meaning shall be as defined in the Specialty Codes. If not defined in the Specialty Codes, the words, phrases, or terms shall have their ordinarily accepted meanings within the context of their use.

**28.02.020 Definitions.**

(Amended by Ordinance No. 181437, effective December 21, 2007.)

- A. Addition:** An increase in the floor area or height of a floating structure or an expansion of walkways, piling or other similar structural portions of a moorage or marina.
- B. Alteration:** Any change or modification of existing construction.
- C. Barge-home:** A floating structure, without a means of self-propulsion, which is primarily for occupancy as a one or two family dwelling which is constructed on a

**TITLE 28**  
**FLOATING STRUCTURES**

floatation system that is designed and constructed as a boat and which is directly connected to electrical, sanitary sewer, and/or potable water supply. For the purposes of Title 28 a Barge-home shall be considered to be a Floating Home and shall be required to meet all design and construction requirements of a Floating Home as specified in Title 28. This requirement also applies to the floatation system and its connection to the moorage structure. (See Chapter 28.06)

- D. Berth:** A waterside area defined by floating walkways and fingerfloats, for the wet storage of a boat, or mooring of a floating home, combo-structure or boathouse; mooring site.
- E. Boarding Float:** A floating structure located on or adjacent to a boat ramp that provides pedestrian access to and from a boat in the water.
- F. Boat:** A vessel or watercraft, other than a Floating Home, Tender House, Boathouse, Combo-Structure or other Floating Structure as defined in Title 28 and ORS 830.005 (2005), that may or may not be equipped with a means for self propulsion and may or may not be licensed and titled by the State or documented by the U.S. Coast Guard for operation on inland, coastal or international waterways and whose intended primary use is as a means of transport on the water for the transport of passengers or cargo or to engage in commerce.
- G. Boathouse:** A covered floating structure used for the wet or dry storage of a private boat(s) or personal watercraft of the owner or lessee of the boathouse. A boathouse may contain a work area which is used for maintenance and repair of the boat(s) or personal watercraft stored in the boathouse. Sanitation facilities consisting of a toilet, lavatory and shower may be provided as part of the work area. A boathouse shall not contain a kitchen or any facilities, equipment or furnishing that allow for overnight sleeping.
- H. Boatwell:** A mooring site or berth contained within the structure of a boathouse or combo-structure for the storage of the private boat or personal watercraft of the owner of the boathouse or combo-structure.
- I. Certified Structural Inspector:** An inspector certified as a building inspector in the state where inspections of the floating structure are performed, by the authority having jurisdiction to grant such certifications; or an inspector who has been certified by a recognized national organization such as the International Code Council (ICC) as a building inspector. Such inspectors shall be knowledgeable in all aspects of City building codes, including Title 28 and shall be approved to:
  - 1.** Perform the required inspections on residential or commercial floating structures to insure compliance with all applicable codes

**TITLE 28  
FLOATING STRUCTURES**

2. Inspect floats for floating structures constructed in compliance with Section 28.06.030 A of Title 28 and the structures supported on those floats, or inspect any structure installed on an engineered float:
  - a. With the assistance of a Certified Floating Structure Inspector or
  - b. After training and approval as a Certified Floating Structure Inspector.

**J. Certified Floating Structure Inspector (Experienced River Professional):** An individual, who through training and experience, is knowledgeable about the design, construction and maintenance of floating structures and moorage facilities. BDS shall be responsible for certifying such inspectors through a process established by BDS in consultation with the River Community Advisory Committee. Such inspectors shall be approved to inspect floats and walkways for floating structures and their connections, as defined in this code, within the jurisdiction of the City of Portland. Such inspector shall have the following qualifications:

1. At least 10 years of verifiable experience in the construction industry, of which at least 5 years of verifiable experience may be from any combination of the following:
  - a. Experience as a hands-on craftsman doing building construction or repair
  - b. Experience as a supervisor for building construction or repair
  - c. Experience as a design professional (architect, structural or civil engineer) for building construction
  - d. Experience as an inspector for building construction.
2. Such inspector shall demonstrate at least 5 years of verifiable experience in the design, construction, inspection, maintenance and repair of floating structures including:
  - a. Log float construction, including stringers
  - b. Piling systems
  - c. Utility systems



**TITLE 28**  
**FLOATING STRUCTURES**

- T. Fire Apparatus Access Roads:** Roads providing the driving surface for fire department vehicles responding to an emergency, extending from a public right-of-way to a point nearest a moorage or marine gangway or pier.
- U. Floatation Device:** Logs, foam blocks, concrete floats or other similar devices which in combination form a floatation system for the support of a floating structure.
- V. Floatation System (Float):** A combination of floatation devices designed to provide the buoyancy required to support the loads imposed by a floating structure. The system may be either a prescriptive system or an engineered system, as provided under Title 28.
- W. Floating Home:** A floating structure used as a one or two family dwelling or sleeping unit which is supported by a floatation system.
- X. Floating Structure:** A structure supported by a floatation system constructed in compliance with Title 28 and held in place by piling and/or mooring devices.
- Y. Gangway:** A variable slope structure intended to provide pedestrian access between a fixed pier or shore and a floating structure.
- Z. Grandfathered:** The allowance for a floating structure, with conditions existing prior to the adoption of new or updated codes which regulate the construction of such structures, to remain without the requirement for retroactive improvement to the new or updated standards under Title 28, provided the existing structure is maintained in good repair and does not become a dangerous structure, or does not otherwise pose an imminent danger to the public health or safety or to adjoining property. "Grandfathered" does not include structures which violate Title 33.
- AA. Harbor Master:** That person assigned to carry out the duties of Harbor Master, as provided in Section 19.04.070.
- BB. Houseboat:** A watercraft, with a hull, capable of travel under its own power as part of its normal use which is registered by the State as a watercraft and which contains a dwelling or temporary dwelling structure. Houseboats are a category of boat.
- CC. Identifying Number Plate:** A registration plate issued by the State Marine Board with each Certificate of Registration for a Floating Home (FH), a Boathouse (BH) or Combo-structure (C).

**TITLE 28**  
**FLOATING STRUCTURES**

- DD. Improvement:** The addition of new or alteration of existing elements to an existing structure to improve or alter the functional character of the space or element.
- EE. Maintenance:** The work of keeping a structure or property in proper condition to prevent deterioration or unsafe conditions and to perpetuate its use.
- FF. Marina:** Floating structure(s) used primarily for the service, repair, sale or moorage of boats in berths, but may include other occupancies.
- GG. Moorage:** A site used primarily for the mooring of one or more floating structures or boats and includes the piling, mooring connectors, piers, ramps, gangways, walkways, and the land area used in conjunction therewith.
- HH. Moorage Map:** A plan of a moorage.
- II. Moored or Mooring:** The attachment of a boat or floating structure in one location temporarily or permanently to piles, walkways, gangways, piers or other structures.
- JJ. Mooring Connectors:** A connection between a floating structure, floating home, boathouse, berth, or marina, and a pile, pier, walkway, ramp, gangway or other structure, with the capability to hold the structure in place under reasonably expected conditions.
- KK. Mooring Site:** A site within a moorage designed or used for the mooring of a boat, boathouse, floating home, combo-structure or other floating structure; including berths or slips.
- LL. Multi-family Dwelling:** A structure containing three or more dwelling units used, intended or designed to be used, leased, let or hired out to be occupied for living purposes.
- MM. New Construction:** A new floating structure or an addition to an existing floating structure.
- NN. NFPA:** National Fire Protection Association.
- OO. Operator:** Any person who has charge, care or control of all or part of a moorage or marina, or a building or structure associated with a moorage or marina.

## TITLE 28 FLOATING STRUCTURES

- PP. Owner, Moorage:** Any person having a legal or equitable interest in a moorage or marina and any building or structure that is part of the equity of the moorage or marina.
- QQ. Owner, Floating Structure:** A person who has a legal or equitable interest other than a security interest in a floating structure, and the right of use or possession of the floating structure, but does not include a lessee.
- RR. Pier:** A non-floating fixed platform extending out over the water from shore to which gangways are usually attached. (Piers and wharves are regulated under the Oregon State Structural Specialty Code).
- SS. Pile or Piling:** A column or group of columns of timber, steel, or reinforced concrete bored or driven into the ground to carry vertical and lateral loads from a floating structure or pier, including those systems of piles described as dolphins or batter piles.
- TT. Plumbing, Plumbing System, or Plumbing Fixtures:** All potable water building supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipes, and all drains, sewers, and sewage holding tanks including their respective joints and connections, devices, receptors, and appurtenances within the premises and shall include potable water piping, potable water treating or using equipment and water heaters.
- UU. Property:** The area of a moorage or marina within defined legal boundaries including all portions of the moorage or marina facility located on land and on water and all improvements, buildings or structures within that boundary that are part of the equity of the marina or moorage; or a floating structure under separate ownership from the moorage where it is located.
- VV. Public way:** Any sidewalk, planting strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use.
- WW. Ramp:** A fixed, sloped structure providing pedestrian access between portions of a moorage that are at different elevations.
- XX. Reconstruction:** The disassembly and subsequent replacement of portions of a structure with like material in a manner consistent with the previous construction.
- YY. Repair:** The replacement or renewal of any part of an existing structure for the purpose of its maintenance.
- ZZ. River Community:** The group of persons who own and/or occupy floating structures and/or boats, who operate and maintain marinas and moorages or who



**TITLE 28**  
**FLOATING STRUCTURES**

are involved in the design, construction, maintenance and/or regulation of floating structures.

**AAA. Site Map:** A plan of a moorage or marina that includes related land-based structures.

**BBB. Slip:** See mooring site.

**CCC. Specialty Codes:** The regulations adopted under ORS 447.020(2) (2005), 455.020(2) (2005), 479.730(1) (2005) or 480.535 (2005) commonly referred to as the Structural Specialty Code, Residential Specialty Code, Mechanical Specialty Code, Plumbing Specialty Code, the Electrical Specialty Code and the Fire Code.

**DDD. Swim or Ski Floats:** A floating platform or ramp, without enclosed usable space, intended for the recreational use of swimmers and water skiers.

**EEE. Tender House:** An uninhabitable, floating, accessory structure whose use is incidental to the use of the main structure it is accessory to and which is located at the same mooring site as the main structure. Water, gas and electric utilities may be provided but the structure shall not contain a kitchen or any facilities, equipment or furnishing that will allow for overnight sleeping or maintenance of separate living. An accessory structure which contains a kitchen or any facilities, equipment or furnishing that will allow for overnight sleeping or separate living shall be regulated as a floating home and not as a Tender House and is required to be titled and registered with the State Marine Board as a Floating Home (FH).

**FFF. Transient Tie-Up:** A floating structure used exclusively for the open moorage of pleasure boats on a short term, maximum 72-hour stay or a floating structure used for passengers boarding or leaving commercial watercraft where the commercial watercraft remains moored to the floating structure for a maximum of twelve (12) hours within any twenty-four (24) hour period.

**GGG. Vessel:** Any vehicle at least 110 feet or more in length overall, used or capable of being used as a means of transportation on water.

**HHH. Walk:** A fixed portion of a floating structure providing a walking surface for access to and around a floating structure.

**III. Walkway:** A covered or open floating structure used for ingress to or egress from a mooring site. There are three types:

1. Fingerfloat: A fingerlike floating structure, usually attached perpendicular to a main walkway or marginal walkway, which physically defines a berth

**TITLE 28  
FLOATING STRUCTURES**

and provides direct pedestrian access to and from a berthed boat or floating structure to the main or marginal walkway.

2. Main Walkway: A floating structure to which one or more fingerfloats may be attached, which provides direct pedestrian access between the mooring site and marginal walkways or shore.
3. Marginal Walkway: A floating structure that provides pedestrian access between two or more main walkways and the shore or between two or more fingerfloats and the shore where no main walkways are used and fingerfloats attach directly to the marginal walkway.

**JJJ. Water Dependent Activity:** An activity that is dependent upon access to navigable or non-navigable waters, including but not limited to moorages and marinas.

**KKK. Watercraft:** Any vehicle less than 110 feet in length overall, used or capable of being used as a means of transportation on water.

**Chapter 28.03**

**ADMINISTRATION AND  
ENFORCEMENT**

**Sections:**

- 28.03.010 Responsibility.
- 28.03.015 River Community Advisory Committee.
- 28.03.020 Permits and Inspections.
- 28.03.030 Fees.
- 28.03.040 Appeals.
- 28.03.050 Enforcement.
- 28.03.060 Abatement of Dangerous Floating Structures.

**28.03.010 Responsibility.**

(Amended by Ordinance Nos. 176955 and 181437, effective December 21, 2007.) The Director shall administer and enforce the provisions of Title 28 except that the Harbor Master shall have the responsibility for the initial and periodic inspection of existing moorages as well as the permitting, testing and inspection of standpipes. In the event that the Harbor Master determines a violation of Title 28 has occurred at a moorage within the

**TITLE 28**  
**FLOATING STRUCTURES**

jurisdiction of the Harbor Master, such violation shall be reported to the Director who will then have the enforcement authority thereof.

The Director may render interpretations of Title 28 and adopt policies and procedures in conformance with the intent and purpose of this Title. The Director shall seek the advice and opinions of members of the River Community as represented by the Floating Structures Appeal Group during this process, but the Director shall have the final authority for rendering interpretations and adopting policies and procedures.

The State of Oregon Marine Board shall have responsibility for issuance of a certificate of title and identifying number plate for floating homes, combo-structures and boathouses. Issuance by the State of a title and identifying number plate does not certify that a floating home, combo-structure or boathouse is in compliance with the provisions of Title 28 or any other construction standard. Owners of floating structures are responsible for displaying the required identifying number plate on the floating structure, so that the plate is readily visible from the walkway providing access to the structure.

Nothing in this Title is intended to displace or conflict with any other applicable federal or state statute, rule or regulation nor grant any exemptions from such federal or state regulations.

**28.03.015 River Community Advisory Committee.**

(Added by Ordinance No. 181437, effective December 21, 2007.)

**A. Purpose.**

The River Community Advisory Committee is a citizen advisory body, representing those persons who own and/or occupy floating structures and/or boats, who operate and maintain marinas and moorages or who are involved in the design, construction, maintenance and/or regulation of floating structures. The purpose of the Committee is to obtain timely input from that community in regard to development of procedures and administrative guidelines for implementing the City's regulations of floating structures under Title 28. The Committee advocates for and supports consistent and fair application and implementation of these regulations. The Committee will provide public input to the Director by:

1. Providing leadership and expertise on issues affecting floating structures;
2. Providing feedback to the Director on the impact of potential regulations and administrative rules on floating structures, taking into consideration the full range of City goals and objectives;
3. Providing recommendations for regulatory, code, and administrative rule changes affecting floating structures;
4. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's goals;

**TITLE 28  
FLOATING STRUCTURES**

5. Recommending customer service, permitting, process, and compliance improvements to the Director; and,
6. Serving as an advisory board to the Director on processes and procedures under Title 28.

**B. Membership.**

The River Community Advisory Committee shall consist of 6 members. The members shall be appointed by the Commissioner-in-Charge of the Bureau of Development Services and confirmed by the City Council. The members shall be selected to provide representation of those persons with knowledge or expertise on the unique construction conditions or the nautical history and traditions associated with floating structures. Members shall include, but not be limited to, a floating home resident, a marina operator, a floating structures contractor, a design professional, a yacht club member, and an on the water business owner.

**C. Appointments and Terms.**

Appointment to the River Community Advisory Committee shall be for a three-year term. If a position is vacated during a term, it shall be filled for the unexpired term. Members of the River Community Advisory Committee shall serve no more than two, complete three-year terms consecutively.

**D. Meetings, Officers, and Subcommittees.**

1. The River Community Advisory Committee shall meet at least five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. Five members shall constitute a quorum. A quorum shall be necessary to make decisions that represent the position of the River Community Advisory Committee and to conduct any other Committee responsibilities. The election of officers shall take place at the first meeting of each calendar year.
2. The officers of the Committee shall consist of a Chairperson and a Vice-chairperson. The chairperson shall be responsible for conducting the meetings of the committee. The Vice chairperson shall act as chair when the chairperson is not available.
3. The River Community Advisory Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members.

**TITLE 28  
FLOATING STRUCTURES**

- E.** Attendance.  
Members of the River Community Advisory Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent (50%) of the meetings in any year.
  
- F.** Compensation.  
River Community Advisory Committee members shall serve without compensation.

**28.03.020 Permits and Inspections.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, or convert any structure regulated by Title 28, except as provided for in Title 28, or cause the same to be done without first obtaining a separate permit for each structure from the building official as required by Title 28.

Exemption from the permit requirements of Title 28 shall not authorize any person to do work in any manner in violation of the provisions of Title 28 or any other rules or regulations of the City of Portland, the State of Oregon, or the Federal government.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits are required for any such work performed for floating structures regulated under Title 28.

- A.** Permits and inspections shall be required for the following:
  - 1.** The new construction of floating homes, tender house structures, boathouses or combo structures, except as may otherwise be exempted elsewhere in Title 28.
  
  - 2.** The construction of:
    - a.** A new deck, walk, or porch not previously a part of a floating structure; or
  
    - b.** An addition of habitable space for a floating home or combo-structure; or
  
    - c.** An extension of an existing deck, walk, porch or the float for a floating home, or combo-structure.

**EXCEPTION:** A one time extension of not more than five percent (5%) in area or eight (8) inches in width or length, whichever is less, to the area of an existing deck, walk, porch or the float for a floating home or combo-structure shall be allowed without permit provided such extension does not cause an unbalanced or overloaded condition and provided such extension

**TITLE 28  
FLOATING STRUCTURES**

does not reduce the separation between floating structures below that is allowed by Title 28. As-built plans for such additions shall be provided to the Director upon completion of the work to allow for updating of permit information.

3. Alteration to or reconstruction of any element of a floating home, boathouse or combo-structure except as exempted by Section 28.03.020 C.
  4. Existing or new floating homes, boathouses, combo structures or commercial structures moved from a site outside the City to a mooring site within the City of Portland.
  5. Existing or new floating homes, combo-structures or commercial structures relocated from one mooring site to another mooring site either in the same moorage or to a separate moorage within the City of Portland.
  6. The new construction, addition, alteration, reconstruction, or improvement of public and private floating structures.
  7. Any new and/or alteration to any electrical, plumbing, heating/air conditioning installation on a floating structure, including wood stoves.  
Exception: As provided in the Specialty Codes, minor repairs and maintenance of electrical, plumbing, heating/air conditioning installations do not require a permit.
  8. Temporary structural supports that will remain in place for not more than 180 days or relocation, replacement, reconstruction or repairs, that require a permit, that are performed to an existing structure due to an emergency condition may be undertaken without first obtaining a permit for the work. The owner of the structure on which the work is performed shall inform the Director within three (3) business days of the commencement of the work, the extent of work that is being performed and shall obtain the required permits for the work within ten (10) business days of the commencement of the work.
- B.** The permit and inspection process and requirements shall be as determined by the Director. The Director shall seek the advice and opinions of members of the River Community Advisory Committee during this process, but the Director shall have final authority in determining such processes and requirements. Such information shall be published by the Director in bureau policies and procedures that are made available to the public as provided in Chapter 1.07. Such policies and procedures shall not be altered or suspended until after consultation with the River Community Advisory Committee.

**TITLE 28**  
**FLOATING STRUCTURES**

- C. Permits and inspections are not required for the following:
1. Repairs to a floating structure as specified in Section 28.05.020.
  2. Replacement of piles as specified in Section 28.05.020.
  3. Construction, alteration or repair of individual swim or ski floats.
  4. The repair or reattachment of flexible water and sewer connections to individual floating homes, combo-structures, tender houses and boathouses, made in compliance with plumbing code requirements.
  5. Construction, alteration or reconstruction of any portion of tender houses not greater than 200 square feet in area and with a height of not more than seventy-five (75%) of the width of the float or fifteen (15) feet from the level of the float deck, whichever is less, to the highest point of the structure and which are not meant or used for living purposes.
  6. Relocation of boathouses or tender houses within a moorage or between separate moorages within the City as long as the unit moved is in good repair. The distance between units relocated within a moorage shall not be: less than the distance between units that pre-existed prior to the move if that distance is less than 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection; or less than 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection if the pre-existing distances are greater than or equal to 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection. The distance between units when the relocation is to another moorage within the City shall either comply with the separation distance required by Section 28.05.010 B.4. or shall be the separation distance as determined acceptable by consultation with the Harbor Master in compliance with Section 28.05.010 B.4.  
**EXCEPTION:** Electrical permits are required for the connection of a relocated boathouse or tender house structure to electrical service at the new location.  
The owner/operator of the moorage shall provide an updated moorage map as required by Section 28.05.010 reflecting the new location of the relocated boathouse and the distance between the boathouse and adjacent structures and shall send a notice of the relocation, including separation distances after the relocation, to the Director.
  7. Temporary relocation of an existing floating structure from its normal mooring site for dredging or other maintenance work to the moorage or to

**TITLE 28  
FLOATING STRUCTURES**

facilitate the permitted move of other floating structures, provided the floating structure is returned to its normal mooring site and provide the final distance between floating structures is the same as previously existed prior to the temporary move.

**EXCEPTION:** Electrical permits are required for the reconnection of floating structures moved under the provisions of this paragraph.

8. Other work as exempted by the Specialty Codes.
- D. When permits are required, the owner of the structure must obtain the required permits and inspections prior to proceeding with the next phase of work and obtain a final certificate of compliance prior to the occupancy of the structure. Instructions for requesting inspection are provided at permit issuance.
- E. It is the responsibility of the owner of the floating structure to obtain the required certificate of compliance under the following process:
  1. The owner of the structure or the owner's authorized agent shall call for final inspection within 10 business days of the completion of the work covered by a permit.
  2. A Certified Structural Inspector from the Bureau of Development Services shall respond to the call for final inspection within 2 business days of receipt of the call for final inspection.
  3. The area of work covered by the issued permit shall not be occupied until the certificate of compliance has been issued.
  4. Failure to call for final inspection and obtain a certificate of compliance and/or occupying the area of work prior to obtaining a certificate of compliance shall be cause for the Director to issue a notice to vacate the structure.

**28.03.030 Fees.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) All fees for permits and special inspections are stated in the Fee Schedule adopted by City Council by ordinance. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center. Fees shall be paid in advance for all plan review, permits and inspections.



**TITLE 28**  
**FLOATING STRUCTURES**

**28.03.040 Appeals.**

(Amended by Ordinance No. 181437, effective December 21, 2007.)

- A.** Right of Appeal. Any person who may have been ordered by the Director to incur an expense for the alteration, repair or construction of any floating structure or any person whose application for a permit may have been refused by the Director may appeal to the Floating Structures Code Board of Appeal by sending written notice to the Appeals Board secretary within ten business days of notification of the applicability of the requirement, decision or determination. Appeals forms for that purpose shall be provided by the Bureau of Development Services. Professional engineering is not required by the appellant in order to make the appeal.
- The Director shall review the appeal within ten business days of its submission. The Director shall seek the advice and opinions of members of the River Community as represented by the Floating Structures Appeal Group prior to ruling on any appeal. After reviewing the appeal and any recommendations from the staff and the Floating Structures Appeal Group the Director shall, in writing affirm, annul, or modify the underlying requirement, decision or determination. Such rulings shall take into consideration the unique construction conditions and the nautical history and traditions associated with floating structures. If the appellant is dissatisfied with the decision of the Director, they can appeal that decision within 30 days to the Floating Structures Code Board of Appeal. A hearing date for the requested appeal shall be set as soon as practicable thereafter, but by not later than 45 days after the request is made. The Floating Structures Code Board of Appeal may, by a majority vote, affirm, annul, or modify the action of the Director.
- B.** The provisions of Title 28 are not intended to prevent the use of any material or method of construction not specifically prescribed by this Title, if the alternate has been approved and its use authorized by the Director or the Board of Appeal. Alternate materials and methods of construction may be approved providing that the proposed design, material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Title in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.
- C.** Whenever the strict application of the Specialty Codes or this Title does not allow the use of traditional nautical design, the Director or the Board of Appeal may approve alternate materials or methods of construction for individual cases, providing that findings are first made that a special individual reason makes the strict letter of the codes impractical, that the alternate is in conformity with the purpose and intent of the codes and that such alternate does not lessen any fire protection or life safety requirements or any degree of structural integrity.

**TITLE 28  
FLOATING STRUCTURES**

- D.** Fee for appeal. There shall be a nonrefundable fee for each appeal. The fees for appeals are stated in the Fee Schedule adopted by City Council by ordinance. The approved Fee Schedule will be available at the Development Services Center.
- E.** Board of appeal. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of the provisions of this Title, appeals for floating structures shall be heard by and ruled on by a Floating Structures Code Board of Appeal, consisting of six (6) members and six (6) alternates, as listed below, who are knowledgeable about construction as regulated by the base building codes and the construction and maintenance of floating structures and moorage facilities. Board members and alternates are to be appointed by the Mayor.
- 1.** The Floating Structure Code Board of Appeal shall be composed of:
    - a.** Three (3) members or their respective alternates from the Building Code Board of Appeal as constituted by Section 24.10.080 and
    - b.** Three (3) members or their respective alternates from the Floating Structures Appeal Group.
  - 2.** The Floating Structures Appeal Group shall be composed of one primary member and one alternate, who will serve in the absence of the primary member, from each of the following:
    - a.** An architect or engineer member knowledgeable in the design of floating structures
    - b.** A constructor member knowledgeable in the construction, maintenance and repair of floating structures
    - c.** A member at large who is from one of the following interest groups:
      - (1)** A For Profit Moorage Representative
      - (2)** A Non-profit Moorage Representative
      - (3)** A Yacht Club Representative
      - (4)** A Floating Home Resident
  - 3.** A quorum shall consist of four (4) members with at least two of the members present being from the Floating Structures Appeal Group. Board

**TITLE 28**  
**FLOATING STRUCTURES**

members shall be appointed for three-year terms. The Director shall be an ex-officio member and shall act as Secretary of the Board. No Board member or alternate may participate in a case in which they have a personal or financial interest. If such a case comes before the Board, the member's alternate shall attend or the Mayor shall appoint a substitute. Any Board member or alternate may be removed from office by the Mayor for due cause, including malfeasance, incapacity, or neglect of duty.

The Board may use any or a combination of the following to resolve the appeal:

- a. Approve the appeal as submitted if a determination can be made that the alternate design will provide an equivalent level of fire and life safety.
- b. Disapprove the appeal with suggestions for resubmission.
- c. Require the project conform to appropriate State Specialty Codes and other applicable City regulations.
- d. Approve the appeal with modification or relief from specific requirements of the State Specialty Codes or applicable City regulations, if a determination can be made that the alternate design will provide an equivalent level of fire and life safety.
- e. If specific technical or engineering information is to be considered, the Board has the option of seeking expert advice.
- f. In the event of a tie vote, the appeal shall be considered denied.

The Board's decision shall be in writing, a copy of which shall be sent to the aggrieved, with a copy to be retained by the Bureau, and which shall thereafter constitute the criteria that, when satisfied, will mandate approval of the elements reviewed by the appeal as part of any required permit by the Bureau.

**28.03.050 Enforcement.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) The Director may enforce the provisions of Title 28 using the authority provided in Section 3.30.015.

**28.03.060 Abatement of Dangerous Floating Structures.**

(Amended by Ordinance Nos. 171455 and 181437, effective December 21, 2007.) The Director may abate dangerous floating structures using the authority provided under Chapter 29.40.

**TITLE 28  
FLOATING STRUCTURES**

**Chapter 28.04**

**REGULATIONS FOR FLOATING  
STRUCTURES**

**Sections:**

- 28.04.010 General.
- 28.04.020 Maintenance.

**28.04.010 General.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) Other than the retroactive improvements required in Section 28.05.010 A. and Section 28.05.020 A., existing structures are grandfathered.

**28.04.020 Maintenance.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) All floating structures and supporting structural systems, electrical, plumbing and mechanical installations and devices required by Title 28 shall be maintained in good serviceable condition. As provided in the Specialty Codes, minor repairs and maintenance of floating structures including the electrical, plumbing, heating/air conditioning systems do not require a permit.

**Chapter 28.05**

**REGULATIONS PERTAINING TO  
EXISTING CONSTRUCTION**

**Sections:**

- 28.05.010 Floating Structures.
- 28.05.020 Moorages.

**28.05.010 Floating Structures.**

(Amended by Ordinance No. 181437, effective December 21, 2007.)

- A.** Retroactive improvements required of floating structures.

**TITLE 28**  
**FLOATING STRUCTURES**

1. Identification. All floating structures shall be identified by number or letter or combination thereof, corresponding to their location in a moorage.
  2. All floating homes, boathouses and combo-structures shall have a state issued identifying number plate displayed in a location that is readily visible from the walkway providing access to the structure. Failure to properly display the required identifying number plate and/or produce the certificate of title issued by the State when requested to do so by the Harbor Master or a Certified Structural Inspector of the Bureau of Development Services shall be cause for the violator to be cited for the violation and for appropriate enforcement action to be taken as provided for in Section 28.03.050. The violation shall also be reported to the State Marine Board, the County Marine Patrol and the County Assessor.
  3. Moorage owners/operators shall maintain a moorage map with each mooring site identified by number or letter or combination thereof and which identifies each floating structure by mooring site number or letter and by the identifying number. Such maps shall be updated as changes occur in the layout of the moorage or location of the floating structures in the moorage. Such map shall be available for Harbor Master review when requested.
- B. Separation required between floating existing structures.**
1. The separation existing on January 1, 2008 between one floating structure and another may be maintained provided such separation is:
    - a. Documented on the moorage map that is maintained by the owner/operator of the moorage facility; and
    - b. Provided that the Harbor Master determines that such spacing does not pose a high fire or life safety risk. A copy of the updated moorage map shall be provided to the Harbor Master by not later than January 1, 2008 which shows the conditions and uses in place as of January 1, 2008. The Director shall refer to this map in determining whether an existing structure is grandfathered under Title 28.
  2. Floating homes and combo-structures relocated within a moorage shall meet the following separation requirements:
    - a. For moorages constructed prior to November 3, 1990, the distance between units relocated within a moorage shall not be: less than the distance between units that pre-existed prior to the move if the

**TITLE 28  
FLOATING STRUCTURES**

distance is less than 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection; or less than 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection if the pre-existing distance is greater than or equal to 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection.

- b.** For moorages constructed after November 3, 1990, the distance between units relocated within a moorage shall not be: less than the distance between units that pre-existed prior to the move if that distance is less than 10 feet between the nearest exterior walls and 8 feet between the nearest roof, deck, balcony or other architectural projection; or less than 10 feet between the nearest exterior walls and 8 feet between the nearest roof, deck, balcony or other architectural projection if the pre-existing distance is greater than or equal to 10 feet between the nearest exterior walls and 8 feet between the nearest roof, deck, balcony or other architectural projection.

Where it is impractical to meet the separation specified in Section 28.05.010 B. due to structural limitations of the mooring site, the Harbor Master may approve a separation less than that specified. Such approval for reduced separation shall be clearly documented on the moorage map and on the notification for the relocation that is provided to the Director, as provided in Section 28.03.020.

- 3.** A floating structure used for other than a floating home, combo-structure, boathouse or tender house which is relocated from one mooring site to another within a moorage shall comply with the separation distances required for new construction as specified in Section 28.06.050.D. Where it is impractical to meet the separation specified in Section 28.06.050.D due to structural limitations of the mooring site, the Harbor Master may approve a separation less than that specified, but in no case shall the separation be less than that which existed prior to the relocation or less than specified in Section 28.06.050 D, whichever is smaller. In no case shall such reduction pose unacceptable levels of fire or life safety risk as determined by the Harbor Master. Such approval for reduced separation shall be clearly documented on the moorage plan and on the notification of the relocation which is provided to the Director, as provided in Section 28.03.020.

**TITLE 28**  
**FLOATING STRUCTURES**

4. Existing or new floating homes, combo-structures, boathouses and tender houses relocated from a mooring site in one moorage within or outside the City to a mooring site in a different moorage within the City shall be spaced a minimum of 6 feet apart between the nearest exterior walls and 4 feet apart at the nearest roof, deck (which is elevated above the level of the walking surface of the float), balcony or other architectural projections, unless the moorage in which the relocation takes place was constructed after November 3, 1990 with separations between floating structures required to be greater than six (6) feet wall to wall or four (4) feet projection to projection, in which case the separations as required when the moorage was constructed shall apply. In lieu of the required separations specified in this section the relocated structure may be provided with the alternative protection system as required by Section 28.05.010 C. A permit is required for any such move as provided in Section 28.03.020.
5. A floating structure, either new or existing, used for other than a floating home, combo-structure, boathouse or tender house which is relocated from one moorage within the City to another moorage within the City shall comply with the separation distances required for new construction as specified in Section 28.06.050 D. A permit must be obtained for any such move as provided in Section 28.03.020.
6. Projections such as but not necessarily limited to eaves, roof overhangs, decks, balconies or other architectural projections for newly constructed floating structures, for additions and alterations to existing floating structures and for moved or relocated floating structures shall not project beyond the edge of the float supporting the structure into the area above a main or marginal walkway, nor may such projections extend beyond the legally established boundaries of the mooring site.
7. New, main floor additions to existing floating homes, combo-structures, boathouses and tender houses of up to a total of twenty-five percent (25%) by area, may be built with the same separation between the floating structure being expanded and the next adjacent floating structure as exists on January 1, 2008 and which is documented on the moorage map. A permit is required for any such expansion as provided in Section 28.03.020. No further additions beyond the original twenty-five percent (25%) may be made without complying with the separation as specified in Section 28.05.010 B.7.
8. New, main floor additions to existing floating homes, in excess of twenty-five percent (25%) by area, and second floor additions of any size, shall be spaced a minimum of 6 feet apart between the nearest exterior walls and 4

**TITLE 28  
FLOATING STRUCTURES**

feet apart at the nearest roof, deck (which is elevated above the level of the walking surface of the float), balcony or other architectural projections, unless the moorage in which the relocation takes place was constructed after November 3, 1990 with separations between floating structures required to be greater than 6 feet wall to wall or 4 feet projection to projection, in which case the separations as required when the moorage was constructed shall apply. In lieu of the required separations specified in this section the relocated structure may be provided with the alternative protection system as required by Section 28.05.010 C. A permit is required for any such expansion as provided in Section 28.03.020.

9. Any addition to an existing floating structure other than a floating home, combo-structure, boathouse or tender house shall meet the separation requirements as required for new construction specified in Section 28.06.050 E. A permit is required for any such expansion as provided in Section 28.03.020.

**C. Alternate protection systems to minimum separation between adjacent floating homes and combo-structures.**

1. When the wall to wall separation is less than 6 feet but more than 3 feet, or the separation between roofs, decks (which are elevated above the level of the walking surface of the float), balconies or other architectural projections is less than 4 feet but more than 2 feet, the structure being moved or added to shall be equipped throughout with a complete automatic sprinkler system installed in compliance with NFPA 13R Standards (2007) or all of the following for fire life safety protection:
  - a. All windows in the affected wall or walls shall be 1/4 inch thick, fixed, wireglass in 16 gauge steel frames, or alternatives approved by the Harbor Master or the windows shall be listed 45 minute assembly. If this requirement negates natural ventilation requirements as specified in the building code, a manually activated mechanical ventilation system providing two air changes per hour with twenty percent (20%) outside air shall be provided.
  - b. All doors in the affected wall or walls shall be 1-3/4 inches thick, solid core, and be self closing. Door lights shall be limited to twenty-five percent (25%) of the door area and be 1/4 inch thick, fixed wireglass in 16 gauge steel frames or alternatives as approved by the Harbor Master.
  - c. A fire alarm system consisting of 110 volt rate of rise detectors placed on the outside of the exterior wall or walls in question and



**TITLE 28**  
**FLOATING STRUCTURES**

110 volt, hard wired ionization type smoke detectors installed throughout the building interior shall be provided. All detectors are to be interconnected to an interior and exterior alarm. The number and placement of detectors shall be as determined by the Harbor Master. The exterior alarm shall be capable of being heard for a distance of 150 feet.

2. When the wall to wall separation is less than 3 feet or the roof separation is less than one foot, the structure being moved or added to, shall be equipped throughout with a complete automatic sprinkler system in compliance with NFPA 13R Standards (2007).

**28.05.020 Moorages.**

(Amended by Ordinance Nos. 180917 and 181437, effective December 21, 2007.)

- A. Retroactive requirements required of existing moorages.
  1. Identification. All moorages shall be provided with identification as specified in Section 28.06.070.
  2. Fire protection standpipe. The following described fire protection standpipe system shall be required at all moorages having any portion of a floating structure more than 250 feet from the point of fire apparatus set up. The standpipe system shall be installed within one year of notification to the owner by the Harbor Master of the requirement for such system; or an agreement allowing for deferred installation of the fire protection system to a timeline acceptable to the Harbor Master shall be established within 90 days of the notification that such an installation is required. Prior to installation of any standpipe system, a permit shall be obtained from the Fire Marshal. Except where otherwise provided in this code, the design and installation of the standpipe system shall be in accordance with the latest edition of NFPA 14: "Installation of Standpipes and Hose Systems", as adopted by Title 31 Fire Regulations and the following:
    - a. Water for fire protection standpipes shall be supplied by one of the following methods:
      - (1) From FDC from a fire hydrant providing at least 500 GPM at 20 PSI and located within 300 feet from the closest point of fire department access to a moorage exit ramp.
      - (2) Pumped from the Willamette or Columbia Rivers or associated bodies of water with an on site pump or pumps capable of delivering 250 GPM at 100 PSI to the most

**TITLE 28  
FLOATING STRUCTURES**

hydraulically remote outlet on the standpipe system. Pumps are to be of a type approved by the Harbor Master and shall be listed for their intended use.

- b.** Fire protection standpipes shall have a fire department connection located within 150 feet of fire apparatus set up and not more than 150 feet from the top of the moorage access ramp. The fire department connection shall be of a double clapper design.
- c.** When required by the Harbor Master a fire department connection shall be located to provide reasonable access for a fire boat.
- d.** System capacity controlled by a fire department connection shall not exceed 750 gallons unless approved by the Harbor Master.
- e.** Fire protection standpipes shall have pipe sized to provide 250 gallons per minute at 100 PSI at the most hydraulically remote outlet on the standpipe system. The maximum input pressure at the fire department connection shall be 150 PSI.
- f.** Fire protection standpipes shall have adequate drain valves, or alternate systems as approved by the Harbor Master, installed to ensure complete drainage.
- g.** Fire protection standpipes shall have gate valve assemblies made of non-corroding metal, 2-1/2 inch I.D. with National Standard male threads and metal caps. Valve assemblies shall be spaced a distance apart as follows:
  - (1)** For moorages having marine service stations, floating homes or other type of structures having permanent living quarters, valves are to be located every 100 feet and within 50 feet of the end of walkways.
  - (2)** For moorages serving only boathouses and covered moorages housing personal watercraft and pleasure boats, valves are to be located every 150 feet and within 75 feet of the end of the walkways.
  - (3)** For moorages having only open moorage of pleasure boats, standpipes shall only be required along the marginal walkway with valves required only at intersecting main walkways, providing the main walkways do not exceed 100 feet in length from their intersection with the marginal

**TITLE 28**  
**FLOATING STRUCTURES**

walkways, or not less than every 200 feet and 100 feet from the end of marginal walkways not having intersecting main walkways. Main walkways in excess of 100 feet in length from their intersection with the marginal walkway shall have standpipes installed with valves located every 200 feet along the main walkway and not more than 100 feet from the end of the main walkway. Existing moorages not in compliance with the above requirements shall bring their standpipes systems into compliance at the time that fifty percent (50%) or more of a walkway is repaired or improved or as otherwise provided under agreement with the Harbor Master.

- (4) For moorages with sections of differing use, each section is required to have a standpipe system matching the requirements of a moorage having that use. Existing moorages not in compliance with the above requirements shall bring their standpipe systems into compliance at the time that fifty percent (50%) or more of a walkway(s) serving each type of use is repaired or improved or as otherwise provided under agreement with the Harbor Master.
- h.** Piping materials, whether new or replacement, shall be protected against corrosion by hot dip galvanizing or by use of HDPE piping. If HDPE piping is used it must be installed underwater with a minimum of twelve (12) inches of water cover over the main runs and shall be supported so that the pipe will not broach the surface of the water when the pipe is not charged with water. Where flexible hose couplings are used they shall have swaged on fittings.
- i.** Moorages used exclusively for loading and off loading of boats and transient tie-up moorages do not require the installation of a standpipe system when approved by the Harbor Master.
- j.** Standpipe systems shall be inspected and tested annually in accordance with the current edition of NFPA 25, "Standards for the Testing of Water Based Fire Protection Systems" as adopted by Title 31 Fire Regulations. Tests and inspections shall be done in a manner prescribed by the Fire Marshal. If requested, the City may perform annual service tests upon the property owner/operator signing a waiver of liability and upon payment of a fee to the Fire Marshal, as provided in Title 31. If connection to the City water supply is necessary to facilitate any method of testing standpipes,

**TITLE 28  
FLOATING STRUCTURES**

Water Bureau Water Quality Inspections shall be contacted in each instance. Additionally, State approved backflow protection shall be provided.

3. Smoke/heat vents and Curtain Boards. All existing covered moorages shall be provided with smoke/heat vents and curtain boards as specified in Section 28.06.050, when required by the Harbor Master. Where existing moorages do not have the required vents and curtain boards, these elements shall be installed within two (2) years of notification to the owner by the Harbor Master of the requirement for the vents and curtain boards or an agreement allowing for deferred installation of the vents and curtain boards to a timeline acceptable to the Harbor Master shall be established within 90 days of the notification that such an installation is required. Building permits are required for the installation of vents and curtain boards.

**B.** Regulations pertaining to repairs to moorages and marinas.

1. Repairs requiring the replacement of fifty percent (50%) or more of the piling within any 12 month period shall be made in accordance with the provisions for new construction and shall require a building permit. Permits are also required from the Army Corps of Engineers.
2. Repairs requiring the replacement of less than fifty percent (50%) of the piling within any 12 month period may be made with like or better materials in a like manner without obtaining a building permit provided the design of the piling is certified by an Oregon registered engineer who is responsible for observing the installation. Upon completion of the installation of the replacement piling a plan of the marina or moorage showing the location of all replaced piles and a summary letter of compliance from the engineer responsible for the design shall be submitted to the Director for inclusion in the permanent records. Permits are required from the Army Corps of Engineers.  
**EXCEPTION:** Up to a maximum of ten percent (10%) of the piling within a moorage or marina may be replaced within any 12 month period without an engineer being responsible for the design of the piling and the observation of installation provided an engineer does review the installation and provides a summary letter stating that the replacement piling will provide structural capacity equal to or greater than the replaced piling. The summary letter from the engineer shall be submitted to the Director for inclusion in the permanent records. Permits are required from the Army Corps of Engineers.

**TITLE 28**  
**FLOATING STRUCTURES**

3. Walks and walkways and their supporting structure: The following repairs of existing walks and walkways are allowed within any 12 month period without permit or inspection:
  - a. Replacement of the decking, stringers and floatation logs or other floatation material with like or better materials in a like manner.
  - b. Repair or replacement of less than fifty percent (50%) of the concrete portions of an individual concrete float with like or better materials in a like manner.
4. Other work not specifically exempted from permit requirements by Title 28 but which is exempted from permit under the Specialty Codes is also exempted from the requirement for permit.  
All work exempt from permit shall be performed in compliance with the provisions of Title 28 and the Specialty Codes as applicable and shall not cause an unsafe or overloaded condition.

**C. Alterations and Additions to Moorage and Marinas.**

1. Walkways and supporting structure. Any alterations or improvements within any 12 month period which involve a total of less than fifty percent (50%) of the structural components, except piling as stated in Section 28.05.020 B., may be made with like or better materials in a like manner without requiring a permit provided the alteration or improvement does not increase the area of the walkway or cause an unsafe or overloaded condition. Increase in the area of a walkway shall be treated as an addition and shall comply with Section 28.05.020 C.2. Exemption from the permit requirements of Title 28 shall not authorize any person to do work in any manner in violation of the provisions of Title 28 or any other rules or regulations of the City of Portland, the State of Oregon, or the Federal government.
2. Additions shall be made in accordance with the provisions for new construction. Gangways and standpipes required as a result of any addition shall be provided in conjunction with such addition and shall be constructed and installed in accordance with the provisions for new construction as specified in Section 28.06.060.

**TITLE 28  
FLOATING STRUCTURES**

**Chapter 28.06**

**NEW CONSTRUCTION**

**Sections:**

- 28.06.010 Minimum Standards.
- 28.06.020 Materials and Installations.
- 28.06.030 Conventional Construction Methods and Materials for Floating Structures and Walkways Using Log Support Systems.
- 28.06.040 Engineered Construction.
- 28.06.050 Fire Safety.
- 28.06.055 Life Safety.
- 28.06.060 Gangways, Ramps, Walkways and Walks.
- 28.06.070 Identification

**28.06.010 Minimum Standards.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) Moorages, marinas and floating structures are to be designed and built to the minimum standards specified in the Specialty Codes except as modified by Title 28.

**28.06.020 Materials and Installations.**

(Amended by Ordinance No. 181437, effective December 21, 2007.)

- A.** Structural materials. Structural members and connectors within 18 inches of the water, except logs used for floatation, steel stringers and steel piling, shall be fabricated of materials with natural resistance to decay or be coated or treated such that the materials will resist deterioration due to their proximity to the water. In general: framing lumber within 18 inches of the water and decking material which is exposed to the weather shall be pressure treated with an approved preservative. Framing connectors, anchoring chain, shackles and shackle pins or other anchoring devices shall be hot-dipped galvanized or non-corrosive metal except for the pins that connect stringers to the floatation logs. Plywood shall have exterior type adhesive; exposed plywood shall be exterior grade.
- B.** Preservative treated wood shall be treated using a waterborne preservative and is to be produced in accordance with the most current "Best Management Practices for Treated Wood in Aquatic Environments" issued by the Western Wood Preservers Institute and the Canadian Institute of Treated Wood. Preservative treated wood shall be identified by the quality assurance mark of an inspection accredited agency.
- C.** Energy Efficiency. The exterior building envelope of the floating structure including exterior walls, floors, roofs, doors, windows, and skylights as well as

the mechanical, electrical, and plumbing systems for the structure shall comply with the energy efficiency requirements of the State of Oregon Residential Specialty Code (2005) or the State of Oregon Structural Specialty Code (2004) as applicable based on the occupancy of the building. Thermal insulation which may be subject to moisture, such as main floor underfloor insulation, shall be of a type approved for damp locations.

- D.** Ventilation. Enclosed wood construction systems for floating structures shall be ventilated in accordance with the requirements of the State of Oregon Residential Specialty Code or the State of Oregon Structural Specialty Code (2005).

**28.06.030 Conventional Construction Methods and Materials for Floating Structures and Walkways Using Log Support Systems.**

(Amended by Ordinance No. 181437, effective December 21, 2007.)

- A.** Floating structures. The following methods and materials are approved without engineering provided the highest point of the roof structure measured from the top of the float does not exceed seventy-five percent (75%) of the minimum width of the float.
  - 1.** The logs and stringers forming the floats under floating structure shall conform to these provisions:
    - a.** The structure on the float cannot be larger than the float.  
**EXCEPTION:** Decks raised above the level of the float deck and balconies shall be permitted to project a maximum of 3 feet 0 inches beyond the edge of the float provided such projections do not affect the stability of the float as detailed in Section 28.06.040, the projections do not extend beyond the legally established boundaries of the slip in which the floating structure is located and provided the required separations between structures is not reduced by the projection. Engineering calculations shall be provided to verify that any projections beyond the edge of the float will not affect the stability of the float and structure.
    - b.** Floats supporting combo-structures and which have a boatwell that interrupts the continuity of the float shall be an engineered design or shall comply with prescriptive alternate methods of construction as adopted by the Director under Section 28.03.010.
    - c.** Raft logs are to be 16-inch minimum diameter at the tip and shall be spaced no greater than 18” between tangent points.

**TITLE 28**  
**FLOATING STRUCTURES**

- d.** Bearing walls should align over stringers or center line of logs. When such alignment is not feasible, adequate support for bearing walls must be provided.
- e.** If the Certified Structural Inspector or Certified Floating Structure Inspector or an architect or engineer responsible for the design of the floating structure finds the completed log raft insufficiently stable for the intended structure, they may then require the stringer layout to compose a rigid frame by the addition of side chords and fixed joints or cross bracing or by an alternate engineered design.
- f.** Logs shall be Douglas Fir, Sugar Pine, Lodge Pole Pine, Western (Idaho) White Pine, Alaska Yellow Cedar or Sitka Spruce, sound and free of all bark above the water line.
- g.** In a floating structure foundation float at least fifty percent (50%) of all logs shall be full length. Segmented logs must be alternated between full-length logs. Joints in segmented logs shall be staggered a minimum of three (3) stringer spaces apart laterally on alternate segmented logs. Not more than one joint may be used per segmented log assembly. All outboard logs shall be full length.
- h.** Logs shall be notched so as to provide sufficient bearing for the stringers. The seat of the notch shall be a minimum of 4-1/2 inches above the water level when the float is fully loaded.
- i.** Wood stringers shall be nominally a minimum of 6 inches by 10 inches for one and two story structures and shall be preservative treated in compliance with Section 28.06.020 B. Steel stringers shall be of a size to provide equivalent bearing surface and load capacity as a wood stringer used for a similar conditions and shall have a minimum web thickness of 0.250 inches.
- j.** Stringers inside of perimeter bearing walls shall be placed on the logs not more than 4 feet on center and fixed to the logs with headed steel rods a minimum of 5/8 inches in diameter and a minimum of 20 inches long. These pins are to penetrate the log at least 10 inches. All log to stringer contact points must have two pins.
- k.** The wood construction below the joists is to be inspected for proper construction and soundness of logs, including dapped bearing connections, prior to installation of joists. Inspections shall be performed by a Certified Structural Inspector, a Certified



**TITLE 28**  
**FLOATING STRUCTURES**

Floating Structure Inspector, a licensed architect or a licensed engineer. The person performing the inspection shall prepare a report of the inspection. The inspection report shall be submitted to the Director for review and approval prior to continuing the construction of the float.

- B.** Walkways leading to floating structures. Floating walkway supports may consist of preservative treated 6 inch x 6 inch wood stringers not more than 6 feet-0 inches on center or preservative treated 4 inch x 6 inch wood stringers not more than 5 feet-0 inches on center. Steel stringers of a size to provide equivalent bearing surface and load capacity as a wood stringer may be used for similar conditions. Stringers shall be anchored to the logs with headed steel rods (pins) as described above. Single headed steel rods (pins) may be used at interior logs. Maximum joist spacing is 2 feet-0 inches on center.
- C.** Floatation. Floating structures shall have adequate floatation to maintain a clearance above the water of one foot zero inches (1'-0") minimum from water line to the top of the walking surface for walkways and walks and one foot eight inches (1'-8") minimum from the water line to the finished floor level for the lowest occupied floor of all other floating structures, under all applicable load conditions.
- D.** Mooring connections. Mooring connections shall be adequate to keep the moorage in place under all reasonable load conditions. The following minimum connection standards are deemed to provide adequate connection to resist average load conditions. Where a local condition imposes greater than average load conditions on a moorage, the builder shall provide adequate connection to resist such loads. Such connection shall be designed by an Oregon registered engineer to resist the actual loads expected.

  - 1.** Floating structures shall be anchored to the moorage structure with connections to the floatation system of the structures. Connectors shall be provided as indicated below. These points shall be a minimum of one foot from each end of the float.

    - a.** For floats where floatation logs are parallel to the current flow connectors shall be provided at each outside log and at not more than fifteen (15) feet apart at interior logs.
    - b.** For floats where floatation logs are not parallel to the current flow connectors shall be provided at each outside log and at not more than fifteen (15) feet apart at interior logs with one additional connector provided at the upstream outside log approximately midway along the length of the log.

**TITLE 28**  
**FLOATING STRUCTURES**

2. The connections shall consist of a steel bracket or other approved connection. The bracket is to be 3/8 inch thick and adequate in size to support the pins. Pins are to be a minimum of 4 inches apart. This bracket shall be fixed with a minimum of three, headed steel rods (pins) a minimum of 5/8 inch in diameter that penetrate the floatation log at least 10 inches. The connections from the bracket to the walkway or piling shall consist of chain with a minimum link wire diameter of 1/2 inch or other approved connection device. If attached to walkway logs, the boom chain shall be looped around the second log or most secure log of the walkway. Walkways shall be adequately secured to pilings.

**28.06.040 Engineered Construction.**

(Amended by Ordinance No. 181437, effective December 21, 2007.)

- A. General. The minimum structural design of floating structures and moorages, except those structures conforming to the conventional construction methods and materials as listed above, shall be in conformity with all applicable sections of the State Structural Specialty Code and the requirements of this section. The piling, mooring connectors, the gangway, and floatation system for all floating structures shall have an engineer of record who is registered in Oregon.  
The Engineer of Record shall be responsible for establishing the design criteria and completing the design of the complete project. The Engineer of Record shall prepare and certify complete construction drawings and calculations for structural strength and floatation. The design criteria shall be substantiated by the Engineer of Record and noted on the first sheet of the construction drawings.  
If an engineer or architect other than the Engineer of Record has been engaged to design an element of the project such as but not limited to piles or gangways, the Engineer of Record must:
  1. Verify that the other engineer or architect has provided drawings and calculations certified by an Oregon engineer or architect.
  2. Verify that the other engineer or architect has used design criteria that have been established by the Engineer of Record.
  3. Verify the compatibility of the element's design with the design of the complete project.
  4. Verify that the designs of structural connections between the elements of the project designed by other engineers and those elements designed by the Engineer of Record have been accomplished by an engineer or architect registered in Oregon.

**TITLE 28**  
**FLOATING STRUCTURES**

5. Place review approval stamp on all drawings and calculations prepared by the other engineers showing that 1. through 4. have been accomplished.
- B.** Loading. All floating structures, piling, mooring devices and gangways shall be designed and constructed to sustain, within the stress limitations specified in the Structural Specialty Code, all applicable loads specified in the State Structural Specialty Code and this Title.
1. Current loads shall be calculated on the basis of a minimum current speed of 1.5 knots unless the designer can provide documentation that the maximum current speed that can be anticipated at the location of the structure is less than 1.5 knots. If anticipated minimum current speeds of greater than 1.5 knots can be expected at the location of the structure the higher current speed shall be used for calculation of current loads.
  2. Wave and wake loads shall be calculated on the basis of the maximum possible wave and/or wake that can be expected at the location of the structure.
  3. Impact loads from boats, debris and other objects shall be considered with a minimum velocity as determined using a minimum current speed of 1.5 knots. If anticipated current speeds of greater than 1.5 knots can be expected at the location of the structure the higher current speed shall be used for calculation of impact loads.
  4. Earthquake loads shall be considered based on values specified in the State Structural Specialty Code.
  5. Gangways not more than 6 feet wide shall be designed to sustain a live load of 50 PSF unless they serve structures which contain an occupancy where more than 50 people may occupy a room at one time such as some dining establishments or meeting rooms. Gangways more than 6 feet wide and all those serving occupancies with a calculated occupant load of 50 or more shall be designed to sustain a live load of 100 PSF.  
**EXCEPTION:** Gangways not more than 6 feet wide serving public recreational boat launching and transient tie-up facilities may be designed to sustain a live load of 40 PSF.
  6. All floating structures, piling, mooring connectors, gangways and ramps shall be designed and constructed to resist lateral forces produced by the reasonable combination of expected wind, current, wave, wake, earthquake and impact loads at the location.
- C.** Mooring connectors.

**TITLE 28**  
**FLOATING STRUCTURES**

1. Every floating structure shall be moored with connectors having the capacity to hold the structure in place under reasonably expected conditions. For engineered structures the number and locations for mooring connectors shall be as specified by the design engineer.
2. Whatever structure the mooring connectors are attached to shall be designed to withstand the loads from the mooring connectors. The engineer of record's design criteria for the project shall include the maximum dimensions of the floating structure(s) as these determine the loads on the mooring connectors and their supports.

**D. Piling.**

1. Floating structures shall be directly or indirectly attached to piling which is adequate to resist lateral forces produced by any normally expected combination of wind, current, wave, wake, earthquake and impact. The minimum height of the top of the piling shall be a minimum of two feet above the point of connection of the floating structure to the piling when the water rises to the 100 year flood elevation as shown on the Federal Insurance Rate Maps published by the Federal Emergency Management Agency. Batter piles shall not interfere with the ability of a floating structure to rise to an elevation at least two (2) feet above the level of the 100 year flood elevation that is used to determine the minimum height of piling.

**E. Floatation.**

1. Floating structures shall be constructed and maintained to provide a floatation system that complies with the requirements of this chapter. The floatation devices shall be structurally sound and securely attached to the framing for the superstructure, except that foam floatation blocks may be held in place by friction only.  
The floatation systems shall provide support adequate to provide a level and safe walking surface under all reasonable load conditions. The following minimum standards apply to all floating structures.
2. Clearance Above Water. The minimum clearance above water as measured from the water line to the top of the lowest point on the floor or deck under usual dead load conditions, shall not be less than one foot zero inches (1'-0") from water line to the top of the walking surface for walkways and walks, and not less than one foot eight inches (1'-8") from the water line to the finished floor level of the lowest occupied floor for all other floating structures.

**TITLE 28**  
**FLOATING STRUCTURES**

**EXCEPTION:** Boathouses and the portion of combo-structures that house a personal watercraft need only have adequate floatation to maintain clearance above water under all applicable conditions.

3. Live Loads. In addition to dead loads, the floatation system shall be adequate to support the maximum condition of the following minimum live loads. Higher loads may be more appropriate if the design engineer determines the need for a higher load based on the intended use conditions.
  - a. 25 PSF applied to the gross area; or,
  - b. A concentrated load of 600 lbs.; or,
  - c. 25 PSF applied to the gross, main floor area plus 10 PSF on each upper floor or loft; or,
  - d. For floating structures that are occupied as other than a one or two family residence, the live load required by the State Structural Specialty Code for the specific occupancy shall apply.
  - e. Pedestrian walkways or ramps serving an occupant load of 10 or more; 40 PSF; all others 25 PSF.
  - f. Pedestrian walkways or structures serving boat launching or transient tie-up facilities only; 25 PSF.
  - g. At locations where live loads are transmitted from gangways to floating structures, the live load may be reduced fifty percent (50%) on the gangway for purposes of calculating the reaction only. Additional floatation may have to be provided to compensate for this reaction on the floating system to maintain the prescribed clearance above water.
4. Stability with short term, off-center loading or wind loading. The floating structure when subjected to either short-term off-center loading or wind loading shall not exceed the following limitations:
  - a. The maximum angle of list shall not exceed 4.0 degrees, or the clearance above water when measured from the water line to the top of the first floor or deck shall not be less than 1/3 of the normal clearance above water, whichever is the more restrictive.

**TITLE 28  
FLOATING STRUCTURES**

- b. The ratio of resisting moment (Mr) to applied moment (Ma) shall be equal or greater than unity:

$$\frac{Mr}{Ma} \geq 1$$

The resisting moment due to buoyancy (Mr) shall be computed about a longitudinal axis passing through the center of gravity at a list angle of not more than 4.0 degrees.

- c. The minimum off-center loading shall be considered as applicable to the completed structure and shall be considered in addition to all dead loads. It shall consist of a minimum live load of 100 pounds per lineal foot of floor length at the first floor and 50 pounds per lineal foot of floor length at each additional floor or loft. If the width of the floor or loft exceeds 20 feet then the load shall consist of 5 pounds times the width of the floor per lineal foot of floor length at the first floor and 2.5 pounds times the width of the floor per lineal foot of floor length at each additional floor or loft. These uniform live loads are to be applied halfway between the center of gravity and the outside edges of the floors. The overturning moments resulting from the off-center loadings (Ma) shall be computed about both sides of the center axis of gravity.
- d. Other appropriate eccentric or off-center loading due to wind, snow, live loads or combinations of these or other similar loads as may be determined to apply by the engineer of record, shall also be considered.

**28.06.050 Fire Safety.**

(Amended by Ordinance Nos. 180917 and 181437, effective December 21, 2007.)

- A. Fire apparatus access roads. Access to moorages shall be by fire apparatus access roads having all-weather driving surfaces capable of supporting a 23-ton load. Such roads shall be a minimum 20 feet wide with not less than 13 feet-6 inches overhead clearance. They shall be provided from the nearest public way to the head of the gangway. Fire apparatus turnarounds shall be required on any fire access road having a dead end exceeding 300 feet.
- B. Moorage exits. Two exit gangways are required whenever any one of the following conditions apply:
1. Except as noted in item 2, if a marginal walkway exceeds 250 feet in length or if any point on the marginal walkway would be more than 250 feet from a gangway, additional gangways must be provided. When two

**TITLE 28**  
**FLOATING STRUCTURES**

or more gangways are required or provided, there shall be a gangway located at the extreme ends of the marginal walkway unless an alternate location is approved by the Harbor Master based on site specific conditions.

2. Uncovered moorages for the moorage of pleasure boats (open moorage configuration) and having not more than two floating homes (for owner and caretaker, for instance) must have additional gangways if the marginal walkway exceeds 500 feet in length or if any point on the marginal walkway would be more than 500 feet from a gangway. When two or more gangways are required or provided, there shall be a gangway located at the extreme ends of the marginal walkway unless an alternate location is approved by the Harbor Master based on site specific conditions.
  3. Total distance from the nearest point of apparatus set-up (usually at the head of a gangway) to the most remote portion of the moorage exceeds 800 feet.
- C. Distance Between Moorages. A new moorage or the expansion/modification of an existing moorage shall not interfere with safe fireboat access to an existing neighboring moorage. The Harbor Master shall determine minimum separations necessary to maintain fireboat access to existing moorages.
- D. Distance between floating homes, tender houses, combo-structures and boathouses.
1. Floating homes, tender houses, combo-structures and boathouses at new moorages shall be spaced a minimum of 10 feet apart between the nearest exterior walls and 8 feet apart between the nearest roof, deck (which is elevated above the level of the walking surface of the float), balcony or other architectural projections.
  2. Projections such as but not necessarily limited to eaves, roof overhangs, decks, balconies or other architectural projections for newly constructed floating structures, for additions and alterations to existing floating structures and for moved or relocated floating structures shall not project beyond the edge of the float supporting the structure into the area above a main or marginal walkway or extend beyond the legally established boundaries of the slip in which the floating structure is located.
  3. Separation distances may be reduced to 6 feet apart between the nearest exterior walls and 4 feet apart between the nearest roof, deck (which is elevated above the level of the walking surface of the float), balcony or other architectural projections when one of the following is provided:







**TITLE 28  
FLOATING STRUCTURES**

- a. From Fire Department connection from a fire hydrant providing at least 500 GPM at 20 PSI and located within 300 feet from the closest point of fire department access to a moorage exit ramp.
  - b. Pumped from the Willamette or Columbia Rivers or associated bodies of water with on site pump or pumps capable of providing 250 GPM at 100 PSI to the most hydraulically remote outlet on the standpipe system. Pumps are to be of a type approved by the Harbor Master and shall be listed for their intended use.
2. Fire protection standpipes shall have a fire department connection located within 150 feet of fire apparatus set up and not more than 150 feet from the top of the moorage access ramp. The fire department connections shall be of a double clapper design.
3. When required by the Harbor Master a fire department connection shall be located to provide reasonable access for a fire boat.
4. System capacity controlled by a fire department connection shall not exceed 750 gallons unless approved by the Harbor Master.
5. Fire protection standpipes shall have pipe sized to provide 250 gallons per minute at 100 PSI pressure at the most hydraulically remote outlet on the standpipe system. The maximum input pressure at the fire department connection shall be 150 PSI.
6. Fire protection standpipes shall have adequate drain valves, or alternate systems as approved by the Harbor Master, installed to ensure complete drainage.
7. Fire protection standpipes shall have gate valve assemblies made of corrosion resistant metal, 2-1/2 inch I.D. with National Standard male threads and metal caps. Valve assemblies shall be spaced a distance apart as follows:
  - a. For moorages having marine service stations, floating homes or other type of structures, having permanent living quarters, valves are to be located every 100 feet and within 50 feet of the end of walkways.
  - b. For moorages serving only boathouses and covered moorages, valves are to be located every 150 feet and within 75 feet of the end of the walkways.



**TITLE 28  
FLOATING STRUCTURES**

- 1.** Curtain Boards. Curtain boards shall be installed to subdivide the enclosed roof areas of covered moorages not more than every 100 linear feet for moorages with slips of 45 feet or less in length and not more than every 75 linear feet for moorages with moorage slips of more than 45 feet in length.
    - a.** Curtain boards shall extend from eave to eave.
    - b.** Curtain boards shall be installed flush to the underside of the roof sheathing and shall extend down to the lowest point of the roof line, but shall be maintained no lower than eight (8) feet above any walkway.
    - c.** Curtain boards shall be of galvanized sheet metal, water resistant gypsum board or other similar approved material that will provide equivalent performance and moisture resistance.
    - d.** Curtain boards shall be sealed to resist the passage of smoke and fire.
  - 2.** Smoke/heat Vents. Smoke/heat vents shall be installed within each area of the roof of a covered moorage that is separated by curtain boards.
    - a.** Smoke/heat vents shall be centered between curtain boards and shall be installed with a minimum ratio of one (1) square foot of vent opening to every fifty (50) square feet of area under the roof.
    - b.** Smoke/heat vents shall be installed at the highest point of the roof or as approved by the Harbor Master.
    - c.** Smoke/heat vents shall be listed drop out or automatic opening assemblies with a minimum dimension of four (4) feet.
  - 3.** Smoke/heat vents and curtain boards shall be shown on the permit documents issued for construction of the moorage cover.
- J.** Covered Moorage - Limitations on service, repair and fueling.
- 1.** Except at duly authorized fuel docks, fueling of boats is prohibited under Section 19.16.135.
  - 2.** Storage of flammable or combustible liquids shall comply with Section 19.16.135.

**TITLE 28**  
**FLOATING STRUCTURES**

3. Only minor service, repair or exchange of parts for maintenance of a vessel, boat or watercraft is allowed under the roof structure at a covered moorage.
  - a. Minor service, repair or exchange of parts includes but is not necessarily limited to the following:
    - (1) Changing engine/motor oil, replacing hydraulic fluids, lubrication of engine or drive train.
    - (2) Replacement of running gear or safety equipment that does not require alteration or modification to the structure of the craft.
    - (3) Repairs to the fiberglass, steel, wood or composite hull, superstructure or other structural component of a boat up to an area not to exceed nine (9) square feet.
    - (4) Painting, varnishing or similarly finishing elements such as handrails, rubrails, toeboards, etc., or minor touch up of paint, varnish or other similar finish to an area not to exceed nine (9) square feet.
    - (5) Replacement of parts of the engine or drive train that does not require the disassembly of the engine or drive train.
  - b. Minor service, repair or exchange of parts does not include the following:
    - (1) Any operation that requires hot work, including but not limited to welding and cutting.
    - (2) The disassembly of motors, engines or drive trains for repair or overhaul.
    - (3) The replacement of structural components of a boat such as framing members, engine mounts, deck supports, etc.
    - (4) The application of paint, varnish or other similar finish to hulls, decks, or superstructure in excess of the area specified in subsection a. above.

**TITLE 28  
FLOATING STRUCTURES**

(5) Repairs to the fiberglass, steel, wood or composite hull, superstructure or other structural component of a boat in excess of the area specified in subsection a. above.

c. The Harbor Master shall have the authority to interpret if work being undertaken in a covered moorage is in compliance with these limitations.

**28.06.055 Life Safety.**

(Added by Ordinance No. 181437, effective December 21, 2007.)

A. One and Two Family floating homes. Floating homes, tender houses, combo-structures and boathouses shall be constructed and maintained in compliance with the requirements of the State Residential Specialty Code, and Title 24, Title 28, and Title 29.

1. Foundation systems. Foundation systems as specified in State Residential Specialty Code are not applicable to the construction of floating homes. Floating Homes shall be supported on floatation systems designed in accordance with provisions specified in Section 28.06.030 and Section 28.06.040. Floating homes shall be securely anchored to the float on which they are constructed using an engineered connection system designed to prevent the home from being dislodged or overturned.

2. Framing. Framing lumber shall comply with the requirements of Section 28.06.020 A.

3. Allowable alternatives. Recognizing the unique history and traditions associated with floating homes the following alternatives to the requirements specified in the Residential Specialty Code are allowed without appeal:

a. Exterior wall and opening protection shall be as described in Section 28.06.050 based on the separation between structures in a moorage.

b. Sleeping Loft. In a floating home or combo-structure and within individual dwelling units in a floating structure containing three or more dwelling units, a sleeping loft or accessory living area such as a den, office, hobby room or similar area which is not more than 250 square feet in area that is located above the level of the main floor of a floating home may use the following standards:

**TITLE 28**  
**FLOATING STRUCTURES**

- (1) Access to the loft space may be by a "ship's ladder" type of stair having a rise not to exceed 12 inches and a run of not less than 6 inches or an alternating tread device as specified in the Structural Specialty Code. Width of stairs or alternating tread device shall be a minimum of 30 inches. Handrails shall be provided at both sides of stair or alternating tread device. Headroom at stair or alternating tread device shall be not less than 6 feet 6 inches at any point.
      - (2) A loft space need not be provided with exterior openings for natural light, ventilation or emergency escape and rescue provided the loft area is open and unobstructed to the floor below, except for columns and posts and railings not more than 42 inches high, and the floor below onto which the loft opens has exterior openings equal to the total required for the floor area served and the loft.
    - c. Porthole assemblies, whether new or salvaged, may be installed in a floating home to enhance the nautical character of the structure. Such assemblies need not comply with the energy conservation requirements of the specialty code provided the total area of all such assemblies installed does not constitute more than two percent (2%) of the total exterior wall area of the floating home. Such assemblies may be used to meet the required area for natural light and, if openable, to satisfy the required natural ventilation. Such assemblies may not be used to satisfy the required emergency escape and rescue requirements from sleeping areas.
- B. Floating structures for use and occupancy as other than floating homes, combo-structures, boathouses or tender houses accessory to a floating home shall be constructed and maintained in compliance with the requirements of the Structural Specialty Code and Title 24, Title 28, and Title 29.
  1. Foundation systems. Foundation systems as specified in the Structural Specialty Code are not applicable to the construction of floating structures. Floating structures shall be supported on floatation systems designed in accordance with provisions specified in Section 28.06.030 and Section 28.06.040. Floating structures shall be securely anchored to the float on which they are constructed using an engineered connection system designed to prevent the structure from being dislodged or overturned.
  2. Framing. Framing lumber shall comply with the requirements of Section 28.06.020 A.

**TITLE 28**  
**FLOATING STRUCTURES**

3. Allowable alternatives. Recognizing the unique history and traditions associated with floating structures the following alternatives to the requirements specified in the Structural Specialty Code are allowed outright without appeal.
- a. Exterior wall and opening protection shall be as described in Section 28.06.050 based on the separation between structures in a moorage.
  - b. A loft, mezzanine or accessory area such as a private office, employee work room or similar area which is not more than 250 square feet in area, that is accessible to employees only and that is located above the level of the main floor of a floating structure may use the following standards:  
**EXCEPTION:** Loft spaces within individual dwelling units in floating structures containing three or more dwelling units shall be permitted to comply with the provisions of Section 28.06.055 A.3.b.
    - (1) Access to the loft space shall be permitted to be a "ship's ladder" type of stair having a rise not to exceed 12 inches and a run of not less than 6 inches or an alternating tread device as specified in the Structural Specialty Code. Width of stairs or alternating tread device shall be a minimum of 30 inches. Handrails shall be provided at both sides of stair or alternating tread device. Headroom at stair or alternating tread device shall be not less than 6 feet 6 inches at any point.
    - (2) A loft space need not be provided with exterior openings for natural light or ventilation provided the loft area is open and unobstructed to the floor below, except for columns and posts and railings not more than 42 inches high, and the floor below onto which the loft opens has exterior openings equal to the total required for the floor area served and the loft.
  - c. Porthole assemblies, whether new or salvaged, may be installed in a floating structure to enhance the nautical character of the structure. Such assemblies need not comply with the energy conservation requirements of the specialty code provided the total area of all such assemblies installed do not constitute more than five percent (5%) of the total exterior wall area of the floating



**TITLE 28**  
**FLOATING STRUCTURES**

structure. Such assemblies may be used to meet the required area for natural light and, if openable, to satisfy the required natural ventilation.

4. Where the Structural Specialty Code would require two exits be provided from a structure or occupancy within a structure, such exits shall be separated as required by the specialty code. The point of exit discharge for the exits shall comply with the following:
  - a. The exits shall discharge directly to a main walkway at two separate locations located as far apart as is practicable; or,
  - b. The exits shall discharge to two separate fingerfloats or walks located on opposite sides of the structure. Fingerfloats shall each have direct and independent access to a main walkway. Walks shall each have direct and independent access to a fingerfloat or main walkway. The point of exit discharge onto the walk shall not be more than fifty (50) feet travel distance from the point of access to the main walkway; or,
  - c. The exits shall discharge to a continuous walk that encircles the structure on at least three sides and which provides the capability for exiting in two directions along the walk to one of two separate and distinct locations where the walk accesses the main walkway.
  - d. Walks need not exceed the width specified in Section 28.60.060 unless the occupant load served by the walk exceeds 150 persons.

**28.06.060 Gangways, Ramps, Walkways and Walks.**

(Amended by Ordinance No. 181437, effective December 21, 2007.)

- A. All gangways, ramps, walkways, and walks serving as a means of egress for floating structures used for commercial occupancies shall be illuminated by lights designed, constructed and maintained to provide a minimum average of 1 foot candle of light per square foot at the walking surface.  
**EXCEPTION:** Recreational boat launching and transient tie-up facilities.
- B. Gangways and ramps shall have a maximum slope of 1 vertical to 2.5 horizontal and shall have a non-slip walking surface or surface cleats securely fastened in place with a maximum spacing center to center of 1 foot 6 inches.
- C. Gangways shall have a minimum, unobstructed width of five (5) feet when a single gangway is required and four (4) feet when more than one gangway is

**TITLE 28  
FLOATING STRUCTURES**

required and shall be provided with guardrails and handrails as required by the building code. Intermediate landings shall not be required for gangways.

**EXCEPTION:** Gangways serving an occupant load less than 10 and gangways serving recreational boat launching and transient tie-up facilities need not be more than four (4) feet in width.

- D.** Walkways shall have a minimum width of six (6) feet, except for fingerfloats, which may be three (3) feet in width.
- E.** Mooring connectors and similar obstructions may project into the required width of main and marginal walkways not more than six (6) inches at either side. Cleats and bull rails shall not project more than four (4) inches into the required width along either side of a main or marginal walkway. Cleats or bull rails not more than four (4) inches in width may be provided along either side of a fingerfloat provided the width of the fingerfloat is of sufficient width to provide a minimum of thirty-six (36) inches of clear walking surface between the cleats or bull rails. Utility stands may project into the required width of main or marginal walkways provided they do not reduce the clear unobstructed width of the walkway to less than four (4) feet for a distance of three (3) feet measured in the direction of travel along the walkway.
- F.** A walk with a minimum width of twenty-four (24) inches shall be provided on at least two opposite sides of all floating homes, combo-structures, boathouses and tender house structures. These walks shall provide direct access from the floating home, combo-structure, boathouse or tender house structure to an adjacent fingerfloat or main walkway.
- G.** A walk with a minimum width of thirty-six (36) inches shall be provided on at least two opposite sides of any floating structure that is used or occupied as other than a floating home, combo-structure, boathouse or tender house structure accessory to a floating home. These walks shall provide direct access from the floating structure to an adjacent fingerfloat or main walkway.

**28.06.070 Identification.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) All moorages shall be provided with identification as follows:

- A.** All moorages shall be identifiable by name and address from the street on which they front at or near the point of emergency vehicle access.
- B.** The head of each gangway providing access to the moorage shall be obviously identifiable from the point of emergency vehicle access; or in those cases having a secondary access road, from the shore end of the access road; or the facility shall be signed as required to provide such identification.

**TITLE 28  
FLOATING STRUCTURES**

- C.** The location and identification of all floating structures shall be obvious from the head of each gangway by placement of a site map indicating the layout of the moorage and the walkways and which identifies each structure and/or slip individually by number or letter or combination thereof. For the purposes of this subsection, “site map” means a plan of a moorage or marina that shows the layout of the moorage or marina including all gangways, walkways, mooring sites and land based structures and identifies the moorage by address and each moorage site/slip or land based building by number or letter or a combination thereof or by address if separate from that one of the moorage or marina.
- D.** The walkway, structure and mooring site identification shall be logical and obvious. Identification work shall be subject to the Harbor Master’s approval.
- E.** All floating homes, boathouses, combo-structures and tender houses that have provision for sleeping shall have a state issued identifying number plate displayed in a location that is readily visible from the walkway providing access to the structure.
- F.** Moorage owners/operators shall maintain a moorage map with each mooring site identified by number or letter or combination thereof and which lists the state identifying number, if applicable, of the structure occupying each mooring site or identifies the structure occupying the mooring site by use and tenant name if no state number plate is required for the structure. Such plan shall be available for Harbor Master review when requested.

**Chapter 28.07**

**ELECTRICAL INSTALLATIONS**

**Sections:**

- 28.07.010 General.
- 28.07.020 Specific Requirements.

**28.07.010 General.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) All electrical work shall be designed and installed in accordance with the State of Oregon Electrical Specialty Safety Code, the State of Oregon Residential Specialty Code, Title 26 and this Chapter. Permits and inspections are required for all work except as specifically exempted by Title 28.

**TITLE 28  
FLOATING STRUCTURES**

Existing electrical work which was lawfully in place in the City of Portland on January 1, 2008 or which was constructed or relocated under a valid permit after that date, shall be grandfathered as provided in Title 28.

**28.07.020 Specific Requirements.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) In addition to the requirements specified in the Electrical Specialty Code and Title 26, the following specific requirements apply to electrical installations for moorages, marinas and floating structures.

- A. Transformer pads shall not be located closer than either (8) feet to combustible surfaces and two (2) feet to noncombustible surfaces.
- B. Overhead power drops shall be installed and maintained a minimum of 14 feet above walking surfaces and/or the ordinary high water line.
- C. Electrical installations within two (2) feet of the water shall be considered to be in a wet environment, except that installations inside a structure and not exposed to the water may be considered to be in a dry environment.

**Chapter 28.08**

**PLUMBING INSTALLATIONS**

**Sections:**

- 28.08.010 General.
- 28.08.020 Specific Requirements.

**28.08.010 General.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) All plumbing installations shall be designed and installed in accordance with the Oregon State Plumbing Specialty Code, the State of Oregon Residential Specialty Code, Title 25 and this Chapter. Permits and inspections shall be required for all plumbing work except as specifically exempted by Title 28.

Existing plumbing which was lawfully in place in the City of Portland as of January 1, 2008 or which was constructed or relocated under a valid permit after that date, shall be grandfathered as provided in Title 28.

**28.08.020 Specific Requirements.**

(Amended by Ordinance No. 181437, effective December 21, 2007.) In addition to the requirements of the Plumbing Specialty Code and Title 25, the following specific

**TITLE 28**  
**FLOATING STRUCTURES**

requirements apply to plumbing installations for moorages, marinas and floating structures.

- A.** Sewage ejectors shall be installed in accordance with the manufacturer's instructions and the Oregon State Plumbing Specialty Code., except that the head pressure required by Section 318 K (6)(3) for testing drainage systems is reduced from 10 feet to 5 feet for ejectors installed at individual floating homes.
- B.** Flexible connectors for water lines shall be approved by the National Sanitation Foundation and be of the type approved for mobile home installations or marine use.
- C.** Piping materials must comply with the requirements of the Oregon State Plumbing Specialty Code and Title 25.
- D.** Continuously running water through the moorage supply line is an acceptable alternate to pipe insulation to avoid pipe freezing.
- E.** All flexible pressure sanitary sewer connections to and in the moorage dock pressure sanitary sewer system shall be, as a minimum, helically reinforced PVC, ultraviolet resistant, smooth inside and outside hose which shall remain flexible down to a temperature of minus four degrees Fahrenheit (- 4° F). Insert adapters from flex hose to rigid piping used in the pressure sanitary sewer system shall be plated steel, stainless steel, brass or aluminum with stainless steel hose clamps.
- F.** Backflow Protection. All water service connections regardless of size or type supplying water from the city distribution system to any type of floating structure, whether permanent or temporary, shall be equipped with an approved backflow prevention assembly. The type of backflow assembly required for service connections to facilities as described in Title 28 shall be a Reduced Pressure Backflow Assembly (RPBA). The backflow assembly shall be installed at the termination of the City distribution system and at the start of the private distribution system.

Services that supply water to fire sprinkler systems typically are not fully metered. The type of backflow assembly required for fire sprinkler applications shall be a Reduced Pressure Detector Assembly (RPDA).

Only State of Oregon Department of Human Services and Portland Bureau of Water Works approved assemblies may be installed. Applicable backflow assembly installation requirements shall comply with both the Oregon Administrative Rules Chapter 333 and City of Portland Bureau of Water Works Title 21.

All plumbing work and materials used in association with the installation of a required backflow assembly on a potable water service line, shall be installed in accordance with the Oregon State Plumbing Specialty Code, Title 25 and this

**TITLE 28  
FLOATING STRUCTURES**

Chapter. All applicable permits and inspections shall apply except as exempted by other provisions of Title 28.

All backflow assembly installations whether installed on potable or non-potable water service lines shall be subject to inspection and approval by the Bureau of Water Works.

Backflow assemblies installed on service connections to floating structures that were installed before January 1, 2008 and are not on the State of Oregon Department on Human Services approved list of assemblies shall be allowed to remain in service as long as:

1. The type of assembly is commensurate with the degree of hazard as outlined in OAR 333-061-0070(6) (2007) and Bureau of Water Works backflow assembly installation requirements under Title 21.
2. The assembly is being properly maintained, tested at least annually and performs satisfactorily.

Assemblies of this type that need to be relocated, require more than minimum maintenance or are on services that are modified, changed size or remodeled shall be replaced with an approved assembly. Additionally, as outlined in Title 21 section 21.12.320 of the City code, approved assemblies may be required to be installed for new construction, where buildings or structures are remodeled, or where tenant improvements are made.

**Chapter 28.09**

**MECHANICAL INSTALLATIONS**

(Amended by Ordinance No. 181437, effective December 21, 2007.) All mechanical work, including but not limited to heating, air conditioning, ventilating, gas piping and woodstoves, shall be designed and installed in accordance with the State of Oregon Mechanical Specialty Code, the State of Oregon Residential Specialty Code, Title 27 and this Chapter. Permits and inspections shall be required for all work except as specifically exempted by Title 28.

Existing mechanical which was lawfully in place in the City of Portland on January 1, 2008 or which was constructed or relocated under a valid permit after that date, shall be grandfathered as provided in Title 28.