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Chapter 16.10

ADMINISTRATIVE PROVISIONS

(New Title substituted by Ord. No. 165189,
effective July 1, 1992.)

Sections:

- 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.

16.10.001 Purpose.

This chapter describes the authority of the City to establish traffic laws and to erect traffic control devices. It also describes the specific authorities of certain City officers and employees to administer and enforce the Code.

16.10.020 Where Regulations Apply.

(Amended by Ordinance Nos. 172976, 177028 and 179141, effective March 23, 2005.)

The regulations of this chapter apply to all City of Portland owned or operated property, public rights-of-way, other designated public areas in the City of Portland and to private property specifically noted in this chapter.

16.10.030 Authority to Direct Traffic on Public Rights of Way.

(Added by Ordinance No. 176394, effective April 17, 2002.) Officers and reserve officers of the Portland Police Bureau are authorized to direct, redirect, limit or restrict pedestrian and/or vehicular traffic on any public right of way.

16.10.050 Compliance Required.

It is unlawful for a pedestrian or the operator of any vehicle to disobey the instructions of a traffic control device placed in accordance with the provisions of this Title, unless otherwise directed by an authorized officer.

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It is unlawful for any person to refuse or fail to comply with any lawful order, signal, or the direction of any officer displaying a badge with the legal authority to direct, control, or regulate traffic.

16.10.060 Citations and Nuisances.

(Amended by Ord. No. 165987 and 170923, effective March 21,1997.)

- A.** When a vehicle is found in violation of this Title or any other Title of the City Code or state law, the officer finding the vehicle will:
 - 1.** note the license number and/or any other information displayed on the vehicle that may identify the owner; and
 - 2.** issue to the operator or place in a conspicuous space on the vehicle involved in the violation a serially numbered parking citation.
- B.** The citation will instruct the vehicle owner to answer to the charge or pay the penalty imposed within a specific number of days, during specific hours, and at a specific place or to be mailed in a specific number of days.
- C.** It is a violation of this Title to be the owner of a vehicle parked in violation of any of the provisions of this Title.
- D.** It is unlawful for any unauthorized person to change, erase, alter mar, mark, mutilate, or destroy a traffic citation form that has been issued under authority of this Title.
- E.** Unless otherwise provided for in this Title, any person violating a provision of this Title is subject to a fine of up to \$500 upon conviction of the violation.
- F.** The court may proceed to make a determination, enter a disposition, and enter a judgement without a hearing on a citation issued under this Title if the person cited fails to request a hearing within the time provided on the citation. In no event shall a judgement be taken sooner than 60 days from the date of the citation and without prior notice by mail to the person against whom the judgement is taken.
- G.** When a nonvehicular violation of this Title is discovered, the adjacent property owner is responsible for all abatement proceedings.

16.10.080 Altering or Erecting Traffic Control Devices.

(Amended by Ord. No. 166575, June 2, 1993.) It is unlawful for any person to alter in any manner a traffic control device erected or established by authority of this Title. It is also unlawful for any person to erect, display, or maintain any traffic control device without authorization of this Title.

Every unauthorized traffic control device is hereby declared to be a public nuisance and is subject to summary abatement.

The parking-prohibited area for driveways as defined in 16.20.130 (V) and 16.90.105 may be painted and maintained with traffic line yellow paint by the adjacent property owner or occupant, subject to the following:

- A. The traffic line yellow paint may extend across the apron (throat) of the driveway.
- B. The wing, radius, and/or apron paint may only be painted up to a width of the curb or to a maximum width of eight inches as measured from and beginning at the face of the wing, radius, and/or throat.
- C. The wings, curb returns, and/or aprons of driveways at locations that are officially designated as prohibitive or restrictive parking, such as “No Parking At Any Time,” “No Parking In This Block,” “Truck Loading All Hours/All Days” zones may not be painted.
The City Traffic Engineer may paint driveway clearances and stencil “No Parking” on the apron and paint keys in the road area of any driveway in the city to facilitate access upon receipt of a signed application and appropriate fee.

16.10.100 Road Authority.

(Amend by Ord. No. 170923, effective March 21, 1997.) As the City’s elected body, the City Council is the road authority for all public streets, except state highways, as designated by State Law. The City Council may delegate specific road authority to the City Traffic Engineer, City Engineer or Emergency Incident Commander as the Council deems appropriate.

16.10.200 Duties of the City Traffic Engineer.

(Amended by Ordinance Nos. 170923, 172976, 173369, 173627 and 175205, effective March 1, 2001.) The City Traffic Engineer will be designated by the Commissioner-In-Charge of the Bureau of Transportation System Management. The City Traffic Engineer or his/her designee may exercise the following duties and responsibilities:

- A. Implement ordinances, resolutions and directions of the City Council and orders of the Commissioner-In-Charge of the Bureau of Transportation System Management by installing, removing, and altering traffic control devices.
- B. Establish, remove, or alter traffic controls, including but not limited to:

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1. crosswalks, traffic lanes, one-way streets, stop intersections or places, and no passing zones;
 2. intersection channelization and areas where vehicle drivers may not make right, left, or U-turns, and the time when the prohibition applies;
 3. parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal);
 4. regulated parking zones;
 5. traffic control signals and any device that regulates a traffic control signal;
 6. bicycle lanes and traffic controls for such facilities; and
 7. other regulatory, warning, and guide signs.
- C.** Issue vehicle parking permits that authorize specified parking privilege.
- D.** Temporarily reserve portions of the street area according to regulations found in Section 16.20.500.
- E.** Issue vehicle permits for the movement of over dimensional vehicles on or over City streets.
- F.** Designate certain streets where certain classes of over dimensional vehicles may move on or over without a permit.
- G.** Designate streets where certain classes of vehicles may not move on or over except for local access.
- H.** Temporarily reduce speed limits when allowed by the provisions of ORS 810.180.
- I.** Designate certain streets as bridle paths and prohibit horses and animals on other streets.
- J.** Determine the location, design, and construction of streetlights.
- K.** Designate transit lanes and street locations where certain transit vehicles may proceed in a manner prohibited to other traffic.
- L.** Require the removal or pruning of any street tree, vegetation or other obstruction in the public right-of-way that obscures the visibility of or for drivers, bicyclists, or pedestrians, or in any way presents a safety hazard.

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- M.** Regulate the installation and presence of banner signs on lighting poles owned by the City.
- N.** Install temporary traffic control devices when traffic conditions constitute a danger to the public.
- O.** Whenever specifically provided in the Title, the City Traffic Engineer may assess civil penalties for violations of the provisions of Title 16. The City Traffic Engineer shall adopt rules, procedures, and forms to be used in assessing such civil penalties. In determining the amount of any civil penalty to be assessed, the City Traffic Engineer shall consider the following criteria:

 - 1. The extent and nature of the violation;
 - 2. The benefits, 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 cost of investigating the violation and correcting or attempting to correct the violation; and
 - 6. Any other relevant factors.
- P.** The City Traffic Engineer's assessment of civil penalties may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.10.300 Administrative Rules and Procedures.

(Amended by Ordinance No. 173627, effective August 4, 1999.) Traffic and Parking management rules and procedures not specified in this Code are governed by the Bureau of Transportation System Management Rules and Procedures Manual. It is the duty of the Bureau Director to develop and implement the Bureau of Transportation System Management's Rules and Procedures Manual. The Commissioner-In-Charge of the Bureau of Transportation System Management or the City Council may amend the Manual at any time.

Exceptions to the Rules in the Manual may be made only with prior approval of the City Traffic Engineer or the Bureau Director. Procedures in the Manual are intended to serve as a general outline on how to apply or implement a rule or program.

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16.10.400 Regulation Standards.

The City Traffic Engineer may erect traffic control devices and impose regulations to control traffic and parking in the City of Portland. The regulations of the City Traffic Engineer or his/her designee will be based on:

- A.** traffic engineering principles and traffic investigations;
- B.** standards, limitations, and rules issued by the Oregon Transportation Commission; and
- C.** other recognized traffic control standards.

16.10.500 Fees and Fines.

(Amended by Ordinance Nos. 170923 and 173627, effective August 4, 1999.) Fees for permits and fines for permit abuse, authorized by this Title, must be established or modified by ordinance of the City Council.

All fees, civil penalties, and fines collected by authority of this Title will be dedicated to the Transportation Operating Fund unless specifically directed otherwise by City Code. All fees, civil penalties, and fines established by authority of this Title will be listed in the Bureau of Transportation System Management's Rules and Procedures Manual.

16.10.600 Authority of Law Enforcement, Fire Officers, and Emergency Incident Commanders.

(Amended by Ordinance Nos. 170923 and 180917, effective May 26, 2007.) If a fire or other public emergency occurs, officers of the Bureau of Police and Portland Fire & Rescue may direct traffic as conditions require, notwithstanding the provisions of this Title. In the event of an emergency or disaster that results in the implementation of the City Basic Emergency Services Plan, as established in Chapter 15.12, the Incident Commander may direct traffic and parking controls appropriate to the incident, notwithstanding the provisions of this Title.

16.10.650 Parking Code Enforcement Officers.

(Amended by Ordinance Nos. 170923, 173627, 176394 and 179141 effective March 23, 2005.) Parking code enforcement supervisors and officers under the administration and control of the Bureau of Transportation System Management as established in Section 3.12.040, will serve as follows:

- A.** The duties of the position of parking code enforcement officer are to provide assistance as special police officer in the enforcement of parking regulations as provided by this Title, and other related work under the direction of the Bureau Director.

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- 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.

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PUBLIC RIGHT-OF-WAY PARKING

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16.20.410	Administration of Meters, City of Portland Owned and Operated Property.

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16.20.560	Special Use Permit.
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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.
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16.20.001 Purpose.

(Amended by Ordinance Nos. 165594 and 179141, effective March 23, 2005.) This chapter describes the regulation of parking on City of Portland owned or operated property, including but not limited to surface parking lots, parking structures and designated parking areas; and public right-of-ways, including but not limited to streets, designated parking areas, planting strips, and sidewalks.

The Public Property and Right-of-Way Parking Chapter is organized in six sections:

- A. 16.20.100 General Parking Methods describes the general rules of legal parking and enforcement of parking regulations.
- B. 16.20.200 Regulated Parking Zones describes additional regulations for public areas that are designated for no or limited-term parking or only for specific parking uses.
- C. 16.20.400 Metered Parking Zones describes additional regulations for parking in areas with parking meters.
- D. 16.20.500 General Parking Permits describes the privileges and regulations that apply to general parking permits issued by the City Traffic Engineer or the City Engineer. These permits allow a person to reserve the public right-of-way for certain uses during a defined period of time. General Parking Permits are generally issued to a person but may require the use of vehicle identification cards.
- E. 16.20.600 Vehicle Parking Permits describes the privileges and regulations that apply to vehicle permits issued by the City Traffic Engineer. Vehicle Parking Permits are usually issued to a specific vehicle(s).
- F. 16.20.800 Area Parking Permit Program provides additional protection and parking management to areas with commuter parking problems.

16.20.100 General Parking Methods.

16.20.110 Generally.

(Amended by Ord. No. 165594, July 8, 1992.) All persons parking a vehicle in the City of Portland must comply with the following rules in addition to any rules mandated by a parking zone, permit, or district, unless specifically directed otherwise by this Title, a traffic control device or an authorized officer.

- A. Emergency vehicles may stop or park in any manner necessary at any time while serving an emergency.
- B. No person may park or stop a vehicle other than in the direction of traffic.

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- C.** When parking spaces are designated on a street with parking space markings, the vehicle must be parked in such a manner that the entire vehicle is located within official parking space markings.
- D.** When parking spaces are not designated on a street with parking space markings and when angle parking is not lawful, the vehicle must be parked in such a manner that both the front and rear tires closest to the curb or curb line are located not more than 1 foot from the curb or curb line.
A two or three wheeled vehicle may park at an angle or perpendicular to traffic flow if its tire closest to the curb or curb line is located not more than one foot from the curb or curb line and the vehicle does not extend more than eight feet from the curb or curb line.
- E.** The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street or public lot has priority to park in that space, and no other vehicle operator or person may attempt to interfere.
- F.** When the operator of a vehicle discovers the vehicle is parked adjacent to a building to which the fire department has been summoned, the operator must immediately remove the vehicle from the area unless directed otherwise by police or fire officers.

16.20.120 Prohibited Parking or Stopping of a Vehicle.

(Amended by Ordinance Nos. 165594, 166575, 170923, 173369, 176394, 176955 and 179141 effective March 23, 2005.) Except when specifically directed by authority of this Title or when necessary to avoid conflict with other traffic, it is unlawful to park or stop a vehicle:

- A.** While such vehicle is equipped with a vehicle alarm unless such system is designed to, and does in fact, cease emitting an intermittent or constant sound after an aggregate time of 3 minutes within a 15 minute period on any public right-of-way or in a public park.
- B.** To angle load/unload (except within a legal angle parking space) on any street unless specifically authorized by an angle loading permit. Unauthorized angle loading is hereby declared to be a traffic hazard and is subject to summary abatement.
- C.** At an angle to traffic flow except:
 - 1.** Where angle parking is designated by official parking space markings or other traffic control devices.

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2. That a two or three wheeled vehicle may park in a legal parking area at an angle or perpendicular to traffic flow in accordance with 16.20.110 C. and D.
- D.** Outside of or across an official line or mark designating a parking space, or between such lines in a maneuvering area.
- E.** So as to prevent the free passage of other vehicles, including rail vehicles and bicycles, on any street, alley or City of Portland owned or operated property.
- F.** On or over an official fog or edge line.
- G.** Adjacent to a curb painted or taped yellow if the paint or tape is authorized by the City Traffic Engineer.
- H.** When the vehicle is: a truck, a truck trailer, a motor bus, a recreational vehicle, a utility trailer, a drop box or storage container, or has two or more rear axles in the public right-of-way adjacent to or directly across from residential, public park, church, or school property, except:
1. When loading/unloading property belonging to the occupants of or performing a service on the adjacent residence, for a period not to exceed 8 hours; or
 2. A recreation vehicle when servicing or loading/unloading the vehicle for a period not to exceed 8 hours.
 3. That a vehicle may park adjacent to or directly across from public park property if authorized by a written permit from the Bureau of Parks and Recreation.
- I.** When the vehicle is: a truck, truck trailer, a motor bus, recreational vehicle, a utility trailer, a drop box or storage container, or has two or more rear axles in the public right-of-way adjacent to or directly across from commercial or industrial property, except:
1. Between the hours of 6 a.m. and 4 p.m. for a period not to exceed 4 hours; or
 2. Between the hours of 4 p.m. and 6 a.m. when adjacent to a business or industry normally operating a regular work shift during these hours while loading/unloading a vehicle in conjunction with the operation of this business for a period not to exceed 2 hours.

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- J.** On the roadway side of a vehicle which is stopped or parked:
 - 1.** In an officially designated parking space; or
 - 2.** Adjacent to the curb line of a street.
- K.** Alongside or opposite a street excavation or obstruction when stopping or parking would obstruct traffic.
- L.** That is required by state law to be registered that is not registered, whose registration has expired or that does not have a current permit in lieu of registration, or fails to display current registration.
- M.** Without doing all of the following if leaving the vehicle unattended:
 - 1.** Stopping the engine;
 - 2.** Turning the front wheels to the curb or side of the street when on any grade;
 - 3.** Locking the ignition;
 - 4.** Removing the key from the ignition; and
 - 5.** Effectively setting the brake on the vehicle.
- N.** If the vehicle is a drop box parked during the hours of sunset to sunrise without reflective devices on the edge or side of the vehicle nearest the center of the street. The reflective device must be plainly visible for a distance of 200 feet in either direction from the drop box, parallel with the center of the street.
- O.** If the vehicle is a drop box within 50 feet of an intersection without permission of the City Engineer, City Traffic Engineer, or the Bureau of Development Services. This regulation does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.
- P.** In the public right-of-way, public park, or city-owned or operated property if the vehicle is abandoned.
- Q.** In a manner that creates a traffic hazard impeding the safe movement of vehicular or pedestrian traffic.
- R.** That is required by law to display two registration plates if a plate is not displayed on the front and the rear of the vehicle.

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- S.** Which is a government vehicle, in a parking space where government vehicles are prohibited.
- T.** Any violation of the City of Portland, Transportation Administrative Rule is subject to citation or fine for each violation.

16.20.130 Prohibited in Specified Places.

(Amended by Ord. No. 165594, July 8, 1992.) Except when specifically directed by authority of this Title or when necessary to avoid conflict with other traffic, it is unlawful to park or stop a vehicle in any of the following places:

- A.** Within 50 feet of an intersection when:
 - 1.** The vehicle or a view obstructing attachment to the vehicle is more than 6 feet in height; or
 - 2.** Vehicle design, modification, or load obscures the visibility or view of approaching traffic, any traffic control sign, any traffic control signal, or any pedestrian in a crosswalk.
This regulation does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.
- B.** Within 15 feet of a driveway to any fire station unless allowed by official signs or markings.
- C.** Within 10 feet of any fire hydrant, even when not marked by traffic control devices, except attended taxi cabs lawfully occupying properly signed taxi zones.
- D.** In front of any portion of a handicap access ramp.
- E.** In front of and 10 feet on either side of a rural (vehicle) delivery mail box between 8 a.m. and 6 p.m., except Sundays and official postal holidays.
- F.** Within any city park or golf course except in officially designated parking areas during the time the park is open to the public. This provision does not apply to City or City-authorized vehicles used in park or golf course service, or to vehicles authorized by a written permit from the Bureau of Parks and Recreation.
- G.** In violation of the provisions of any area parking permit program as defined in 16.20.800.
- H.** On any mass transit lane or street as defined in Section 16.50.
- I.** On any planting strip, sidewalk, or pedestrian way.

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- J.** On a shoulder unless a clear and unobstructed traffic lane of the roadway adjacent to the vehicle is left for the passage of other vehicles, and:
 - 1.** The stopped or parked vehicle is visible from a distance of 200 feet in each direction upon the roadway; or
 - 2.** A person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the parked vehicle by use of flag persons, flags, signs or other signals.
- K.** On the approaches to or upon any restricted access highway, bridge, viaduct, or other elevated structure, unless permitted by authority of this Title.
- L.** On City-owned or City-operated property designated for vehicle parking by authorized City personnel only, without consent of the City, if there is in plain view on such property a sign prohibiting or restricting public parking.
- M.** Over, upon, or in such manner as to prevent access to any water meter, gate valve, or other appliance in use on any water meter connection of the Portland Water Bureau, located on public property, the public right-of-way or private property.
- N.** On any municipal terminal except in the place and manner permitted by official signs or markings.
- O.** On any pier or dock of a municipal terminal except when loading/unloading freight in compliance with any official signs or markings.
- P.** On or within an intersection.
- Q.** On or within a crosswalk.
- R.** Within any tunnel unless parking in officially designated spaces.
- S.** Within 7 feet of the nearest rail of a railroad track or within 25 feet of the center line of any set of tracks at any railroad or light rail crossing unless parking in officially designated spaces.
- T.** In the area between roadways of a divided street or highway.
- U.** On or within a bicycle lane, path, or trail.
- V.** In front of any portion of a driveway ingress/egress to the public right-of-way.

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16.20.150 Prohibited Practices.

(Amended by Ordinance Nos. 165594, 166575 and 176585, effective July 5, 2002.) No person may park or permit to be parked a vehicle on a street or other public property for the principal purpose of:

- A. Displaying the vehicle for sale;
- B. Repairing or servicing the vehicle, except while making repairs necessitated by an emergency for a period not to exceed 8 hours or as allowed for recreational vehicles in 16.20.120 (H2);
- C. Displaying advertising from the vehicle; or
- D. Selling merchandise from the vehicle, except when authorized by permit or City Code. See also: 14A.50.030, 14A.50.050, 16.60.100 F., 16.70.550, 17.25, 17.26.

16.20.160 Use of Streets in Lieu of Off-street Parking or Storage Prohibited.

(Added by Ordinance No. 171455; amended by Ordinance No. 176394, effective April 17, 2002.)

- A. It is unlawful for any person engaged in the public vehicle parking business or in the vehicle sales, repair, or servicing business to cause or permit a vehicle to be parked on a street, alley, lane, or other public right of way while such vehicle is in the custody of the business for the purpose of being parked, offered for sale, repaired, or serviced.
- B. As used in this Section, “public vehicle parking business” means the business of offering off-street vehicle parking or storage for a fee; “vehicle sales, repair, or servicing business” means the business of offering new or used vehicles for sale, lease, or rent, or of offering vehicle repairs or servicing; “vehicle” means any device, including any major portion or part thereof, in, on, upon, or by which any person or property may be transported or drawn upon a public highway except a device moved exclusively by human power, or used exclusively upon stationary rails or tracks; “person” shall be the owner or operator of the business.
- C. If a vehicle is parked on a street, alley, or lane, or other public right of way while in the custody, control, or possession of a public vehicle parking business or a vehicle sales, repair, or servicing business for the purpose of being parked or stored, offered for sale, lease, or rent, or being serviced or repaired, it is prima facie evidence that the person engaged in such business caused or permitted such vehicle to be so parked.
- D. It is unlawful for any business entity to store more than one vehicle on any block face between the hours of 8:00 p.m. and 6:00 a.m.

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16.20.170 Storing Property on Street Prohibited.

(Amended by Ordinance Nos. 165594, 172788 and 176955, effective October 9, 2002.)

- A.** No person may store, or permit to be stored, a vehicle or other personal property on public right-of-way or other public property in excess of 24 hours without permission of the City Engineer, the City Traffic Engineer, or the Bureau of Development Services.
- B.** Failure to operate and move a vehicle or move nonvehicular property off of the block face within a 24-hour period constitutes prima facie evidence of storage and may be abated.
- C.** Nonvehicular property stored for any amount of time in a metered space or regulated parking zone is a nuisance and may be summarily abated.
- D.** Notwithstanding section A above, vehicles described in section 16.20.120 H and I are subject to the limitations established in those sections.

16.20.190 Successive Violations.

- A.** After a citation for overtime parking has been issued and the cited vehicle remains parked or stopped within 500 feet on the same block face of where parked when cited for the previous violation, a separate violation occurs upon the expiration of each successive maximum period of parking time as designated by official signs, markings, or meters. A separate citation may be issued for each successive violation.
- B.** After a citation for unlawful parking other than overtime parking is issued and the cited vehicle remains parked or stopped within 500 feet on the same block face of where parked when cited for the previous violation and continues to park in violation of parking law(s), a separate violation occurs on the next calendar day from when the last citation was issued. A separate citation may be issued for each successive violation.

16.20.200 Regulated Parking Zones.

16.20.201 Purpose.

Parking Zones are designated by the City Traffic Engineer to manage parking and traffic congestion in areas with special parking needs.

16.20.203 Regulated Parking Zone Designations.

- A.** Anyone may request that the City Traffic Engineer designate a regulated parking zone on any particular street or highway.

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- B.** When evaluating designation of a regulated parking zone, factors the City Traffic Engineer may consider include:
1. The nature of land use within the block;
 2. The volume of traffic;
 3. The volume of parking;
 4. The width of surface of the street;
 5. The relationship between the need for parking space for the land use in the block, for the use of the regulated parking zone, and the need for parking space for the general public;
 6. Patrons and prospective patrons of the places within the block or area to be served by the parking zone; and
 7. The hours of day or night when use of the parking zone is necessary or most convenient.
- C.** The standard for determining the location and size of any regulated parking zone will be the public welfare.

16.20.205 Enforcement of Regulated Parking Zones.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A.** A sign which regulates the amount of time a vehicle may park such as “Parking 30 minutes”, is in effect from 8 a.m. to 6 p.m. Monday through Saturday, excluding City recognized holidays, unless the regulating sign shows other restrictions for days or hours.
- B.** A sign without stated hours or days which regulates parking zones such as “No Parking”, “No Parking This Block”, “Bus Zone”, or “Truck Loading Zone, No Parking Anytime” is in effect all hours of all days, including City recognized holidays.
- C.** A sign which prohibits parking during certain hours or days such as “No Parking 7 a.m. to 9 a.m. Monday through Friday” or “Truck Loading Zone 7 a.m. to 6 p.m. Monday through Friday” is in effect during the days and times shown on the sign, excluding City recognized holidays.

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- D.** For a parking sign which has an arrow, the direction in which the head of the arrow points is the direction that the regulation is in effect.
- E.** It is unlawful to put nonvehicular property in a regulated parking zone without permission of the City Engineer, the City Traffic Engineer or the Bureau of Development Services. Any nonvehicular property stored in a regulated parking zone is a nuisance and may be summarily abated.

16.20.210 No Parking Zones.

No vehicle may park in any no-parking zone at any time. Vehicles may stop in a no parking zone for a period not to exceed 30 seconds only to load/unload passengers.

16.20.213 No Stopping or Parking Zone.

No vehicle may stop or park in any no parking or stopping zone.

16.20.215 Theater Zone.

A vehicle may not park in a theater zone while the theater adjacent to the zone is open to the public. Theater hours must be posted and clearly readable from the theater zone. Vehicles may stop for the purpose of loading/unloading passengers for a period not to exceed 30 seconds.

16.20.220 Truck Loading Zones.

(Amended by Ordinance Nos. 165594, 166575, 176394 and 179141, effective March 23, 2005.)

- A.** Truck loading zones are established to prevent double parking and other illegal parking by designating a supply of parking spaces dedicated to the delivery of merchandise by trucks to commercial properties.
- B.** Only the following vehicles, while being actively loaded or unloaded, may park in a truck loading zone for no more than 30 minutes:
 - 1.** A truck as defined by this Title;
 - 2.** A vehicle defined by its Department of Motor Vehicles registration as a truck, van, or pick-up that exhibits the commercial nature of the vehicle according to paragraph 6;
 - 3.** A passenger or other vehicle with an official commercial loading permit as defined in Section 16.20.620 or delivery permit as defined in Section 16.20.630 that exhibits the commercial nature of the vehicle according to paragraph 6;

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4. Any vehicle with Farm Vehicle registration plates when actively engaged in loading/unloading merchandise; or
5. Taxicabs with a current taxicab permit as defined in Section 16.40.220 when actively engaged in loading/unloading passengers or packages, for a period not to exceed 15 minutes.
6. Commercial signage required by this section must be:
 - a. On both sides of the vehicle;
 - b. Magnetic, static cling vinyl (which may not be used on tinted windows), decals or permanently painted;
 - c. No smaller than 8 1/2" by 11";
 - d. In 2-inch or larger lettering;
 - e. In a color that clearly contrasts with the color on which the lettering is displayed; and
 - f. In lettering that is clearly visible at a distance of 20 feet.
- C. Upon leaving a truck loading zone, a vehicle must vacate the block face of said truck loading zone or move 500 feet as measured along the curb line for a period of 1 hour before returning to a truck loading zone, a time zone, or a metered space, on the same block face.
- D. Truck loading zones should not be located within 50 feet of an intersection in order to facilitate traffic safety. This does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.

16.20.230 Bus Zone.

Only a motor bus may park in a bus zone.

16.20.235 Tri-Met Bus Zone.

No vehicle may park in any Tri-Met Bus Zone, except:

- A. A Tri-Met Bus or a contract or franchise bus of Tri-Met while passenger loading/unloading for a period not to exceed 2 minutes;
- B. When allowed by the terms of a contract or franchise with the City of Portland for a period not to exceed 2 minutes; or

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- C.** A taxicab for a period not to exceed 15 minutes. Taxicabs may not use Tri-Met bus zones during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
- D.** The buses described in subsections A and B may park in a designated Tri-Met bus lay over zone for a period not to exceed 30 minutes.

16.20.240 Taxi Zone.

(Amended by Ordinance No. 176394, effective April 17, 2002.)

- A.** Location of taxi zones will be determined by the City Traffic Engineer with the advice of the Taxicab Regulation Supervisor.
- B.** No vehicle may park in a taxi zone except a taxicab operated by authority of a current taxicab company permit and displaying a current taxi plate issued pursuant to PCC 16.40.710 E.
- C.** No taxicab driver may leave a vehicle unattended in a taxi zone adjacent to a fire hydrant for any reason.
- D.** No person may leave a taxicab unattended in any taxi zone not adjacent to a fire hydrant except when assisting passengers to enter or alight from the taxicab or to carry a passenger's baggage or when delivering packages, and then for a period not to exceed 15 minutes.
- E.** No person may make repairs to a taxicab parked in a Taxi Zone.

16.20.250 Disabled Person Zone.

No vehicle may stop or park in a disabled zone except:

- A.** a vehicle transporting a disabled person with an official disabled person placard issued by the Department of Motor Vehicles;
- B.** a vehicle with official disabled registration plates while transporting a disabled person; or
- C.** a Tri-Met bus loading/unloading disabled passengers.

16.20.260 Time Zones.

- A.** A vehicle may park in a time zone only for a period not to exceed the posted time limit.
- B.** A vehicle may not return to a time zone in the same block face or within 500 feet of where previously parked on the same block face for a 3-hour period.

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- C. Upon expiration of the designated time limit, as indicated by the parking zone sign, a citation may be issued if a vehicle remains parked or stopped on the same block face unless:
1. The vehicle has moved 500 or more lineal feet, measured along the curb or edge line;
 2. The vehicle has moved to an unregulated parking area in the same block face; or
 3. The vehicle has vacated the block face for 3 hours.

16.20.270 Carpool Zone.

No vehicle may park in a carpool zone during designated hours except vehicles displaying a current carpool permit.

16.20.280 Official/Reserved Zones.

- A. An official/reserved zone is a parking area reserved for specific vehicles.
- B. No vehicle may park in an official/reserved zone unless authorized as indicated by the sign or markings of the zone.

16.20.400 Metered Parking Zones.

(Amended by Ordinance No. 179141, effective March 23, 2005.)

16.20.401 Purpose.

Parking meters are authorized by the City of Portland as a means to increase vehicle turnover in parking spaces, to encourage short-term parking in the metered area, and to improve safety in the public right-of-way.

16.20.405 Enforcement of Metered Parking Spaces.

(Amended by Ordinance No. 179141, effective March 23, 2005.)

- A. Parking meters are in effect during all hours indicated on the meter and/or sign.
- B. All vehicles must adhere to parking meter regulations while stopped or parked in an officially designated metered parking space unless obeying the direction of an authorized officer or unless authorized for specific actions by a vehicle or general parking permit.
- C. Emergency vehicles may stop or park in any metered space at any time while serving an emergency.

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- D.** It is unlawful to store nonvehicular property in a metered parking space. Any nonvehicular property stored in a metered parking space is a nuisance and may be summarily abated.

16.20.410 Administration of Meters, City of Portland Owned and Operated Property.
(Amended by Ordinance No. 179141, effective March 23, 2005.)

- A.** Changes to or establishment of parking meter areas, including but not limited to surface parking lots, parking structures and designated parking areas, is initiated at the sole discretion of the City Traffic Engineer.
- B.** The City Traffic Engineer is authorized to enter into agreements with City Bureaus or other public bodies in order to operate their surface parking lots, parking structures or designated parking areas within the City of Portland.

16.20.420 Determination of Meter District Boundaries.
(Amended by Ordinance Nos. 173627 and 179141, effective March 23, 2005.)

- A.** Changes to or establishment of a parking meter district is initiated at the sole discretion of the City Traffic Engineer.
- B.** Before expanding or establishing a new parking meter district on public-right-of-way, the City Traffic Engineer must conduct a public hearing on the proposed meter district. All properties within 400 feet of and all City recognized neighborhood and business associations within 1000 feet of the proposed meter district shall be mailed notice of the public hearing at least 20 days prior to the hearing.
- C.** Meter district boundaries will be proposed in the text of a report to the City Council. All persons registering their attendance at the public hearing shall be mailed notice of the City Council meeting at least 20 days prior to the meeting.
- D.** The City Traffic Engineer may consider the following factors when determining a parking meter district boundary:
 - 1.** The amount of area presently under parking sign controls.
 - 2.** Adjacent property owner and property tenant demand and interest in having metered parking control.
 - 3.** Need for increased turnover of parking spaces and public right-of-way management.
 - 4.** Mitigation of traffic and parking impact on adjacent areas.

- 5. Impact on current parking meter district enforcement.
- E. Current meter district boundaries shall be listed in the Bureau of Transportation System Management's Rules and Procedures Manual.

16.20.430 Meter Time (on City of Portland Right-of-Way).

(Amended by Ordinance Nos. 176394 and 179141, effective March 23, 2005.)

- A. It is unlawful for any person to park any vehicle in any parking meter space during the hours of operation of the meter without paying the parking meter fee, or to permit any vehicle in their control or custody to remain in any parking meter space longer than the time designated time limit.
- B. At short-term meters, it is unlawful to extend the parking time beyond the designated limit for parking in the metered space.
- C. Upon expiration of the designated time limit, as indicated by the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face unless it has moved 500 or more lineal feet as measured along the curb or edge line.
- D. Upon leaving a metered space a vehicle may not return to a parking meter in the same block face for a 3-hour period, unless it is a metered space in the same block face that is more than 500 lineal feet, as measured along the curb or curb line, from the previously used metered space.
- E. Upon expiration of the designated time limit indicated by the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face unless:
 - 1. The vehicle has moved 500 or more lineal feet, measured along the curb or edge line;
 - 2. The vehicle has moved to an unregulated parking area in the same block face; or
 - 3. The vehicle has vacated the block face for a period of 3 hours.
- F. A vehicle may not be parked in any space with a broken or "out of order" meter for a period of time longer than the time limit indicated on the meter. Payment or a valid receipt is required at all spaces regardless of whether the closest device is functioning.

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16.20.431 City of Portland Owned or Operated Property.

(Added by Ordinance No. 179141, effective March 23, 2005.)

- A.** It is unlawful for any person to park any vehicle in any parking space during the hours of operation without paying the parking meter fee, or displaying a valid receipt, or to permit any vehicle in their control or custody to remain parked without payment of meter fees or displaying a valid receipt.
- B.** It is unlawful for any person to park any vehicle with an invalid or unexpired permit or failure to display the valid permit according to the City of Portland, Office of Transportation Administrative Rules.
- C.** Improper use of a permit by a permit holder will result in cancellation of that permit.
- D.** After a citation for violation has been issued and the cited vehicle remains parked or stopped, when cited for the previous violation, a separate violation occurs upon the expiration of each successive maximum period of parking time as designated by official signs, markings, or meters. A separate citation may be issued for each successive violation.

16.20.440 Meter Fees.

(Amended by Ordinance No. 176394, effective April 17, 2002.) A sign or legend which indicates the interval of time for which parking is permitted and the fee payable for the time interval must be posted on all meters. The parking meter fee must be paid with U.S. coins or a payment card by the person parking the vehicle, except:

- A.** During all the days and the hours that a meter fee is not required as indicated on the meter.
- B.** A vehicle with a commercial or delivery permit and a vehicle allowed to use truck loading zones by right may use any metered parking space without charge on any day between the hours of 8 a.m. and 10:30 a.m. for a maximum of 30 minutes while engaged in loading/ unloading merchandise.
- C.** Any government vehicle, so identified by public registration plates, may park without fee for the maximum time limit allowable at any metered parking space.
- D.** A vehicle with a current permit authorizing parking at a meter without payment of the meter fee, as defined in Section 16.20.500 and 16.20.600.
- E.** A vehicle, for the sole purpose of loading/unloading passengers, for a period not to exceed 30 seconds.

16.20.445 Pay Stations.

(Added by Ordinance No. 176394, effective April 17, 2002.)

- A. It is unlawful to park or permit to be parked any vehicle in a space metered by a pay station without properly displaying proof of payment.
- B. Proper display of proof of payment means affixing the receipt to the interior of the curbside window of the vehicle in such a manner that the expiration time and date are readily visible from the exterior. For motorcycles, receipts shall be affixed where clearly visible.

16.20.450 Obstruction of Meters.

No vehicle or other property may obstruct access to a parking meter in a manner which prevents deposit of coins in the meter, visibility of the meter instructions or time limit, or visibility of any signs mounted on the meter pipe. A vehicle or other property in violation of this section is hereby declared to be a nuisance and is subject to summary abatement.

16.20.460 Parking Space Reservation.

(Amended by Ordinance Nos. 176394 and 179141, effective March 23, 2005.)

- A. A parking space may be reserved by securing a meter hood over a single-space parking meter or by placing a space reservation marker on the sidewalk near the curb of the parking space according to the permit's administrative regulations.
- B. A vehicle parked prior to placement of a space reservation device will not be considered parked in violation until it is parked longer than the time limit indicated on the meter.
- C. The issuance and use of parking meter hoods is permissive and will not be construed to vest any privilege or property right to the permittee. Hoods, padlocks, and keys remain the property of the City.
- D. The permittee will be charged a fee for replacement and administrative costs for parking meter hoods which are lost, damaged or vandalized.
- E. A fee will be charged to the permittee when a meter hood is not returned on the date designated.
- F. The permittee will be charged an additional fee for each hood which is retrieved by City personnel.

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- G.** The sign(s), meter hoods, or other devices designating a reserved area may only be used to reserve the number of parking spaces or total street frontage as allowed by the permit.

16.20.470 Injury to or Theft From Meters; Unauthorized Possession of Implements, Invalid Receipt.

(Added by Ordinance No. 170923; amended by 176394 and 179141, effective March 23, 2005.)

- A.** It is unlawful for any person to deface, injure, tamper with, willfully break, destroy, or impair the usefulness of any parking meter installed in public streets, public places, or elsewhere in the City, or to open or remove the same without lawful authority.
- B.** It is unlawful for any person without lawful authority to remove any coin box or the money content of such coin box or the contents of any parking meter or part thereof.
- C.** It is unlawful for any person to knowingly manufacture, duplicate, possess, or use any tool, key, implement or device designed to force, break, unlock, or otherwise gain entry to any parking meter maintained by the City unless authorized to do so by the City Traffic Engineer.
- D.** Injury to or theft from each meter as described in Subsection A and possession of each item described in Subsections B and C is a separate offense. For each such offense, in addition to the penalties otherwise provided in this Code, a court may order restitution to the City of the damages incurred for repair or re-keying parking meters as a result of injury to the meters or the use or possession of the items described in Subsection C.
- E.** It is unlawful for any person to duplicate, copy, use or otherwise falsify a parking payment receipt.
- F.** It is unlawful for any person to damage, deface, or remove a space reservation device.

16.20.500 General Parking Permits.

16.20.501 Purpose.

General parking permits may be issued to reserve public right-of-way areas for use by designated parties. The City Traffic Engineer may issue permits, parking meter hoods, signs, or other devices to temporarily reserve public right-of-way areas outside of the Special Traffic Control District (17.23). Within the Special Traffic Control District, the City Engineer may issue a general parking permit. General parking permits may apply in

designated parking zones, at parking meters, or elsewhere depending on the specifications of the permit. This section will describe each general parking permit and the regulations for enforcement of the permit.

16.20.503 Current Approval Required Before Use.

- A.** All general parking permits, including meter hoods, must have current approval of the City Engineer or the City Traffic Engineer at the time the permit is used by the permittee.
- B.** The City Traffic Engineer or City Engineer may deny a general parking permit application based on a demonstrated history of improper use by the applicant during the previous 12 months.
- C.** No permit will be issued to any applicant who has an outstanding balance due for prior violation(s) of or outstanding fees for permits issued by the City Traffic Engineer.
- D.** The City Traffic Engineer may require insurance to indemnify the City from liability before issuing a general parking permit.
- E.** Replacement permit cards may be issued by the City Traffic Engineer upon receipt of a fee from the permittee.
- F.** A decision of the City Traffic Engineer regarding the issuance of a general parking permit may be appealed to the Code Hearings Officer according to Title 22 of the Portland City Code.

16.20.505 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.

16.20.510 Construction Area Permit.

- A.** A construction area permit will only be issued to a person with an official street use permit, a street opening permit, a temporary street closure permit, or who is performing minor modifications or clean-up activities.
- B.** A construction area permit allows placement of building materials, equipment, or commercial vehicles necessary for the performance of the work in the public right-of-way. A meter hood/sign may only be used to establish a construction area when the parking of the vehicle is essential to the performance of the construction work. A vehicle not allowed by right to park in truck loading zone

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and vehicles being used to transport small tools are not essential in this regard and are not allowed in any construction area unless specifically authorized by the permit.

- C.** No vehicle may park in a construction area unless authorized by the construction area permit. Identification cards may be required for authorization of the vehicle.

16.20.520 Maintenance Hood Permit.

A maintenance hood permit allows a person to secure parking meter hoods on parking meters near areas where work is being performed. Permit users must obey administrative regulations of the permit and regulations regarding parking meter hood use (16.20.460).

16.20.530 Temporary Truck Loading Area Permit.

- A.** A temporary truck loading permit may be issued to any person proving need for the permit. The temporary truck loading area must be designated by portable signs or parking meter hoods or as otherwise designated by the administrative instructions of the permit. The signs, meter hoods, or other devices designating the area may only be used where allowed by the permit.
- B.** No vehicle may park in a temporary truck loading area unless authorized by the temporary truck loading area permit.

16.20.540 Angle Loading Permit.

An angle loading permit may be granted by the City Traffic Engineer to facilitate the loading/unloading of vehicles, subject to the following provisions:

- A.** When angle parked, the permittee must be actively engaged in loading/ unloading the vehicle.
- B.** The permit will be authorized when necessary because of the weight or size of the merchandise being loaded/unloaded and the physical constraints of the loading area.
- C.** Angle loading/unloading will be subject to the time limit established by the City Traffic Engineer for each individual permit.
- D.** In the case of a tractor and trailer combination, the tractor may be required to be removed and parked separately.
- E.** The City Traffic Engineer may require a traffic control plan to be implemented as a condition of the permit.

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- F. The City Traffic Engineer may require insurance to indemnify the City for liability related to permit use.

16.20.550 Travel Lane Parking Permit.

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

- A. A street closure permit must be obtained from the City Engineer per Title 17.44.020 for the following purposes:
1. Facilitating construction, demolition or installation of facilities on public or private property.
 2. Restricting vehicular use of an unimproved street for the protection of the public or to eliminate a neighborhood nuisance.
 3. Providing for special events, such as block parties or neighborhood fairs.
- B. The City Traffic Engineer may issue a travel lane closure permit for any other purpose, and, as a condition of the permit, require:
1. A traffic control plan to be implemented; and
 2. Insurance to indemnify the City for liability related to permit use.

16.20.560 Special Use Permit.

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

- A. Special use permits will be limited to uses where the firm or individual requires reserved parking lane space to perform a specific task. Permitted uses may include: crane placement or operation, bus loading, mobile medical facilities, funeral vehicles, wedding vehicles, special events, security for visiting dignitaries, and other special restrictions deemed necessary by Police or Transportation System Management Bureaus. Special use permits will not be issued to allow the display or sale of merchandise.
- B. No vehicle may park in a special use permit area unless authorized by the special use permit.

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16.20.595 Improper Use.

(Amended by Ordinance Nos. 170923 and 179141, effective March 23, 2005.)

- A.** It is a violation to improperly use a permit, meter hood, sign, or curb marking, and will be cause for the revocation of the permit, meter hood, sign, or curb marking. A citation or a civil penalty will be assessed of up to \$1,000 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 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 are due within 30 days after the fine is levied. All civil penalties assessed by the City Traffic Engineer are due within 30 days unless an appeal is made.
- D.** Decisions of the City Traffic Engineer regarding the revocation of a general parking permit may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.20.600 Vehicle Parking Permits.

16.20.601 Purpose.

A vehicle permit may be issued to allow a vehicle to legally park in violation of specific parking regulations. A vehicle permit may apply in a designated parking zone, parking meter, or elsewhere depending on the specifications of the permit.

16.20.603 Current Approval Required Before Use.

- A.** All vehicle permits, including meter hoods, must have current approval of the City Traffic Engineer at the time the permit is used by the permittee.
- B.** The City Traffic Engineer may deny a vehicle permit application based on a demonstrated history of permit abuse by the applicant during the previous 12-month period.
- C.** Unless otherwise specified, all vehicle permits issued by authority of this Section will expire January 1, following the calendar year in which the permit was issued.
- D.** A duplicate permit may be issued by the City Traffic Engineer upon receipt of a replacement application and fee from the permittee.
- E.** No permit will be issued to any applicant who has an outstanding balance due for prior violation(s) of permits issued by the City Traffic Engineer.

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- 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.

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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:

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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,

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- (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.

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- 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.

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- 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.

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- 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.

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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.

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- 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:

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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

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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:

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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.

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Chapter 16.30

TOWING & DISPOSITION OF VEHICLES

Sections:

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16.30.530	When Tow Found Invalid.
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16.30.550	Storage Charges at Completion of Hearing.
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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.

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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;

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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;

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- 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);

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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;

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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

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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.

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- 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

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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.

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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

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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.)

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- 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;

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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.
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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

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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**

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- 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.

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- (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.

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- (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.

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- 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

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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

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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;

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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.

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- 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:

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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

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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

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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:

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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.

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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.

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- 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

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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

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

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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;

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- 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.

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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.

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- 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.

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- 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

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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.

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- 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:

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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.

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.

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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,

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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.

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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.

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- 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;

- f. Whether the facts underlying the violation have been considered in a previous disciplinary proceeding; and
 - g. Any other factors the Supervisor deems to be relevant.
- L. Appeals. 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 the Code Hearings Officer pursuant to the provisions of Chapter 22.10 of this Code.
- M. Savings Clause. The Supervisor may grant an initial application for an LPT driver permit, renew a permit or decide not to revoke a permit if an applicant or LPT driver establishes to the Supervisor's satisfaction that any behavior prohibited by this Chapter, or that would be cause to deny an initial permit, meets any one of the following conditions:
 - 1. Is not likely to reoccur; or
 - 2. Is remote in time; or
 - 3. Occurred under circumstances that diminish the seriousness of the behavior.

The burden of proof of the existence of one or more of the conditions listed in section M.1. to 3. shall be on the applicant or LPT driver.

16.40.940 Civil Penalties.

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

- A.** The Supervisor may assess a civil penalty of up to \$500 per day or per occurrence in lieu of revocation against:
- 1.** A limited passenger transportation permittee if the Supervisor finds reasonable grounds to believe that the permittee has violated any provisions of this Code, regulations of the Board or the conditions of a permit; or
 - 2.** Any person found to be operating as a limited passenger transportation provider without a limited passenger transportation permit.
- B.** In determining whether to impose a civil penalty and how much that penalty shall be, the Supervisor shall consider:

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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.

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(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;

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- 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.

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- 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.

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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 122nd Avenue Subdistrict.
- 16.60.030 Exemptions.
- 16.60.040 Enforcement and Notice of Violation.
- 16.60.050 Penalties.
- 16.60.060 Disclosure.
- 16.60.070 Additional Regulations.

16.60.010 Definitions.

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

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

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- 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.

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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

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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 122nd Avenue Subdistrict.

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

16.60.030 Exemptions.

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

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

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- 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.

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Chapter 16.70

MISCELLANEOUS REGULATIONS

Sections:

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

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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.

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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

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

- A. No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any sidewalk within the area bounded by and including SW Jefferson, Naito Parkway, NW Hoyt and 13th Avenue. The middle and bisecting sidewalks in the Park Blocks are considered sidewalks for the purposes of this subsection. 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 5th or 6th Avenues between SW Lincoln and Burnside, and on NW 5th or 6th 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.

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- 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 OMF Risk Management Division 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.

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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

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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

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

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

16.70.660 Permit Must Be Carried and Displayed.

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

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16.70.670 Movement of Building or Other Structure Excluded.

The movement of buildings or other structures on or over the streets and other public right-of-ways of the City is excluded from the provisions of this Chapter. (See Chapter 17.48, Public Improvements.)

16.70.680 Liability for Damage to Streets or Other Public Property.

Any person moving any vehicle of excess weight or size on or over any street or other public right-of-way in the City is responsible for damage to pavement or other public improvement or property caused thereby.

16.70.690 Designation of Streets for Vehicles of Excess Weight or Size.

- A.** When in the judgement of the City Traffic Engineer any City street or section thereof is capable of carrying any vehicle or combination of vehicles having a gross weight or overall size in excess of that authorized in ORS 818, the City Traffic Engineer may report to the City Council so declaring that street and fixing the maximum gross weight, width, height, and/or length and types and classes of vehicles or combination of vehicles which may be operated thereon.
- B.** The provisions of any report accepted by the City Council pursuant to recommendation of the City Traffic Engineer under this Section may be changed or rescinded at any time and is subject to any order made pursuant to Section 16.10.200.
- C.** If a report submitted by the City Traffic Engineer under this Section is accepted by the City Council, a duplicate original thereof (and any amendment or revocation thereof) must be filed by the Auditor with the Secretary of State. After such resolution is adopted and filed, no permit is required for the operation upon such street or section thereof of a vehicle or combination of vehicles not exceeding the maximum gross weight and length fixed by the report for vehicles or combinations of vehicles of that type and class.

16.70.700 Traffic Congestion Thoroughfares.

16.70.701 Purpose.

The purpose of this Chapter is to prohibit the repeated driving of a motor vehicle along and across one portion of a congested public street, which constitutes a strict liability violation without any requirement of culpable mental state, all as described in this Chapter.

16.70.720 Posting Signs.

With respect to any traffic congestion thoroughfare, the Chief of the Bureau of Police or his/her designee is authorized to declare that portion of the street to be a traffic

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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.

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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.

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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

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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

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16.90.140	Handicap Access Ramp.
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16.90.350	Street or Highway.
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16.90.375	Traffic Control Device.
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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.

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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.)

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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:

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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:

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- 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.

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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.

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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.

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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.

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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.

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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.

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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.

