

UPDATE INFORMATION SHEET

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

Vols. I & II – Portland City Code

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

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

Update Packet Enclosed	September 30, 2009
Previous Update Packet	June 30, 2009

Office of the City Auditor 503-823-4082
3rd Quarter 2009 (September 2009)

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TITLE 1 GENERAL PROVISIONS

- B.** “**Ethics**” means positive principles of conduct. Some ethical requirements are enforced by federal, state, or local law. Others rely on training, or on individuals’ desire to do the right thing. The provisions of this Chapter which are not elsewhere enforced by law shall be considered advisory only.

1.03.020 Trust.

The purpose of City government is to serve the public. City officials treat their office as a public trust.

- A.** The City’s powers and resources are used for the benefit of the public rather than any official’s personal benefit.
- B.** City officials ensure public respect by avoiding even the appearance of impropriety.
- C.** Policymakers place long-term benefit to the public as a whole above all other considerations, including important individuals and special interests. However, the public interest includes protecting the rights of under-represented minorities.
- D.** Administrators implement policies in good faith as equitably and economically as possible, regardless of their personal views.
- E.** Whistle-blowing is appropriate on unlawful or improper actions.
- F.** Citizens have a fair and equal opportunity to express their views to City officials.
- G.** City officials do not give the appearance of impropriety or personal gain by accepting personal gifts.
- H.** City officials devote City resources, including paid time, working supplies and capital assets, to benefit the public.
- I.** Political campaigns are not conducted on City time or property.

1.03.030 Objectivity.

City officials’ decisions are based on the merits of the issues. Judgment is independent and objective.

- A.** City officials avoid financial conflict of interest and do not accept benefits from people requesting to affect decisions.

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GENERAL PROVISIONS

- B.** If an individual official's financial or personal interests will be specifically affected by a decision, the official is to withdraw from participating in the decision.
- C.** City officials avoid bias or favoritism, and respect cultural differences as part of decision-making.
- D.** Intervention on behalf of constituents or friends is limited to assuring fairness of procedures, clarifying policies or improving service for citizens.

1.03.040 Accountability.

Open government allows citizens to make informed judgments and to hold officials accountable.

- A.** City officials exercise their authority with open meetings and public records.
- B.** Officials who delegate responsibilities also follow up to make sure the work is carried out efficiently and ethically.
- C.** Campaigns for election should allow the voters to make an informed choice on appropriate criteria.
- D.** Each City employee is encouraged to improve City systems by identifying problems and proposing improvements.
- E.** City government systems are self-monitoring, with procedures in place to promote appropriate actions.

1.03.050 Leadership.

- A.** City officials obey all laws and regulations.
- B.** City officials do not exploit loopholes.
- C.** Leadership facilitates, rather than blocks, open discussion.
- D.** Officials avoid discreditable personal conduct and are personally honest.
- E.** All City bureaus and work teams are encouraged to develop detailed ethical standards, training, and enforcement.
- F.** The City Auditor will publish a pamphlet containing explanations and examples of ethical principles.

TITLE 2
LEGISLATION AND ELECTIONS

2.10.060 Declaration of Intent to Seek Certification and Agreement to Comply with Provisions of Chapter 2.10.

(Added by Ordinance No. 179258; amended by Ordinance Nos. 181054, 182852 and 183176, effective September 9, 2009.)

- A.** A Candidate shall file a declaration of intent to seek certification as a Certified Candidate for a Primary or Special Nominating Election and to comply with the requirements of Chapter 2.10.
- 1.** The declaration of intent for a Primary or Special Nominating Election shall be filed with the Auditor during the applicable Qualifying Period pursuant to forms and procedures adopted by the Auditor by rule. During the Qualifying Period for a Primary Election, a declaration of intent shall be filed no later than 5:00 p.m. of January 15. If January 15 falls on a Saturday, Sunday, or City holiday, a declaration of intent shall be filed no later than 5:00 p.m. of the next business day.
A declaration of intent for a Special Nominating Election may be filed at any time during the Qualifying Period.
 - 2.** A Candidate shall submit a declaration of intent for a Primary or Special Nominating Election prior to collecting Qualifying Contributions.
 - 3.** A Candidate with a preexisting principal campaign committee shall file a detailed Contribution and Expenditure Report with the Auditor at the time of filing a declaration of intent pursuant to forms and procedures adopted by the Auditor by rule. This report shall include all Contributions received and Expenditures made during the Exploratory Period.
- B.** The declaration of intent for a Primary or Special Nominating Election shall specify that the Candidate agrees:
- 1.** To comply with the provisions of the Campaign Finance Fund Program as outlined in Chapter 2.10;
 - 2.** To comply with the provisions of Section 2.10.190, Political Advertisement Disclosure Requirements for Certified Candidates;
 - 3.** That any money received from the Campaign Finance Fund shall not be used to retire a campaign debt incurred prior to Certification;
 - 4.** That any money received from the Campaign Finance Fund shall be used only for purposes related to the Candidate's campaign for nomination or election to the City Office for which the Candidate has qualified as a

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Candidate in compliance with the provisions of Section 2.10.090, Limitations on Use of Campaign Fund Revenues;

5. That during the Primary or Special Nominating Election Period, including the Exploratory and Qualifying Periods, a Candidate may not:
 - a. Accept Contributions, except for Qualifying Contributions collected during the Qualifying Period as described in Section 2.10.070, Seed Money Contributions and In-Kind Contributions accepted during the Exploratory and Qualifying Periods as described in Section 2.10.050 or Contributions to retire prior campaign debt during the Exploratory Period in accordance with Section 2.10.050 B; or
 - b. Make campaign Expenditures from funds other than Qualifying Contributions collected during the Qualifying Period, Seed Money Contributions collected during the Exploratory and Qualifying Periods and Contributions to retire prior campaign debt during the Exploratory Period in accordance with Section 2.10.050 B. Except for Seed Money Contributions collected during the Exploratory and Qualifying Periods, a Candidate who has filed a declaration of intent may not make Expenditures from funds received prior to filing the declaration.
6. That during the Qualifying Period, a Candidate may not incur Accounts Payable, except as provided in Section 2.10.070 G.2.
7. That the limits for Seed Money Contributions and In-Kind Contributions in Section 2.10.050 apply to the entire applicable Primary Election Period or Special Nominating Election Period, including the Exploratory Period.

2.10.070 Qualifying Period, Contributions and Requirements.

(Amended by Ordinance Nos. 181054, 181656 and 182852, effective June 26, 2009.)

- A. To be eligible to become a Certified Candidate for a Primary or Special Nominating Election, a Candidate may receive and spend only Qualifying Contributions in the applicable Qualifying Period, Seed Money and In-Kind Contributions during the applicable Exploratory and Qualifying Periods, and Contributions to retire prior campaign debt during the Exploratory Period in accordance with Section 2.10.050 B. A Candidate may incur Accounts Payable during the applicable Qualifying Period only as provided in Section 2.10.070 G.2.
- B. To be eligible to become a Certified Candidate for a Primary or Special Nominating Election, a Candidate shall not make a Qualifying Contribution of

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1. Seed Money Contributions received by the Candidate during the applicable Exploratory and Qualifying Periods; and
 2. Qualifying Contributions received by the Candidate during the applicable Qualifying Period.
- C. For uncontested Primary and Special Nominating Elections where there is only one Candidate appearing on the ballot for a particular office at the Primary nominating election:
1. No revenues shall be distributed to that Candidate.
 2. A Certified Candidate who is the only Candidate appearing on the ballot for a particular office and has received revenues from the Fund per Section 2.10.100 shall deliver to the Auditor an amount of money equal to the revenues distributed to the Candidate from the Campaign Finance Fund no later than the 42nd day before the Primary or Special Nominating Election. This money shall be deposited by the Auditor in the Campaign Finance Fund.

2.10.120 Full Disclosure of Campaign Expenditures and Contributions, Including Seed Money, Qualifying Contributions and In-Kind Contributions.

(Amended by Ordinance Nos. 181054, 181656, 182852 and 183143, effective August 26, 2009.)

- A. The Oregon Secretary of State is the filing officer for all Oregon candidates and committees, ORS 260.057. All Candidates are required to file Contributions and Expenditures electronically via the Secretary of State's electronic reporting system. All Candidates will follow the schedule prescribed by the Secretary of State, but Certified Candidates and Candidates that have filed, and not withdrawn, a declaration of intent described in Section 2.10.060 will report at the following shorter intervals:
1. The following will be reported within 14 days:
 - a. All Seed Money Contributions, Qualifying Contributions, In-Kind Contributions, Campaign Finance Fund revenues received, and all Expenditures made by a Candidate prior to the 42nd day before the biennial Primary Election or Special Nominating Election.
 - b. All In-Kind Contributions, Campaign Finance Fund revenues received, and all expenditures made by a Candidate from the Campaign Finance Fund after the biennial Primary Election but

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prior to the 42nd day before the biennial General Election or Special Runoff Election.

2. The following will be reported within 7 days:
 - a. All In-Kind Contributions, Campaign Finance Fund revenues received, and all Expenditures made by a Certified Candidate during 42 days before and including the biennial Primary Election or Special Nominating Election day.
 - b. All In-Kind Contributions, Campaign Finance Fund revenues received, and all Expenditures made by a Certified Candidate during 42 days before and including the biennial General Election or Special Runoff Election day.
- B. Notices filed under Sections 2.10.120, 2.10.130 and 2.10.140 shall be inspected by the Auditor for sufficiency.
 1. The Auditor shall immediately notify a Person required to file a notice under these Sections if:
 - a. Upon examination of relevant materials, it appears to the Auditor that the Person has failed to file a required notice or that a notice filed with the Auditor is insufficient; or
 - b. A complaint is filed with the filing officer under Section 2.10.120 B.2.
 2. A City Elector may file a complaint with the Auditor that a notice filed with the Auditor is insufficient or that a Person has failed to file a required statement. The complaint shall be in writing, shall state in detail the reasons for complaint and shall be filed with the Auditor no later than the 90th day after the date the notice about which it complains is filed or should have been filed.
- C. Disclosure reports for Nonparticipating Candidates shall be filed under Section 2.10.130.
- D. Disclosure reports for Independent Expenditures shall be filed under Section 2.10.140.

2.10.130 Disclosure Requirements for Nonparticipating Candidates.

(Amended by Ordinance Nos. 181054, 181656 and 182852, effective June 26, 2009.)

3.28.050 Venereal Disease Control Division.

The Venereal Disease Control Division shall provide clinical services for diagnosis, control, and prevention of venereal disease.

3.28.060 Laboratory Division.

The Laboratory Division shall conduct tests and examinations for bacteria content and such other laboratory services as the other divisions request.

3.28.070 School Hygiene Division.

The School Hygiene Division shall be responsible for the prevention of communicable diseases in the schools through promoting vaccination against smallpox and the use of toxoid against diphtheria, and through ascertaining that children sick with communicable diseases are excluded. This Division shall also conduct examinations of school children at regular intervals for the purpose of discovering defects which may be remedied and shall notify the parents regarding the need for attention to vision, infections, nutrition, and postural defects and diseases.

3.28.080 Emergency Hospital Division.

The Emergency Hospital Division is designed to take care of those who are injured or who are taken sick suddenly, and have no means of providing for themselves the medical and hospital care they need, or who are ineligible for care by Multnomah County because they are not residents.

3.28.090 Pure Food Sanitation Division.

The Pure Food and Sanitation Division shall be divided into the following Sections:

- A. The Milk Inspection Section, which shall provide inspection of the milk supply, including the source, transportation, handling, and preparation for distribution;
- B. The Meat Inspection Section, which shall provide inspection of meat in an effort to keep unwholesome meats and meat products from the market;
- C. The Sanitation Inspection Section, which shall provide general sanitation inspection services, such as restaurant inspection, food inspection, market inspection, food handler's examinations, inspections of hospitals and certain manufacturing plants, and the inspection of housing conditions, including ventilation, lighting and sanitation fixtures.

3.28.100 Division of Mental Health.

The Division of Mental Health shall provide psychiatric consultation with school children and adults, assist the emergency hospital in the handling of persons with mental health problems, act as liaison between the Bureau of Health and mental health institutions and organizations, and generally provide a mental health service for the City.

TITLE 3 ADMINISTRATION

3.28.110 Division of Home Health Care.

The Division of Home Health Care shall provide the limited nursing services such as but not limited to prescribed treatment, application of dressings, irrigations, exercises and baths and home health aide services including but not limited to nonprofessional care of ill or injured persons, food marketing or other needed shopping or errand, preparation and serving of meals and light housekeeping.

Chapter 3.30

BUREAU OF DEVELOPMENT SERVICES

(Substituted by Ordinance No. 175237,
amended by No. 176955, effective
October 9, 2002.)

Sections:

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

3.30.005 Organization.

(Amended by Ordinance No. 176955, effective October 9, 2002.) The Bureau of Development Services shall be under the supervision of the Director. The Director shall be directly responsible to the Commissioner in Charge.

3.30.010 Duties of the Bureau of Development Services.

(Amended by Ordinance Nos. 176955, 180330, 182671 and 182962, effective July 31, 2009.) The Bureau of Development Services shall be responsible for:

TITLE 3
ADMINISTRATION

- A.** The administration and enforcement of:
 - 1.** Noise Control, Title 18;
 - 2.** Building Regulations, Title 24.
 - 3.** Plumbing Regulations, Title 25.
 - 4.** Electrical Regulations, Title 26.
 - 5.** Heating and Ventilating Regulations, Title 27.
 - 6.** Floating Structures, Title 28.
 - 7.** Property Maintenance Regulations, Title 29.
 - 8.** Signs and Related Regulations, Title 32.
 - 9.** Original Art Murals, Title 4.
 - 10.** State of Oregon Regulations regarding manufactured dwellings.
 - 11.** Other regulations enacted by the State of Oregon and adopted by the City Council and assigned to the Bureau.
- B.** The application and enforcement of the provisions of Planning and Zoning Regulations, Title 33 as delegated by the Director of the Bureau of Planning and Sustainability.
- C.** The examination and checking of applications, plans, specifications and supporting documentation required as a prerequisite to the approval of land use actions and permits for development.
- D.** The coordination of related permits with other bureaus and offices as required to manage the Development Services Center.
- E.** The issuance of approvals and permits required for the construction, installation, repair, or alteration of land, buildings or equipment.
- F.** The inspection of sites, buildings or other structures and equipment for compliance with plans and specifications and with applicable Code provisions and laws; and
- G.** Other duties as assigned to the Bureau.

TITLE 3 ADMINISTRATION

3.30.020 Responsibility for the Development Services Center and Development Review.

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

- A.** The Bureau of Development Services shall be responsible for the operation and management of the City's Development Services Center.
- B.** The Bureau of Development Services has management responsibility for assigned personnel through direct assignment or through interagency agreements, and manages the daily operation of the Center.

3.30.030 Development Review Advisory Committee.

(Amended by Ordinance Nos. 176955 and 178954, effective January 7, 2005.)

- A. Purpose.** The Development Review Advisory Committee is a citizen advisory body, representing those with interests in the outcome of policies, budgets, regulations, and procedures that affect development review processes. The purpose of the Committee is to foster a timely, predictable and accountable development review process that implements the City's goals for land use, transportation, housing, economic development, neighborhood livability and the environment. The Committee advocates for and supports consistent and fair application and implementation of regulations. The Committee provides public input into the development review process by:
 - 1.** Providing leadership and expertise on issues affecting development;
 - 2.** Providing feedback to Bureaus, Review Bodies, and City Council on the impact of potential regulations and administrative rules on the development review process, taking into consideration the full range of City goals and objectives;
 - 3.** Providing recommendations for regulatory, code, and administrative rule changes affecting the development review process;
 - 4.** Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's development goals;
 - 5.** Recommending customer service, permitting, process, and compliance improvements to Bureaus, Review Bodies, and/or City Council;
 - 6.** Serving as an advisory board to Development Review Directors and Bureaus on development review processes and procedures;

TITLE 4 ORIGINAL ART MURALS

Chapter 4.10 PURPOSE

4.10.010 Purpose of This Title.

Chapter 4.12 DEFINITIONS

4.12.010 General.

4.12.020 Definitions.

Chapter 4.20 ALLOWED AND PROHIBITED ORIGINAL ART MURALS

4.20.010 Allowed Original Art Murals.

4.20.020 Prohibited Murals.

4.20.030 Relationship of Permitted Original Art Mural to other Regulations.

4.20.040 Exceptions to this Title.

Chapter 4.30 NEIGHBORHOOD INVOLVEMENT PROCESS

4.30.010 Establishment of Neighborhood Involvement Process for Permits.

Chapter 4.40 ADMINISTRATIVE RULES

4.40.010 Administrative Rules to Be Adopted

Chapter 4.50 VIOLATIONS AND ENFORCEMENT

4.50.010 Violations.

4.50.020 Notice Of Violations.

4.50.030 Responsibility for enforcement.

Chapter 4.10

PURPOSE

(New Title added by Ordinance No. 182962,
effective July 31, 2009.)

Sections:

4.10.010 Purpose of This Title.

4.10.010 Purpose of This Title.

The purpose of this Title and the policy of the City of Portland is to permit and encourage original art murals on a content-neutral basis on certain terms and conditions. Original art murals comprise a unique medium of expression which serves the public interest. Original art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion.

TITLE 4

ORIGINAL ART MURALS

Chapter 4.12

DEFINITIONS

Sections:

- 4.12.010 General.
- 4.12.020 Definitions.

4.12.010 General.

Words used in this Title have their normal dictionary meaning unless they are listed in Section 4.12.020 or unless this Title specifically refers to another Title. Words listed in Section 4.12.020 have the specific meaning stated or referenced unless the context clearly indicates another meaning.

4.12.020 Definitions.

- A. Alteration.** Any change to the Permitted Original Art Mural, including but not limited to any change to the image(s), materials, colors or size of the Permitted Original Art Mural. “Alteration” does not include naturally occurring changes to the Permitted Original Art Mural caused by exposure to the elements or the passage of time. Minor changes to the Permitted Original Art Mural which result from the maintenance or repair of the Permitted Original Art Mural shall not constitute “alteration” of the Permitted Original Art Mural within the meaning of this Title. This can include slight and unintended deviations from the original image, colors or materials that occur when the Permitted Original Art Mural is repaired due to the passage of time, or as a result of vandalism such as graffiti.
- B. Changing Image Mural.** A mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of mural image or message. Changing image murals do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.
- C. Compensation.** The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. “Compensation” does not include:
 - 1. goodwill; or**

TITLE 4
ORIGINAL ART MURALS

2. an exchange of value that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and the building owner or leaseholder fully controls the content of the mural.
- D. Conservation District.** A collection of individual resources that is of historic or cultural significance at the local or neighborhood level, as identified through an inventory and designation process and mapped as such in Title 33, Planning and Zoning.
- E. Conservation Landmark.** A structure, site, tree, landscape, or other object that is of historic or cultural interest at the local or neighborhood level, as identified through an inventory and designation process and mapped as such in Title 33, Planning and Zoning.
- F. Design Overlay Zones.** These are areas where design and neighborhood character are of special concern. They are identified by having a “d” (Design Overlay) designation on the City’s official Zoning Maps, as regulated by Title 33, Planning and Zoning.
- G. Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building (the Uniform Building Code as amended by the State).
- H. Historic District.** A collection of individual resources that is of historic or cultural significance at the local, state, or national level, as identified through an inventory and designation process and mapped as such in Title 33, Planning and Zoning.
- I. Historic Landmark.** A structure, site, tree, landscape, or other object that is of historic or cultural significance, as identified through a historic landmark designation process and mapped as such on the City’s inventory of Historic Landmarks. Historic Landmarks are regulated by Title 33, Planning and Zoning.
- J. Original Art Mural.** A hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building. Original Art Mural does not include:
1. mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl;

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ORIGINAL ART MURALS

2. murals containing electrical or mechanical components; or
3. changing image murals.

K. Permitted Original Art Mural. An Original Art Mural for which a permit has been issued by the City of Portland pursuant to this Title.

L. Public Right-of-Way. An area that allows for the passage of people or goods, that has been dedicated or deeded to the public for public use. Public Rights-of-Way include passageways such as freeways, pedestrian connections, alleys, and all streets.

Chapter 4.20

**ALLOWED AND PROHIBITED
ORIGINAL ART MURALS**

Sections:

- 4.20.010 Allowed Original Art Murals.
- 4.20.020 Prohibited Murals.
- 4.20.030 Relationship of Permitted Original Art Mural to other Regulations.
- 4.20.040 Exceptions to this Title.

4.20.010 Allowed Original Art Murals.

Original Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

- A. No part of the mural shall exceed 30 feet in height measured from grade.
- B. The mural shall remain in place, without alterations, for a period of five years, except in limited circumstances to be specified in the Bureau of Development Services Administrative Rules. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of five years without alteration.
- C. The mural shall not extend more than 6 inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.
- D. In Design Overlay Zones, the mural shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.
- E. In the Historic Resource Protection Overlay Zones, murals may be allowed on buildings that have been identified as non-contributing structures within Historic and Conservation Districts. These murals shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.

4.20.020 Prohibited Murals.

The following are prohibited:

- A. Murals on residential buildings with fewer than five dwelling units.
- B. Murals on historic or conservation landmarks.

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ORIGINAL ART MURALS

- C.** Murals on buildings that have been identified as contributing structures to a historic or conservation district.
- D.** Murals in a public right-of-way.
- E.** Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.
- F.** Murals which would result in a property becoming out of compliance with the provisions of Title 33, Planning and Zoning, or land use conditions of approval for the development on which the mural is to be located.

4.20.030 Relationship of Permitted Original Art Mural to other Regulations.

The exemption of PCC Subsection 32.12.020 J. applies only to Original Art Murals for which a permit has been obtained under this Title and any adopted Administrative Rules. Issuance of an Original Art Mural Permit does not exempt the permittee from complying with any other applicable requirements of the Portland City Code, including but not limited to Titles 24 and 33.

4.20.040 Exceptions to this Title.

Exceptions to the regulations of this Title are prohibited.

Chapter 4.30

NEIGHBORHOOD INVOLVEMENT PROCESS

Sections:

4.30.010 Establishment of Neighborhood Involvement Process for Permits.

4.30.010 Establishment of Neighborhood Involvement Process for Permits.

The Bureau of Development Services shall adopt through Administrative Rule a community involvement process requiring an applicant for an Original Art Mural permit to provide notice of and to hold a community meeting on the mural proposal at which interested members of the public may review and comment upon the proposed mural. No Original Art Mural permit shall be issued until the applicant certifies that he or she has completed the required Neighborhood Involvement Process. This is a process requirement only and in no event will an Original Art Mural permit be granted or denied based upon the content of the mural.

TITLE 4
ORIGINAL ART MURALS

Chapter 4.40

ADMINISTRATIVE RULES

Sections:

4.40.010 Administrative Rules to Be Adopted

4.40.010 Administrative Rules to Be Adopted

The Bureau of Development Services is authorized and directed to adopt and administer Administrative Rules implementing this Title, and setting forth the substantive and procedural requirements and fees for an Original Art Mural Permit. Such fees shall in no event exceed the actual costs of administration.

Chapter 4.50

VIOLATIONS AND ENFORCEMENT

Sections:

- 4.50.010 Violations.
- 4.50.020 Notice of Violations.
- 4.50.030 Responsibility for enforcement.

4.50.010 Violations.

It is unlawful to violate any provision of this Title, any Administrative Rules adopted by the Bureau of Development Services pursuant to this Title, or any representations made or conditions or criteria agreed to in an Original Art Mural permit application. This applies to any applicant for an Original Art Mural permit, to the proprietor of a use or development on which a permitted Original Art Mural is located, or to the owner of the land on which the permitted Original Art Mural is located. For the ease of reference in this Title, all of these persons are referred to by the term "operator."

4.50.020 Notice of Violations.

The Bureau of Development Services must give written notice of any violation to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

4.50.030 Responsibility for enforcement.

The regulations of this Title, and the conditions of Original Art Mural permit approvals, shall be enforced by the Director of the Bureau of Development Services pursuant to Chapter 3.30 and Title 22 of the City Code.

The Council shall give the appellant not less than 10 days' written notice of the time and place of hearing of said appealed matter. Action by the Council on appeals shall be decided by a majority of the members of the Council present at the meeting where such appeal is considered.

6.04.170 Violations.

It is unlawful for any operator or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the Bureau or to render a false or fraudulent return. No person required to make, render, sign, or verify any report shall make any false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this Chapter. The Bureau Director may impose a civil penalty of up to \$500.00 for each violation of this Chapter. A violation includes, but is not limited to:

- A. Failure to file any required Transient Lodgings Tax payment and report, including any penalties and interest, within 60 days of the due date;
- B. Filing a false or fraudulent report;
- C. Failure to register a hotel with the Bureau as described in Section 6.04.060; and
- D. Failure to maintain a separate account for the transient lodgings tax collected.

Chapter 6.06

**DISTRICT PROPERTY
MANAGEMENT LICENSE**

(New Chapter substituted by Ordinance No.
175729, effective July 27, 2001.)

Sections:

- 6.06.010 License Required.
- 6.06.020 Definitions.
- 6.06.030 Authority of Manager to Adopt Rules, Procedures, and Forms.
- 6.06.040 License.
- 6.06.050 Exemptions from License Requirements.
- 6.06.060 License Transfer.
- 6.06.070 Contents of License.
- 6.06.080 License Term.
- 6.06.090 Preparation and Notice of Fee.

**TITLE 6
SPECIAL TAXES**

- 6.06.095 Preparation and Notice of Fee Adjustment.
- 6.06.100 Appeals.
- 6.06.110 Application of License.
- 6.06.120 Interest on Delayed Application.
- 6.06.140 Fee Payment in Two Installments.
- 6.06.145 Fee Payment in One Installment.
- 6.06.150 Penalty and Interest on Failure to Pay Fee.
- 6.06.160 Civil Penalties.
- 6.06.180 Severability.
- 6.06.190 Downtown Business District.
- 6.06.200 Downtown Business District Fee Rates for Engaging in Business Property Management Activities.
- 6.06.210 Downtown Business District Fee Rates for Engaging in Residential Property Management Activities.
- 6.06.211 Downtown Business District Fee Rates for Engaging in Affordable Residential Rental Property Management Activities.
- 6.06.212 Downtown Business District Exempt Property.
- 6.06.213 Computation of Downtown Business District License Fee for Management of Mixed Use Properties.
- 6.06.214 Downtown Business District Square Footage of Improvements.
- 6.06.215 Pledging of Downtown Business District License Fee Revenues.
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6.06.010 License Required.

Any person engaged in property management activities within a District shall obtain a license for such activities covering each license year, or if application is made after the beginning of a license year, then for the balance of the license year. The term “license,” as used in this Chapter, shall not be construed to mean a permit. The license fees prescribed herein are for the privilege of engaging in the activity of property management in a District, and the revenues collected will be used to provide, through a qualified contractor, cleaning, security, crime prevention, business development, transportation, public policy, housing, and marketing and communications services, or any such services, that benefit properties in the District. The payment of a license fee required hereunder and the acceptance of such fee and issuance of a license by the City shall not entitle a licensee to engage in any activities not in compliance with all the requirements

of this Code, including but not limited to the requirements of Title 7, and all other applicable laws.

6.06.020 Definitions.

(Amended by Ordinance No. 182925, effective July 17, 2009.) As used in this Chapter, unless the context requires otherwise, the terms used in this Chapter shall be defined as follows:

- A.** “Assessed Value of Improvements” means, for property tax years beginning on or before July 1, 1996, the assessed value of improvements as recorded in the assessment roll for Multnomah County for a specified assessment year and, for property tax years beginning on or after July 1, 1997, the real market value of improvements as recorded in the assessment roll for Multnomah County for a specified assessment year; or, as to property assessed by the Oregon Department of Revenue, the real market value of the property where “real market value” means the minimum amount in cash which could be reasonably expected by an informed seller acting without compulsion from an informed buyer acting without compulsion, in an arm’s length transaction during that assessment year.
- B.** “Bureau” means the Bureau of Licenses of the City of Portland, along with its employees and agents;
- C.** “Business property” means real property that is not residential property and is not exempt property. If real property in the District in part is residential or exempt property and in part is neither residential nor exempt property, then “business property” is that portion of the real property that is neither residential nor exempt property, including a proportionate share of the land. For a condominium, all condominium units and their undivided interests in the common elements shall be treated as a single property;
- D.** “CPI-W” means the Consumer Price Index for Urban Wage Earners and Clerical Workers for Portland-Salem, OR-WA, for January of each year as published by the United States Bureau of Labor Statistics;
- E.** “CPI-W adjustment factor” for a license year means the fraction in which the numerator is the CPI-W for the January immediately preceding the commencement of that license fee year and the denominator is the CPI-W for January 2000, with the January 2000 CPI-W adjusted from time to time as necessary to reflect any change by the United States Bureau of Labor Statistics in the CPI-W reference base;
- F.** “District” means a business district as described in this Chapter;

- G.** “Elevator capacity” means the pounds of elevator capacity for elevators type PXH, PXVE, and PXE as recorded in the records of the Building Codes Division of the Oregon Department of Consumer and Business Services;
- H.** “Engaged in property management activities” means:
- 1.** Being financially responsible for a water service provided to a building or, if there is no building on property, to land within the District, in the event there is a single water service serving the property;
 - 2.** Being financially responsible for operation of a business or a residential use that exclusively occupies a building or, if there is no building on property, land within the District, in the event there is no water service serving the property;
 - 3.** Being financially primarily responsible for the indicia of management of property within the District, in cases not covered by Subsection 1. or 2. Indicia of management of property include, in order of importance, but need not be limited to:
 - a.** Being responsible for a water service provided to common areas of a building;
 - b.** Being responsible for waste disposal service provided to a building, including common areas, or, if there is no building, to land;
 - c.** Being responsible for providing fire insurance for a building;
 - d.** Being responsible for repair and maintenance of a building;
 - e.** Being responsible for operation of heating, ventilating, and air conditioning equipment that serves a building, including common areas; and
 - f.** Being responsible for the operation and maintenance of fire prevention and suppression equipment that serves a building, such as alarm systems and sprinklers.
 - 4.** Notwithstanding Subsections 1. through 3. of this Subsection, being an owner of property whose activities in relationship to the property consist only of activities that the owner is mandated by law to carry out shall not constitute being “engaged in property management activities.”

- I.** “Exempt property” means:
- 1.** Mass shelters, as defined in Chapter 33.910 of this Code;
 - 2.** Property owned or being purchased by religious organizations including:
 - a.** Houses of public worship and other additional buildings and property used solely for administration, education, literary, benevolent, charitable, entertainment, and recreational purposes by religious organizations, the lots on which they are situated, and the pews, slips, and furniture therein. However, “exempt property” does not include any part of any house of public worship or other additional buildings or property which is kept or used as a store or shop or for any purpose other than those stated in this subsection; and
 - b.** Parking lots used for parking or any other use as long as that parking or other use is permitted without charge for no fewer than 355 days during the license year; and
 - 3.** Any other property in a particular District established by this Chapter that this Chapter identifies as exempt property for that District.
- J.** “Licensee” means a person licensed to engage in property management activities within the District under this Chapter;
- K.** “Manager” means the Manager of the Bureau of Licenses or his or her designee;
- L.** “Notice” means a written document mailed by the Bureau by first class mail to the last known address of a licensee as provided to the Bureau in the latest application on file at the Bureau; or, if mailed to a person who is not a licensee, then to the last known address of the person as provided to the Bureau of Water Works or, if that Bureau has no address record, as provided to the Bureau of Licenses in the latest general business license application on file at the Bureau or, if none, then to such address as may be determined following reasonable investigation;
- M.** “Person” means a natural person, partnership, joint venture, association, club, trust estate, corporation (for profit or not-for-profit), or any other entity capable of engaging in property management activities within the District;
- N.** “Qualified contractor” means a non-profit corporation or other non-profit entity established by property owners or licensees in the District for the purpose of providing services that benefit the District;

- O.** “Residential Property” means real property that is exclusively in residential use and is not exempt property. If part of real property is in residential use and part is not in residential use or is exempt property, then “residential property” is that portion of the real property that is exclusively in residential use and is not exempt property, and a proportionate share of land. Property is considered to be in residential use if the use is within a “Residential Use Category” as defined by Chapter 33.920 of this Code. For a condominium, all condominium units and their undivided interests in the common elements shall be treated as a single property; and
- P.** “Square feet” and “square footage,” except as otherwise expressly stated in this Chapter, means square footage as recorded in the records of the Multnomah County Office of Assessment and Taxation or, if not so recorded, as measured using the same method as used by the Multnomah County Office of Assessment and Taxation.

6.06.030 Authority of Manager to Adopt Rules, Procedures, and Forms.

- A.** The Manager may adopt rules, procedures, and forms to implement the provisions of this Chapter.
- B.** Adoption of Rules.

 - 1.** Prior to the adoption of any rule by the Manager pursuant to this Section, a public hearing shall be conducted. The Manager shall give reasonable public notice of his or her proposal to adopt rules not less than ten nor more than thirty days before such public hearing. Such notice shall include the place, time, and purpose of the public hearing, a brief description of the proposed rules, and the location at which copies of the full text of the proposed rules may be obtained.
 - 2.** During the public hearing, the Manager shall hear statements or receive written comment concerning the proposed rules. The Manager shall either adopt the proposed rule, modify it, or reject it, taking into consideration the comments received during the public hearing. If a substantial modification is made, additional public review shall be conducted, but no additional public notice shall be required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules shall be effective upon adoption by the Manager. All rules adopted by the Manager shall be filed in the Bureau’s office. Copies of all current rules shall be made available to the public upon request.

3. Notwithstanding Sections 6.06.030 B.1.-2., the Manager may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than 180 days.

6.06.040 License.

No person shall engage in property management activity within the District unless such person first shall have paid a license fee installment as described in Section 6.06.140 and obtained a license under this Chapter.

6.06.050 Exemptions from License Requirements.

Persons who the city is prohibited from licensing or taxing under the Constitution or laws of the United States, the Constitution or laws of the State of Oregon, or the Charter of the City are exempt from the license requirements imposed by this Chapter, to the extent of any such prohibition.

6.06.060 License Transfer.

- A. Except as provided in this Section, no license shall be transferable from one person to another.
- B. The Bureau shall allow transfer of a license for the balance of its term to a successor or transferee who continues the acts that constituted property management activities requiring a license under this Chapter. Any transfer shall be reported to the Bureau on a form provided by the Bureau and shall be effective when the Bureau approves the form as complete. The licensee shall be responsible for any license fee installments which become payable prior to the Bureau's approval; and the transferee shall be responsible for any license fee installments which become payable after the Bureau's approval.

6.06.070 Contents of License.

Each license issued under this Chapter shall state upon its face the following:

- A. The name of the licensee;
- B. The address of the principal office of the licensee within the City, if there is such a principal office, and the licensee's mailing address.
- C. The date of expiration of the license; and
- D. Such other information as the Bureau shall determine.

6.06.080 License Term.

- A.** Each license issued under this Chapter shall be dated as of the first day of the month in which the license is issued or was required to have been obtained. Each license issued under this Chapter shall expire on the first September 30 following the date on which the license was issued.
- B.** Notwithstanding the expiration of a license term, no person shall be in violation of any provision of this Chapter on account of the person not having renewed a license during the period of time permitted under Section 6.06.140 for the filing of a renewal application, provided that the renewal application shall have been filed before the end of the period.

6.06.090 Preparation and Notice of Fee.

On or before August 1 of each year, the Bureau shall make a preliminary determination of each person engaged in property management activity within the District and subject to the license fee requirement and of the amount of license fee payable by the person for the next license year. On or before August 1, the Bureau shall mail to each person preliminarily determined to be engaged in property management activity within the District and subject to the license fee requirement a notice which contains the following information:

- A.** That the Bureau has determined the person is engaged in property management activity within the District that is subject to the license fee requirement;
- B.** The amount of the license fee the Bureau has determined to be payable by the person for the next license year, including the data and formula used in determining the amount;
- C.** The activities which constitute being engaged in property management activities, as defined in Section 6.06.020.H 1.-3.;
- D.** The activities which do not constitute being engaged in property management activities, as defined in Section 6.06.020 H.4.;
- E.** The exemption provisions of Section 6.06.050 and the definition of exempt property as set out in Section 6.06.020 I and any other provision of this Chapter applicable to the District;
- F.** That any appeal from the determinations of the Bureau as to the person's engagement in property management activity within the District, as to the person's being subject to the license fee requirement, or as to the amount of the license fee payable by the person for the next license year must be filed not later

than 30 days after the notice is mailed. An appeal form shall be enclosed with the notice.

6.06.095 Preparation and Notice of Fee Adjustment.

In cases in which the sections of this Chapter establishing a license fee formula for the District provide for a license fee adjustment, the Bureau, following City issuance of authorization to occupy improvements or any portion of improvements, shall make a preliminary determination of the license fee adjustment for the balance of the license year. The Bureau shall mail to the licensee a notice which contains the following information:

- A. That the Bureau has determined that the licensee is subject to a fee adjustment;
- B. The amount of the adjusted license fee the Bureau has determined to be payable by the licensee for the balance of the license year, including the data and formula used in determining the adjusted amount;
- C. That any appeal from the determinations of the Bureau as to the licensee's being subject to a license fee adjustment, or as to the adjusted amount payable for the balance of the license year, must be filed on an enclosed form not later than 30 days after the notice is mailed.

Failure to receive notice as provided in this Section shall not relieve a person from the obligation to pay an adjusted license fee payable under this Chapter.

6.06.100 Appeals.

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

- A. Persons to whom the Bureau mails notices under Section 6.06.090 shall be presumed to be engaged in property management activity within the district, to be subject to the license fee requirement, and to be liable for the amount indicated in the notice as the license fee payable by the person for the next license year, unless the person files with the Bureau an appeal on a form provided by the Bureau not later than 30 days after the date of mailing of the notices.
- B. Persons to whom the Bureau mails notices under Section 6.06.095 shall be presumed to be subject to a license fee adjustment, and to be liable for the adjusted amount indicated in the notice as payable for the balance of the license year, unless the person files with the Bureau an appeal on a form provided by the Bureau not later than 30 days after the date of mailing of the notices.
- C. A person may appeal a preliminary determination of the Bureau made under Section 6.06.090 on the following grounds:

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1. The person is not engaged in property management activity within the District as defined in Section 6.06.020 H 1.-4.;
 2. The person is not subject to the license fee requirement because the person is exempt under Section 6.06.050;
 3. The amount of license fee determined by the Bureau to be payable by the person for the next license year is incorrect because the data reviewable under Subsection E. of this Section or the application of the formula to the data is incorrect.
- D.** A person may appeal a preliminary determination of the Bureau made under Section 6.06.095 on the following grounds:
1. The licensee is not subject to a fee adjustment;
 2. The amount of the adjusted license fee determined by the Bureau to be payable by the licensee for the balance of the license year is incorrect because the data reviewable under Subsection E. of this Section or the application of the formula to the data is incorrect.
- E.** The Bureau, in its discretion, may grant an appeal without audit or may audit an appeal to determine whether the appeal should be granted. The audit may include review of such evidence as the Bureau deems appropriate. If the person appeals on the ground that the data used in determining the license fee payable are incorrect, the Bureau shall not be bound by the data contained in the record sources identified in the sections of this Chapter establishing the license fee formula for the District and may consider other evidence as to data, except that the Bureau shall be bound by the assessed value data as recorded in the Multnomah County assessment roll, by the square footage data as recorded in the records in the Multnomah County Office of Assessment and Taxation, by the City Bureau of Development Services written documentation of authorization to occupy improvements or portions of improvements, by the City Bureau of Development Services building permit application records of the cost of physical changes, and by the City Bureau of Development Services building permit application records of the additional square feet of improvements, when those record sources are designated for use by a section of this Chapter establishing the license fee formula for the District. In the event the Bureau determines that an appeal should or should not be granted, in whole or in part, then the Bureau shall give the appealing person written notice of the determination and the reasons, by mail or personal delivery. The Bureau's determination shall be final.

6.06.212 Downtown Business District Exempt Property.

(Amended by Ordinance No. 182925, effective July 17, 2009.) The Downtown Business District property management license requirements shall not apply to exempt property. For purposes of this Section, “exempt property” means exempt property as defined in Section 6.06.020 I and also means exempt residential property. “Exempt residential property” means a dwelling unit as defined in Chapter 33.910 of this Code that is owner-occupied and has its own separate water service.

6.06.213 Computation of Downtown Business District License Fee for Management of Mixed Use Properties.

In computing Downtown Business District property management license fees under Sections 6.06.200, 6.06.210, and 6.06.211, in relation to property within the District as to which the licensee is engaged in property management activities, where the property is a combination of any two or more of business property that is subject to Section 6.06.200, residential property that is subject to Section 6.06.210, residential property that is subject to Section 6.06.211, exempt property that is subject to Section 6.06.212, or property managed by a person generally exempt under Section 6.06.050 but where the exemption does not apply in relation to part of the property the person manages, the fee in relation to property management activities shall be the sum of the following:

- A. For management of the part of the property that is business property subject to Section 6.06.200, the fee computed under Section 6.06.200 computed as though the entire property were such business property, multiplied by a fraction, the numerator of which is the square footage of business property improvements on the property subject to Section 6.06.200 and the denominator of which is the square footage of all improvements on the property;
- B. For management of the part of the property that is residential property subject to Section 6.06.210, the fee computed under Section 6.06.210 computed as though the entire property were such residential property, multiplied by a fraction, the numerator of which is the square footage of residential property improvements on the property subject to Section 6.06.210, and the denominator of which is the square footage of all improvements on the property; and
- C. For management of the part of the property that is residential property subject to Section 6.06.211, the fee computed under Section 6.06.211.
- D. If there are common area improvements in a property subject to this Section, then in computing square footage of business property improvements subject to Subsection A. of this Section and of residential property improvements subject to Subsection B. of this Section, such square footage shall be deemed to include an allocated portion of the common area improvements. The allocated portion of common area improvements shall be determined by multiplying the square footage of common area improvements by a fraction, the numerator of which is

the square footage of business property improvements subject to Subsection A of this Section or the square footage of residential property improvements subject to Subsection B of this Section, whichever is appropriate, and the denominator of which is the square footage of all improvements on the property less the square footage of the common area improvements.

6.06.214 Downtown Business District Square Footage of Improvements.

(Added by Ordinance No. 176262, effective February 13, 2002.) For purposes of Sections 6.06.200, 6.06.210 and 6.06.213 only, the terms "square footage of improvements" and "improvements square footage" shall not include:

- A. Surface area of surface parking lots;
- B. Landscaped area;
- C. Unenclosed sidewalk, plaza, and courtyard area;
- D. Below grade parking area (but, for parking structures that have above grade parking, shall include both any at grade parking area within the parking structure and all above grade parking area within the parking structure); and
- E. Other below grade area unless improved for occupancy by employees or tenants.

6.06.215 Pledging of Downtown Business District License Fee Revenues.

(Amended by Ordinance No 176776, effective July 31, 2002.)

- A. In addition to the uses of District revenues set out in Section 6.06.010, the City, if so requested in writing by a qualified contractor and approved by the City Council, may pledge Downtown Business District license fee revenues as security for City debt incurred to finance the design, acquisition, construction, and installation of improvements within the District and may pledge Downtown Business District license fee revenues to a qualified contractor or its designee in order that the contractor or designee may have revenues sufficiently ensured to enable the contractor or designee to incur debt to finance the design, acquisition, construction, installation, operation and maintenance of improvements within the District. Any such pledge of Downtown Business District license fee revenues shall be subject to any limitations set out in Oregon law or in the City Charter. In addition, no City pledge or combination of pledges under this Section for City payment of actual debt service or to enable the qualified contractor or its designee to make payments of actual debt service, but not including pledges to provide excess coverage for City payment of actual debt service or to enable the qualified contractor or its designee to provide excess coverage for payments of actual debt service, at any time shall exceed one-third of the Downtown Business District license fee revenues.

- B.** In making a request under Subsection A. of this Section, the qualified contractor shall submit to the City a description of the improvements to be funded in whole or in part with the proceeds of the debt financing. The request also shall include a description of any previously provided Downtown Business District services proposed to be reduced or not provided due to the pledge of the District license fee revenues.
- C.** Notwithstanding Section 6.06.010, if the City pledges District license fee revenues for City debt incurred in accord with this Section, the City shall retain the pledged portion of the District license fee revenues, to be used for repayment of the debt.

6.06.216 Lighting Revenues and Program.

(Added by Ordinance No. 176776; amended by 179000, effective December 22, 2004.)

- A.** As used in this Chapter, “lighting revenues” means that portion of Downtown Business District revenues collected under Section 6.06.200 A.7. as adjusted each year under Section 6.06.200 A.8.
- B.** As used in this Chapter, “lighting program” means the design, acquisition, construction, installation, operation, and maintenance of all components, including but not limited to electrical connections and decorative lighting fixtures, necessary for a seasonal and decorative lighting system within portions of the District.
- C.** Notwithstanding Section 6.06.010, lighting revenues shall be used only:
 - 1.** For the lighting program, including but not limited to the pledging of such revenue as provided under Section 6.06.215;
 - 2.** For a proportionate share of the Bureau’s costs of administration of the license fee directed by the City Council to be recovered from license fee revenues, based on the ratio of lighting revenues to total District revenues; or
 - 3.** If a qualified contractor determines that lighting revenues in a license year will exceed or have exceeded the costs and expenses of the lighting program in that license year and that the excess revenues will not be needed to fund a prudent reserve or for the costs and expenses of the lighting program in future license years, then for distribution by the qualified contractor to the payers of the lighting revenues of that portion of the excess determined by the qualified contractor not to be so needed, in

proportion to the amount paid by each payer in the license year that produced the excess.

6.06.220 Downtown Business District Periodic Sunset Review.

During 2011 and each tenth year thereafter, the City Council shall conduct a public hearing or hearings to determine whether the Downtown Business District property management license fee should be terminated. Prior to the first such hearing in 2011 and in each tenth year thereafter, the City shall mail notice of the hearing to the then current Downtown Business District licensees under this Chapter.

6.06.230 Downtown Business District Early Termination.

If the City Council, on or before March 30 of any license fee year, receives written objections signed in that license fee year by licensees responsible for more than 33 percent of the total revenues generated from the Downtown Business District property management license fee during that year, then the license fee for the Downtown Business District shall be terminated as of September 30 of that license fee year except that the fee shall continue, at a rate reduced equally proportionally as to each licensee, to the extent necessary to meet any City pledge obligations incurred as authorized by Section 6.06.215.

6.06.250 Lloyd Business District.

The Lloyd Business District is that area within the boundaries formed by the Willamette River, from the Broadway Bridge to the point just south of the Oregon Convention Center at which NE Lloyd Boulevard reaches the River; NE Lloyd Boulevard, from the Willamette River to NE 16th Avenue; NE 16th Avenue curving into NE 15th Avenue, from NE Lloyd Boulevard to NE Halsey Street; NE Halsey Street, from NE 15th Avenue to NE Grand Avenue; NE Grand Avenue, from NE Halsey Street to NE Broadway; and NE Broadway, from NE Grand Avenue to the Willamette River.

6.06.260 Lloyd Business District Fee Rates for Engaging in Property Management Activities.

(Amended by Ordinance Nos. 176262, 176955 and 182925, effective July 17, 2009.)

A. Except as set out in Subsection B. of this Section, the fee established by this Chapter for management of business and residential property in the Lloyd Business District for a license year shall be the sum of the following amounts, computed separately in relation to each such property within the District as to which the licensee is engaged in property management activities:

- 1.** \$.30 (cents) per \$1,000 of assessed value of improvements for the 1999-2000 property tax assessment year;
- 2.** Plus \$1.60 per 290 square feet of improvements as of July 1, 1999;

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3. Plus \$.015 (cents) per square foot of land as of July 1, 1999.
- B.** In relation to business and residential property other than exempt residential property where physical changes to the property on or after July 1, 1999 have resulted in an increase or decrease in square footage of improvements, as compared to the square footage as of July 1, 1999, the fee established by this Chapter, for management of such property in the Lloyd Business District in a license year, shall be as provided in this Subsection:
1. During the period between the date the City Bureau of Development Services issues an authorization, documentable by written documentation, to occupy the improvements, or during the period between 180 days after the date the Bureau of Development Services issues such an authorization to occupy any portion of the improvements that was not occupied while the physical changes were being made, and the date of beginning of the license year following the first property tax assessment year in which the assessment roll reflects the physical changes, the fee otherwise payable during the period shall be adjusted to the following amount, prorated based on the number of days of the period in the applicable license year:
 - a. The amount determined under Subsection A.1., plus \$.30 (cents) per \$1,000 of the cost of the physical changes, as determined from the City Bureau of Development Services records of all building permits issued authorizing or in association with the physical changes;
 - b. Plus the amount determined under Subsection A.2., plus \$1.60 per 290 additional square feet of improvements, resulting from the physical changes, as determined from the City Bureau of Development Services records of building permits issued authorizing or in association with the physical changes;
 - c. Plus the amount determined under Subsection A.3.
 2. Beginning with the license year following the first property tax assessment year in which the assessment roll reflects the physical changes, the fee shall be:
 - a. \$.30 (cents) per \$1,000 of assessed value of improvements for the first property tax assessment year in which the assessment roll reflects the physical changes or would reflect the changes were the property not assessed by the Oregon Department of Revenue;

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- b. Plus \$1.60 per 290 square feet of improvements, as of July 1 of the first property tax assessment year in which the assessment roll reflects the physical changes or would reflect the changes were the property not assessed by the Oregon Department of Revenue;
 - c. Plus the amount set out in Subsection A.3.
- C. In computing the fee as provided in Subsection A. or B.:
 1. In relation to real property within the Lloyd Business District as to which a licensee is engaged in property management activities, where the property in part is exempt residential property or religious organization property or
 2. In relation to persons generally exempt from the license requirements of this Chapter under Section 6.06.050 but where the exemption does not apply to property management activities in relation to part of the property they manage,

the fee in relation to property management activities as to such real property shall be the fee computed as though management of the entire property were subject to the fee multiplied by a fraction, the numerator of which is the square footage of the area in which the licensee is engaged in property management activities subject to the fee (including land or improvements, as applicable) and the denominator of which is the square footage of the entire real property parcel (including land or improvements, as applicable).
- D. Notwithstanding the amount of the fee computed under Subsections A., B., and C, of this Section, in no case shall the fee payable by a licensee, in relation to all real property within the Lloyd Business District as to which the licensee is engaged in property management activities, exceed \$20,000.
- E. The Lloyd Business District license requirements shall not apply to exempt property. For purposes of this Section, “exempt property” means exempt property as defined in Section 6.06.020 I. and also means exempt residential property. For purposes of this Section, “exempt residential property” means a dwelling unit as defined in Chapter 33.910 of this Code that is owner-occupied and has its own separate water service; single room occupancy housing, as defined in Chapter 33.910 of this Code; low income housing; and subsidized housing. For purposes of this Subsection, low income housing is dwelling units available for rent at rates that are considered affordable, under federal affordability standards in effect on July 1, 1997, to persons earning 60 percent or less of the Portland region median income as identified in the records of Metro as of July 1 of each year. For purposes of this Subsection, subsidized housing is housing units available for rent

at below market rates because either the units qualify for federal income tax benefits under Section 42 of the Internal Revenue Code, as in effect on January 1, 1997; or the units are subsidized through United States Department of Housing and Community Development Section 8 subsidies, as in effect on January 1, 1997, or other public or private organization subsidies. Subsidized housing includes but is not limited to student housing owned by the Oregon State System of Higher Education and housing owned by non-profit organizations that is subsidized through charitable contributions and grants.

- F.** For purposes of this Section only, the terms "square feet of improvements" and "square footage of improvements" shall not include:
1. Surface and structured parking lot area;
 2. Landscaped area;
 3. Unenclosed sidewalk, plaza, and courtyard area; and
 4. Below grade area unless improved for occupancy by employees or tenants.

6.06.270 Revisions to License Fee Year Schedule.

(Amended by Ordinance No. 178073, effective December 3, 2003.) Notwithstanding that Sections 6.06.010 through 6.06.180 are based on a license fee year of October 1 through September 30, the license fee year for the Lloyd Business District shall be February 1 through January 31, with the first license fee year to commence February 1, 2001. Therefore, the dates set out in Sections 6.06.010 through 6.06.180, for purposes of the Lloyd Business District, shall be adjusted by 4 months to account for the 4 month difference in the commencement of the license fee year, except that the August 1 date set out in Section 6.06.090 shall be January 1.

6.06.280 Lloyd Business District Periodic Sunset Review.

(Replaced by Ordinance No. 178073, effective December 3, 2003.) During 2013 and each tenth year thereafter, the City Council shall conduct a public hearing or hearings to determine whether the Lloyd Business District property management license fee should be terminated. Prior to the first such hearing in 2013 and in each tenth year thereafter, the City shall mail notice of the hearing to the then current Lloyd Business District licensees under this Chapter.

6.06.290 Lloyd Business District Early Termination.

(Added by Ordinance No. 178073, effective December 3, 2003.) If the City Council, on or before July 31 of any license fee year, receives written objections signed in that license fee year by licensees responsible for more than 33 percent of the total revenues generated from the Lloyd Business District property management license fee during that year, then

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the license fee for the Lloyd Business District shall be terminated as of January 31 of that license fee year.

FIGURE 6 - Chapter 17.102

(Replaced by Ordinance No. 182833,
effective July 1, 2009.)

As used in Figure 6 the following terms have the meanings described below:

"Excess distance" is applicable to any collection beyond seventy-five (75) feet from the curb. This charge is in addition to the "non-curb surcharge".

"Clean up containers" include hauler-provided containers which are provided as requested by the customer for occasional or temporary use.

"Multifamily" means any multidwelling building or a combination of buildings on a single tax lot in the residential franchise territory that contains 2-4 dwelling units.

"Non-curb surcharge" is the charge for collection service provided at a location more distant than curbside.

"Terrain differential" is applicable to services within the territory designated on Figure 6-1.

TITLE 17
PUBLIC IMPROVEMENTS

Residential Solid Waste and Recycling Rates				
Single Family Residential Service Level	Monthly Rate, Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Weekly Collection of Garbage & Recycling, Every Other Week Yard Debris				
20-gallon Can	22.20		3.35	1.05
32-gallon Can	25.30		3.35	1.05
32-gallon Rollcart	26.75			
60-gallon Rollcart	31.85			
90-gallon Rollcart	37.15			
1.0 Cubic Yard Container	79.60			
1.5 Cubic Yard Container	109.00			
2.0 Cubic Yard Container	138.20			
Once a Month Collection of Garbage, Weekly Collection of Recycling and Every Other Week Yard Debris				
32-gallon Can	16.45		.80	.25
32-gallon Rollcart	17.65			
Special Services				
Recycling Only, Weekly Collection	8.05			
On Call Yard Debris Only (32-gallon Can, Bag, or Bundle)	4.80			
On Call Garbage Only (32-gallon Can)		7.05	.80	.25
Extra Yard Debris Roll Cart	4.95			
Extra Recycling Roll Cart	3.05			
Clean Up Containers				
One 1.0 Cubic Yard		74.75		
One 1.5 Cubic Yard		82.65		
One 2.0 Cubic Yard		90.50		

TITLE 17
PUBLIC IMPROVEMENTS

Miscellaneous Rates				
Yard Debris, Extra Can, Bag or Bundle		2.50		
Garbage, Extra Can or Bag		5.00	.80	.25
Special Pickup or Call Back for Garbage or Yard Debris		7.75		
Rollcart Delivery		11.00		
Terrain Surcharge (see figure 6-1)				
Weekly Solid Waste (single can)	3.75			
Weekly Solid Waste (multiple cans/ rollcars)	3.90			
Monthly Solid Waste	2.25			
Recycling Only	1.30			
On Call Service	.50			
On Call Yard Debris Only	.50			
Weekly Collection of Garbage & Recycling, Every Other Week Yard Debris (Multiple Cans/Rollcars)				
32-gallon Cans, Two	31.65		6.70	2.10
32-gallon Cans, Three	37.95		10.05	3.15
32-gallon Cans, Four	44.20		13.40	4.20
32-gallon Rollcars, Two	34.60			
32-gallon Rollcars, Three	42.45			
32-gallon Rollcars, Four	50.50			
60-gallon Rollcars, Two	44.35			
60-gallon Rollcars, Three	56.60			
60-gallon Rollcars, Four	69.95			
90-gallon Rollcars, Two	54.40			
90-gallon Rollcars, Three	71.65			
90-gallon Rollcars, Four	88.90			

Residential Solid Waste and Recycling rates and charges include recycling services as outlined in City Administrative Rules. If the need for a type of service arises that is not now foreseen or specifically covered by this rate schedule, then the charge for such service shall be:

1. Uniform and nondiscriminatory between customers of a collector;
2. Commensurate with the rates generally charged in the Portland Metropolitan Area;
3. Subject to approval by the City of Portland, Bureau of Planning and Sustainability Director.

TITLE 17
PUBLIC IMPROVEMENTS

Residential Curbside Monthly Rates -- Small Multiplexes			
Weekly Collection for:	Duplex	Tri-plex	Four-plex
Single container service, where can/cart/container is shared by residents of 2, 3 or 4 units.			
One shared 32 gallon rollcart	34.75	N/A	N/A
One shared 60 gallon rollcart	36.70	44.35	N/A
One shared 90 gallon rollcart	42.00	46.85	54.15
One shared 1 cu.yd. container	84.45	89.30	94.15
One shared 1.5 cu.yd. container	113.85	118.70	123.55
One shared 2 cu.yd. container	143.05	147.90	152.75
Multiple containers. These rates apply where all cans/carts are placed together in a single location. Where unshared cans/carts are located separately, then each is considered a separate account, charged at single-family rate.			
Two 32 gallon cans	36.50	42.65	N/A
Three 32 gallon cans	42.80	47.65	52.85
Four 32 gallon cans	49.05	53.90	58.75
Two 32 gallon carts	39.45	44.95	52.10
Three 32 gallon carts	47.30	52.15	57.00
Four 32 gallon carts	55.35	60.20	65.05
Two 60 gallon carts	49.20	54.05	58.90
Three 60 gallon carts	61.45	66.30	71.15
Four 60 gallon carts	73.80	78.65	83.50
Two 90 gallon carts	59.25	64.10	68.95
Three 90 gallon carts	76.50	81.35	86.20
Four 90 gallon carts	93.75	98.60	103.45

Monthly Non-curbside Service: \$3.35 per can \$6.75 per rollcart
Monthly Excess Distance Charge: \$1.05 per can \$2.25 per rollcart
Recycling Labor Charge: \$2.85 per unit
 (after the first unit)

Terrain Surcharge: \$3.90 per multiplex account
 (for services within the territory designated on Figure 6-1)

Yard Debris:
 Extra Can, Bag, or Bundle \$2.50 each
 (accrued on a per account, rather than per unit, basis)

TITLE 17 PUBLIC IMPROVEMENTS

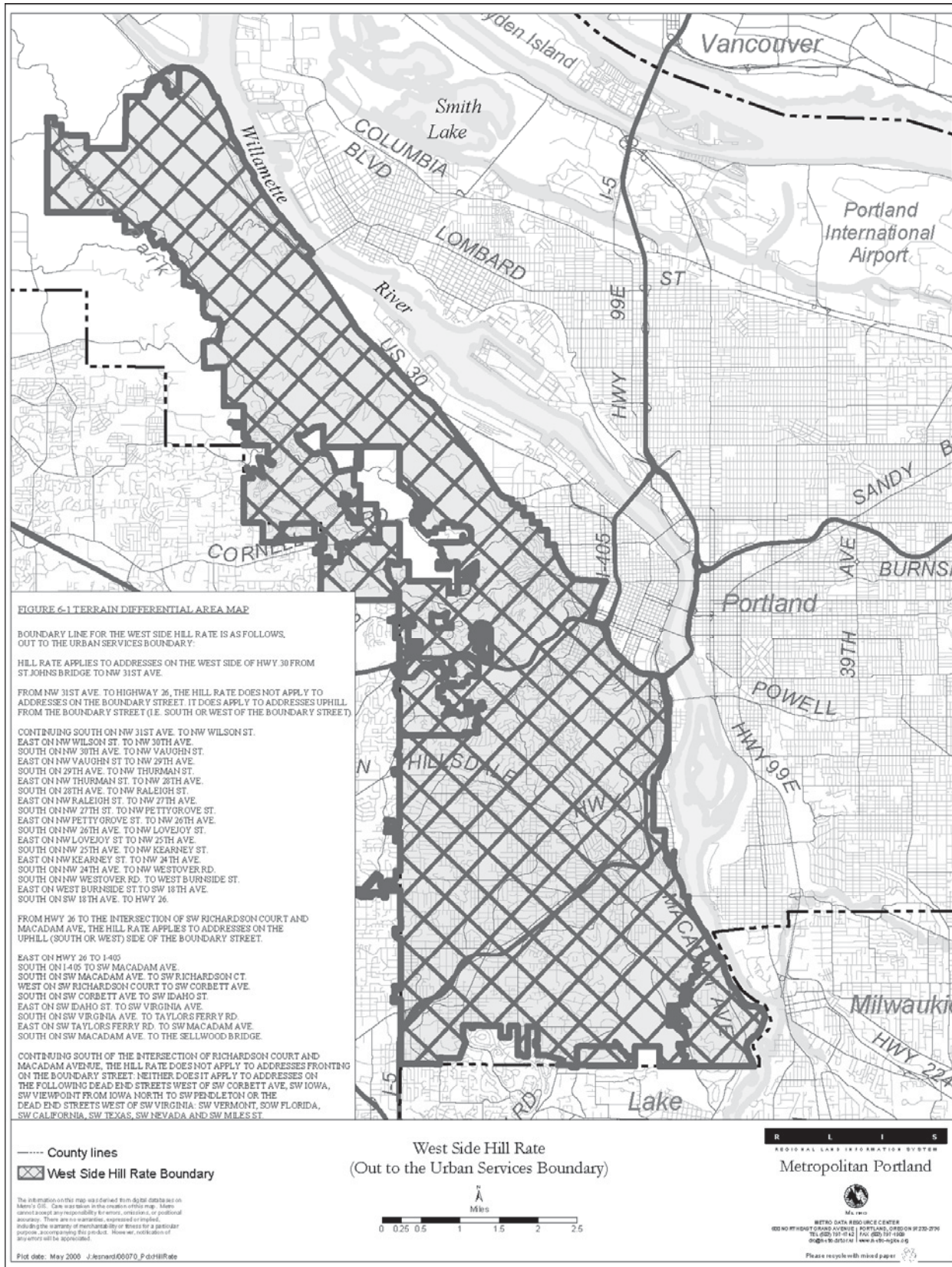


Figure 6 – Page 5

TITLE 32
SIGNS AND RELATED REGULATIONS

- B.** Administration. The Director will administer the code as set forth under Chapters 32.60 through 32.68. The Director may implement procedures, forms, and written policies for administering the provisions of this Title.

32.12.020 Exemptions.

(Amended by Ordinance Nos. 178946 and 182962, effective July 31, 2009.) The following are exempt from the regulations of this Title, but may be subject to other portions of the City Code:

- A.** Signs which are not visible from a right-of-way or another property; however signs located within malls and atriums must comply with all provisions of this Title except Chapters 32.30 through 32.38;
- B.** Signs inside a building. However:
 - 1.** In the OS, RF through RH, and IR zones, illuminated signs in windows are not exempt; and
 - 2.** Signs located within malls and atriums must comply with all provisions of this Title except Chapters 32.30 through 32.38;
- C.** Signs carved into a building;
- D.** Signs required by federal or state law if the sign is no more than 32 square feet in area or is painted directly on pavement;
- E.** Flags;
- F.** Signs required by city law if the sign is no more than 32 square feet in area. Such signs include building addresses, development review or construction review public notices, and commercial parking facility postings;
- G.** Painted wall highlights;
- H.** Illuminated wall highlights;
- I.** Public Art as defined in Chapter 5.74; and
- J.** Permitted Original Art Murals as defined in Title 4.

32.12.030 Prohibitions.

The following are prohibited and existing ones must be removed:

TITLE 32

SIGNS AND RELATED REGULATIONS

- A.** Signs containing strobe lights;
- B.** Abandoned sign structures;
- C.** Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by the code;
- D.** Permanent balloon signs;
- E.** Outdoor, portable electric signs;
- F.** Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign or signal;
- G.** Signs that focus or flash a beam of light into the eyes of a driver of a motor vehicle upon a right of way within 200 feet from such sign; and
- H.** Signs erected, constructed or structurally altered that are required by Section 32.62.010, Permit or Registration Required to have a permit that were erected, constructed or altered without a permit.

Chapter 32.20

APPLYING THE CODE LANGUAGE

Sections:

- 32.20.010 General Rules For Reading and Applying the Code Language.
- 32.20.020 Terms.
- 32.20.030 Applying the Code to Specific Situations.

32.20.010 General Rules For Reading and Applying the Code Language. (Amended by Ordinance No. 176955, effective October 9, 2002.)

- A.** Reading and applying the code. Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Application of the regulations that are consistent with the rules of Chapters 32.20 through 32.24 are non-discretionary actions of the Director of BDS to implement the code. The action of the Director of BDS is final.

TITLE 32
SIGNS AND RELATED REGULATIONS

- B.** Situations where the code is silent. Proposals for signs where the code is silent, or where the rules of this chapter do not provide a basis for concluding that the sign is allowed, are prohibited.

32.20.020 Terms.

- A.** Defining words. Words used in the sign code have their dictionary meaning unless they are listed in Chapter 32.22, Definitions. Words listed in the Definitions chapter have the specific meaning stated, unless the context clearly indicates another meaning.
- B.** Tenses and usage.
1. Words used in the singular include the plural. The reverse is also true.
 2. Words used in the present tense include the future tense. The reverse is also true.
 3. The words "must," "will," and "may not" are mandatory.
 4. "May" is permissive.
 5. "Prohibited" means that an adjustment, conditional use, or other land use review may not be requested in order to allow a modification to the regulation in question.
 6. When used with numbers, "Up to x ," "Not more than x " and "a maximum of x " all include x .
- C.** Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
1. "And" indicates that all connected items or provisions apply;
 2. "Or" indicates that the connected items or provisions may apply singly or in combination;
 3. "Either...or" indicates that the connected items or provisions apply singly, but not in combination.

TITLE 32

SIGNS AND RELATED REGULATIONS

- D.** Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

32.20.030 Applying the Code to Specific Situations.

Generally, while the code cannot list every situation or be totally definitive, it provides guidance through the use of descriptions and examples. In situations where the code provides this guidance, the descriptions and examples are used to determine the applicable regulations for the situation. If the code regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the stated intent of the regulation and its relationship to other regulations and situations are considered.

Chapter 32.22

DEFINITIONS

Sections:

- 32.22.010 General.
32.22.020 Definitions.

32.22.010 General.

Words used in this Title have their normal dictionary meaning unless they are listed in Section 32.22.020, below. Words listed in Section 32.22.020 have the specific meaning stated or referenced, unless the context clearly indicates another meaning.

32.22.020 Definitions.

(Amended by Ordinance Nos. 176469, 176955 and 182671, effective May 15, 2009.)

- A. Abandoned sign structure.** A sign structure where no sign has been in place for a continuous period of at least 6 months.
- B. Arterial.** As defined in Title 33, Planning and Zoning.
- C. Atrium.** As defined in the Building Code.
- D. Awning.** A roof-like structure of fabric or similar non-rigid material attached to a rigid frame that is supported completely or partially by either an exterior building wall or wall exterior to an individual tenant space.

TITLE 32
SIGNS AND RELATED REGULATIONS

- E. Awning sign.** A sign incorporated into or attached to an awning.
- F. Backed Sign.** A sign where the faces of the sign are parallel or within 10 degrees of parallel to each other.
- G. Banner.** A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind. See also Flag.
- H. Building.** As defined in Title 33, Planning and Zoning.
- I. Building Code.** The Oregon Structural Specialty Code as adopted by Title 24, Building Regulations, of the Portland City Code.
- J. Changing image sign.** Any sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message. Changing image signs do not include otherwise static signs where illumination is turned off and back on not more than once every 24 hours.
- K. Comprehensive Plan.** The adopted Comprehensive Plan of the City of Portland.
- L. Dangerous sign.** A sign constituting a hazard to public safety because it no longer meets the lateral and/or vertical loads as specified in the Building Code, or no longer meets the wiring and installation standards of the Electrical Code.
- M. Days.** Calendar days, unless specifically stated as working days.
- N. Desired character.** As defined in Title 33, Planning and Zoning.
- O. Development.** As defined in Title 33, Planning and Zoning.
- P. Directional sign.** A sign exclusively limited to guiding the circulation of motorists or pedestrians on the site.
- Q. Director.** The Director of the City of Portland Bureau of Development Services, or the Director's designee.
- R. Driveway.** As defined in Title 33, Planning and Zoning.

TITLE 32

SIGNS AND RELATED REGULATIONS

- S. Electric sign.** Any sign containing electrical wiring, lighting or other electrical components, but not including signs illuminated by a detached exterior light source.
- T. Electrical Code.** The Oregon Electrical Specialty Code as adopted by Title 26, Electrical Standards, of the Portland City Code.
- U. Facade.** As defined in Title 33, Planning and Zoning.
- V. Fascia sign.** A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Fascia signs do not include signs that are attached to or projected onto structures defined as sign structures by this Title.
- W. Flag.** A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also Banner.
- X. Freestanding sign.** A sign on a frame, pole, or other support structure that is not attached to any building.
- Y. Home occupation.** As defined in Title 33, Planning and Zoning.
- Z. Illuminated wall highlights.** Lighted areas that highlight a building's architectural or structural features and that do not convey a message or image. Illuminated wall highlights can either be created by light projected onto a feature or highlighting a feature with neon tubing or other light fixture.
- AA. Lawn sign.** A freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.
- BB. Lighting methods:**
- 1. Direct.** Exposed lighting or neon tubes on the sign face. Direct lighting also includes signs whose message or image is created by light projected onto a surface.
 - 2. Indirect.** The light source is separate from the sign face or cabinet and is directed to shine onto the sign.

TITLE 32
SIGNS AND RELATED REGULATIONS

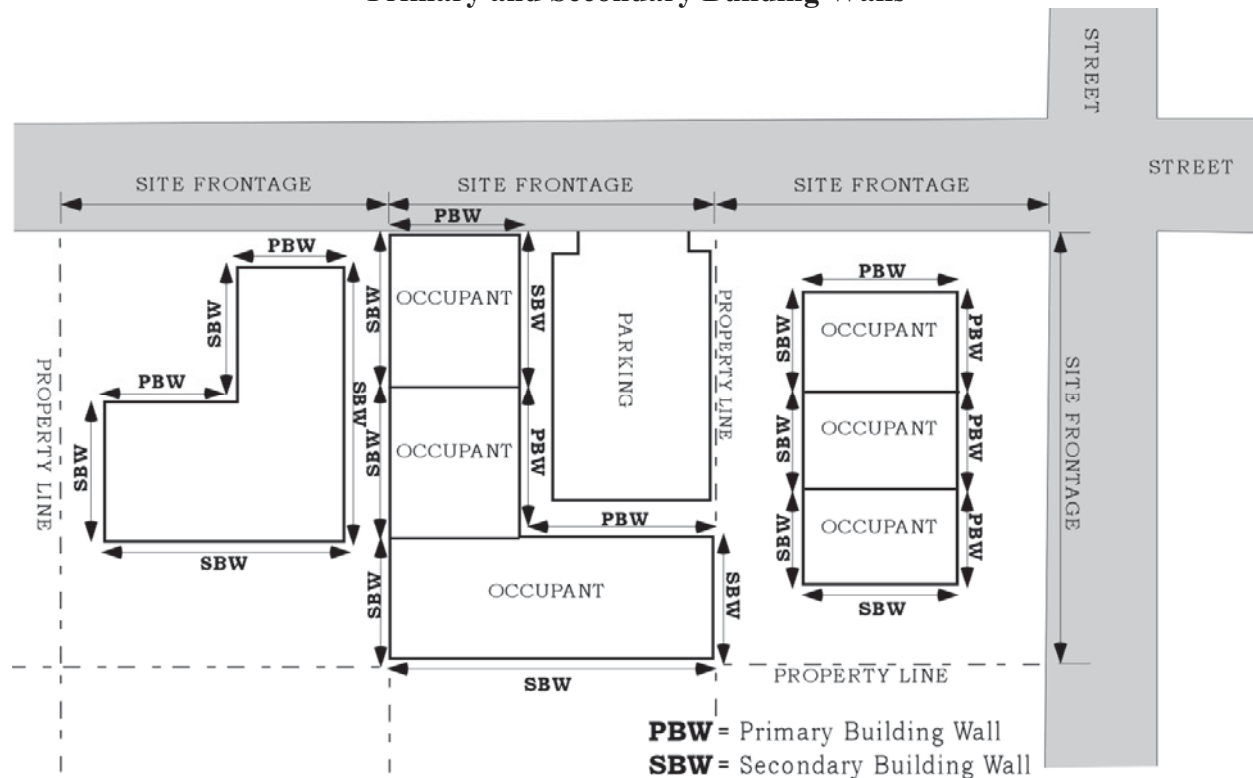
- 3. Internal.** The light source is concealed within the sign.
- CC. Mall.** As defined in the Building Code.
- DD. Marquee sign.** A sign incorporated into or attached to a marquee or permanent canopy.
- EE. Monument sign.** A freestanding sign where the base of the sign structure is on the ground or a maximum of 12 inches above the lowest point of the ground adjacent to the sign. The width of the top of the sign structure can be no more than 120 percent of the width of the base.
- FF. Nonconforming sign.** A sign that was created in conformance with development regulations, but which subsequently, due to a change in the zone or land use regulations, is no longer in conformance with the current applicable development standards. Nonconforming signs also includes signs that do not conform with the land use regulations of this Title and that were established prior to November 18, 1998.
- GG. Owner.** The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed-holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.
- HH. Painted wall highlights.** Painted areas that highlight a building's architectural or structural features and that do not convey a message or image.
- II. Painted wall sign.** A sign applied to a building wall with paint or a thin layer of vinyl, paper or similar material adhered directly to the building surface and that has no sign structure.
- JJ. Parking area.** As defined in Title 33, Planning and Zoning.
- KK. Permanent sign.** Any sign not classified as a temporary sign.
- LL. Pitched roof sign.** A sign attached to a roof with a pitch of one-to-four or greater and placed parallel to the building wall.
- MM. Portable sign.** A movable sign that is not attached to a structure or the ground. Portable signs include A-boards, portable readerboards, and similar signs.

TITLE 32

SIGNS AND RELATED REGULATIONS

NN. Primary building walls. Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. See Figure 1.

Figure 1
Primary and Secondary Building Walls



OO. Projecting sign. A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

PP. Responsible party. A person who is either:

1. The property owner or person authorized to act on the owner's behalf; or
2. Any person causing or contributing to a violation of this Title.

QQ. Review body. As defined in Title 33, Planning and Zoning.