

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 503-823-4082.**

Update Packet Enclosed	September 30, 2013
Previous Update Packet	June 30, 2013

Chapter 2.10

**CAMPAIGN
FINANCE FUND**

(Chapter repealed by Ordinance No. 185552,
effective September 21, 2012.)

**TITLE 2
LEGISLATION AND ELECTIONS**

Chapter 2.12

REGULATION OF LOBBYING ENTITIES

(Chapter added by Ordinance No. 179843,
effective April 1, 2006.)

Sections:

- 2.12.010 Purpose.
- 2.12.020 Definitions.
- 2.12.030 Registration for Lobbying Entities.
- 2.12.040 Quarterly Reporting Requirements for Lobbying Entities.
- 2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.
- 2.12.060 Declaration Required by Lobbyists
- 2.12.070 Reporting Requirements for City Officials.
- 2.12.080 Prohibited Conduct.
- 2.12.090 Verification of Reports, Registrations and Statements.
- 2.12.100 Public Nature of Reports, Registrations and Statements.
- 2.12.110 Auditor to Prescribe Forms, Accept Voluntary Filings and Provide Public Access to Filed Information.
- 2.12.120 Penalties.
- 2.12.130 Severability.

2.12.010 Purpose.

The City finds that, to preserve the integrity of its decision making processes, lobbying entities that engage in efforts to influence City officials, should report their lobbying efforts to the public.

2.12.020 Definitions.

(Amended by Ordinance Nos. 180205, 180620, 180917, 181204, 182389, 182671, 184046, 184882, 185304, 186028 and 186176, effective August 30, 2013.) As used in this Chapter unless the context requires otherwise:

- A. “Calendar quarter” means one of the four three-month periods of January 1 to March 31, April 1 to June 30, July 1 to September 30 and October 1 to December 31.
- B. “Calendar year” means the period of January 1 through December 31.

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- C.** “City director” means the director or individual in charge of the following or its successors: the Bureau of Transportation, the Office of Management and Finance, the Office of Government Relations, the Office of Neighborhood Involvement, the Bureau of Planning and Sustainability, the Portland Bureau of Emergency Management, the Bureau of Emergency Communications, Portland Fire & Rescue, the Bureau of Police, the Bureau of Parks and Recreation, the Bureau of Environmental Services, the Portland Water Bureau, the Bureau of Development Services, the Portland Housing Bureau, the Bureau of Revenue, the City Budget Office, the Office of Equity and Human Rights, the Bureau of Fire and Police Disability and Retirement, the Bureau of Human Resources, the Bureau of Internal Business Services, the Bureau of Technology Services and the Portland Development Commission.
- D.** “City official” means any City elected official; the at will staff of a City elected official; any City director as defined in this section; or appointee to the Portland Development Commission, the Planning and Sustainability Commission, the Design Commission, and the Fire and Police Disability and Retirement Board.
- E.** “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.
- F.** “Official action” means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, measure, resolution, amendment, nomination, appointment, or report, or any matter, including administrative action, that may be the subject of action by the City.
- G.** “Lobby” or “Lobbying” or “Lobbies” means attempting to influence the official action of City officials. Lobbying includes time spent preparing emails and letters and preparing for oral communication with a City official. Lobbying does not include:
- 1.** Time spent by an individual representing his or her own opinion to a City official.
 - 2.** Time spent participating in a board, committee, working group, or commission created by City Council through approval of resolution or ordinance.
 - 3.** Time spent by a City official or City employee acting in their official capacity as an official for the City.

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4. Time spent submitting a bid, responding to related information requests, and negotiating terms on a competitively bid contract or intergovernmental agreement.
 5. Oral or written communication made by a representative of a labor organization that is certified or recognized, pursuant to ORS 243.650 et seq., as the exclusive bargaining representative of employees of the City of Portland, to the extent that such communications do not deal with actual or potential ordinances that are unrelated to the collective bargaining process, or implementation or application of any collective bargaining agreement provision.
 6. Formal appearances to give testimony before public hearings or meetings of City Council.
 7. Work performed by a contractor or grantee pursuant to a contract with or grant from the City.
 8. Time spent by any person holding elected public office, or their specifically authorized representative, acting in their official capacity.
- H.** “Lobbying entity” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group who lobbies either by employing or otherwise authorizing a lobbyist to lobby on that person’s behalf.
- I.** “Lobbyist” means any individual who is authorized to lobby on behalf of a lobbying entity.
- J.** “Person” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group.
- K.** “Gift” means something of economic value given to a City official without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not City officials on the same terms and conditions; and something of economic value given to a City official for valuable consideration less than that required from others who are not City officials. However, “gift” does not mean:
1. Campaign contributions, as described in ORS Chapter 260.
 2. Gifts from family members.

2.12.030 Registration for Lobbying Entities.

(Amended by Ordinance Nos. 180205 and 181204, effective September 7, 2007.)

- A.** Within three working days after a lobbying entity has spent 8 hours or more or estimates that it has spent cumulative 8 hours or more during any calendar quarter lobbying, the lobbying entity shall register with the City Auditor by filing with the Auditor a statement containing the following information:
 - 1.** The name, address, email, website and telephone number of the lobbying entity;
 - 2.** A general description of the trade, business, profession or area of endeavor of the lobbying entity;
 - 3.** The names, addresses, email, website and telephone number of all lobbyists who are employed by or otherwise authorized to lobby on behalf of the lobbying entity. The list must include:
 - a.** Individuals who are paid to lobby for the interests of the lobbying entity.
 - b.** Other persons, including lobbying entity employees or volunteers, who are authorized to lobby on behalf of the lobbying entity.
 - 4.** The subjects and any specific official actions of interest to the lobbying entity.
- B.** A business, organization, or association who anticipates registering as a lobbying entity is encouraged to register at the beginning of each calendar year.
- C.** Registrations shall expire December 31 of every year. Lobbying entities shall renew their registrations once the 8-hour threshold has been reached in each calendar year.
- D.** An authorized representative of the lobbying entity must sign the registration required by this Section.

2.12.040 Quarterly Reporting Requirements for Lobbying Entities.

(Amended by Ordinance Nos. 180205, 180620, 181204 and 186176, effective August 30, 2013.)

- A.** A lobbying entity registered with the City Auditor or required to register with the City Auditor shall file a report, if the lobbying entity has spent an estimated 8

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hours or more during the preceding calendar quarter lobbying, with the City Auditor, by April 15, July 15, October 15, and January 15, showing:

1. The specific subject or subjects of the official action of interest to the lobbying entity, including but not limited to the names of City officials a lobbying entity met with or contacted through direct mail, email or telephone regarding such subject or subjects, the name of the registered lobbyist representing the entity and the date of the contact
 2. A good faith estimate of total moneys, if the total exceeds \$1,000, expended by the lobbying entity or any lobbyist employed by or otherwise authorized to lobby on behalf of the lobbying entity, for the purpose of lobbying City officials on behalf of the lobbying entity in the preceding calendar quarter reporting period for:
 - a. Food, refreshments, travel and entertainment;
 - b. Printing, postage and telephone;
 - c. Advertising, direct mail and email;
 - d. Miscellaneous and gifts;
 - e. Compensation paid to lobbyists; and
 - f. Reimbursements to lobbyists for their expenses.
 3. The name of any City official to whom or for whose benefit, on any one occasion, the lobbying entity made an expenditure in excess of \$25 in the preceding calendar quarter for the purposes of lobbying, and the date, name of payee, purpose and amount of that expenditure.
- B.** Statements required by this section need not include amounts expended by the lobbying entity for personal living and travel expenses and office overhead, including salaries and wages paid for staff and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to be included in a statement is not accurately known at the time the statement is required to be filed, an estimate of the expenditure shall be submitted in the statement and designated as an estimate. The exact amount expended for which a previous estimate was made shall be submitted in a subsequent report when the information is available.
- C.** A lobbying entity shall update any information submitted in Section 2.12.030 that has changed since registration.

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- D.** A statement required by this section shall include a copy of any notice provided to a City official under ORS 244.100.
- E.** An authorized representative of the Lobbying Entity must sign the declaration required by Section 2.12.090 A for each quarterly report.
- F.** Lobbying entities who do not anticipate spending over \$1,000 per calendar quarter for the purpose of lobbying may sign and file a certificate of limited expenditure provided by the Auditor's office in lieu of the financial portion of the quarterly report described in Section 2.10.040 A.2. The certificate affirms that the lobbying entity will spend less than the threshold required for quarterly financial reporting of moneys expended under Section 2.12.040 A.2. If a lobbying entity that files a certificate of limited expenditure spends over \$1,000 in a calendar quarter for the purpose of lobbying, the lobbying entity shall withdraw the certificate of limited expenditure and shall report moneys expended pursuant to Section 2.12.040 A.2.
- G.** A lobbying entity may amend a quarterly report without penalty if it files the amended report within 25 days after the end of the calendar quarter.

2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.

(Amended by Ordinance Nos. 180620 and 181204, effective September 7, 2007.) In addition to the thresholds set forth in Section 2.12.030 and 2.12.040 for the registration, reporting and financial reporting of lobbying entities, Sections 2.12.030 and 2.12.040 do not apply to the following persons:

- A.** News media, or their employees or agents, that in the ordinary course of business directly or indirectly urge official action but that engage in no other activities in connection with the official action.
- B.** Lobbying entities that spent fewer than 8 hours lobbying during every calendar quarter in a calendar year.
- C.** Any lobbying entity that satisfies all three of the following requirements:
 - 1.** Complies with state public record and meeting laws or with the standards referenced in Section 3.96.020 G.;
 - 2.** Is classified as a non-profit organization, registered with the Oregon Secretary of State Corporation Division; and

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3. Is formally recognized by the Office of Neighborhood Involvement or through City Council resolution or ordinance.

2.12.060 Declaration Required by Lobbyists

(Amended by Ordinance No. 180205, effective June 7, 2006.) Prior to offering public testimony before City officials, at the beginning of any meetings or phone calls with City officials, or in emails and letters to City officials, a lobbyist must declare which lobbying entity he or she is authorized to represent for that communication.

2.12.070 Reporting Requirements for City Officials

(Amended by Ordinance Nos. 180205 and 180620, effective December 22, 2006.)

- A. City officials shall file written reports documenting any gifts, meals or entertainment in excess of \$25.00 received from a lobbying entity or any person authorized to lobby on the lobbying entity's behalf. Such reports shall include:
 1. Name of lobbying entity, and if applicable, name of lobbyist;
 2. Subject of lobbying;
 3. Value of gift, meal or entertainment; and
 4. Date of receipt.
- B. City officials shall file written reports after a lobbyist or lobbying entity has agreed to make a donation of personal or real property to the City. Such reports shall include:
 1. Name of lobbying entity, and if applicable, name of lobbyist;
 2. Gift or donation requested;
 3. Purpose of donation; and
 4. Date of request.
- C. The reports, if any, required by subsections 2.12.070 A. and B. shall be filed with the City Auditor 15 days after the end of the calendar quarter. City officials, other than elected officials, are not required to file reports with the Auditor if the amount of the gift, meal or entertainment is less than \$25.00 or if no gifts or donations have been requested in the calendar quarter.
- D. Elected officials and City directors shall post their calendars of activities related to official City business to the lobbyist website designated by the City Auditor 15

days after the end of the calendar quarter for the previous calendar quarter, unless an elected official or City director determines that such posting poses a safety threat.

- E. A City Official may amend a quarterly report without penalty if he or she files the amended report within 25 days after the end of the calendar quarter.

2.12.080 Prohibited Conduct.

- A. No former City elected official, City director or other employee shall, for a period of one year after the termination of the employee's term of office or employment, lobby for money or other consideration a City official, regarding any subject matter on which the employee participated personally and substantially during the employee's term of office or employment; provided, that if the employee exercised contract management authority with respect to a contract, this prohibition shall be permanent as to that contract.

- B. The prohibitions in this Section shall not apply to:

1. Prevent any former City elected official or other City employee from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before the City;
2. The activities of any former City elected official or other City employee who is an elected or appointed officer or employee of any public body, when that former City elected official or other City employee is solely representing that agency in his or her official capacity as an officer or employee of the public body;
3. Any ministerial action. For purposes of this subsection, a ministerial action is one that does not require a City official or other City employee to exercise discretion concerning any outcome or course of action.
4. Prevent City officials or other City employees from seeking information or participation from former City elected officials or other City employees where the public interest would be served by the information or participation.

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2.12.090 Verification of Reports, Registrations and Statements.

(Amended by Ordinance No. 181204, effective September 7, 2007.)

- A. Each report, registration or statement required by this Chapter shall contain or be verified by a written or electronic declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.
- B. No person shall willfully make and subscribe any document which contains or is verified by a written or electronic declaration for false swearing which the person does not reasonably believe to be true and correct to every matter.

2.12.100 Public Nature of Reports, Registrations and Statements.

(Amended by Ordinance No. 186176, effective August 30, 2013.) All information submitted to the City Auditor in any report, registration or statement required by this Chapter is a public record and will be posted on Office of the Auditor website within three business days after receipt, except if the information is subject to amendment under this Chapter, the Auditor will post the information within three business days after the amendment period has closed.

2.12.110 Auditor's Duties.

In carrying out the provisions of this Chapter, the City Auditor:

- A. Shall prescribe forms for registrations, statements and reports, and provide such forms to persons required to register and to file such statements and reports;
- B. Shall accept registrations and reports in an electronic format;
- C. Shall accept and file any information voluntarily supplied that exceeds the requirements of this Chapter;
- D. Shall make registrations, statements and reports filed available for public inspection and copying during regular office hours, and make copies available. The Auditor may charge fees to recover the cost of retrieval and copying;
- E. May audit whether registrations and reports required by this Chapter have been completed properly and within the time frames specified in this Chapter;
- F. Is authorized to adopt administrative rules to carry out the duties and to administer the provisions of this Chapter.

2.12.120 Penalties.

A person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter shall be subject to a civil penalty in an amount not to exceed \$500.00 per violation. At the request of the

Auditor, the City Attorney may seek civil penalties and enforcement of any provision of this Chapter in Multnomah County Circuit Court or other appropriate venue.

2.12.130 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is held invalid by any court, the remainder of this Chapter and its application to other persons and circumstances, other than that which has been held invalid, shall not be affected by such invalidity, and to that extent the provisions of this Chapter are declared to be severable.

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Chapter 3.30

BUREAU OF DEVELOPMENT SERVICES

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

Sections:

- 3.30.005 Organization.
- 3.30.010 Duties of the Bureau of Development Services.
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- 3.30.070 Inspections.
- 3.30.080 Stop Work Orders.

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, 182962 and 186216, effective September 4, 2013.) The Bureau of Development Services shall be responsible for:

- A. The administration and enforcement of:
 - 1. Building Regulations, Title 24.
 - 2. Plumbing Regulations, Title 25.
 - 3. Electrical Regulations, Title 26.
 - 4. Heating and Ventilating Regulations, Title 27.

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5. Floating Structures, Title 28.
 6. Property Maintenance Regulations, Title 29.
 7. Signs and Related Regulations, Title 32.
 8. Original Art Murals, Title 4.
 9. State of Oregon Regulations regarding manufactured dwellings.
 10. 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.

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, 178954, 184046 and 184183, effective November 26, 2010.)

- 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;
 7. Providing input to ensure budgets of development review agencies are adequate to meet service goals and desired system outcomes.
- B. Membership.** The Development Review Advisory Committee shall consist of seventeen members. The members shall be appointed by the Commissioner-in-Charge of the Bureau of Development Services and confirmed by the City Council. The members shall be selected to provide representation of those persons concerned about planning, design and development. The areas of interest of members shall include, but not be limited to, development, planning, construction contracting, public works, design professions, neighborhood interests, business interests, historic preservation, environmental organizations,

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and institutional properties. Members shall be appointed so that the Committee consists of one member from organizations representing each of the following groups, or if organizations do not exist, an individual advocate for the representative group will be appointed:

1. Frequent development review customers
2. Citywide neighborhood interests
3. Design professionals
4. Environmental conservation and green building
5. Historic preservation
6. Home builders
7. Home remodelers
8. Land use planning professions
9. Large developers
10. Large construction contractors
11. Low-income housing developers
12. Major facilities landowners
13. Minority construction contractors and development professionals
14. Neighborhood Coalition Land Use Committees
15. Small businesses
16. Planning and Sustainability Commission, as designated by the Planning and Sustainability Commission President, and serves as an ex officio member of the Committee.
17. Public works permit customers

- C. **Appointments and Terms.** Appointment to the Development Review Advisory Committee shall be for a three-year term. If a position is vacated during a term, it shall be filled for the unexpired term. Members of the Development Review

Advisory Committee shall serve no more than two, complete three-year terms.

D. Meetings, Officers, and Subcommittees.

1. The Development Review Advisory Committee shall meet at least five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. Seven members shall constitute a quorum. A quorum shall be necessary to make decisions that represent the position of the Development Review Advisory Committee and to conduct any other Committee responsibilities. The election of officers shall take place at the first meeting of each calendar year.
2. The officers of the Committee shall consist of a Chairperson and a Vice-chairperson. The chairperson shall be responsible for conducting the meetings of the committee. The vice chairperson shall act as chair when the chairperson is not available.
3. The Development Review Advisory Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members.

E. Attendance. Members of the Development Review Advisory Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year.

F. Compensation. Development Review Advisory Committee members shall serve without compensation.

3.30.040 Establishment of Enforcement Priorities and Remedies.

(Amended by Ordinance Nos. 175327, 176955 and 183793, effective May 19, 2010.) In order to carry out the duties as set forth in Section 3.30.010, the Director of the Bureau of Development Services may:

- A. Adopt written policies and procedures for the enforcement of applicable Code provisions and laws. Establish enforcement fees or penalties for non-compliance. Establish enforcement priorities based on the number of budgeted enforcement personnel, public safety and welfare factors, and any priorities established by City Council.
- B. Gain compliance by:

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1. Instituting an action before the Code Hearings Officer in the manner provided for by Title 22 of this Code; or
 2. Causing appropriate action to be instituted in a court of competent jurisdiction; or
 3. Issuing a code violation citation directly to the contractor or person responsible for carrying out the work. Any person receiving a citation for violating the provisions of the City Code administered by the Bureau of Development Services shall be subject to a fine of up to \$1,000 for each citation issued.
 4. Taking other lawful action.
 5. Revoking a Type B home occupation permit for failure to comply with the regulations of City Code Chapter 33.203 by using the following procedures:
 - a. If the Director determines that cause for revocation of a permit exists, the Director shall provide written notice thereof to the permittee. The notice shall contain a brief description of the facts supporting the revocation, the date the revocation shall become final and a notice of the permittee's right to appeal the revocation.
 - b. The notice shall be mailed by certified mail, return receipt requested, and regular mail to the permittee. The notice shall be effective upon three days after mailing.
 - c. The revocation shall become final and effective ten days after the notice is effective, unless an appeal is filed.
 - d. Any permittee whose permit has been revoked may appeal the revocation to the Code Hearings Officer pursuant to the provisions of City Code Chapter 22.10. The filing of an appeal shall stay the effective date of the revocation until the appeal is determined in a final decision by the Code Hearings Officer.
- C. Impose fees or penalties for non-compliance, provide notification, and allow for appeals by:
1. Initiating the notification procedures provided in Section 29.60.050.
 2. Imposing monthly enforcement fees or penalties for each property that meets the following conditions:

- a. The property is the subject of a notice of violation by the Bureau of Development Services; and
 - b. A response period of 30 days has passed since the effective date of the initial notice of violation; and
 - c. The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
3. Doubling the penalties if the violations are not corrected within three months from the initial notice of violation.
4. Imposing an additional penalty as set forth in the Enforcement Fee and Penalty Schedule against any property for which a code enforcement proceeding is initiated before the Code Hearings Officer pursuant to the provisions of Title 22 of this Code.
5. All required fees or penalties are listed in the Enforcement Fee and Penalty Schedule adopted by City Council. Fees or penalties may be updated annually or on an as needed basis. The approved Enforcement Fee and Penalty Schedule will be available at the Bureau of Development Services Center and on the bureau's Web site.
6. Providing for administrative procedures as set forth in Subsections 29.70.010 C. through E.
7. Providing for administrative review and the opportunity for appeal to the Code Hearings Officer as set forth in Section 29.80.010.
8. Allowing exceptions as provided in Section 29.60.100.

3.30.050 Special Jurisdiction.

(Amended by Ordinance Nos. 176585, 176955 and 182456, effective December 24, 2008). The Bureau of Development Services shall have authority to enforce Section 14A.20.070, and Subsections 16.10.200 L., 16.20.120 H., and 16.20.130 I., 16.20.160 and Sections 16.20.170, 16.70.450 and 16.70.800. The Bureau shall have authority to issue parking citations and order the towing and storage and/or removal of such vehicles and objects. In addition, violations of Section 16.20.160 are also subject to the Bureau of Development Services enforcement remedies as described in Subsection 3.30.040 C.

3.30.060 Nuisance Abatement Contracts.

(Amended by Ordinance No. 176955, effective October 9, 2002.) When authorized elsewhere in this Code to abate a nuisance, the Bureau of Development Services may

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either abate the nuisance with City personnel as may be provided by this Code, or when necessary, the Bureau of Development Services, acting through its Director, may contract with eligible contractors for the performance of nuisance abatement services pursuant to the procedures established in Sections 3.30.040 through 3.30.060 of this Code.

3.30.070 Inspections

- A.** Definitions. The terms used in this Section shall be defined as provided in this subsection, unless the context requires otherwise:
- 1.** Building Regulations means any city code title listed in 3.30.010, or any other safety or health statute, ordinance, regulation, rule, standard or order the Director is authorized to enforce.
 - 2.** Property means real property and all improvements or structures on real property, from property line to property line.
- B.** Warrants. Whenever an inspection is necessary to enforce any of the provisions authorized by this Title, or whenever the Director has reasonable cause to believe that there exists in any building or upon any property any condition which makes such property substandard as defined in any building regulations, the Director may request any Circuit Court judge to issue an inspection warrant for the inspection or investigation of any building or upon any property as required or authorized by city code or by statute. The inspection warrant is an order authorizing a safety or health inspection or investigation to be conducted at a designated building or property.
- C.** Grounds for Issuance of Inspection Warrants; Affidavit.
- 1.** Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the building or property to be inspected or investigated, and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.
 - 2.** Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is cause to believe that a condition of nonconformity with any

building regulations exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with any building regulations.

D. Procedure for Issuance of Inspection Warrant.

1. Examination. Before issuing an inspection warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.
2. Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly the person or persons authorized to execute the warrant, the property to be entered, and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any other time of the day or night.

E. Execution of Inspection Warrants.

1. Occupied Property. Except as provided in subsection 2. of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
2. Unoccupied Property. In executing an inspection warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the search warrant shall be conspicuously posted on the property.
3. Police Assistance. In issuing an inspection warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the building inspector or representative of the bureau inspecting the

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property in any way necessary to complete the inspection.

4. Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 5 working days from its date of execution, unless such judge before the expiration of such time extends the time for five days. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

3.30.080 Stop Work Orders.

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

- A. When it is necessary to obtain compliance with this Title, or any violations of provisions administered by the Bureau of Development Services, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, the responsible party may not resume work until such time as the Director give specific approval in writing. The stop work order will be in writing and will include:
 1. Date of order;
 2. Permit or registration number, where applicable;
 3. Site address, legal description or project location of stop work order;
 4. A description of violations observed; and
 5. The conditions under which the work may resume.
- B. The stop work order will be posted by the Director at a conspicuous location at the site. In addition, a copy will be sent to the responsible party by Certified mail. Where the responsible party is not the property owner, a copy of the stop work order will also be sent to the property owner.
- C. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
- D. A stop work order is effective upon posting.
- E. When an emergency condition exists, the Director may issue a stop work order orally. The Director will then issue a written notice under Section A, above, within 24 hours.

Chapter 3.32

BUREAU OF LICENSES

(Chapter repealed by Ordinance No. 179566,
effective October 1, 2005.)

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Chapter 3.33

**BUREAU OF PLANNING
AND SUSTAINABILITY**

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

- 3.33.010 Purpose.
- 3.33.020 Organization.
- 3.33.030 Functions.

3.33.010 Purpose.

The purpose of this Chapter is to describe the organization and functions of the Bureau of Planning and Sustainability.

3.33.020 Organization.

The Bureau is administered by the Commissioner in charge and led by the Director of Planning and Sustainability. The organizational structure of the Bureau shall be determined by the Director of the Bureau after consultation with the Commissioner in charge.

3.33.030 Functions.

(Amended by Ordinance No. 184046, effective September 10, 2010.) The Bureau of Planning and Sustainability is responsible for planning, implementing, and managing complex programs and projects related to sustainability, urban design, land use, and long range planning.

The Bureau of Planning and Sustainability:

- A. Works with the City Council, Planning and Sustainability Commission, and the community to define shared values and develop a cohesive vision for the future of Portland;
- B. Maintains, modifies, and updates a Comprehensive Plan to guide the development and redevelopment of the city;
- C. Ensures that City policies, implementation tools, and zoning designations are consistent with the Comprehensive Plan, the Metro Functional Plan, Statewide Planning Goals, and other requirements. Implementation tools include Title 33,

Chapter 3.86

GOLF ADVISORY COMMITTEE

(Chapter added by Ordinance No. 133195,
effective September 20, 1971.)

Sections:

- 3.86.010 Created - Organization.
- 3.86.020 Procedure and Rules.
- 3.86.030 Duties.

3.86.010 Created - Organization.

(Amended by Ordinance Nos. 169770, 178253 and 178935, effective December 8, 2004.)
There hereby is created an advisory committee to the Commissioner In Charge of the Bureau of Parks to be known as the Golf Advisory Committee, consisting of ten voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members of the Committee, the members to serve for a term of 2 years. The Commissioner In Charge or his/her representative shall be an ex officio member of the Committee.

3.86.020 Procedure and Rules.

(Amended by Ordinance No. 169770, effective Mar. 8, 1996.) The Golf Advisory Committee shall establish operating rules, bylaws, and procedures for all matters for consideration or action by the Committee, subject to the approval of the City Attorney. The Committee shall hold meetings at such time as is set by the body and at any other time at the call of the Committee Chair.

3.86.030 Duties.

(Amended by Ordinance No. 169770, effective Mar. 8, 1996.) The Golf Advisory Committee duties shall include, but not be limited to advising the Commissioner-In-Charge regarding the following areas: Golf Program budget review, review of the golf Program's Capital Improvement Program; review of golf concession contracts and proposals; review of the development, and monitoring of, the Golf Program's Strategic Plan, the marketing of the municipal Golf System; maximization and use of Golf System revenue. The Committee shall make an annual written report to the Commissioner-In-Charge, and to the Council.

**TITLE 3
ADMINISTRATION**

Chapter 3.88

INVESTMENT ADVISORY COMMITTEE

(Chapter added by Ordinance No. 135093;
amended by 143470 and 151419,
effective April 16, 1981.)

Sections:

- 3.88.010 Created - Organization.
- 3.88.020 Procedure and Rules.
- 3.88.030 Duties.

3.88.010 Created - Organization.

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) There hereby is created an advisory committee to the Commissioner In Charge, the Director of the Office of Management and Finance and the city Treasurer to be known as the Investment Advisory Committee. The Committee shall consist of a minimum of three public members who shall serve without compensation. The Commissioner In Charge, with approval by the Council, shall appoint the public members of the Committee to serve for 2-year terms that are renewable. The Debt Manager shall be an ex officio member of the Committee. In case of the resignation, death or inability to serve of any member, the Commissioner may appoint a successor to serve out the unexpired term subject to approval by the Council.

3.88.020 Procedure and Rules.

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) The Investment Advisory Committee shall establish its own rules, bylaws and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold at least three meetings per year at such times as is set by the body and at any other time at the call of the Chair. The Office of Management and Finance shall provide clerical staff.

3.88.030 Duties.

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) The Investment Advisory Committee shall advise the Commissioner In Charge, the Director of the Office of Management and Finance, the City Council and the City Treasurer of the City on: investment policies and investment practices of the City; maximum bank balances to be maintained by the City; and such other investment matters as the Commissioner in Charge of the Office of Management and Finance, the City Council or the Director of the Office of Management and Finance may request.

- B.** Facilitate communication between people and government;
- C.** Promote public participation within the areas of Neighborhoods served on issues of livability, safety and public policy;
- D.** Promote, encourage and support the participation of members of diverse communities within the areas of Neighborhoods served;
- E.** Administer contracts or memorandums of understanding and operate the District Coalition in accordance with the adopted Standards; and
- F.** Abide by the Standards established by the Office of Neighborhood Involvement.

3.96.050 Responsibility of City Agencies.

- A.** City agencies shall notify all Neighborhood Associations affected by planning efforts or other actions affecting the livability of the Neighborhood(s).
- B.** City agencies shall include affected Neighborhood Associations and District Coalitions in planning efforts which affect neighborhood livability.
- C.** Notice of pending policy decisions affecting neighborhood livability shall be given to the Neighborhood Association(s) affected at least 30 days prior to final action on the decision by a City agency. If said 30 day period may injure or harm the public health, safety, welfare, or result in a significant financial burden to the City, this notice provision shall not apply.

3.96.060 Responsibilities of the Office of Neighborhood Involvement.

(Amended by Ordinance No. 186216, effective September 4, 2013.) There is hereby established and created an Office of Neighborhood Involvement which shall consist of a Director and such other employees as the Council may from time to time provide. In order to facilitate participation and improved communication between the public, Neighborhood Associations, Business District Associations, District Coalitions and the City, the Office of Neighborhood Involvement shall:

- A.** Assist Neighborhood Associations, District Coalitions and others in planning and developing programs for public involvement, crime prevention, dispute resolution and budget review; and,
- B.** Act as an information clearinghouse and resource to Neighborhood and Business Associations, other groups and the public; and,

**TITLE 3
ADMINISTRATION**

- C.** Notify interested persons of meetings, hearings, elections and other public participation events of the Office of Neighborhood Involvement neighborhood system; and,
- D.** Enter into, monitor, administer contracts, and memorandums of understanding for Neighborhood Associations through District Coalitions; and,
- E.** Promote and facilitate open communication and notification from City agencies to Neighborhood Associations, District Coalitions, and Business District Associations, promote and facilitate communication amongst City agencies about public involvement best practices and policy; and,
- F.** Support and promote public involvement within the Neighborhood Association framework; and,
- G.** Adopt and revise such Standards as are deemed necessary for the implementation of this Chapter and for orderly public involvement in City government through Neighborhood Associations and District Coalitions. In so doing, the Office of Neighborhood Involvement shall seek representation from Neighborhood Associations, District Coalitions, Business District Associations, diverse community interests, city agencies that engage in considerable public involvement activities, and other interested people as necessary; and,
- H.** Pursuant to the adopted Standards, formally recognize a Neighborhood Association and/or acknowledge a Business District Association. If a Neighborhood Association or Business District Association fails to meet the minimum requirements of chapter 3.96, the Office of Neighborhood Involvement may suspend partial or all benefits and may ultimately revoke formal recognition of a Neighborhood Association or acknowledgement of a Business District Association; and,
- I.** Promote, encourage and support diverse and multicultural public involvement; and,
- J.** Establish open and fair grievance procedures for Neighborhood Associations, District Coalitions, and the Office of Neighborhood Involvement; and,
- K.** Establish open meetings and public records standards for Neighborhood Associations and District Coalitions.
- L.** Administer and enforce City Code Title 18, Noise Control.

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Chapter 17.103 SINGLE-USE PLASTIC CHECKOUT BAGS

- 17.103.010 Purpose.
- 17.103.020 Definitions.
- 17.103.030 Authority of Director to Adopt Rules.
- 17.103.040 Checkout Bag Regulation.
- 17.103.050 Enforcement and Penalties.
- 17.103.060 Severability.

order by the Council in the event of a remonstrance, the City shall construct the same as soon thereafter as such work can be conveniently scheduled. The cost for the City to have the repairs made shall be assessed upon the property.

17.28.060 Location, Size and Materials of Sidewalks and Curbs.

(Amended by Ordinance Nos. 182760 and 184957, effective November 25, 2011.) The Director of the Bureau of Transportation shall determine the distance between the improved sidewalk and the property line, which, in residential areas shall generally be 2 feet unless a different distance is specified. The width of the improved sidewalks, the grade thereof, materials for construction or reconstruction, and the location and size of curbs, shall be designated by the City Engineer. The class and kind of any fill materials and requirement thereof shall be designated by the City Engineer. Based on a finding of necessity, the Director of the Bureau of Transportation may permit installation of a temporary sidewalk for a specified period, and the City Engineer shall designate specifications for the temporary improvement.

17.28.065 Bicycle Parking.

(Added by Ordinance No. 177028; amended by Ordinance Nos. 178173, 182389, 182760 and 184957, effective November 25, 2011.) Bicycle parking in the right-of-way adjacent to multifamily, commercial, institutional, employment, or industrial land uses helps to achieve the City's goal of making the bicycle an integral part of daily life in Portland. Bicycle parking in the right-of-way provides convenient, accessible, and clearly visible parking in areas where buildings are generally built to the sidewalk.

- A. As a part of street improvements adjacent to developing or redeveloping property, the Director of the Bureau of Transportation may, where determined appropriate and practicable, require one or more bicycle racks.
- B. The location and type of rack shall be determined by the Director of the Bureau of Transportation based on sidewalk width, location of other elements in the right-of-way, and adjacent land uses.
- C. **Bicycle Parking Fund.** An owner of a building without surface parking, or without parking or open areas within 50 feet of the main entrance may choose to pay a fee to the Bureau of Transportation Bicycle Parking Fund in lieu of short-term bicycle parking required by Table 266-6 in Title 33, Planning and Zoning. The Bureau of Transportation will use the collected fees to install bicycle parking and associated improvements in the right-of-way.
 - 1. **Authority.** The City Council delegates authority to the Director of the Bureau of Transportation to adopt administrative rules and procedures necessary to implement provisions of this section. All rules pursuant to this authority shall be filed with the Office of City Auditor and be available for public inspection.

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2. Calculation of required fund contributions. Applicants must contribute the cost to purchase, install and maintain bicycle parking and associated improvements. The cost to purchase, install, and maintain bicycle parking will be adjusted annually as determined by the Director of the Bureau of Transportation.
3. Payment. The Bicycle Parking Fund fee is due to be paid upon issuance of a building permit. The Director of the Bureau of Transportation is authorized to refund the Bicycle Parking Fund fee where the development approved by building permit is not constructed and the building permit is cancelled.
4. Width of Sidewalk Corridor. The sidewalk corridor where bicycle parking is to be installed must meet or exceed the width recommended in the Pedestrian Design Guide for installation of bicycle parking. In no case may bicycle parking, installed through the Bicycle Parking Fund be placed in a sidewalk corridor of less than 10 feet in width.

17.28.070 Owners to Repair Sidewalks and Curbs - Notice to Repair.

(Amended by Ordinance Nos. 183348 and 184957, effective November 25, 2011.) After a sidewalk has been improved or constructed, either alone or in combination with a curb, the owner of land abutting the street area in which the sidewalk has been constructed shall be responsible for maintaining such sidewalk and curb in good repair. If the City Engineer finds that any such sidewalk or curb needs repair, he or she shall post a notice on the adjacent property headed "Notice to Repair Sidewalk" (or curb) which shall in legible characters direct the owner, agent, or occupant of the property immediately to repair the sidewalk or curb, or both in a good and substantial manner in accordance with the plans, specification and regulations of the City. The City Engineer shall send by mail a notice to repair the sidewalk or curb, or both, to the owner, if known, of such property, or to the agent (if known) of the owner, directed to the post office address of the owner or agent when known, or if the post office address is unknown, the notice shall be directed to the owner or agent at the address where the notice was posted. A mistake in the name of the owner or agent, or a name other than that of the true owner or agent of the property, or mistake in address shall not invalidate said notice, but in such case the posted notice shall be sufficient.

17.28.080 Permit for Sidewalk and Curb Repairs.

(Amended by Ordinance Nos. 183348 and 186083, effective July 12, 2013.) After notice to repair defective sidewalk or curb, or both, has been posted, the owner, agent or occupant shall make the repairs within 60 calendar days from the date of posting. Any person desiring to repair a defective sidewalk, curb or both, either before or after notice to repair has been posted, shall first obtain a permit.

The permit shall prescribe the kind of repair to be made, the material to be used, and specifications therefore, including the location and size. Any person desiring to construct or reconstruct sidewalk or curb, or both, shall first obtain a permit therefore and pay the fees elsewhere prescribed in Chapter 17.24.

17.28.090 Repair by City of Portland.

(Amended by Ordinance Nos. 183348 and 186083, effective July 12, 2013.) If the owner, agent or occupant of any lot, part thereof or parcel of land which has been posted with notice to repair a sidewalk or curb, or both, shall fail, neglect or refuse to make repairs within the period of 60 calendar days after posting, the City Engineer may as soon as the work can be conveniently scheduled, make the repairs, and the cost shall be determined and assessment made as provided in this Chapter.

17.28.100 Driveways Defined.

(Amended by Ordinance No. 184957, effective November 25, 2011.) As used in this Chapter, the following terms shall have the meaning as set forth below.

- A. **“Driveway”** means a paved way for vehicular traffic extending from the roadway to the property line across a sidewalk, whether or not such sidewalk is improved, for the purpose of providing access to parking or maneuvering space on abutting property.
- B. **“Residential driveway”** means a driveway serving a one or two family residence.
- C. **“Commercial driveway”** means a driveway serving any property except a one or two family residence.

17.28.110 Driveways - Permits and Conditions.

(Amended by Ordinance Nos. 177028, 179845, 182760, 184957 and 186083, effective July 12, 2013.) Upon appropriate application and payment of fees, as provided in Chapter 17.24, the Director of the Bureau of Transportation may issue a permit to construct a driveway in the street area subject to the following conditions:

- A. All driveways shall be constructed according to plans, specifications, and any special conditions fixed by the City Engineer.
- B. Location. No portion of a driveway, excluding ramps if required, shall be located closer than 25 feet from the corner of a lot where two streets intersect.
- C. Width of driveways. A permit to construct a driveway in the street area is subject to the following width provisions:

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1. Residential driveway:

Private Property Frontage	Minimum Width	Maximum Width
25 ft. or less	9 ft	12 ft.
26 ft. to 50 ft.	9 ft.	20 ft.
51 ft. to 75 ft.	9 ft.	25 ft.
76 ft. to 100 ft.	9 ft.	30 ft.

More than one driveway may be allowed for frontage up to 100 feet with the approval from the Director of the Bureau of Transportation and the City Traffic Engineer. No less than 5 feet of straight curb must separate service driveways regardless of ownership. Each 100 feet of frontage, or fraction thereof, under single ownership shall, for purposes of this Chapter, be considered a separate frontage.

2. Commercial driveway:

Private Property Frontage	Minimum Width	Maximum Width
50 ft. or less	10 ft.	20 ft.
51 ft. to 100 ft.	20 ft.*	30 ft.

*A commercial driveway for a residential use that provides access for 10 parking spaces or less can be a minimum width of 10 feet, provided the access is on a local service street and will be designed to allow forward motion of all vehicles. However, the City Traffic Engineer may establish conditions regarding width that are deemed necessary to ensure the safe and orderly flow of pedestrians, bicycles and vehicular traffic. These conditions are based on evaluation of speeds, volumes, sight distance, and any other transportation factors that are relevant.

More than one driveway may be allowed for frontage up to 100 feet with the approval from the Director of the Bureau of Transportation and the City Traffic Engineer. No less than 5 feet of straight curb must separate service driveways regardless of ownership. Each 100 feet of frontage or fraction thereof under single ownership shall for purposes of this Chapter be considered a separate frontage.

3. Driveways shall be measured lengthwise with the sidewalk on the property line side, and such measurement shall not include the width of ramps extending to the regular sidewalk grade. Ramps, if required, do not

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constitute part of required minimum or allowed maximum width. Determination of the need or appropriateness of ramps shall be within the sole discretion of the City Engineer.

4. Any driveway at variance with these width limitations shall not be permitted unless the Director of the Bureau of Transportation specifically approves or requires the same. Any applicant requesting a driveway at variance with these standards shall provide such information as the Director of the Bureau of Transportation and the City Traffic Engineer may require in support of the application. The Director of the Bureau of Transportation may establish conditions deemed necessary to insure the safe and orderly flow of pedestrian and vehicular traffic and the decision of the Director of the Bureau of Transportation as to the widths and location of driveways shall be final and conclusive.
 5. The Director of the Bureau of Transportation may require joint or shared use of a driveway by two properties in separate ownership. The Director of the Bureau of Transportation may establish conditions regarding the number, configuration, and use of driveways necessary to ensure the safe and orderly flow of pedestrians, bicycles, and vehicular traffic, preserve on-street parking, preserve or establish street trees, maximize opportunities for vegetated stormwater management, reduce conflicts with pedestrians and bicycles and enhance the pedestrian environment.
- D.** The Director of the Bureau of Transportation may refer any driveway permit application to the City Traffic Engineer and/or the Oregon Department of Transportation as appropriate, for a review of the location and width. The City Traffic Engineer shall recommend such conditions and limitations regarding the location and operation of driveways as are found necessary to insure the safe and orderly flow of pedestrian, bicycles and vehicular traffic and preserve on-street parking.
- E.** The Director of the Bureau of Transportation may require any applicant for a driveway permit to provide evidence that the proposed driveway will access legal parking and maneuvering space on property as set forth in Title 33, Planning and Zoning regulations. The Director of the Bureau of Transportation may refuse to issue a permit if the applicant cannot show evidence that on-property parking and maneuvering space is in compliance with Title 33, Planning and Zoning regulations.
1. If the Director of the Bureau of Transportation finds that a property owner is permitting access where a properly constructed driveway does not exist, the Director of the Bureau of Transportation may post notice and require

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termination of access or construction of a driveway in accordance with the requirements of this Chapter.

- F.** Revocability of driveway permits.
- 1.** The Director of the Bureau of Transportation may revoke any driveway permit or require the modification of any driveway if:
 - a.** The area occupied by the driveway is needed for the public convenience;
 - b.** Continued operation of the driveway interferes with the safe and orderly flow of pedestrians, bicycles or vehicular traffic; or
 - c.** The abutting owner has failed to comply with all specifications and conditions of the permit; or
 - d.** The driveway does not access legal parking and maneuvering space on abutting property.
 - 2.** The Council may revoke any driveway permit if they deem such action will be in the public interest.
- G.** Enforcement powers. Within 60 calendar days of written notice from the Director of the Bureau of Transportation to close or modify a driveway, the abutting property owner shall obtain any required permits and make the required corrections. If the abutting owner fails to make the required corrections within 60 calendar days, the City may perform the required work at the expense of the abutting property owner and the cost shall be determined and assessment made as provided in this Chapter.

17.28.120 After Construction Driveways Deemed Part of Sidewalk.

After a driveway has been constructed, it shall be deemed a part of the sidewalk whether or not there is a sidewalk improvement extending along the balance of the frontage property, for all purposes of repair or reconstruction. Requirements relating to construction or reconstruction of a sidewalk as provided in this Chapter, shall be applicable to reconstruction of a driveway, except that the property owner shall have no option to petition for a local improvement solely for such purpose.

17.28.130 Reconstruction of Existing Driveways.

If the City Engineer finds that any driveway does not conform to the requirements of this Chapter and should be reconstructed for the protection or convenience of pedestrians or vehicles using the street area, the City Engineer may post notice and require the reconstruction or removal of the driveway. If the abutting property owner fails to make

the required corrections within 20 days the City may perform the required work at the expense of the abutting property owner, and the cost shall be determined and assessment made as provided in this Chapter.

17.28.140 City Charges for Construction or Repair of Sidewalks, Curbs and Driveways.

(Amended by Ordinance No. 182760, effective June 5, 2009.) The property owner shall be charged for the construction, reconstruction or repair of sidewalks, curbs and driveways. The cost for the City to have repairs made will be assessed upon the property.

- A. Special structural, excavation and fill jobs and jobs in areas of traffic and pedestrian congestion shall be charged at the discretion of the City Engineer. Determination of whether a job is of special type shall be made by the City Engineer.
- B. Cost basis charges for work may be made at the discretion of the City Engineer if the actual cost can be conveniently and accurately determined.

17.28.150 Billing for Charges.

(Amended by Ordinance No. 183348, effective December 18, 2009.)

- A. When work is completed by the City on any construction, reconstruction or repair of a sidewalk, curb or driveway, the amount of the charge shall be determined by the City Engineer or responsible bureau and reported to the City Auditor. The City Auditor shall calculate a proposed assessment that includes the amount of the improvement charge plus 10% of the charge to defray the administrative costs of notice, assessment and recording.
- B. The City Auditor shall prepare a proposed assessment notice for the owner of each property or the owner's agent as shown in the County tax records. The notice shall be mailed at least 21 calendar days before the public hearing on the proposed assessment, and the notice shall consist of the following information:
 - 1. The legal description and site address of the property;
 - 2. The amount of the proposed assessment against the property;
 - 3. The manner and deadline for filing a written remonstrance to the proposed assessment amount;
 - 4. The date, time and location of the public hearing for Council consideration of the proposed assessment; and
 - 5. Contact information for sidewalk repair.

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- C. Any owner of property proposed to be assessed for sidewalk repair may file a remonstrance to the proposed assessment with the City Auditor. The remonstrance must be in writing and received by the City Auditor via US mail or hand delivered no later than 5:00 PM eight (8) calendar days prior to the hearing by the City Council on the proposed final assessment. Upon receipt of a timely filed remonstrance the City Auditor shall remove the property from the filing of the proposed assessment before the council hearing date, and shall refer the remonstrance to the responsible bureau for follow-up and response.
- D. The City Auditor shall mail the proposed assessment notice by first class mail to the owners of the affected property. The notice shall be deemed given upon deposit in the U.S. mail.

17.28.160 Assessment of Charges.

(Amended by Ordinance Nos. 182760 and 183348, effective December 18, 2009.)

- A. The City Auditor shall refer to the City Engineer or responsible bureau all remonstrances and remove from further assessment action the proposed assessments which are associated with the remonstrances. The City Engineer or responsible bureau shall review each remonstrance by taking the following actions:
 - 1. Determine whether the improvement work was required by Code and whether the conditions required the improvements, whether the required improvements are consistent with Code and City specifications, and whether the improvement charges are calculated as provided by Code; and
 - 2. Determine the extent of actions or adjustments which are necessary to bring the proposed assessment into compliance with Code and program standards; and
 - 3. Mail a statement of findings to the remonstrating property owner, and file a copy with the City Auditor. The findings shall include a statement that the property owner may appeal the determination to the Council.
- B. The Council shall conduct a public hearing on the proposed assessments, however is should be held no sooner than 20 days following the date of the proposed assessment notice as provided in this Chapter. The Council shall consider and make its determinations based on the requirements of this Code and the City specifications maintained by the City Engineer. The Council shall affirm or modify the proposed assessments based on its findings. The Council's decisions shall be implemented by ordinance which sets forth its findings and decision. The decision of the Council may be appealed to the court by writ of review.

Chapter 17.32

**PUBLIC SEWER AND DRAINAGE SYSTEM
PERMITS, CONNECTIONS AND MAINTENANCE**

(Chapter replaced by Ordinance No. 183397;
amended by Ordinance No. 185694,
effective November 23, 2012.)

Sections:

- 17.32.005 Purpose.
- 17.32.006 Definitions.
- 17.32.010 Permit Required.
- 17.32.015 Permit Fees.
- 17.32.020 Application for Connection Work Permit.
- 17.32.021 Connection from Properties Outside the City Limits.
- 17.32.022 Public Rights of Way for Public Sewer and Drainage Improvements.
- 17.32.050 Issuance of a Connection Work Permit.
- 17.32.055 Maintenance of Sewer and Drainage Systems.
- 17.32.060 Failure to Restore and Maintain Street Area .
- 17.32.070 Inspections.
- 17.32.075 Enforcement.
- 17.32.076 Compliance Cases and Appeals.
- 17.32.080 Separation of Storm and Sanitary Sewer Lines on Private Property.
- 17.32.090 Connections to Public Sanitary and Storm Sewers.
- 17.32.095 Sewer Extension Assessments and Reimbursement.
- 17.32.100 Reimbursement for Installation of Sewer Backflow Devices in Existing Buildings on Combination Sewer Lines .
- 17.32.110 Application for Permit to Construct a Public Sewer or Drainage Improvement.
- 17.32.120 Deposit Required.
- 17.32.130 Refusal of Public Sewer or Drainage Improvement Permit.
- 17.32.140 Contents of Permit.
- 17.32.170 Work Done Under Permit.
- 17.32.180 Original Documents Become the Property of the City.
- 17.32.190 Acceptance of Completed Improvement by the Chief Engineer of the Bureau of Environmental Services.
- 17.32.200 Permit-Related Records.
- 17.32.210 Removal of Public Sewer or Drainage Improvement.
- 17.32.220 Conflict.
- 17.32.230 Severability.

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17.32.005 Purpose.

(Amended by Ordinance No. 185694, effective November 23, 2012.) This Chapter protects the public sewer and drainage system by regulating the construction, modification, maintenance and removal of elements of those public systems and of the private systems that discharge to them.

17.32.006 Definitions.

(Amended by Ordinance No. 185397, effective July 6, 2012.) As used in this Chapter, the following definitions apply:

- A. “Building Sewer”** means the private property portion of the horizontal piping system that receives the discharge of building drains and extends to a public sewer, private sewer, private sewage disposal system, or other approved discharge point.
- B. “Combined Sewer”** means a sewer designed to convey both sanitary sewage and stormwater.
- C. “Commercial or Industrial Occupancy”** means any structure or facility wherein preparation, processing, treating, making, compounding, assembling, mixing, improving, or storing any product or any solid, liquid or gaseous material for commercial or industrial purposes occurs, or wherein cleaning, processing or treating of tanks, vats, drums, cylinders or any other container used in transportation or storage of any solid, liquid or gaseous material for commercial or industrial purpose occurs;
- D. “Common Private Sewer System (also called Party Sewer)”** means that portion of a building sewer that:
 - 1.** Is not owned by the City of Portland
 - 2.** Is used for draining more than one building under different ownership; and
 - 3.** Conveys the discharge to a sewer service lateral, public sewer, private sewage disposal system, or other point of disposal.

Common private sewers are found on private property and in private and public rights-of-way, including easements.

- E. “Connection”** means the connection of all sanitary waste and drainage disposal lines from all development on a property to the public sewer and drainage system.
- F. “Director”** means the Director of the Bureau of Environmental Services or the Director’s designee.

- G.** “**Discharge Point.**” means the connection point or destination for a discharge leaving a site.
- H.** “**Drainage**” means the flow of waters across public and private properties.
- I.** “**Drainage Improvements**” means management facilities or modifications to drainage patterns to address safety issues, increase capacity, or improve water flows.
- J.** “**Public Right of Way**” means the area within the confines of a dedicated public street, an easement owned by the City, or other area dedicated for public use for streets or public utility facilities.
- K.** “**Public Sewer Easement**” is a grant of the right by a property owner to the City to use land for placement and maintenance of public sewer facilities.

17.32.007 Administrative Rules and Procedures.

(Repealed by Ordinance No. 185397, effective July 6, 2012.)

17.32.010 Permit Required.

- A.** It is unlawful for any person to take the following actions without first obtaining the appropriate permit and paying the fees as prescribed in Chapters 17.24 and 17.32:
 - 1.** Dig up, break into, excavate, disturb, dig under, or undermine any public street or public sewer easement for the purpose of laying or working upon any sewer, pipe, culvert, or sewer or drain appurtenance or improvement of any kind;
 - 2.** Make connection with, obstruct or interfere with the sewer system or existing drainage;
 - 3.** Cut or break into the public sewer system;
 - 4.** Connect the blowoff or exhaust pipe of any boiler, steam engine or other pressurized facility with the public sewer system; or
 - 5.** Direct water, from any source, on private property to run onto any public sidewalk, street or right of way.

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- B.** In the case of leakage or breakage in any sewer pipe, drain or conduit requiring emergency action, any otherwise authorized person may commence repairs on the same without first obtaining a permit provided that:
 - 1.** The authorized person immediately notifies the Chief Engineer and the City Engineer; and
 - 2.** The authorized person files an application for a permit with the Chief Engineer, complies with any permit conditions thereon, and pays the fees required in Chapters 17.24 and 17.32; and
 - 3.** The work is performed in compliance with the City Engineer's requirements for traffic control and protection of the public.
- C.** Repair of nonconforming sewers located in public right of way is prohibited unless the Chief Engineer determines that it is in the public interest to allow the nonconforming system to operate.
- D.** The Bureau of Transportation, without permit but with the approval of the Chief Engineer, may construct and attach to the public sewer system stormwater inlets, leads, and other such facilities as are needed to provide stormwater drainage for public streets.
- E.** The Chief Engineer will establish a permitting program by Administrative Rule which shall include requirements for application submittal, permit issuance, inspection, warranty, insurance and bond requirements shall be described in Administrative Rules.

17.32.015 Permit Fees.

(Amended by Ordinance No. 183965, effective July 30, 2010.)

- A.** Sewer Connection Permits. Sewer permit fees shall recover the cost of all City reviews including all applicable overhead charges. Overhead rates shall be computed annually by the Director and kept on file with the City Auditor. If a larger fee is required elsewhere in this Title for any class of permit, the larger fee shall apply; otherwise, the fees established by general ordinance shall be paid for permits unless the Council, by Ordinance or Resolution, has granted a specific permit for a different fee.
- B.** Public Sewer or Drainage Improvement Permits. The City shall recover the true costs of engineering and superintendence services in connection with public sewer or drainage improvement projects based on City records of time, materials, services, overhead and indirect costs incurred to provide the services. The Bureau shall recover the costs of engineering and superintendence for all public sewer or

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drainage improvements, whether performed by contract in the name of the City, by private contract between a permittee and a contractor, or directly by the permittee.

- C. All fees shall be paid prior to receiving a permit and commencing work.

17.32.020 Application for Connection Work Permit.

(Amended by Ordinance No. 185397, effective July 6, 2012.)

- A. Any person who desires a connection work permit as required by Section 17.32.010 shall apply in writing to the Director and pay the permit fee prescribed in Section 17.32.015. The application shall include the name of the street in which work is to be done, or if not working in a named street, a description of the proposed or existing easement or right of way, the purpose of the work, the location and potentially affected components of the public sewer system, the location of any affected drainage, and the location of the building or lot, if any, to be connected by the work.
1. If the application is for a permit to connect any occupancy other than a commercial or industrial occupancy with any component of the public sewer system or drainage improvement, it shall specify the location and the area to be drained, together with such other information as the Chief Engineer may require.
 2. If the application is for a permit to connect a commercial or industrial occupancy with any component of the public sewer system or drainage improvement, it shall contain a description of the business, a plat of the property, plans and specifications for any special installations, a description and time schedule of the character and quantity of waters and wastes to be discharged through the connection, and any further information required by the Chief Engineer. No permit shall be issued for connection from a commercial or industrial occupancy until the Chief Engineer approves the application and determines that the connection as described in the application will comply with the provisions of this Title.
- B. The Chief Engineer may refuse issuance of connection permits to any person until the requirements of permits previously issued are complied with. This authority shall include, but not be limited to, denial of a permit when the applicant is delinquent in payment of fees or City charges for work performed for the applicant by the City or when the applicant has failed to complete work on any previously issued permit or permits.

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17.32.021 Connection from Properties Outside the City Limits.

(Amended by Ordinance No. 185397, effective July 6, 2012.)

- A.** Connection with the public sewer system or a drainage improvement from properties outside the City limits shall be allowed at the sole discretion of the City, and at the location and on such conditions as the Chief Engineer shall find appropriate for proper functioning and maintenance of City sewer service. No connection from property outside the City limits shall be permitted which, in the opinion of the Chief Engineer, may overload or otherwise compromise any component of the public sewer system or any drainage improvement, or which shall require any capital investment or expenditure by the City. Connection of properties outside the City's boundaries is subject to the requirements and limitations of the City's adopted urban services policy.
- B.** Any person desiring to connect a property outside the City limits to the public sewer system or any drainage improvement under the provisions of this Title shall enter into such agreement as may be required by the Director.
- C.** Application for a permit to connect shall be made in writing by the owner or other person having a recorded equitable interest in the property for which the connection is desired. Before a permit can be issued, all fees and special charges as required in Chapter 17.36 shall be paid and any permits that may be required by road authorities for street or highway opening and use shall be obtained.

17.32.022 Public Rights of Way for Public Sewer and Drainage Improvements.

All components of the public sewer and drainage system shall be located within public rights of way, including easements. The width of public rights of way shall be adequate to allow reasonable access for inspection, maintenance, repair and replacement, using standard construction methods. The minimum width for public easements shall be 15 feet. The Director may require enlargement of the easement as is reasonably necessary considering topographic conditions, the design of a improvement or other relevant factors.

17.32.050 Issuance of a Connection Work Permit.

Upon receipt of the completed application, proper and satisfactory bond, and payment of any applicable fees, the Chief Engineer may issue the requested permit, unless there are reasons of public interest to the contrary. The permit may include restrictions or conditions as deemed necessary by the Chief Engineer.

17.32.055 Maintenance of Sewer and Drainage Systems.

(Replaced by Ordinance No. 185694, effective November 23, 2012.) Sewer system maintenance obligations including inspection, rehabilitation, routine cleaning and repair are based on ownership of the system:

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- A.** Private Systems. A sewer or drainage system that was not constructed by the City, built under a public works permit, or otherwise accepted pursuant to Subsections B.1 or B.2 must be maintained by the parties served by the system, regardless of whether the system is located within a public right-of-way.
1. If any portion of an existing sewer or drainage system extends into a public right-of-way, the property owner must obtain a permit pursuant to Chapter 17.24 before beginning work within the right-of-way.
 2. For a sewer or drainage system located in a public right-of-way that is under either private or unclear ownership, the Chief Engineer may grant or deny a permit to repair, upgrade, or replace the system as provided by Section 17.32.130. Such a system may only remain in the public right-of-way at the discretion of the Chief Engineer.
 3. Incidental, inadvertent, or emergency City maintenance of private sewer or drainage systems or systems with unclear ownership does not obligate the City to perform future maintenance, imply acceptance of the system, or confer ownership of the system on the City.
- B.** Public Systems. A sewer or drainage system constructed by the City, constructed under a public works permit, or accepted by the City pursuant to Subsections B.1. or B.2. will be maintained by the City unless otherwise specified by written agreement with the City.
1. Acceptance of Systems with Unclear Ownership. The Chief Engineer may agree to conduct future maintenance of a sewer or drainage systems located in a public right-of-way or City utility easement where the ownership is unclear if, in the judgment of the Chief Engineer, the public will benefit thereby and:
 - a. The system conveys only domestic sanitary or stormwater flows from residential property; or
 - b. The system has been specifically modified through City permit or by the City to accept stormwater flows from City rights-of-way or other City-controlled property.
 - c. Acceptance of a system under this Section does not include or imply acceptance by the City of any maintenance responsibility, cost, liability or damage that arises from conditions or use of the system before acceptance by the City.

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2. Adoption of Private Systems in the Public Right-of-Way. The Chief Engineer may agree to take ownership of a private sewer system or drainage improvement in the public right-of-way as provided by administrative rule. At the discretion of the Chief Engineer, a system meeting the following general criteria may be adopted:
 - a. All the properties connected to the system are participating in the City's Nonconforming Sewer Conversion Program pursuant to Chapter 17.33;
 - b. The sewer system conveys only domestic sanitary or stormwater flows from residential property;
 - c. The owners of all properties connected to the system provide the City with detailed information about the design, location, and condition of the system, and the properties connected to it as specified by administrative rule. Property owners must release rights for use of the line to the City for sewer systems to be adopted;
 - d. The owners of all the properties connected to the system relinquish all claims to the system; and
 - e. All branch fees assessed by the City are paid or financed.
3. A system accepted under Subsection B.1 or adopted under Subsection B.2. will be added to the City maintenance roles as of the date of acknowledgment by the Chief Engineer.
4. The City's responsibility for maintenance of any sewer or drainage system, branch or connection point is subject to the City's annual budget appropriation and shall be limited to the level of service dictated by the City Council's discretionary budget decision. The City assumes no responsibility for activities requiring a level of maintenance in excess of the level for which funds have been appropriated.

C. Nuisance Abatement.

1. The Chief Engineer may determine that a sewer or drainage located in a public right-of-way that is under either private or unclear ownership constitutes a public nuisance if it:
 - a. Impairs or threatens to impair the operation, maintenance or installation of any street or public utility;

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upon BES representatives signing any type of confirmation, release, consent, acknowledgement, or agreement.

B. Entry Protocols.

1. The BES representative will present a City photo identification card at the time of entry.
2. The BES representative will comply with reasonable, routine safety and sanitary requirements of the facility or site as provided by the facility operator at the time of entry. The facility operator must provide the BES representative with any facility-specific safety protective equipment necessary for entry.

17.32.075 Enforcement.

(Amended by Ordinance No. 186192, effective September 6, 2013.)

A. Violations. It is a violation for any person to fail to comply with the requirements of this Chapter or associated rules may be subject to enforcement actions by the Director. Each day a violation occurs or continues may be considered a separate violation. BES will hold the person or persons solely responsible for complying with BES enforcement actions. Violations of this Chapter or associated rules include, but are not limited to:

1. Failure to obtain a permit, including failure to supply correct application materials;
2. Failure to comply with the conditions of a permit;
3. Failure to comply with the conditions of a public sewer or drainage easement;
4. Failure to comply with a written directive or timeline of the Director made under authority of this Chapter;
5. Damage to or modification of a public sewer or drainage improvement; and
6. Failure to comply with enforcement actions as identified in the BES Enforcement Program administrative rules (PPD item ENB-4.15).

B. Enforcement Tools. BES may use any or all of the following tools to enforce this Chapter or associated administrative rules: notice of investigation, warning notice, notice of violation, compliance order, requirement to obtain a permit, notice of

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termination, withholding of permits, violation abatement, legal action, criminal case referral, or referral to other regulatory agencies. BES enforcement actions are described in program-specific administrative rules and the BES Enforcement Program administrative rules (PPD item ENB-4.15).

- C.** Civil Penalties. Persons violating this Chapter or associated rules may be assessed civil penalties of up to \$10,000 per day per violation according to program-specific administrative rules and the BES Enforcement Program administrative rules (PPD item ENB-4.15). Penalties and other charges will accrue interest from the date of initial City notice assessing the penalty until the penalty is paid in full.
- D.** Cost Recovery. The Director may recover all reasonable costs incurred by the City that are attributable to or associated with violations of this Chapter or associated administrative rules per PPD item ENB-4.15.
- E.** City Summary Abatement. To the extent permitted by law, the Director may recover from the person causing the violation all costs incurred by the City to summarily abate the following:
 - 1.** A violation that is not remedied through required corrective actions;
 - 2.** A situation that poses an imminent danger to human health, public safety, or the environment; or
 - 3.** Continued noncompliance with PCC or associated rules.
- F.** Nothing in this Chapter is intended to impose liability on the City for any injury or damage resulting from the failure of any person to comply with the provisions of this Chapter.

17.32.076 Compliance Cases and Appeals.

(Added by Ordinance No. 186192, effective September 6, 2013.)

- A.** Reviews and Appeals. A person may request a modification to a BES decision related to this Chapter via an administrative review with BES staff. After the requestor has exhausted all BES program and enforcement program reviews, the requestor may file for an appeal with the Code Hearings Officer per PCC Title 22.
 - 1.** Reviews and appeals of the following may be requested:
 - a.** The determination of a violation of this Chapter or associated rules.
 - b.** The type and level of enforcement action taken by BES.

whether from the roof of a building, the surface of a structure, footings of a structure or any other surface or subsurface drainage shall be conveyed separately from sanitary sewage. If separate public storm and sanitary sewers are available, the Chief Engineer shall require separate connections for the separate storm and sanitary lines from the private property. If separate storm and sanitary sewers are not available, but a combination sewer is available, the Chief Engineer may institute the following actions based on engineering needs:

- A. Require separate connections for the separate sewage lines from the property to the same combination sewer;
- B. Permit joining of the separate lines at the curb line closest to the property line or edge of an easement for single discharge into the combination public sewer; or
- C. Require onsite infiltration of surface or subsurface drainage to minimize or eliminate the need for offsite discharge.

17.32.090 Connections to Public Sanitary and Storm Sewers.

(Amended by Ordinance No. 185397, effective July 6, 2012.)

- A. Except as otherwise allowed by the City, it is unlawful for any person to allow or cause a connection that will result in the discharge of sanitary sewage into a public sewer that has been designated by the Chief Engineer to be used solely for storm drainage.
- B. Except as otherwise allowed by the City, it is unlawful for any person to allow or cause a connection that will result in the discharge of storm drainage, collected groundwater, uncontaminated water used for refrigerating or cooling purposes, or steam condensation into a public sewer designated by the Chief Engineer to be used solely for sanitary sewage.

17.32.095 Sewer Extension Assessments and Reimbursement.

(Amended by Ordinance No. 185397, effective July 6, 2012.)

- A. When a public sewer is extended past or to properties, all property owners benefiting from the sewer extension shall be assessed a share of the anticipated cost of the extension based on the following two revenue generation methods:
 - 1. Local Improvement Districts as described in Chapter 17.08; or
 - 2. Other charges as specified in Section 17.36.120.
- B. When properties that will be served by the sewer extension do not meet the cost share criteria of the programs above, and do not contribute toward the cost of the

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sewer, the property owner or developer paying for the sewer extension shall be reimbursed by the City for part of the cost of such extension in accordance with Subsections 1. and 2.

1. The amount of reimbursement for a sewer extension shall be limited to the amount of revenue that would be received from the line and branch charge (required in Section 17.36.060) if, upon acceptance of the sewer by the City, all properties adjacent to and capable of receiving gravity service were to connect. The reimbursement shall not exceed the cost of an equal length of 8-inch-diameter sewer line, as determined by the Chief Engineer.
2. The reimbursement for any project shall not exceed 50 percent of the amount budgeted by the City in any fiscal year. The total reimbursement in any fiscal year shall not exceed the amount budgeted for that purpose in that year, however funds may be committed against the next year's budgeted amount.

17.32.100 Reimbursement for Installation of Sewer Backflow Devices in Existing Buildings on Combination Sewer Lines.

(Amended by Ordinance No. 185397, effective July 6, 2012.)

- A. A building owner may submit an application for partial reimbursement of the cost for installation of a sewer backwater device on the sewer line, in floor drains, sinks, laundry trays, basins, automatic washers, or other fixtures in the basement with exposed traps.
- B. To be eligible, the building, dwelling or structure must be connected to the City combined sewer system and have experienced sewer backups or be in an area vulnerable to sewer backups, as determined by the Director.
- C. Installation of said device or devices shall be pursuant to Title 25, Plumbing Regulations, or the Code of the City of Portland, including, but not limited to, Chapter 25.05, Permits.
- D. Payment to the property owner of the City's share of the expense shall be made upon the Bureau of Development Services' final inspection and the owner's submittal of the plumber's billing for the work.
- E. By participation in the cost of installation, the City does not guarantee or in any manner warrant the device or devices, nor does the City give any warranty that the device will prevent future flooding, and the City will not assume any responsibility for damages incurred as a result of the flooding subsequent to installation of any device or devices. The owner shall be required to look only to

such warranty or guarantee as may be secured from the manufacturer of the device or devices and/or the contractor.

- F.** As of July 1, 1996, the building owner shall pay the first \$100 of the cost of such installation, the City shall pay the next \$1,500 of such costs, and the building owner shall pay any amount in excess of \$1,600.
- G.** All devices installed pursuant to this Section shall be owned by the building owner, who shall assume all duties and costs of maintenance, repair and replacement.

17.32.110 Application for Permit to Construct a Public Sewer or Drainage Improvement.

(Amended by Ordinance No. 185397, effective July 6, 2012.)

- A.** All persons desiring to construct a public sewer or drainage improvement shall obtain a permit prior to beginning work. The permit application shall contain the following information:
 - 1.** A description of the proposed improvement.
 - 2.** Locations and names of proposed streets where improvements will be made, location of any off-street improvements, and the name of the proposed plat.
 - 3.** A standard acknowledgement of the standard permit conditions described in Section 17.32.140.
 - 4.** Any other information the Chief Engineer deems appropriate.

The permit shall be issued after the sewer or drainage improvement plans have been approved by the Chief Engineer.

- B.** All persons wishing to construct a public sewer or drainage improvement in advance of plat recording of a subdivision or planned unit development may be issued a permit by the Chief Engineer only after:
 - 1.** The sewer or drainage improvement plans have been approved by the Chief Engineer;
 - 2.** The final plat, with or without required signatures affixed, has been submitted to the Bureau Development Services;

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3. The Bureau of Development Services have given written assurances that subdivision or planned unit development approval conditions have been or will be met;
4. All easements outside the subdivision or planned unit development have been obtained, and
5. The applicant has complied with Section 17.32.170 of this Code.

17.32.120 Deposit Required.

(Amended by Ordinance No. 185397, effective July 6, 2012.)

- A. When the applicant chooses to utilize City design services, the permit application shall include payment of a deposit in an amount to be determined by the Director as described in administrative rules. All deposits must be made before any City design work begins.
- B. The City shall retain the amount of the deposit as compensation for the preparation of design and plans or for review efforts if:
 1. A permit application or issued permit has had no action or communication for one year from the previous contact; or
 2. A permit is not issued for the proposed improvement within one year from the time the design and plans are reviewed and completed.
- C. If a permit is issued for the proposed improvement within one year from the time the design and plans are completed, the amount of the required deposit shall be applied to the cost of the permit fee for such improvements.

17.32.130 Refusal of Public Sewer or Drainage Improvement Permit.

- A. The Chief Engineer may refuse to issue a permit if:
 1. In the judgment of the Chief Engineer, the proposed improvement is not suitable in the circumstances or will not be uniform with existing or proposed public sewer or drainage improvements in the immediate vicinity.
 2. The application is not modified as the Chief Engineer deems necessary.
 3. The City Engineer has not issued a street opening permit if the public sewer or drainage improvement is or will be located within a public right of way or area to be designated as a public right of way.

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4. The application is to repair, replace or upgrade an existing private sewer or drainage system that is nonconforming with public standards. The Chief Engineer may allow continued use of a nonconforming system if the Chief Engineer determines that it is in the public interest.
- B.** The Chief Engineer shall have the authority to refuse issuance of public sewer or drainage improvement permits to any person until the requirements of permits previously issued are complied with. This authority shall include, but not be limited to, denial of a permit when the applicant is delinquent in payment of fees or City charges for work performed for the applicant by the City or when the applicant has failed to complete work on any previously issued permit or permits.

17.32.140 Contents of Permit.

- A.** Any permit issued for the construction of a public sewer or drainage improvement may contain conditions that shall be binding upon the permittee and current and subsequent property owners. Such conditions may include:
1. Full payment of permit fees.
 2. Prior filing of a performance bond, cash, or other financial guarantee in lieu thereof in an amount not to exceed the design engineer's estimate for construction and engineering, insurance.
 3. Specifics about the kind of work and the time in which the same is to be completed.
 4. Such other requirements as the Chief Engineer finds appropriate in the public interest.
- B.** All permits to construct a public sewer or drainage improvement shall include the following standard conditions in addition to any other condition the Chief Engineer deems necessary:
1. The resulting public sewer shall be located in a public easement or public right of way and shall come under public control upon plat and easement recording with the County.
 2. City personnel may enter upon the particular private property for the purpose of testing, inspection and surveying if required, during the course of construction of the public sewer or drainage improvements.

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3. City inspection personnel may reject or require correction of work that is not in accordance with the approved plans and standard specifications and would prevent future acceptance of the improvements.
4. The plat and easements must be recorded with the County prior to final acceptance of the public sewer improvements.
5. The permittee shall hold the City of Portland harmless against any liability that may occur during construction prior to dedication of the right of way or recording of the easement, and the permittee assumes all risk of loss that may arise in the event the City or any other public agency subsequently requires changes in or additions to plans or refuses to approve all or any part of the permittee's improvements.
6. Any drainage improvements made on private property shall be permanently maintained at the expense of the private property owner as a condition of the drainage improvement permit.
7. The permittee shall, at the permittee's own expense, maintain the public sewer or drainage improvements for a period of 24 months following the letter of completion by the Chief Engineer, as assurance against defective workmanship or materials employed and to assure the improvement is properly operating and being maintained as designed. BES may extend the warranty period for any repairs, alterations or rehabilitations that need to occur during the original warranty period.
8. The issuance of a permit in no way waives any requirements by the City or any other public agency that may be associated with the development of a plat or Planned Unit Development

17.32.170 Work Done Under Permit.

(Amended by Ordinance No. 185397, effective July 6, 2012.)

- A. All work done under and in pursuance of a permit shall be under the authorization of the Chief Engineer, who shall determine the details of the improvement and whose orders in regard to the improvement and the execution of the same shall be obeyed by the applicant for the permit and by the persons doing the work.
- B. The Chief Engineer may establish standards for particular types or classes of work to be performed by contractors or by persons permitted to construct facilities in streets, easements, or other public property. Any person constructing the improvement shall comply with such standards unless otherwise specifically authorized by the Chief Engineer to deviate from those standards.

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1. All discharges must be routed to a discharge point approved by the Director. Approval of discharge points must meet the following standards:
 - a. The discharge must be conveyed along a route of service approved by the Director.
 - b. The discharge point must comply with the following standards and specifications:
 - (1) Sanitary, wastewater or other discharges to the sanitary or combined system must comply with the Sewer and Drainage Facilities Design Manual.
 - (2) Stormwater or other discharges to the City's storm and drainage system must comply with the Stormwater Management Manual.
- C. The Chief Engineer shall refuse to accept work that is not in full compliance with the plans, specifications, permit or other contract documents. If the work is refused by the Chief Engineer, it shall not be accepted unless corrected to conform to plans and specifications.

17.32.180 Original Documents Become the Property of the City.

Any plans, specifications, survey notes or other original documents as required by the Chief Engineer that were prepared for or produced during the design or construction of a public sewer or drainage improvement become the property of the City and shall be delivered to the Chief Engineer before acceptance of the improvement by the Chief Engineer.

17.32.190 Acceptance of Completed Improvement by Chief Engineer of the Bureau of Environmental Services.

- A. Notice of Construction Completion. During the course of construction and before issuance of a letter of completion from the BES Chief Engineer or a certificate of completion from the Bureau of Transportation for joint projects, the BES Chief Engineer shall inspect the sewer or drainage improvement and determine if the various kinds of work performed are in compliance with the plans, specifications and allowances of the permit and meet City standards for quality of workmanship. The Chief Engineer shall check the improvement for alignment, proper computation of quantities, and conformance with the established grade. Once this acceptance is garnered, the maintenance and warranty period will commence.
- B. Certificate of Completion of the Maintenance and Warranty Period. The purpose of the warranty period is to assure the public improvement is operating as

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designed and is in a well-maintained condition upon conveyance to the City. All of the work required during the warranty period must be completed to the satisfaction of the Chief Engineer prior to completion certificate issuance. The Chief Engineer, or in the case of joint permits the Transportation permit manager, shall issue a warranty completion certificate accepting the improvement.

- C. Council Acceptance. Council may directly accept improvement if it conforms to Code provisions and proper grades filed by the Chief Engineer.

17.32.200 Permit-Related Records.

The Bureau of Environmental Services shall keep a record of improvements under permit, permit issuance under this Chapter, permit conditions, and the date of acceptance, if made.

17.32.210 Removal of Public Sewer or Drainage Improvement.

In the event the Chief Engineer or the City Council does not accept an improvement made pursuant to the improvement permit within one year after completion, the permittee shall remove the improvement and restore the public area to at least its prior condition or to the extent directed by the BES Chief Engineer or City Engineer, at the permittee's expense.

17.32.220 Conflict.

(Added by Ordinance No. 186192, effective September 6, 2013.) This Chapter supersedes all ordinances or elements thereof to the extent that they are inconsistent with or conflict with any part of this Chapter.

17.32.230 Severability.

(Added by Ordinance No. 186192, effective September 6, 2013.) If any provision, paragraph, word, or Section of this Chapter or associated administrative rules is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

Officer in accordance with procedures set out at Chapter 22.10 of the Portland City Code; provided that such an appeal shall include a copy of the permit that is the subject of the appeal, shall state the basis for the appeal, and shall be filed with the Code Hearings Officer and the Bureau of Environmental Services.

17.34.075 Other Sanitary Discharge Permits or Authorizations

(Added by Ordinance No. 180037, effective April 28, 2006.) The City may require authorization for any discharge to the sanitary or combined sewer of materials that violate the discharge prohibitions listed in 17.34.030.

- A. Authorization may take the form of a written authorization for an intermittent or ongoing discharge. Authorization may also require the adherence to management practices to reduce pollutant releases associated with the authorized discharge
- B. Dischargers may be required to provide:
 - 1. Evaluation of the proposed discharge, including: sampling, prior to being granted authorization to discharge.
 - 2. Adequate information and access to the location or process creating the discharge, to allow the City to fully evaluate any pretreatment needs for authorizing the discharge.
- C. The City may require pretreatment for any discharge to the City's sewer system, including but not limited to requirements specified in 17.34.050.
- D. Non-compliance with these requirements is subject to the enforcement steps specified in 17.34.110 and in the associated Sanitary System Discharge administrative rules.

17.34.080 Inspection and Sampling.

(Amended by Ordinance No. 185397 and 186192, effective September 6, 2013.)

- A. Inspection.
 - 1. Right of Entry. To the extent permitted by law, BES may enter all private and public premises at any time for the purpose of inspecting for potential violations, connections or for any other lawful purpose. This authorization includes but is not limited to inspection, sampling, testing, photographic documentation, record examination, copying, and installation of devices. Entry may not be conditioned upon BES representatives signing any type of confirmation, release, consent, acknowledgement, or other type of agreement. The City may install on the discharger's property such devices

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as are necessary to conduct sampling, inspection, compliance monitoring and metering operations.

2. Entry Protocols.

- a.** The BES representative will present a City photo identification card at the time of entry;
- b.** The BES representative will comply with reasonable, routine safety and sanitary requirements of the facility or site as provided by the facility operator at the time of entry. The facility operator must provide the BES representative with any facility-specific safety protective equipment necessary for entry.

B. Sampling.

- 1.** Samples of wastewater being discharged into the sewer system must be representative of the discharge. Other sampling locations may be required by permit. All sampling and analyses shall be performed in accordance with the procedures set forth in 40 CFR Part 136 and any amendments thereto or with any other test procedures approved by EPA. If there are no approved test procedures the Director may approve other analytical procedures. The results of all samples taken shall be reported.
- 2.** Samples taken by City personnel for the purpose of determining compliance with the requirements of this Chapter or administrative rule may be split with the discharger, or a duplicate sample provided in the instance of fats, oils and grease, if requested by the discharger before or at the time of sampling.

C. Sampling manhole or access. The Director may require an industrial wastewater discharger to install and maintain at the discharger's expense a suitable monitoring access such as a manhole in the discharger's branch sewer to allow observation, sampling and measurement of all industrial wastewaters being discharged into the City sewer system. Any monitoring access must be constructed in accordance with plans approved by the Director and must be designed so that flow measuring and sampling equipment can be conveniently installed. Access to the monitoring access must be available to City representatives at all times.

17.34.090 Reporting Requirements.

(Replaced by Ordinance No. 185397, effective July 6, 2012.)

A. Periodic compliance reports.

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1. The Director may require reporting by industrial wastewater dischargers that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.
 2. The Discharger must submit reports to the Director during the months of June and December, unless required on other dates or more frequently by the Director based on the nature of the effluent over the previous reporting period.
 3. The report must include a record of the mass and concentrations of the permit-limited pollutants that were measured. Reports shall include a record of all flow measurements taken at designated sampling locations. The Director may accept reports of average and maximum flows estimated by verifiable techniques if the Director determines that actual measurement is not feasible. Additional information shall be included as required by this Chapter or administrative rules.
 4. The Director may require self-monitoring by the discharger or, if requested by the discharger, may agree to have BES staff perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this Section.
- B.** Final Compliance Report. Any discharger subject to Subsection 17.34.090 A. must submit to the Director a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge and the average and maximum daily flow in gallons. The report must state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and pretreatment is necessary to bring the discharger into compliance. The discharger must submit reports.
1. Within 90 days following the date for final compliance with applicable pretreatment standards and requirements set forth in this Chapter, administrative rule, or an industrial wastewater discharge permit; or
 2. If the discharger is a new source discharger, within 30 days following commencement of the introduction of wastewater into the City sewer system by the discharger.
- C.** The discharger shall certify and sign all applications, reports, and reporting information in accordance with 40 CFR 403.12.L and 403.6(a)2(ii);

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- D.** Confidential information.
- 1.** Any records, reports or information obtained under this Chapter or administrative rule will be available to the public or any governmental agency without restriction, unless classified by the Director as confidential. In order to obtain a confidential classification on all or part of any records, reports or information submitted, the discharger must:
 - a.** Submit a written request to the Director identifying the material that is desired to be classified as confidential and;
 - b.** Demonstrate to the satisfaction of the Director that records, reports or information or particular parts thereof, are exempt from disclosure pursuant to the Oregon Public Records Law.
 - 2.** Effluent data, as defined in 40 CFR 2.302, submitted pursuant to this Chapter shall not be classified as confidential.
 - 3.** Records, reports or information or parts thereof classified as confidential by the Director will not be released or made part of any public record or hearing unless such release is ordered by the District Attorney or a court of competent jurisdiction; provided, however, such confidential information will, when required by law or governmental regulation, and upon written request, be made available to state or federal agencies having jurisdiction, duties or responsibilities relating to this Chapter, the National Pollutant Discharge Elimination System or applicable Oregon laws and regulations.
- F.** Notification of Hazardous or Toxic Substance Discharge. An industrial user shall notify the Director in writing of any discharge into the sewer system of a substance which, if otherwise disposed of, would be a hazardous waste or toxic substance. Such notification shall be in accordance with the requirements of rules adopted pursuant to this Chapter.
- G.** Notification of Violation. An industrial user shall report noncompliance with permit limits within 24 hours of becoming aware of the noncompliance. The industrial user shall repeat the sampling and analysis and submit results to the Director within 30 days of becoming aware of the violation.
- H.** Notification of Changed Discharge. All industrial users shall promptly notify the Director in advance of any substantial change in the volume or character of pollutants in their discharge.

17.34.110 Enforcement.

(Replaced by Ordinance Nos. 186192, effective September 6, 2013.)

- A.** Violations. It is a violation for any person to fail to comply with the requirements of this Chapter or associated rules. Each day a violation occurs or continues may be considered a separate violation. BES will hold the person or persons solely responsible for complying with BES enforcement actions. Violations of this Chapter or associated rules include, but are not limited to:
- 1.** Failure to obtain a permit when required for discharge, including failure to supply correct application materials;
 - 2.** Failure to comply with the conditions of a permit;
 - a.** Exceedances of discharge limits. Each pollutant discharge that exceeds a discharge limit is considered a separate violation;
 - 3.** Discharges prohibited by PCC Section 17.34.030;
 - 4.** Failure to comply with a written directive or timeline of the Director made under authority of this Chapter;
 - 5.** Failure to comply with enforcement actions as identified in the BES Enforcement Program administrative rules (PPD item ENB-4.15); and
 - 6.** Where a discharge causes interference or pass through, the discharger may have a valid affirmative defense if it is demonstrated that:
 - a.** The discharger did not know or have reason to know that the discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and
 - b.** The discharge was in compliance with properly developed local limits prior to and during the pass through or interference; or
 - c.** If a local limit designed to prevent pass through or interference has not been developed for the pollutants that caused the pass through or interference, the discharge:
 - (1)** Occurred prior to and during the pass through or interference; and

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- (2) Did not change substantially in nature or constituents from prior discharge activity which was regularly in compliance with the requirements of this Chapter and associated rules.

B. Significant Non-compliance. Any significant industrial user or any other discharger who violates the criteria described in 3, 4, 5 or 9 of this Subsection will be considered to be in significant non-compliance with this Chapter for one or more of the following:

1. Chronic violations of wastewater discharge limits. Chronic violations occur when at least 66 percent of all of the measurements taken during a 6-month period exceed any pretreatment standard for the same pollutant parameter.
2. Technical Review Criteria (TRC) violations. TRC violations occur when at least 33 percent of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the pretreatment standard multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease; and 1.2 for all other pollutants except pH).
3. Any other violation of any pretreatment standard that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
4. Any discharge of a pollutant that has caused imminent danger to human health, welfare or to the environment.
5. Any discharge that requires the Director to use emergency authority to halt or prevent discharge.
6. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
7. Failure to provide, within 30 days after the due date, required reports such as applications, baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
8. Failure to accurately report noncompliance.

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9. Any other violation or group of violations that the Director determines will adversely affect the operation or implementation of the local pretreatment program.
- C.** Enforcement Tools. BES may use any or all of the following tools to enforce this Chapter or associated administrative rules: notice of investigation, warning notice, notice of violation, compliance order, requirement to obtain a permit, notice of termination, withholding of permits, violation abatement, legal action, criminal case referral, or referral to other regulatory agencies. BES enforcement actions are described in program-specific administrative rules and the BES Enforcement Program administrative rules (PPD item ENB-4.15).
- D.** Civil Penalties. Dischargers violating this Chapter or associated rules may be assessed civil penalties of up to \$10,000 per day per violation according to program-specific administrative rules and the BES Enforcement Program administrative rules (PPD item ENB-4.15). Failure to pay a civil penalty within 30 days following a final determination regarding the penalty is grounds for permit revocation or termination of the permittee's discharge. Penalties and other charges will accrue interest from the date of initial City notice assessing the penalty until the penalty is paid in full.
- E.** Cost Recovery. The Director may recover all reasonable costs incurred by the City that are attributable to or associated with violations of this Chapter or associated administrative rules per PPD item ENB-4.15. Failure to pay costs related to a civil penalty or summary abatement within 30 days following a final determination is grounds for permit revocation or termination of the permittee's discharge.
- F.** City Summary Abatement. To the extent permitted by law, the Director may recover from the person causing the violation all costs incurred by the City to summarily abate the following:
1. A violation that is not remedied through required corrective actions;
 2. A situation that poses an imminent danger to human health, public safety, or the environment; or
 3. Continued noncompliance with PCC or associated rules.
- G.** Nothing in this Chapter is intended to impose liability on the City for any injury or damage resulting from the failure of any person to comply with the provisions of this Chapter.
- H.** Termination or prevention of a discharge or permit revocation.

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- 1.** The Director may terminate or prevent a discharge into the City sewer system or revoke an industrial wastewater discharge permit if:
 - a.** The discharge or threatened discharge presents or may present:
 - (1)** A danger to human health or welfare or the environment; or
 - (2)** Potential interference with the operation of the City sewer system;
 - b.** The permit to discharge into the City sewer system was obtained by misrepresentation of any material fact or by lack of full disclosure;
 - c.** The discharger violates any requirement of this Chapter or an industrial wastewater discharge permit; or
 - d.** Such action is directed by a court of competent jurisdiction.
- 2.** Notice of termination of discharge or permit revocation will be provided to the discharger or posted on the subject property prior to terminating the discharge or revoking a permit.
 - a.** In situations that do not present an imminent danger to health or the environment or an imminent threat of interference with the sewer system, the notice will:
 - (1)** Be provided in writing;
 - (2)** Contain the reasons for the termination of the discharge or permit revocation;
 - (3)** Contain the effective date of City action;
 - (4)** Contain the duration of the termination;
 - (5)** Provide contact information of a City contact;
 - (6)** Be signed by the Director; and
 - (7)** Will be received or refused at the business address of the discharger no less than 30 days prior to the effective date of termination.

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17.34.140 Severability.

(Amended by Ordinance No. 186192, effective September 6, 2013.) If any provision, paragraph, word, or Section of this Chapter or associated rules is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, Sections and Chapters shall not be affected and shall continue in full force and effect.

17.34.150 Fees.

(Amended by Ordinance Nos. 173138, 173414, 181846 and 185397, effective July 6, 2012.)

- A. The Director shall set annual fees by ordinance for all industrial wastewater discharge permits. The Director shall consider: process wastewater discharge flow; industrial user classification; permit status (new or renewed); self monitoring frequency; city monitoring frequency; regulatory history and any regulatory permits or special requirements.
- B. Permit fees. Fees for each fiscal year are set July 1 and billed as soon after the following January 1 as is practical.
- C. The Director shall also have authority to set fees for all non-routine, non-domestic batch discharges to the sewer system. Service fees for such discharges not otherwise addressed in an industrial wastewater discharge permit shall be calculated at a rate per occurrence, in addition to other applicable charges. The rate shall be established, annually, by general ordinance.

17.34.160 Requests for Reconsideration.

(Repealed by Ordinance No. 185397, effective July 6, 2012.)

Chapter 17.35

SEPTAGE DISCHARGE

(Added by Ordinance No. 143978,
effective July 1, 1977.)

Sections:

17.35.010	Definitions.
17.35.020	Permit Required.
17.35.030	Septage Discharge Limitations.
17.35.040	Reserved.
17.35.050	Reserved.
17.35.060	Performance Guaranty.
17.35.070	Fee Schedule.
17.35.080	Collection and Billing.
17.35.085	Inspections.
17.35.110	Enforcement.
17.35.120	Revocation or Amendment of Permit.
17.35.130	Compliance Cases and Appeals.
17.35.140	Conflict.
17.35.150	Severability.

17.35.010 Definitions.

(Replaced by Ordinance No. 185397, effective July 6, 2012.) As used in this Chapter the following definitions apply:

- A.** “Columbia Boulevard Wastewater Treatment Plant (CBWTP)” means the City of Portland’s wastewater treatment plant located at 5001 N. Columbia Boulevard, Portland, Oregon.
- B.** “Director” means the Director of the Bureau of Environmental Services or the Director’s designee.
- C.** “Holding tank” means a tanks with no drain field which is required to be pumped out on a regular basis.
- D.** “Operator in charge” means the operator in charge, hereafter referred to as “operator,” is the designated operator on duty at the Columbia Boulevard Wastewater Treatment Plant or other designated location who supervises and directs any discharge of septage.
- E.** “Septage” means domestic wastes in a tank or container such as chemical toilets.

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- F. “Tri-County Area” means the area within Multnomah, Clackamas and Washington Counties.

17.35.020 Permits Required.

(Amended by Ordinance Nos. 166674, 182760 and 185397, effective July 6, 2012.) Only those persons possessing a valid septage discharge permit issued from the City of Portland will be allowed to discharge septage at the Columbia Boulevard Wastewater Treatment Plant (CBWTP).

- A. Permits shall authorize discharges for one year, unless a shorter time frame is authorized by the Director.
- B. The City shall issue permits for the discharge of septage at CBWTP after receipt of the following:
1. A Septage Discharge Permit Application form;
 2. A copy of a valid sewage disposal service license issued by the DEQ;
 3. A current DEQ Sewage Pumping Equipment Description/Inspection form for each vehicle identified on the permit;
 4. A performance guaranty as described in 17.35.060 of this Chapter;
 5. A copy of insurance coverage at or above those levels required by the Oregon Public Utility Commission;
 6. Effective July 1, 1994, a certificate of completion, or the ability to receive such certification within 30 days of permit approval, by applicant personnel at the City of Portland’s “Septage Hauler Training Class.” Personnel of an approved septage hauler shall attend the City’s Septage Hauler Training Class. The class will inform haulers about the City’s Septage Receiving Program and the operational process at CBWTP. Certification renewals may be requested on an annual basis and shall be required upon request of the Director or when permittee personnel changes occur.
 7. The City shall impose appropriate conditions in permits to ensure compliance with requirements of this Chapter.

- C. No provision of this Section shall be construed to create any right to the disposition of septage at a City facility inconsistent with the public interest of the City.

17.35.030 Septage Discharge Limitations.

(Amended by Ordinance Nos. 166674 and 185397, effective July 6, 2012.) The City will accept discharge of septage at the CBWTP that originates within the Tri-County area and is subject to the provisions of this Chapter.

- A. Discharge of process waste from commercial and industrial locations is prohibited.
- B. Unauthorized discharge of septage into the sewer system within the jurisdiction of the City or the Tri-County area is prohibited.
- C. The City will have full authority to refuse a load, limit the amount of discharge and/or establish necessary restrictions on discharge under the following conditions:
 - 1. Unacceptable acidic or alkaline strength or corrosive properties;
 - 2. Septage is from a non-approved source;
 - 3. Failure to supply complete, accurate and verifiable septage information;
 - 4. Operator observed inconsistencies between certified contents and actual contents;
 - 5. Operational or capacity limitations at CBWTP. Loads will be rejected during wet weather events.

17.35.040 Reserved.

17.35.050 Reserved.

17.35.060 Performance Guaranty.

(Amended by Ordinance No. 166674, effective June 23, 1993.) Each applicant, except governmental agencies shall post a performance guaranty in a form including but not limited to a surety bond, penal bond, performance bond, irrevocable letter of credit, pledge of assets, or other form which shall be approved by the City Attorney. The amount will be determined by the conditions of the permit and the number and capacity of the applicant's vehicles. Minimum coverage shall be \$10,000. All changes in personnel and equipment shall be reported to the City within 30 days. The value of the performance guaranty shall be forfeited to the City under any of the following conditions:

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- A. The discharge of septage in violation of 17.35.030;
- B. The discharge of septage at unauthorized locations in the Tri-County area (or the City of Portland);
- C. Effective July 1, 1994, failure to make timely payment, pursuant to 17.35.090 B, of charges billed under this Chapter. (Forfeiture of guaranty up to amount of overdue charges only, after notice of intent to demand payment from guarantor.)

17.35.070 Fee Schedule.

(Amended by Ordinance Nos. 156500, 160886, 162109, 165136, 166674, 167692, 168857, 170190, 171224, 172288, 173414, 175620, 176524, 177530, 178449, 179274, 180189, 181006 and 181846, effective July 1, 2008.)

- A. Discharge permit holders are subject to the following septage discharge fees:
 - 1. Annual Discharge Permit Fee. Fees are to be paid on an annual basis at time of permit application.
 - 2. Discharge Rates. Each delivery received at the plant is subject to discharge rates, which will be applied to full tank capacity of the delivery vehicle. The plant may accept partial loads on a pre-approved basis. Measurement disputes between septage haulers and City personnel will be resolved by a process established by the Director.
 - 3. After-Hours Fee. Deliveries received at the plant outside of normal business hours are subject to an after-hours fee.
- B. Septage discharge fees and rates are adopted, annually, by general ordinance to establish sewer and drainage rates and charges.

17.35.080 Collection and Billing.

(Amended by Ordinance Nos. 166674 and 181483, effective January 18, 2008.) The operator is directed to provide one copy of the load certificate to the permittee, retain two copies of each load certificate executed by permittee, and to convey one copy of each load certificate to the office of the City as may be required by the Office of Management and Finance.

The City shall mail a monthly statement of account to each permittee. Failure to pay the amount shown within 30 days of the date of billing shall result in imposition of interest fees, as named in Title 5, Section 5.48.040, on the amount past due.

17.35.085 Inspections.

(Added by Ordinance No. 186192, effective September 6, 2013.)

- A.** Right of Entry. To the extent permitted by law, BES may enter all private and public premises at any time for the purpose of inspecting for potential violations, connections or for any other lawful purpose. This authorization includes but is not limited to inspection, sampling, testing, photographic documentation, record examination, copying, and installation of devices. Entry may not be conditioned upon BES representatives signing any type of confirmation, release, consent, acknowledgement, or agreement.

- B.** Entry Protocols.
 - 1.** The BES representative will present a City photo identification card at the time of entry.

 - 2.** The BES representative will comply with reasonable, routine safety and sanitary requirements of the facility or site as provided by the facility operator at the time of entry. The facility operator must provide the BES representative with any facility-specific safety protective equipment necessary for entry.

17.35.090 Revocation/Amendment of Permit.

(Repealed by Ordinance No. 186192, effective September 6, 2013.)

17.35.100 Protection of the Public Interest.

(Repealed by Ordinance No. 185397, effective July 6, 2012.)

17.35.110 Enforcement.

(Replaced by Ordinance No. 186192, effective September 6, 2013.)

- A.** Violations. It is a violation for any person to fail to comply with the requirements of this Chapter or associated rules. Each day a violation occurs or continues may be considered a separate violation. BES will hold the person or persons solely responsible for complying with BES enforcement actions. Violations of this Chapter or associated rules include, but are not limited to:
 - 1.** Failure to obtain a septage hauler permit;

 - 2.** Failure to comply with training requirements;

 - 3.** Discharge of wastes violating Section 17.35.050;

 - 4.** Failure to pay discharge fees or provide a performance guarantee; or

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- 5.** Failure to comply with enforcement actions as identified in the BES Enforcement Program administrative rules (PPD item ENB-4.15)
- B.** Enforcement Tools. BES may use any or all of the following tools to enforce this Chapter or associated administrative rules: notice of investigation, warning notice, notice of violation, compliance order, requirement to obtain a permit, notice of termination, withholding of permits, violation abatement, legal action, criminal case referral, or referral to other regulatory agencies. BES enforcement actions are described in program-specific administrative rules and the BES Enforcement Program administrative rules (PPD item ENB-4.15).
- C.** Civil Penalties. Persons violating this Chapter or associated rules may be assessed civil penalties of up to \$10,000 per day per violation according to program-specific administrative rules and the BES Enforcement Program administrative rules (PPD item ENB-4.15). Penalties and other charges will accrue interest from the date of initial City notice assessing the penalty until the penalty is paid in full.
- D.** Cost Recovery. The Director may recover all reasonable costs incurred by the City that are attributable to or associated with violations of this Chapter or associated administrative rules per PPD item ENB-4.15.
- E.** City Summary Abatement. To the extent permitted by law, the Director may recover from the person causing the violation all costs incurred by the City to summarily abate the following:

 - 1.** A violation that is not remedied through required corrective actions;
 - 2.** A situation that poses an imminent danger to human health, public safety, or the environment; or
 - 3.** Continued noncompliance with PCC or associated rules.
- F.** Nothing in this Chapter is intended to impose liability on the City for any injury or damage resulting from the failure of any person to comply with the provisions of this Chapter.

17.35.120 Revocation or Amendment of Permit.

(Added by Ordinance No. 186192, effective September 6, 2013.) All septage discharge permits issued to an applicant by the City may be revoked for any of the following reasons:

- A.** Failure to accurately certify the source of a load of septage prior to discharge.

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- B.** Failure to pay all charges for discharge within 60 days of billing by the City.
- C.** Any act that is named as a cause for forfeiture of the performance guaranty, as outlined in Section 17.35.060.
- D.** Septage permits may be amended for the following reasons:
 - 1.** A change occurs in a permittee's operations that affect the applicability of this Chapter's provisions.
 - 2.** The amendment is required by the applicable State or Federal laws or regulations.

17.35.130 Compliance Cases and Appeals.

(Added by Ordinance No. 186192, effective September 6, 2013.)

- A.** Reviews and Appeals. A person may request a modification to a BES decision related to this Chapter via an administrative review with BES staff. After the requestor has exhausted all BES program and enforcement program reviews, the requestor may file for an appeal with the Code Hearings Officer per PCC Title 22.
 - 1.** Reviews and appeals of the following may be requested:
 - a.** The determination of a violation of this Chapter or associated rules.
 - b.** The type and level of enforcement action taken by BES.
 - c.** The type and amount of penalty imposed by BES.
 - d.** Compliance due dates.
 - e.** A requirement to obtain a permit.
 - f.** A denial of a permit.
 - g.** Required remediation actions.
 - 2.** Reviews and appeals may not be requested for:
 - a.** The amount of cost recovery assessment against the person by BES.

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- b. A requirement to meet a technical standard.
 - c. Other issues identified in program-specific administrative rules.
 - 3. Appeals to the City Code Hearings Officer. Appellants must pay a filing fee and a deposit in the amount of the Code Hearing fee as part of their appeal request. If the Code Hearings Officer finds in favor or in partial favor of the appellant, BES will void and return the check to the appellant via certified mail.
- B.** BES Code Compliance Cases. BES may file a case before the Code Hearings Officer under PCC Title 22 to compel compliance with City regulations. The person committing the violation will be offered the opportunity to present evidence.

17.35.140 Conflict.

(Added by Ordinance No. 186192, effective September 6, 2013.) This Chapter supersedes all ordinances or elements thereof to the extent that they are inconsistent with or conflict with any part of this Chapter.

17.35.150 Severability.

(Added by Ordinance No. 186192, effective September 6, 2013.) If any provision, paragraph, word, or Section of this Chapter or associated administrative rules is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

Chapter 17.38

DRAINAGE AND WATER QUALITY

(Chapter replaced by Ordinance
No. 173330, effective June 4, 1999.)

Sections:

- 17.38.010 Authority.
- 17.38.015 Intent.
- 17.38.020 Definitions.
- 17.38.030 Protection of Drainageway Areas.
- 17.38.035 Drainage Management Policies and Standards.
- 17.38.040 Stormwater Management Facilities Required.
- 17.38.041 Parking Lot Stormwater Requirements.
- 17.38.043 Inspections.
- 17.38.045 Enforcement.
- 17.38.050 Erosion Control Required.
- 17.38.055 River Restoration Program.
- 17.38.060 Compliance Cases and Appeals.
- 17.38.070 Conflict.
- 17.38.080 Severability.

17.38.010 Authority.

(Amended by Ordinance No. 174745, effective August 25, 2000.) The Director of Environmental Services is responsible for administering the requirements of this Chapter. The Director has the authority and responsibility to adopt rules, procedures, and forms to implement the provisions of this chapter and to maintain a Stormwater Management Manual.

17.38.015 Intent.

(Amended by Ordinance Nos. 182144 and 185397, effective July 6, 2012.) The intent of this Chapter is to provide for the effective management of stormwater, groundwater, and drainage, and to protect and improve water quality in the City of Portland.

17.38.020 Definitions.

(Replaced by Ordinance No. 185397, effective July 6, 2012.) For the purpose of this Chapter, the following definitions shall apply:

- A. "Approved Drainage System"** means a system approved by BES which adequately collects, conveys, treats or disposes of stormwater runoff or other site discharge. Approved systems must meet all requirements and specifications laid

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out in this code, BES design manuals and documents, and any applicable plumbing code provisions relating to the piped portions of any system.

- B. "Capacity"** means the flow volume or rate that a specific facility (e.g., pipe, pond, vault, swale, ditch, or drywell) is designed to safely contain, receive, convey, reduce pollutants from or infiltrate to meet a specific performance standard.
- C. "Combination Facilities"** means stormwater management systems that are designed to meet two or more of the objectives detailed in the Stormwater Management Manual
- D. "Conveyance"** means the transport of stormwater, wastewater or other discharge from one point to another point.
- E. "Director"** means the Director of the Bureau of Environmental Services, or the Director's designee.
- F. "Discharge"** means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, leaking or placing of any material so that such material enters or is likely to enter a waterbody, groundwater, or a public sewer and drainage system.
- G. "Discharge Point"** means the connection point to a public sewer or drainage system or destination for a discharge leaving a site.
- H. "Discharge Rate"** means the rate of flow expressed in cubic feet per second (cfs).
- I. "Drainageway"** means an open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.
- J. "Green Street"** means a vegetated stormwater management facility located within the planting strip or other portion of public or private rights-of-way.
- K. "Groundwater"** means subsurface water that occurs in soils and geological formations that are fully saturated. Groundwater fluctuates seasonally and includes perched groundwater. Groundwater related discharges include, but are not limited to, subsurface water from site remediation and investigations, well development, Brownfield development, discharges from footing and foundation drains, rainwater infiltration into excavations and subsurface water associated with construction or property management dewatering activities.

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- L. "Impervious Surface"** means any surface that has a runoff coefficient greater than 0.8 (as defined in the City's Sewer and Drainage Facilities Design Manual). Types of impervious surfaces include rooftops, traditional asphalt and concrete parking lots, driveways, roads, sidewalks and pedestrian plazas. Slatted decks and gravel surfaces are considered pervious unless they cover impervious surfaces or gravels are compacted to a degree that causes their runoff coefficient to exceed 0.8.
- M. "Infiltration"** means the percolation of water into the ground. Infiltration is often expressed as a rate (inches per hour) which is determined through an infiltration test.
- N. "Pollutants of Concern"** means parameters identified by DEQ or BES as having the potential to have a negative impact on the receiving system, including surface waters, groundwater, the wastewater collection system and/or the wastewater treatment plant. Pollutants of concern can include suspended solids, heavy metals, nutrients, bacteria and viruses, organics, volatiles, semi-volatiles, floatable debris and increased temperature.
- O. "Practicable"** means available and capable of being done as determined by the Director, after taking into consideration cost, resources, existing technology, and logistics in light of overall project purpose.
- P. "Public Right-of-Way"** means the area within the confines of a dedicated public street, an easement owned by the City, or other area dedicated for public use for streets or public utilities.
- Q. "Redevelopment"** means any development that requires demolition or complete removal of existing structures or impervious surfaces at a site and replacement with new impervious surfaces. Maintenance activities such as top-layer grinding, re-paving (where the entire pavement is not removed) and re-roofing are not considered redevelopment. Interior remodeling projects and tenant improvements are also not considered to be redevelopment. Utility trenches in streets are not considered to be redevelopment unless more than 50 percent of the street width is removed and re-paved.
- R. "Site Map"** means a map showing the stormwater management facility location in relation to buildings, structures or permanent survey monuments on the site. A site map shall depict location of sources of runoff entering the stormwater management facility and the discharge point and type of receiving system for discharge leaving the facility.
- S. "Stormwater"** means water that originates as precipitation on a particular site, basin, or watershed. Also referred to as runoff.

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- T. "Stormwater Management"** means the overall culmination of techniques used to reduce pollutants from, detain, retain, or provide a discharge point for stormwater to best preserve or mimic the natural hydrologic cycle, to accomplish goals of reducing combined sewer overflows or basement sewer backups, or to fit within the capacity of the existing infrastructure.
- U. "Stormwater Management Facility"** means a facility or other technique used to reduce volume, flow rate or pollutants from stormwater runoff. Stormwater facilities may reuse, collect, convey, detain, retain, or provide a discharge point for stormwater runoff.
- V. "Temporary Structure"** means a structure that is separate and distinct from all other structures and is created and removed in its entirety within three years, including all impervious area associated with the structure.
- W. "Tract"** means a parcel of land designated as part of a land division per Title 33 that is not a lot, lot of record, or a public right-of-way .
- X. "Wetland"** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas except those constructed as pollution reduction or flow control facilities.

17.38.025 Rule Making.

(Repealed by Ordinance No. 185397, effective July 6, 2012.)

17.38.030 Protection of Drainageway Areas.

(Added by Ordinance No. 176561; amended by Ordinance Nos. 176783, 182144 and 185397, effective July 6, 2012.)

- A. Authority.** The Director may require drainage reserves or tracts over seeps, springs and drainageways as necessary to preserve the functioning of these areas and to limit flooding impacts from natural and man made channels, ditches, seeps, spring, intermittent flow channels and other open linear depressions. Standards and criteria for imposing drainage reserves or tract requirements shall be adopted by administrative rule. Placement and/or sizing of drainage reserves does not relieve property owners of their responsibility to manage stormwater in a manner that complies with the duties of property owners under applicable law. Drainage reserve or tract requirements may be imposed during land use reviews, building permit review or other development process that require Bureau of Environmental Services (BES) review.

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- B.** Required Management of the Drainage Reserve. Storm drainage reserves or tracts shall remain in natural topographic condition. No private structures, culverts, excavations, or fills shall be constructed within drainage reserves or tracts unless authorized by the BES Chief Engineer by administrative rules found in the Stormwater Management Manual. All changes must also comply with other zoning regulations as described in Title 33. Encroachment agreements can be made between the property owner and the City.

- C.** Implementation. BES has authority to identify and implement protections for drainageways during multiple development review processes, including land use reviews and building permit reviews. The early identification efforts will consider the ability of developers to design around drainage reserve areas.

17.38.035 Drainage Management Policies and Standards.

(Amended by Ordinance Nos. 174745, 176561, 176783, 176955, 180037, 182144 and 185397, effective July 6, 2012.)

- A.** Stormwater shall be managed in as close proximity to the development site as is practicable, and stormwater management shall avoid a net negative impact on nearby streams, wetlands, groundwater, and other water bodies. All local, state, and federal permit requirements related to implementation of stormwater management facilities must be met by the owner/operator prior to facility use. Surface water discharges from onsite facilities shall be discharged to an approved drainage facility.
 - 1.** The City may initiate individual agreements with property owners to manage stormwater flows through alternative methods to onsite controls:
 - a.** In joint facilities where public and private property flows co-mingle.
 - b.** In offsite areas that are “traded” for required onsite management areas related to new and redevelopment. The City may require more than a 1:1 exchange on the amount of required management area.
 - 2.** All discharges must be routed to a discharge point approved by the Director. Approval of discharge points must meet the following standards:
 - a.** The discharge must be conveyed along a route of service approved by the Director.

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shall be placed in a mitigation account to be used to mitigate the impacts that arise from offsite discharge of stormwater runoff.

5. Notwithstanding Subsection 17.38.035 B.4., for any parcel created after the effective date of this Chapter, the development shall fully treat all stormwater:
 - a. Onsite, or
 - b. Within the original parcel from which the new parcel was created, or
 - c. In a privately developed offsite facility with sufficient capacity, as determined by the Bureau.
 6. The Director is authorized to exempt land uses, discharge locations or other areas of the city from the requirements of this Subsection if onsite pollution reduction or pollution control is not needed or desirable due to limited pollutant loads or offsite methods of pollution control are available. All exemptions are specified in the Stormwater Management Manual.
- C. The quantity and flow rate of stormwater leaving the site after development shall be equal to or less than the quantity and flow rate of stormwater leaving the site before development, as much as is practicable, based on the following criteria:
1. Development shall mitigate all project impervious surfaces through retention and on-site infiltration to the maximum extent practicable. Where on-site retention is not possible, development shall detain stormwater through a combination of provisions that prevent an increased rate of flow leaving a site during a range of storm frequencies as specified in the Stormwater Management Manual.
 2. The Director is authorized to exempt areas of the city from the quantity control requirements if flow control is not needed or desirable because there is sufficient capacity and limited impacts to the receiving drainage system. All exemptions shall be specified in the Stormwater Management Manual.
 3. Any development that discharges to a tributary of the Willamette River, other than the Columbia Slough, shall design stormwater management facilities such that the rate of flow discharging from such facilities for up to a two-year design storm event does not lengthen the period of time the

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tributary channel receiving the discharge sustains erosion causing flows, as determined by the Bureau.

4. Site drainage facilities shall be designed to safely convey the less frequent, higher flows through or around stormwater management facilities and to an approved drainage system with adequate capacity without damage to the receiving drainage system, whether natural or manmade.
 5. Stormwater discharge which cannot be practicably managed for quantity or flow rate control as defined in this Subsection and the Stormwater Management Manual shall either be:
 - a. Managed in an offsite facility designed for the pollutant load, volume and rate of flows from subject property and managed by the site developer/site owner or another legal agent, or
 - b. Managed in an offsite stormwater management facility operated by the City subject to paying a stormwater offsite management fee. The Bureau will employ a methodology for calculating the fee that is based upon an average unit cost of onsite facilities where such facilities would be effective and establish the calculation method and fee by rule. The stormwater offsite management fee collected will be placed in a mitigation account to be used to mitigate the impacts that arise from offsite discharge of stormwater runoff.
 6. Notwithstanding Subsection 17.38.035 C.5., for any parcel created after the effective date of this Chapter, stormwater shall be fully managed:
 - a. Onsite, or
 - b. Within the original parcel from which the new parcel was created, or
 - c. In a privately developed offsite facility with sufficient capacity, as determined by the Bureau.
- D.** The Director is authorized to establish requirements for the pumping and discharge of groundwater as a waste (discharge to waste). The Stormwater Management Manual regulations govern both quality and quantity impacts of pumping and discharging groundwater to City receiving systems. The regulations may exempt, establish discharges as de minimus, or provide for and limit the permanent or temporary discharge of groundwater. Temporary groundwater discharges may be authorized through the batch discharge processes described in Title 17.34 and 17.39. In establishing rules to regulate the pumping and discharge

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of groundwater as a waste, the Director shall, at a minimum, incorporate and implement the following standards.

1. Authorizations for discharge. Unless the Director's rules establish exceptions or determines discharges are de minimus, any pumping and discharge to waste of groundwater may proceed only after a groundwater specific discharge authorization by the Director. This authorization shall establish volume, flow rate and pollutant load limits for the discharge.
2. Limiting flow volume and flow rate. Pumping and discharge of groundwater as a waste will only be allowed where the proposed discharger has first reduced the rate and volume of groundwater requiring discharge to a City system to the greatest extent practical. Examples include:
 - a. Limiting the pumping and discharge of groundwater to rates not exceeding those rates that would be required for a building designed and engineered to minimize ground water intrusion and necessary ground water pumping; and
 - b. Requiring management techniques implemented by the property developer and operator to assure continued effective use of structures in the presence of groundwater infiltration; and
 - c. When there is sufficient capacity in the City receiving system. Capacity shall be defined by rule and will consider providing capacity for other and future anticipated and primary uses of the systems.
3. Onsite management a priority. Pumped ground water shall be managed first by onsite methods, such as infiltration, to the greatest extent practical. Thereafter private conveyance facilities shall discharge through infiltration offsite or to surface water bodies. Offsite discharge to City systems shall be approved only after onsite alternatives are evaluated.
4. Prohibited discharges. Offsite discharges meeting the following criteria are prohibited:
 - a. Discharge to City-owned underground injection controls (UICs).
 - b. Discharges meeting the tests for prohibited discharges in Chapters 17.34 and 17.39. Notwithstanding this limitation, the City may allow discharge of contaminated ground water that has been treated to meet standards set by the Director to insure that any

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groundwater discharges do not cause or threaten to cause a public nuisance, groundwater or surface water pollution, cause or threaten to cause the City to violate its own discharge permits granted by the Department of Environmental Quality.

- (1) The Director may establish rules to limit or prevent the pumping and discharge of contaminated groundwater and may require one-time or on-going testing or monitoring of water quality by the applicant for discharge authorization approval.
- E. All conveyance systems shall be analyzed, designed and constructed for existing tributary offsite runoff and developed onsite runoff from the proposed project in compliance with the City's Sewer and Drainage Facilities Design Manual. The general goal of these standards is to convey both onsite and offsite waters in a way that meets the capacity needs of the City conveyance system, is protective of public health and safety, and that minimizes environmental impacts in the downstream receiving system. The Director reserves the right to determine the appropriateness of combination facilities in meeting these standards.
- F. All discharge systems shall comply with the standards set forth in the Stormwater Management Manual. Public systems shall be reviewed and approved by BES in compliance with the sizing and location standards in the Stormwater Management Manual. Private onsite systems shall comply with the stormwater hierarchy and other guidance specified in the Stormwater Management Manual, and shall be reviewed by Bureau of Development Services for compliance with the plumbing code regulations in Section 25.01.020.

17.38.040 Stormwater Mangement Facilities Required.

(Amended by Ordinance Nos. 174745, 176783, 180037, 182144, 183397 and 185397, effective July 6, 2012.) No plat, site plan, building permit or public works project shall be approved unless the conditions of the plat, permit or plan approval requires installation of permanent stormwater management facilities designed according to standards or guidelines established by the Director and as specified in the Stormwater Management Manual.

- A. Applicability. All development and redevelopment sites with the following triggers must comply with the standards of the Stormwater Management Manual:

 1. Creation of any new impervious area. Sites with 500 square feet or more of impervious area must be managed for pollution reduction, quantity or flow control requirements as spelled out in this Section; or

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2. Modification to or construction of new areas with pollution generating activities of concern as identified in the Stormwater Management Manual. These areas must be constructed with applicable onsite controls; or
 3. New connections or new drainage areas routed into the City's sewer or drainage system under a City permit. These connections most often are generated from decommissioning of private, onsite drainage or groundwater related systems.
 4. Temporary structures are exempt from pollution reduction and flow control requirements, except for specific instances called out in the Stormwater Management Manual.
- B.** Exemptions. The requirements of this Chapter for stormwater management do not apply to:
1. Development for which an application for development approval is accepted by the permitting agency prior July 1, 1999 shall be subject to the requirements in place at the time of application.
 2. Public or private development that does not result in impervious surface coverage or results in coverage that is de minimus in relation to discharge, such as fences, environmental enhancement projects, buried pipelines or cables, and utility lines.
 3. Impervious surface created by a stormwater management facility such as but not limited to headwalls, manhole or vault covers. Paved or compacted gravel facility access and maintenance roads that extend beyond the facility itself, are not exempted from the management requirements of this Title.
- C.** Appeals. Any applicant for a permit or authorization aggrieved by a decision, interpretation, or determination made pursuant to this Chapter or rules adopted thereunder, including the Stormwater Management Manual, may appeal such action in accordance with appeals processes specified in the Stormwater Management Manual.
1. Provision for reasonable interpretation of the Stormwater Management Manual. The Director shall establish an internal BES Administrative Review Committee and a BES Appeals Board. The Chief Engineer of the Bureau of Environmental Services shall appoint outside members to the BES Appeals Board.

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2. Applicants shall file appeals in accordance with the appeals process procedures specified in the Stormwater Management Manual.

D. Maintenance of Stormwater and Groundwater Management Facilities.

1. All applicants for new development, redevelopment, plats, site plans, building permits or public works projects, as a condition of approval, shall be required to submit an operation and maintenance plan and the required plan cover sheet for the required stormwater management facilities for review and approval by the Director, unless otherwise exempted in the Stormwater Management Manual. A stormwater management facility that receives stormwater runoff from a public right-of-way shall be a public facility, and maintained by the City, unless the right-of-way is not part of the City road maintenance system.

- a. The information required in an operation and maintenance plan shall satisfy the requirements in the Stormwater Management Manual. Applicants are required to submit the O & M recording form with the plan and are encouraged to use the O & M Plan template provided in the Stormwater Management Manual. The Plan shall include and not be limited to:

- (1) Design plans of the specific facility and related parts, including design assumptions; and
- (2) A schedule for routine inspection, including post storm related inspections; and
- (3) A description of the various facility components, the observable trigger for maintenance, and the method of maintenance, including appropriate method of disposal of materials; and
- (4) The intended method of providing financing to cover future operations and maintenance; and
- (5) The party or parties responsible for maintenance of the facility including means of effecting contact, including contact means for emergency situations. The party may be an individual or an organization.

- b. A maintenance log is required. The log shall provide a record of all site maintenance related activities. The log shall include the time and dates of facility inspections and specific maintenance

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activities. This log shall be available to City inspection staff upon request.

2. Failure to properly operate or maintain the water quality or quantity control facility according to the operation and maintenance plan may result in an enforcement action, including a civil penalty, as specified in Section 17.38.045, Enforcement.
 - a. Property owners adjacent to green street shall not be responsible for routine maintenance of the stormwater management facilities. Property owners shall notify BES prior to making a utility connection across the facility. Owners are encouraged to contact the Director if they feel a City crew facility maintenance visit is warranted. Property owners are encouraged to perform the following tasks with BES approval:
 - (1) Trash and debris removal (not including sediment)
 - (2) Weed removal
 - (3) Leaf pick up and removal
 - (4) Removal of dead plantings
 - (5) Watering of vegetation
 - (6) Clearing inlets and outlets to allow stormwater to freely enter and exit the facility
 - b. Adjacent owners wishing to modify facility plantings or encroach on facility structures must obtain authorization from the Director before commencing work.
 - (1) Plant scheme modifications. Alternative plant lists and/or planting plans will be required to modify facility plant schemes. Written approval of plant modification plans must be obtained from the manager of the BES Revegetation program before green street facility plantings may be modified.
 - (2) Structural modifications. Encroachments into public easements or public facility areas must obtain a permitted as required in Chapter 17.32 and the associated public works permit administrative rules.

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3. A copy of the operation and maintenance plan shall be filed with the Bureau of Environmental Services. Staff may require a site map to be recorded and filed with the appropriate county Department of Assessment and Taxation.
- E. The Director may file instruments in county deed records to inform future property owners of regulations and conditions of approval related to the property as provided in this Chapter and associated rules, including the Stormwater Management Manual.

17.38.041 Parking Lot Stormwater Requirements.

(Added by Ordinance No. 174745; amended by Ordinance No. 180037, effective April 28, 2006.) Stormwater runoff from parking lots must be managed in parking lot interior or perimeter landscaping to the extent required by the Stormwater Management Manual. The Director is authorized to exempt activities, land uses, or identified sites from these requirements if use of parking landscape areas is not needed or desirable because of non-conforming or existing landscape areas. All exemptions are described in the Stormwater Management Manual.

17.38.043 Inspections.

(Replaced by Ordinance No. 186192, effective September 6, 2013.)

- A. Right of Entry. To the extent permitted by law, BES may enter all private and public premises at any time for the purpose of inspecting for potential violations, connections or for any other lawful purpose required by or authorized under this Code or ordinances of the City, the Charter, or state or federal law. This authorization includes but is not limited to inspection, sampling, testing, photographic documentation, record examination, copying, and installation of devices. Entry may not be conditioned upon BES representatives signing any type of confirmation, release, consent, acknowledgement, or other type of agreement.
- B. Entry Protocols.
1. The BES representative will present a City photo identification card at the time of entry.
 2. The BES representative will comply with reasonable, routine safety and sanitary requirements of the facility or site as provided by the facility operator at the time of entry. The facility operator must provide the BES representative with any facility-specific safety protective equipment necessary for entry.

17.38.045 Enforcement.

(Replaced by Ordinance No. 186192, effective September 6, 2013.)

- A.** Violations. It is a violation for any persons to fail to comply with the requirements of this Chapter and associated rules. Each day a violation occurs or continues may be considered a separate violation. BES will hold the person or persons solely responsible for complying with BES enforcement actions. Violations of this Chapter or associated rules include, but are not limited to:
1. Failure to construct stormwater management facilities to the standards of the City's Stormwater Management Manual and Section 17.38.035;
 2. Failure to comply with a written order of the Director, made under authority of this Chapter, that is not met within the specified time;
 3. Failure to comply with any condition of an operations and maintenance plan or agreement issued under the authority of this Chapter or rules that is not met within a specified time;
 4. Failure to maintain a stormwater management facility leading to a potential or actual operating deficiency of the facility;
 5. Failure to have a properly recorded, or accurate O & M plan on file with BES; and
 6. Failure to comply with enforcement actions as identified in the BES Enforcement Program administrative rules (PPD item ENB-4.15).
- B.** Enforcement Tools. BES may use any or all of the following tools to enforce this Chapter or associated administrative rules: notice of investigation, warning notice, notice of violation, compliance order, requirement to obtain a permit, notice of termination, withholding of permits, violation abatement, legal action, criminal case referral, or referral to other regulatory agencies. BES enforcement actions are described in program-specific administrative rules and the BES Enforcement Program administrative rules (PPD item ENB-4.15).
- C.** Civil Penalties. Persons violating this Chapter or associated rules may be assessed civil penalties of up to \$10,000 per day per violation according to program-specific administrative rules and the BES Enforcement Program administrative rules (PPD item ENB-4.15). Penalties and other charges will accrue interest from the date of initial City notice assessing the penalty until the penalty is paid in full.

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- D.** City Summary Abatement. To the extent permitted by law, the Director may recover from the person causing the violation all costs incurred by the City to summarily abate the following:
1. A violation that is not remedied through required corrective actions;
 2. A situation that poses an imminent danger to human health, public safety, or the environment; or
 3. Continued noncompliance with PCC or associated rules.
- E.** Cost Recovery. The Director may recover all reasonable costs incurred by the City that are attributable to or associated with the violations of this Chapter or associated rules.
- F.** Nothing in this Chapter is intended to impose liability on the City for any injury or damage resulting from the failure of any person to comply with the provisions of this Chapter.

17.38.050 Erosion Control Required.

(Amended by Ordinance No. 173979, effective March 1, 2000.) All public works projects constructed within the City of Portland must comply with Title 10, Erosion and Sediment Control Regulations.

17.38.055 River Restoration Program.

(Replaced by Ordinance No. 185397, effective July 6, 2012.) BES and the Office of Healthy Working Rivers are authorized to develop administrative rules for implementation of a River Restoration Program including, but not limited to, a mitigation bank and in-lieu fee program for implementation of the Title 33 River Plan/North Reach Code provisions. BES and the Office of Healthy Working Rivers may also accept funds from in-lieu fees, mitigation bank credits, donations, program administrative fees, and other sources and may expend such funds for environmental restoration, enhancement and improvement activities.

17.38.060 Compliance Cases and Appeals.

(Added by Ordinance No. 186192, effective September 6, 2013.)

- A.** Reviews and Appeals. A person may request a modification to a BES decision related to this Chapter via an administrative review with BES staff. After the requestor has exhausted all BES program and enforcement program reviews, the requestor may file for an appeal with the Code Hearings Officer per PCC Title 22.
1. Reviews and appeals of the following may be requested:

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- a. The determination of a violation of this Chapter or associated rules.
 - b. The type and level of enforcement action taken by BES.
 - c. The type and amount of penalty imposed by BES.
 - d. Compliance due dates.
 - e. A requirement to obtain a permit.
 - f. A denial of a permit.
 - g. Required remediation actions.
 2. Reviews and appeals may not be requested for:
 - a. The amount of cost recovery assessment against the person by BES.
 - b. A requirement to meet a technical standard.
 - c. Other issues identified in individual program-specific administrative rules.
 3. Appeals to the City Code Hearings Officer. Appellants must pay a filing fee and a deposit in the amount of the Code Hearing fee as part of their appeal request. If the Code Hearings Officer finds in favor or in partial favor of the appellant, BES will void and return the check to the appellant via certified mail.
- B.** BES Code Compliance Cases. BES may file a case before the Code Hearings Officer under PCC Title 22 to compel compliance with City regulations. The person committing the violation will be offered the opportunity to present evidence.

17.38.070 Conflict.

(Added by Ordinance No. 186192, effective September 6, 2013.) This Chapter supersedes all ordinances or elements thereof to the extent that they are inconsistent with or conflict with any part of this Chapter.

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17.38.080 Severability.

(Added by Ordinance No. 186192, effective September 6, 2013.) If any provision, paragraph, word, or Section of this Chapter or associated administrative rules is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

17.39.070 Inspections.

(Amended by Ordinance No. 186192, effective September 6, 2013.)

- A.** Right of Entry. To the full extent permitted by the law, BES may enter all private and public premises at any time for the purpose of inspecting for potential violations, connections or for any other lawful purpose required by or authorized under this Code or ordinances of the City, the Charter, or state or federal law. This authorization includes but is not limited to inspection, sampling, testing, photographic documentation, record examination, copying, and installation of devices. Entry may not be conditioned upon BES representatives signing any type of confirmation, release, consent, acknowledgement or other type of agreement.

- B.** Entry Protocols.
 - 1.** The BES representative will present a City photo identification card at the time of entry.

 - 2.** The BES representative will comply with reasonable, routine safety and sanitary requirements of the facility or site to be inspected as provided by the facility operator at the time of entry. The facility operator must provide the BES representative with any facility-specific safety protective equipment necessary for entry.

17.39.080 Sampling.

The City may sample or require a discharger to provide a representative sample of any discharge, or any material intended to be discharged, for the purposes of characterization or to determine compliance with Section 17.39.040, applicable permit conditions, DEQ or EPA requirements, or City permit or authorization.

- A.** Dischargers may submit monitoring data gathered for other purposes that also satisfies these requirements. Dischargers shall conduct sampling and analysis in accordance with 40 CFR Part 136 or other EPA- or BES-approved methods.

- B.** All dischargers with continuous or routine discharges must provide the City access to a sampling manhole or other City-approved location upstream of the physical connection or discharge point into the City system.

17.39.090 Reporting Requirements.

- A.** Reports. Dischargers may be required to submit reports or other technical information needed to determine compliance with this Chapter. Such reports may include evaluations of site conditions, visual observations of discharges, discharge sampling results, summaries of operational and maintenance activities,

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compliance schedules for implementing remediation activities, or other information as requested by the Director to characterize discharges and site conditions. The City may accept reports required by NPDES or other discharge permits. Reports shall be submitted in a timely manner as required by the Director.

- B.** Fraud and False Statements. Dischargers making false statements in any submittal, report or other document required by this Chapter or associated rules shall be subject to the enforcement provisions of this Chapter and any other applicable local and state laws and regulations.

17.39.100 Records Retention.

Dischargers subject to this Chapter shall maintain and preserve for no fewer than five years any records, books, documents, memoranda, reports, correspondence and document summaries relating to observation, sample collection and analysis conducted in order to comply with this Chapter or associated rules. All records that are the subject of any enforcement or litigation activities brought by the City shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

17.39.110 Enforcement.

(Replaced by Ordinance No. 186192, effective September 6, 2013.)

- A.** Violations. It is a violation for any person to fail to comply with the requirements of this Chapter or associated rules. Each day a violation occurs or continues may be considered a separate violation. BES will hold the person or persons solely responsible for complying with BES enforcement actions. Violations of this Chapter or associated rules include, but are not limited to:
1. Discharges with any of the attributes of the prohibited discharge list of Section 17.39.040;
 2. Failure to meet any requirement or condition of a discharge permit or authorization, including exceedances of a discharge limit, issued under the authority of this Chapter or associated rules;
 3. Failure to comply with a permit or discharge authorization-related submittal schedule or a violation remediation schedule;
 4. Failure to pay review fees or assigned penalties for violations; or
 5. Failure to comply with enforcement actions as identified in the BES Enforcement Program administrative rules (PPD item ENB-4.15).

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- B.** Enforcement Tools. BES may use any or all of the following tools to enforce this Chapter or associated administrative rules: notice of investigation, warning notice, notice of violation, compliance order, requirement to obtain a permit, notice of termination, withholding of permits, violation abatement, legal action, criminal case referral, or referral to other regulatory agencies. BES enforcement actions are described in program-specific administrative rules and the BES Enforcement Program administrative rules (PPD item ENB-4.15).
- C.** Civil Penalties. Dischargers violating this Chapter or associated rules may be assessed civil penalties of up to \$10,000 per day per violation according to program-specific administrative rules and the BES Enforcement Program administrative rules (PPD item ENB-4.15). Penalties and other charges will accrue interest from the date of initial City notice assessing the penalty until the penalty is paid in full. Dischargers violating this chapter will be solely responsible for reimbursing the City's abatement expenses.
- D.** Cost Recovery. The Director may recover all reasonable costs incurred by the City that are attributable to or associated with violations of this Chapter or associated administrative rules per PPD item ENB-4.15. Failure to pay costs related to a civil penalty or summary abatement within 30 days following a final determination is grounds for permit revocation or termination of the permittee's discharge
- E.** City Summary Abatement. To the extent permitted by law, the Director may recover from the person causing the violation all costs incurred by the City to summarily abate the following:

 - 1. A violation that is not remedied through required corrective actions;
 - 2. A situation that poses an imminent danger to human health, public safety, or the environment; or
 - 3. Continued noncompliance with the PCC or associated rules.
- F.** Nothing in this Chapter is intended to impose liability on the City for any injury or damage resulting from the failure of any person to comply with the provisions of this Chapter.

17.39.120 Compliance Cases and Appeals.

(Replaced by Ordinance No. 186192, effective September 6, 2013.)

- A.** Reviews and Appeals. A person may request a modification to a BES decision related to this Chapter via an administrative review with BES staff. After the

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requestor has exhausted all BES program and enforcement program reviews, the requestor may file for an appeal with the Code Hearings Officer per PCC Title 22.

1. Reviews and appeals of the following may be requested:
 - a. The determination of a violation of this Chapter or associated rules.
 - b. The type and level of enforcement action taken by BES.
 - c. The type and amount of penalty imposed by BES.
 - d. Compliance due dates.
 - e. A requirement to obtain a permit.
 - f. A denial of a permit.
 - g. Required remediation actions.
 2. Reviews and appeals may not be requested for:
 - a. The amount of cost recovery assessment against the person by BES.
 - b. A requirement to meet a technical standard.
 - c. Other issues identified in individual program-specific administrative rules.
 3. Appeals to the City Code Hearings Officer. Appellants must pay a filing fee and a deposit in the amount of the Code Hearing fee as part of their appeal request. If the Code Hearings Officer finds in favor or in partial favor of the appellant, BES will void and return the check to the appellant via certified mail.
- B.** BES Code Compliance Cases. BES may file a case before the Code Hearings Officer under PCC Title 22 to compel compliance with City regulations. The person committing the violation will be offered the opportunity to present evidence in the case.

17.39.130 Conflict.

(Amended by Ordinance No. 186192, effective September 6, 2013.) This Chapter supersedes all other ordinances or elements thereof to the extent that they are inconsistent

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with or conflict with any part of this Chapter are hereby repealed to the extent of such inconsistency or conflict.

17.39.140 Severability.

(Amended by Ordinance No. 186192, effective September 6, 2013.) If any provision, paragraph, word or Section of this Chapter or associated rules is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

FIGURE 6 - Chapter 17.102

(Replaced by Ordinance No. 186041
effective July 1, 2013.)

Residential Solid Waste and Recycling Rates

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

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

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

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

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

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

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Curbside Collection Service Rates and Charges				
Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Standard Service - Service includes weekly collection of composting & recycling, every-other-week garbage				
20-gallon Can*	24.75		1.70	0.55
32-gallon Can*	28.10		1.70	0.55
20-gallon Rollcart	24.75			
35-gallon Rollcart	29.50			
60-gallon Rollcart	36.40			
90-gallon Rollcart	43.30			
1.0 Cubic Yard Container	87.30			
1.5 Cubic Yard Container	120.15			
2.0 Cubic Yard Container	153.00			
Every-four-weeks Service - Service includes weekly collection of composting & recycling, every-four-weeks garbage				
32-gallon Can*	21.75		0.85	0.30
35-gallon Rollcart	21.75			

*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

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Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Terrain Differential				
Standard Service (Single Can)	4.20			
Standard Service (Multiple Cans / Carts)	4.35			
Every-four-weeks Service	2.60			
Recycling Only Service	1.45			
Compost & Recycling Only	2.50			
32-Gallon Can On-Call Service	0.60			
Yard Debris On-Call	0.50			
Small Multiplexes	0.90			
Special Services				
Recycling Only, Weekly Collection	8.10			
Composting & Recycling Only, Weekly Collection	18.20			
On Call Garbage (32-Gallon Can or Bag)		9.05	0.85	0.30
On Call Yard Debris Collection (<i>32 gallon Can, Bag, or Bundle--Yard Debris Only</i>)		6.85		
Garbage, Extra Can or Bag		5.00	0.85	0.30
Yard Debris, Extra Can, Bag or Bundle-- <i>Yard Debris Only</i>		3.75		
Courtesy Callback (Garbage or Composting)		7.95		
Rollcart Delivery**		11.25		
Extra Composting Rollcart	11.25			
Extra Recycling Rollcart	2.90			

*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

**Rollcart delivery fees may be charged in the following scenarios: 1. For composting and recycling, if it is the customer's second (or greater) rollcart delivery. 2. For garbage, if it is the customer's second (or greater) rollcart delivery within a one year period. 3. Any time the customer requests a clean rollcart.

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Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Multiple Cans and Carts - Service includes weekly collection of composting & recycling, every-other-week garbage				
32-Gallon Cans, Two*	38.50		3.40	1.10
32-Gallon Cans, Three*	44.55		5.10	1.65
32-Gallon Cans, Four*	49.05		6.80	2.20
35-Gallon Rollcart, Two	39.45			
35-Gallon Rollcart, Three	47.75			
35-Gallon Rollcart, Four	56.10			
60-Gallon Rollcart, Two	48.70			
60-Gallon Rollcart, Three	59.35			
60-Gallon Rollcart, Four	70.50			
90-Gallon Rollcart, Two	56.85			
90-Gallon Rollcart, Three	69.65			
90-Gallon Rollcart, Four	84.10			
Clean-Up Containers				
One 1.0 Cubic Yard		88.85		
One 1.5 Cubic Yard		97.20		
One 2.0 Cubic Yard		105.40		

*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

Curbside Collection Service Rates and Charges for Small Multiplexes

Weekly Composting & Recycling, Every-Other-Week Garbage			
Collection for:	Duplex	Tri-Plex	Four-Plex
Single Container Service, where rollcart / container is shared by residents of 2, 3 or 4 units			
One shared 60-Gallon Rollcart	39.55	46.25	N / A
One shared 90-Gallon Rollcart	43.30	50.00	56.70
One shared 1.0 Cubic Yard Container	67.70	74.40	81.10
One shared 1.5 Cubic Yard Container	84.75	91.45	98.15
One shared 2.0 Cubic Yard Container	101.80	108.50	115.20
Multiple Containers, where all cans / rollcarts are placed together in a single location at curbside for pickup. Where unshared cans / rollcarts are located separately at curbside for pickup then each is considered a separate account, charged at single-family rate.			
Two 32-Gallon Cans*	38.90	45.60	N / A
Three 32-Gallon Cans*	42.85	49.55	56.25
Four 32-Gallon Cans*	46.80	53.50	60.20
Two 20-Gallon Rollcarts	37.90	N / A	N / A
Three 20-Gallon Rollcarts	41.35	48.05	N / A
Four 20-Gallon Rollcarts	44.75	51.45	58.15
Two 35-Gallon Rollcarts	41.40	48.10	54.80
Three 35-Gallon Rollcarts	46.60	53.30	60.00
Four 35-Gallon Rollcarts	51.75	58.45	65.15
Two 60-Gallon Rollcarts	48.05	54.75	61.45
Three 60-Gallon Rollcarts	56.55	63.25	69.95
Four 60-Gallon Rollcarts	65.05	71.75	78.45
Two 90-Gallon Rollcarts	55.65	62.35	69.05
Three 90-Gallon Rollcarts	67.95	74.65	81.35
Four 90 Gallon Rollcarts	80.25	86.95	93.65

--N/A services are not available.

--Non-curbside service is available at small multiplexes for garbage cans and rollcarts at an additional monthly charge of \$1.70 per can and \$3.50 per rollcart. Excess distance charge for a can is \$0.55. Excess distance charge for a rollcart is \$1.15.

--For composting services, extra cans, bags, or bundles of yard debris only are \$3.75 each and accrue on a per account, rather than per unit, basis.

--Recycling labor surcharge is \$6.70 per additional dwelling unit.

*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

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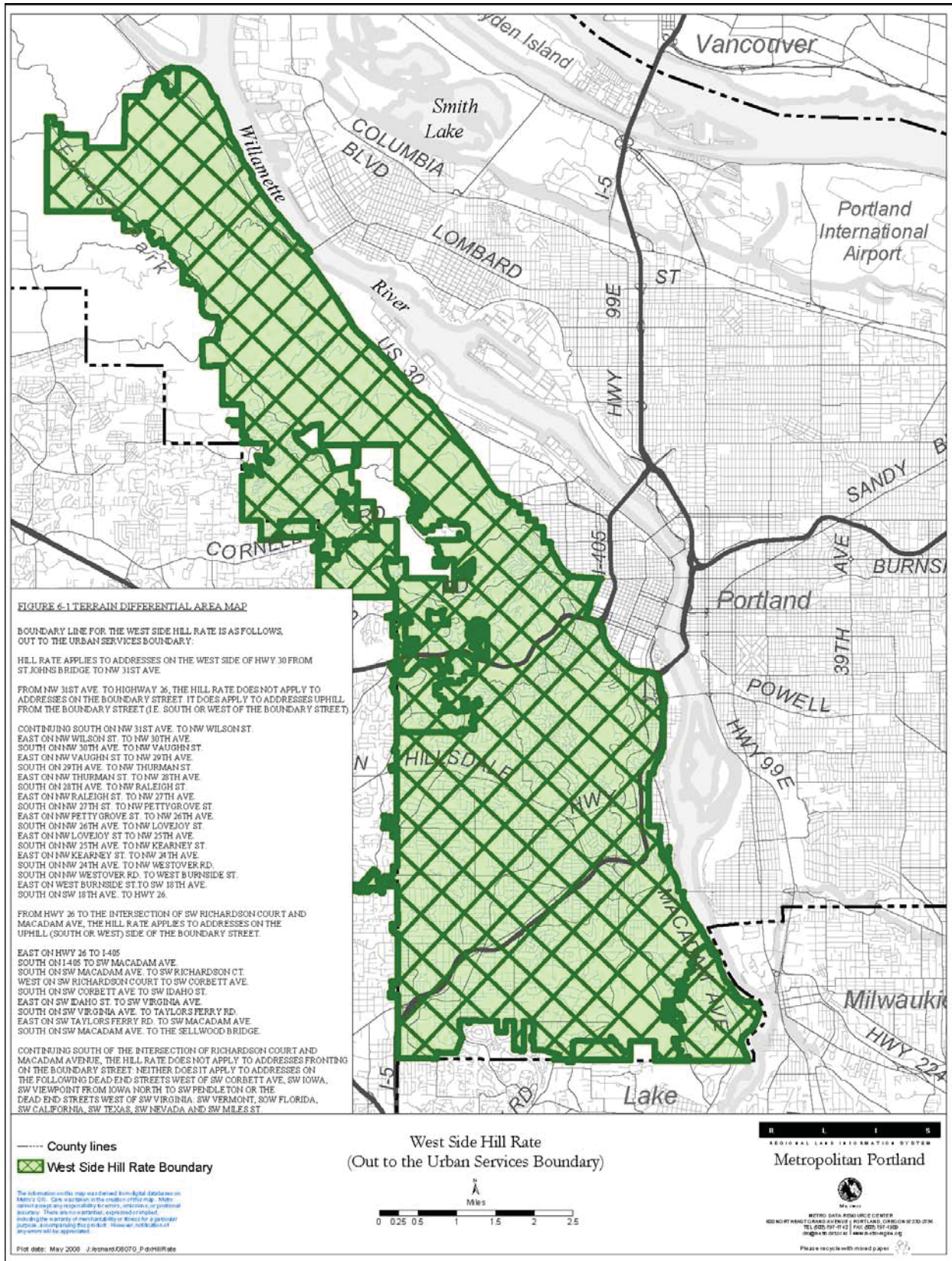


Figure 6 – Page 6

Chapter 18.12

NOISES PROHIBITED

Sections:

- 18.12.010 Noise Disturbance Prohibited.
- 18.12.020 Specific Prohibitions.
- 18.12.030 Provisions if Measurement Is Made.

18.12.010 Noise Disturbance Prohibited.

It shall be unlawful for any person to willfully make, continue, cause or permit to be made or continued any noise disturbance within the City of Portland.

18.12.020 Specific Prohibitions.

(Amended by Ordinance Nos. 159276, 166951, 181539, 184101 and 186216, effective September 4, 2013.) The following acts are declared to be violations of this Title, but this enumeration shall not be deemed to be exclusive, namely:

A. Noisy animals.

1. It shall be a violation for any animal to unreasonably cause annoyance, alarm, noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's property or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. This provision is not applicable to any animals located in a Specified Animal Facility or to livestock owner or keeper, kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land-use and zoning laws and regulations. Enforcement of this Subsection shall be the responsibility of Multnomah County Animal Control.
2. Animals located in a Authorized or Permitted Animal Facility. It shall be a violation for any animal located in a Specified Animal Facility, as defined in Portland City Code 13.05.005 G., or to any lawful livestock owner or keeper, kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under

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the applicable land-use and zoning laws and regulations to unreasonably cause annoyance, alarm, noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. Enforcement of this Subsection shall be the responsibility of the Office of Neighborhood Involvement or another City entity designated by Council.

- B.** Sound producing or reproducing equipment. Operating or permitting the use or operation of any device designed for sound production or reproduction in such a manner as to cause a noise disturbance; or operating or permitting the operating or use of any such device between the hours of 10 p.m. and 7 a.m. so as to be plainly audible within any dwelling unit which is not the source of sound; or operating any such device on public property or on a public right of way so as to be plainly audible 100 feet or more from such device provided that a person operating any such device in a City park pursuant to a permit granted by the Commissioner In Charge of the Park Bureau shall be in violation only if the device is plainly audible at any point along the park boundary.
- C.** Parked motor vehicles. The parking of any motor vehicle of 10,000 pounds GCWR, or more, with the motor or attached auxiliary equipment in operation:

 - 1.** On a public right-of-way, except for reasons of an emergency nature, or
 - 2.** On private property in such a manner as to be plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m.
 - 3.** This Subsection C shall not apply to: commercial construction equipment, the normal operation of vehicles designed and used for commercial transportation of passengers, and vehicles being loaded or unloaded.

18.12.030 Provisions if Measurement is Made.

If measurement is taken of a sound source, the provisions of Chapter 18.10 shall supersede this Section and shall be used to determine if a violation of this Title exists.

Chapter 18.14

EXEMPTIONS AND VARIANCES

Sections:

- 18.14.010 Exemptions.
18.14.020 Variances.

18.14.010 Exemptions.

(Amended by Ord. No. 159276 effective Jan. 24, 1987.) The following sounds are exempted from the provisions of this Title.

- A. Sounds caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment.
- B. Sounds caused by sources regulated as to sound production by federal law.
- C. Sounds not electronically amplified, created by athletic and entertainment events other than motor vehicle racing events.
- D. Sounds caused by agricultural and forestry operations within an FF zone of the City.
- E. Blasting, under permit.
- F. Sounds made by warning devices operated continuously for 3 minutes or less.

18.14.020 Variances.

(Amended by Ordinance Nos. 159276, 162098, 164010, 174718, 175772, 184101 and 186216, effective September 4, 2013.) Any person who owns, controls, or operates any sound source which does not comply with provisions or standards of this Title may apply for a variance from such standard(s) or provision(s).

- A. Application. The application shall be in a form acceptable to the Noise Review Board or the Noise Control Officer, and shall state the date, time, and location of the event or activity and the reasons for which the variance is being sought. The applicant may be required to supply additional information. The application shall not be considered received until all information has been supplied. It is the responsibility of the applicant to submit the application in proper form, and to allow sufficient time for review, as specified in Subsection 18.14.020 F.

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- B.** The application shall not be considered until the application fee is received. All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Office of Neighborhood Involvement.
- C.** All applications will be first sent to the Noise Control Officer who, with the Chair of the Noise Review Board, shall determine the appropriate reviewing body. The criterion for this determination shall be: whether the noise impact is deemed significant in level or in numbers of persons or property affected. If the potential noise impact is judged not to be significant, the application will be reviewed by the Noise Control Officer. If the potential noise impact is judged to be significant, the review will be made by the Noise Review Board. The Chair of the Noise Review Board may delegate Board review and action to the Noise Control Officer if, in the exercise of his or her discretion, such delegation is in the City's interest.
- D.** Review of the application on its merit shall include consideration of at least the following:
1. The physical characteristics, times and durations of the emitted sound,
 2. The geography, zone, and population density of the affected area,
 3. Whether the public health, safety or welfare is impacted,
 4. Whether the sound source predates the receiver(s), and
 5. Whether compliance with the standard(s) or provision(s) from which the variance is sought would produce hardship without equal or greater benefit to the public.
 6. Applicant's previous history, if any, of compliance or noncompliance.
- E.** Public notification. Notice of receipt of all applications to be reviewed by the Noise Review Board shall promptly be published in a newspaper of general circulation within the City. Notice shall also be given to affected neighborhood association(s), or owners and residents of property likely to be affected by the application, and to any person who has in writing requested notice of such application.
- F.** Time for review and decision. Applications to be reviewed by the Noise Control Officer shall be decided within 10 business days of receipt of the completed application. Applications to be reviewed by the Noise Review Board shall be decided within 45 business days of receipt of the completed application. Should

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the applicant require more accelerated review than that provided above, the process may be shortened to no more than 3 business days for review by the Noise Control Officer or 7 business days for review by the Noise Review Board, upon payment of an additional surcharge in the amount of the original application fee, and provided the Chair of the Noise Review Board and the Noise Control Officer conclude that such accelerated review is sufficient for evaluation, and in the City's interest.

1. Failure to reach decision within the times specified shall constitute automatic approval of the application, unless specifically waived by the applicant. If not waived, such approval shall expire within 180 days following such failure.
- G.** Applications reviewed by the Noise Control Officer, or the Noise Review Board may be granted, denied, or granted with conditions.
- H.** All decisions shall be in writing, and those made by the Noise Review Board shall state the facts and reasons leading to the decision and shall be made available to the applicant, and any other person who has requested such decision.
- I.** Appeals to City Council. A variance decision of the Noise Control Officer or the Noise Review Board may be appealed to the City Council as follows:
1. Eligibility to appeal. A variance decision may be appealed by the applicant, his legal representative, any affected neighborhood association, or any person who has submitted oral or written testimony on the application.
 2. Appeal acceptance criteria. Notice of intent to appeal shall be in writing to the City Auditor's Office within 10 days of the effective date of the decision. The notice shall identify the decision that is being appealed, and include the appellant's name, address, and signature, phone number, relationship to the variance decision action, and a clear statement of the specific reason(s) for the appeal including any alleged misapplication of City Codes.
 3. Upon receipt of such appeal, the Auditor shall then place the matter upon the Calendar of the City Council.
 4. At the time of the hearing, the City Council may consider such new matter as it deems appropriate, as well as the record developed before the Noise Control Officer or the Noise Review Board, and thereafter may affirm, reverse, modify or remand the decision.

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- J.** All variances are subject to review upon complaint. Notice of review shall be provided to the variance holder, and shall state the date, time and place of the review. The permittee shall have the opportunity of hearing prior to any revocation. Decisions relative to the review of a variance shall follow the procedures specified in Sections 18.14.020 H, and I.
- K.** Violation of the terms of the variance shall be grounds for the revocation of the variance. The Noise Control Officer or any Police Officer of the City of Portland may summarily revoke or alter conditions of any variance. A request for an applicant or responsible parties to cease activities shall be considered an immediate request and does not allow the permittee or his/her agent to complete any additional work or activity. Activities in violation of the Portland City Code or an approved Noise Variance must cease immediately upon notification of the Noise Variance revocation.

Chapter 18.16

**ORDINANCE ADDITIONAL
TO OTHER LAW**

18.16.010 Ordinance Additional to Other Law.

The provisions of this Title shall be cumulative and non-exclusive and shall not affect any other claim, cause of action or remedy; nor, unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise or sound, but shall be deemed additional to existing legislation and common law on such subject.

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Chapter 18.17

RULEMAKING

(New Chapter Added by Ordinance
No. 175772, effective August 1, 2001.)

18.17.010 Rulemaking.

(Amended by Ordinance Nos. 176955 and 186216, effective September 4, 2013.)

- A.** The Director has the authority to adopt administrative rules and supplemental regulations related to the provisions of this Title. The rules and regulations must be in conformance with the intent and purpose of this Title. The Director has the authority to administer such rules and regulations. Rules will be adopted according to the procedures in this section.
- B.** Permanent rules.
 - 1.** Prior to the adoption of a permanent rule, the Director will:
 - a.** Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than thirty days before the hearing. The notice must identify the place, time and purpose for the hearing; a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments and the location where copies of the full set of the proposed rules may be obtained.
 - b.** At the hearing, a designee of the Director will hear testimony and receive written comments regarding the proposed rules. The designee will provide a recommendation to the Director. The recommendation will take into consideration the comments received.
 - c.** The Director will review the recommendation of the designee and may either adopt the proposed rule, modify or reject it.
 - d.** If a substantial modification is made to the proposed rule, the Director may adopt the modification as an Interim Rule or provide additional public review prior to adoption.

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2. Unless otherwise stated, all rules will be effective two weeks after adoption by the Director.
- C. Interim rules.
1. An interim rule may be adopted by the Director without prior notice upon a finding that a failure to act promptly will result in a serious threat of injury or hazard to the public health or public or private property. The rule will include specific reasons for the finding.
 2. Interim rules will be effective for a period of not longer than 180 days.
 3. Not more than 30 days after adoption of an interim rule, public notice of interim rules must be given by publication in a newspaper of general circulation. Such notice must also identify the location at which copies of the full set of the interim rules may be obtained.
- D. All final and interim rules must be filed in the office of the Director. All final and interim rules will be available to the public at the Office of Neighborhood Involvement.
- E. For the purposes of this Section, "Director" shall mean the Director of the Office of Neighborhood Involvement, or any duly authorized representative of the Director.

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Chapter 18.18

ENFORCEMENT AND PENALTIES

Sections:

- 18.18.010 Authority for Enforcement.
- 18.18.020 Violations.
- 18.18.030 Civil Penalties and Fees.
- 18.18.040 Citations.
- 18.18.050 Review by the Director.
- 18.18.060 Institution of Legal Proceedings.

18.18.010 Authority for Enforcement.

(Amended by Ordinance Nos. 159276, 175772, 176955 and 186216, effective September 4, 2013.) This Title shall be enforced by the Office of Neighborhood Involvement and by the Bureau of Police. Duly authorized agents of either of these bureaus shall have citation authority for purposes of enforcing this Title.

18.18.020 Violations.

(Replaced by Ordinance No. 175772, effective August 1, 2001.)

- A.** The following constitute violations of this Title:
 - 1.** Any failure, refusal or neglect to comply with any provision of this Title;
 - 2.** Allowing or causing a condition that threatens to injure the public health or safety, or threatens to damage public or private property; or
 - 3.** Any failure, refusal or neglect to correct or cease any noise that does not comply with the provisions of this Title, after being required to do so by the Director or any Police Officer.
- B.** Each specific incident and each day of non-compliance will be considered a separate violation of this Title.

18.18.030 Civil Penalties and Fees.

(Replaced by Ordinance No. 175772, effective August 1, 2001.) A violation of this Title may result in assessment of civil penalties or enforcement fees, as provided below:

- A.** Civil penalties.