

April 1, 1970

RECEIVED

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RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.

BY Ray Smith
Auditor of the City of Portland,
City of the Council.

I respectfully request that the City Council withhold passage of the Ordinance (C.C. 1187 on April 2nd) enacting the "Code of the City of Portland," until the various Bureau heads, officers and employees who will be obliged to live with the "Code," have an opportunity to study it, and report their opinions to the Council.

It is to be hoped that final action authorized by Ord. No. 130644, passed on Suspension of Rules March 26, increasing expenditures for the totally unnecessary Code Revision, be curtailed until the ordinance (C.C. 1187) is again before the Council.

Respectfully submitted by
Robert L. May
21 NW Mitchell St
97201

ORDINANCE NO. 130672

An Ordinance enacting the "Code of the City of Portland, Oregon," so as to comprise within one code: regulations and prohibitions relating to the public peace, health, safety or general welfare; matters relating to rates, fees, licenses, assessments or taxes; provisions fixing fees or charges for city services or commodities; administrative organization, procedures or regulations; city election matters; fiscal regulations; and other rules, regulations, requirements or prohibitions of general and continuing applicability; prescribing penalties, repealing prior codes but preserving the same for certain purposes, and fixing an effective date of May 15, 1970.

The City of Portland ordains:

1.01.010 Title--Citation--Reference. This code shall be known as the "Code of the City of Portland, Oregon," and it shall be sufficient to refer to said code as the "Code of the City of Portland, Oregon," in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Code of the City of Portland, Oregon." Further reference may be had to the titles, chapters, sections and subsections of the "Code of the City of Portland, Oregon," and such reference shall apply to that numbered title, chapter, section or subsection as it appears in this code.

1.01.020 Reference applies to amendments. Whenever a reference is made to this code as the "Code of the City of Portland, Oregon," or to any portion thereof, or to any ordinance of the city of Portland, Oregon, the reference shall apply to all amendments, corrections and additions hereto.

1.01.030 Codification authority. This code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances of the city of Portland, Oregon, codified pursuant to state law.

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

(1) "City" shall mean the city of Portland, Oregon, or the area within the territorial city limits of the city of Portland, Oregon, and such territory outside of this city over which the city has jurisdiction or control by virtue of ownership or any Constitutional or Charter provisions, or any law.

(2) "City Council" or "Council" shall mean the city council of the city of Portland, Oregon.

(3) "County" shall mean the county and/or counties of Multnomah, Washington and Clackamas.

(4) "Mayor" shall mean the mayor of the city of Portland, Oregon.

(5) "Commissioner" shall mean a commissioner of the city of Portland, Oregon. If "commissioner" or "commissioner in charge" is used in connection with any department, bureau, or division, it shall mean the commissioner in charge of such department, bureau, or division.

(6) "Charter" or "Ordinance" shall mean the charter or ordinance of the city of Portland, Oregon, unless otherwise specifically designated.

(7) "Oath" includes affirmation.

(8) "Office" or "Officer." The use of the title of any officer, employee, or any office shall mean such officer, employee, or office of the city of Portland, Oregon, unless otherwise specifically designated.

(9) "Person" shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer or employee of any of them.

(10) "State" shall mean the state of Oregon.

(11) "Shall" and "must." Each is mandatory.

(12) "May" is permissive.

(13) "Written" shall include handwritten, printed, typewritten, mimeographed, multigraphed, or otherwise duplicated from printed or written material.

(14) "Law" denotes applicable Federal law, the Constitution of the United States, the Constitution and statutes of the state of

Oregon, the Charter and ordinances of the city of Portland, Oregon, and when appropriate, any and all rules and regulations which may be promulgated thereunder, and court decisions.

1.01.050 Grammatical interpretation. The following grammatical rules shall apply in this code.

- (1) Gender. Any gender includes the other genders.
- (2) Singular and plural. The singular number includes the plural and the plural includes the singular.
- (3) Tenses. Words used in one tense include any other tense as the context may require.
- (4) Use of words and phrases. Words and phrases used in this code and not specifically defined shall be construed according to the context and approved usage of the language.

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

1.01.070 Title, chapter and section headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

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

1.01.090 Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or a part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty due and unpaid at said effective date under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. When a requirement or obligation under a prior ordinance superseded by this code

is continued by this code in substantially similar terms, the requirement or obligation and any time limit fixed by the prior ordinance, or by official act or notice thereunder shall continue, and time shall be computed, in accordance with the terms of the prior ordinance, act or notice.

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

1.01.110 Repeal. The following general ordinances of the city are repealed, subject to preservation thereof under Section 1.01.090 of this code:

Code of General Provisions Ordinance No. 77820

"An Ordinance providing for a Code of general provisions; adopting the municipal Code of the City of Portland; describing the City seal; establishing general Code regulations; and prescribing penalties for violations of provisions contained in the municipal Code of the City of Portland," passed by the Council September 10, 1942, as amended.

Legislation and Elections Code Ordinance No. 77641

"An ordinance to establish a Legislation and Elections Code for the City of Portland; to prescribe rules of order and procedures for council meetings; to regulate the passage of ordinances and resolutions; to regulate the exercise of initiative and referendum powers in the city of Portland; to control municipal elections; and to provide for penalties for violations thereof," passed by the Council August 6, 1942, as amended.

Administration Code Ordinance No. 77780

"An Ordinance to establish an administration code; to prescribe regulations for the organization and duties of administrative units of the government of the city of Portland; to provide personnel rules for employees of the city; and to provide for pensions for certain employees, and to declare an emergency," passed by the Council September 3, 1942, as amended.

Finance Code Ordinance No. 77613

"An Ordinance providing for a Finance Code for the city of Portland; regulating the operation of funds and the payment of warrants; establishing budget procedures; providing for the keeping of records and the making of reports, controlling the maintenance, purchase, and sale of property; providing for delinquencies; and providing penalties for violations," passed by the Council July 30, 1942, as amended.

Public Works Code Ordinance No. 128743

"An Ordinance providing a Public Works Code of the City of Portland, regulating local and public improvements; regulating use of street and public area and facilities located therein; regulating repair and maintenance; providing assessment and financing procedures; regulating sewers and their use; regulating certain uses and practices related to public area; setting forth other related matters; requiring permits and fixing fees and charges; providing penalties; repealing Ordinance No. 76971 (Public Works Code) but continuing provisions thereof for certain purposes," passed by the Council March 20, 1969, as amended.

Planning and Zoning Code Ordinance No. 110103

"An Ordinance to provide a revised Planning and Zoning Code for the city of Portland, Multnomah and Clackamas Counties, Oregon, so as to provide regulations and restrictions for location, use and development of property within the City for various types of buildings, structures and activities; prescribing the various zone classifications and their regulations; limiting the height and bulk of buildings; fixing setback restrictions; prescribing penalties; fixing an effective date, and repealing Ordinance No. 77953, passed by the Council October 8, 1942, as subsequently amended, but preserving the same for certain purposes," passed by the Council May 28, 1959, as amended.

Building Code Ordinance No. 103415

"An Ordinance providing for building regulations, requiring permits and fees and providing penalties, fixing the effective date, repealing Ordinance No. 77435, and preserving certain rights and liabilities under Ordinance No. 77435," passed by the Council January 26, 1956, as amended.

Housing Code Ordinance No. 115647

"An Ordinance to be known as the Housing Code for the city of Portland, Oregon, to provide health and sanitary regulations for buildings used for human habitation; prescribing penalties, fixing an effective date, repealing Ordinance No. 86820, passed by the Council March 4, 1948, and all ordinances amendatory thereto, but preserving the same for certain purposes, and preserving certain War Code permits as provided in Ordinance No. 104586," passed by the Council August 16, 1962, as amended.

Heating and Ventilating Code Ordinance No. 77094

"An Ordinance to be known as the heating and ventilating code, regulating the installation, alteration, repair and maintenance of heating and ventilating systems and plants installed in the city and providing a penalty for the violation thereof," passed by the Council April 23, 1942, as amended.

Plumbing Code Ordinance No. 77482

"An Ordinance to be known as the Plumbing Code; defining terms, requiring permits and fees, construction, alteration, renovation, repair and maintenance of plumbing, sewer and drainage system, and providing penalties for violations thereof," passed by the Council July 9, 1942, as amended.

Water Code Ordinance No. 115258

"An Ordinance providing for a Water Code for the City of Portland, defining terms, making certain regulations, requiring certain permits and fees, providing penalties for violation thereof, repealing Ordinance No. 77279 (Public Utilities Code), passed by the Council June 4, 1942, as amended, but continuing the same for certain purposes, and declaring an emergency," passed by the Council May 24, 1962, as amended.

Electrical Code Ordinance No. 126527

"An Ordinance to be known as the Electrical Code regulating the lease, rental, installation, repair, use and removal of electrical wiring and equipment, providing penalties for violation thereof, repealing Ordinance No. 105000 and preserving certain rights and liabilities under Ordinance No. 105000 and fixing an effective date," passed by the Council April 4, 1968, as amended.

Air Quality Control Code Ordinance No. 118114

"An Ordinance providing for the control of air quality within Portland by providing standards of maximum permissible emissions [sic] of air contaminants, with exemptions, providing for registration by persons emitting the contaminants, providing for the enforcement by the Health Officer by order with a procedure of appeal from such order, or enforcement by judicial process, providing for variances from certain provisions, providing a penalty for violation, and repealing Article 22 of Ordinance No. 77013, Health and Sanitation Code," passed by the Council February 27, 1964, as amended.

Fire Code Ordinance No. 114851

"An Ordinance to provide a revised Fire Code for the city of Portland, Multnomah and Clackamas Counties, Oregon, establishing rules and regulations relating to the Bureau of Fire and the Division of Fire Prevention and Inspection; promoting the elimination and prevention of fire and explosion hazards; regulating the maintenance and equipment of structures and use of premises within the city of Portland; providing for the abatement of fire hazards; providing penalties for violations; fixing an effective date, and repealing Ordinance No. 78461 passed by the Council March 4, 1943, as subsequently amended, but preserving the same for certain purposes," passed by the Council March 8, 1962, as amended.

Sign Code Ordinance No. 76571

"An Ordinance providing for the Sign Code, defining terms, regulating the erection, construction and maintenance of signs within the corporate limits of the city of Portland, providing for permits and fees, and fixing penalties for violation thereof," passed by the Council January 15, 1942, as amended.

Police Code Ordinance No. 76339

"An Ordinance providing for a Police Code for the city of Portland; defining terms; making certain acts or omissions unlawful; providing for the abatement of nuisances; payment of rewards; issuance of permits and licenses; confiscation of certain property; appointment of certain committees; maintenance, handling and confinement of prisoners; establishing regulations; and providing penalties," passed by the Council December 4, 1941, as amended.

Elevator Code Ordinance No. 77614

"An ordinance to be known as the elevator code; providing regulations for the installation, alteration, repair, and maintenance of elevators, escalators, hoists, dumb-waiters and man lifts; requiring permits and fees; and providing a penalty for violations thereof," passed by the Council July 30, 1942, as amended.

Health and Sanitation Code Ordinance No. 77013

"An Ordinance establishing the bureau of health; regulating health and sanitation in the City of Portland; and providing penalties for the violation thereof," passed by the Council April 9, 1942, as amended.

Traffic Code Ordinance No. 75607

"An Ordinance regulating traffic on streets and highways; providing for motor vehicle inspection; authorizing installation and use of parking meters; fixing standards; providing for certain fees; providing penalties and declaring an emergency," passed by the Council July 10, 1941, as amended.

License and Business Code Ordinance No. 76398

"An Ordinance to regulate and license private businesses and occupations in the city of Portland, and declaring an emergency," passed by the Council December 18, 1941, as amended.

Disaster Code Ordinance No. 127292

"An Ordinance to be known as the Disaster Code for the City of Portland, Oregon, to establish operational responsibilities and duties of the city bureaus and departments in case of sudden or foreseeable disasters, authorizing participation by supporting agencies," passed by the Council July 25, 1968, as amended.

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

1.01.130 Effective Date. This code shall be effective on or after May 15, 1970.

1.01.140 Violations--Penalty. It shall be unlawful for any person to violate any provision or to fail to comply with any requirement of this code. Any person violating any provision or failing to comply with any requirement of this code, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment. However, no greater penalty

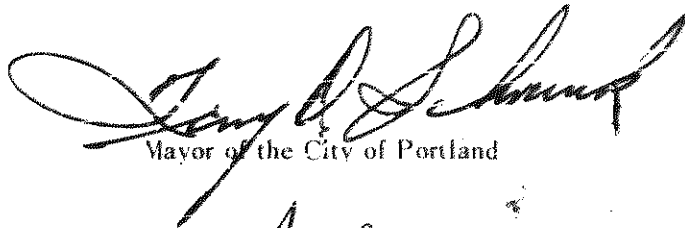
shall be imposed than the penalty prescribed by Oregon statute for the same act or omission. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued, or permitted by such person and may be punished accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any provision of this code shall be deemed a public nuisance and may be summarily abated by the city as authorized by this code. In addition, property shall be forfeited and city license may be suspended or revoked as provided in this code.

1.01.150 Prohibited acts include causing, permitting, etc. Any act or omission made unlawful under this code shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing such act or omission.

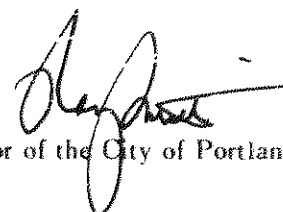
1.01.160 Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code,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

ORDINANCE No.

Passed by the Council, APR - 2 1970
Order of Council
MCR:jw:pm
March 20, 1970


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. ~~1187~~

ORDINANCE No. 130672

Title

An Ordinance enacting the "Code of the City of Portland, Oregon," so as to comprise within one code: regulations and prohibitions relating to the public peace, health, safety or general welfare; matters relating to rates, fees, licenses, assessments or taxes; provisions fixing fees or charges for city services or commodities; administrative organization, procedures or regulations; city election matters; fiscal regulations; and other rules, regulations, requirements or prohibitions of general and continuing applicability; prescribing penalties, repealing prior codes but preserving the same for certain purposes, and fixing an effective date of May 15, 1970.

MAR 26 1970
PASSED TO THIRD READING APR - 2 1970

Filed MAR 20 1970

RAY SMITH
Auditor of the CITY OF PORTLAND
By George Yehon Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Anderson	1	
Grayson		
Grayson		
Ivancie	1	
Macready	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR	
Anderson	
Grayson	
Grayson	
Ivancie	
Schrunk	

INTRODUCED BY
Order of Council

DRAWN BY
MCR:pm
Date March 20, 1970

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

City Attorney

NOTED BY THE CITY AUDITOR
<u>MC</u>

APPROVED
Date
By
City Engineer
Date
By