

## UPDATE INFORMATION SHEET

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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.**

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| <b>Update Packet Enclosed</b> | <b>September 30, 2014</b> |
| Previous Update Packet        | June 30, 2014             |



**CODE OF THE CITY OF PORTLAND, OREGON**  
**Insertion Guide for Code Revisions**  
**Office of the City Auditor 503-823-4082**  
**3rd Quarter 2014 (September 30, 2014)**

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| 3.127.030            | Organization.                                                       |
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**Chapter 3.06**

**DEPARTMENTS, BUREAUS AND  
DIVISIONS GENERALLY**

**Sections:**

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

**3.06.010      Departments Enumerated.**

The administrative service of the City shall be divided into the following executive departments:

- A.      Department of Public Affairs;
- B.      Department of Public Safety;
- C.      Department of Public Utilities;
- D.      Department of Public Works;
- E.      Department of Finance and Administration.

Each department shall be headed by a Commissioner.

**3.06.020      Bureaus and Divisions.**

The various functions and activities of the government of the City shall be assigned to bureaus, divisions, or other administrative units as herein provided by ordinance from time to time. The bureaus and activities assigned thereto shall be distributed to the departments by order of the Mayor.

**3.06.030      Acting Chief of Bureau or Office.**

(Added by Ordinance No. 135664, effective Dec. 6, 1972.) Unless specifically provided otherwise by ordinance, in the absence because of illness, disability, vacation or leave of absence, and upon resignation, retirement or discharge, of the chief of any bureau or office, whose duties are general by virtue of that position, his chief assistant or deputy shall serve as acting chief and perform the duties of chief without additional compensation, until the Council, the Commissioner In Charge or the superior official in charge directs assigns or otherwise or a permanent successor is designated and takes office.

**TITLE 3**  
**ADMINISTRATION**

**Chapter 3.08**

**TREASURER**

(Chapter replaced by Ordinance No. 151419;  
Amended by Ordinance No. 184539,  
effective May 20, 2011.)

**Sections:**

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

**3.08.010 Office.**

(Amended by Ordinance Nos. 158556 and 186746, effective August 6, 2014.) Public Finance and Treasury is a division within the Bureau of Revenue and Financial Services reporting to the Office of Management and Finance and shall consist of the City Treasurer, Debt Manager, Investment Officer, and such employees as the Council may provide.

**3.08.020 Salary-Bond.**

The salary of the City Treasurer shall be fixed by ordinance. A surety bond, payable to the City of Portland, in the sum of not less than \$200,000 shall secure the faithful performance and fidelity of City Treasurer duties. Any conflict between this Section and any other Sections in the City Code shall be interpreted to require the greater of any bond amounts or assurances in favor of the City.

**3.08.030 Duties of City Treasurer.**

(Amended by Ordinance Nos. 158556 and 177246, effective March 7, 2003.) Except as provided in this Chapter, the duties of the City Treasurer shall include the investment of all City funds in accordance with all statutes relating to investment of public funds, and in accordance with the City's current investment policy. The Treasurer may delegate to other City officials any duties or responsibilities assigned to the Treasurer by Charter, Code or statute relating to the foreclosure of delinquent liens.



**3.08.040      Treasurer Authorized to Deposit in Banks.**

(Amended by Ordinance Nos. 158556 and 186746, effective August 6, 2014.) The Treasurer shall have the authority to open or close bank accounts in the name of the City. The Treasurer shall make disposition of City deposits in such a manner as found by the Treasurer to be in the City's best financial interests. City funds in any bank are in the custody of the City Treasurer as required by law. The Treasurer shall be authorized to enter into deposit agreements as may be agreed upon with the bank. Each bank shall be authorized to accept City funds for deposit to any such accounts when tendered by any person without obligation to ascertain that the funds are being deposited in the proper account. The City Treasurer shall furnish each bank at which an account is maintained, a written statement naming the person or persons authorized to withdraw funds from such account, declaring the persons named therein are authorized assistants in the Public Finance and Treasury Division and certifying the signatures of the persons so named. Each bank should be authorized to honor withdrawals by the City Treasurer or by the person or persons named in such statement until written notice of cancellation or change is delivered to and received by the bank at which the account affected is maintained. In the event of the termination of services or death of the City Treasurer, the Chief Financial Officer shall make a record showing the time of termination and give notice to the banks maintaining a City account. The new City Treasurer shall be responsible for all monies received and disbursed after such time except that outstanding checks may be paid in due course and charged against the proper bank account. Each new City Treasurer shall promptly verify with each bank in which City funds are deposited and ascertain the exact balance and make sure rectification as may be needed because of outstanding checks. Each new City Treasurer shall have and exercise all of the authority of his/her predecessor and may execute any new banking agreements.

**3.08.050      Liability of Treasurer for Deposit of Funds.**

In the event of bank failure or bankruptcy and when deposits have been made as provided herein or authorized by law of the Charter, the Treasurer shall be exempt from all liability for loss of deposits, or bankruptcy or other acts of the bank or bankers to the extent and amount of such deposits.

**3.08.060      Council May Require Additional Security from Banks.**

If the Council deems the securities pledged by any bank insufficient and inadequate security for the City deposits with such bank, other or additional securities to be given by such bank shall be requested and require approval by the Council. If such bank fails to furnish such securities promptly, the Treasurer at once shall withdraw all deposits from such bank and such bank shall cease to be a depository of the City funds. To be reinstated as a depository of City funds requires that the bank deposit securities deemed satisfactory by a vote of the Council.

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**3.08.070      City Officers or Agents to Pay Money to the City Treasurer.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) Any officer or agent of this City or other person who shall receive or have possession of any money belonging to the City shall immediately pay the same to the Treasurer who shall receipt the money. Failure to pay to the Treasurer any money received within 24 hours shall be deemed sufficient cause for removal in the absence of excusable failure.

**Chapter 3.15**

**OFFICE OF  
MANAGEMENT AND FINANCE**

(Chapter replaced by Ordinance No. 181483;  
amended by Ordinance No. 184539,  
effective May 20, 2011.)

**Sections:**

- 3.15.010 Organization.
- 3.15.020 Bureau of Internal Business Services.
- 3.15.030 Business Operations Division.
- 3.15.040 Bureau of Revenue and Financial Services.
- 3.15.050 Bureau of Human Resources.
- 3.15.070 Bureau of Technology Services.

**3.15.010 Organization.**

(Amended by Ordinance Nos. 185807 and 186746, effective August 6, 2014.)

- A.** The Office of Management and Finance shall be under the direction and control of the Chief Administrative Officer (CAO) and shall include such other employees as Council may provide. The CAO shall report to the Mayor, but shall serve the entire Council, including providing information and advice to elected officials. The Office of Management and Finance is responsible for providing and coordinating administrative services of the City in support of the operational needs of City bureaus, and other duties as assigned. Administrative services include all those functions that provide products, services and support to City employees and programs that in turn provide direct services to the public. These services include, but are not limited to, the following: accounting, debt management, treasury management, payroll, grant administration, license, tax and fee collection, risk management, facilities and property management, fleet management, human resources and personnel services including employee training and education, technology services, printing and distribution, and procurement services.
- B.** The Office of Management and Finance consists of the Office of the CAO, the Bureau of Internal Business Services, the Bureau of Revenue and Financial Services, the Bureau of Human Resources, and the Bureau of Technology Services.

### **TITLE 3**

### **ADMINISTRATION**

- C.** The CAO shall be responsible for the overall coordination of the administrative services functions of the City. The CAO shall be authorized to:
- 1.** Formulate, approve and issue administrative rules and systems for providing City administrative services.
  - 2.** Implement and monitor administrative rules and systems for providing City administrative services.
  - 3.** Determine if any administrative service should be provided by City staff or outside vendors. Bureaus shall use the services of the Office of Management and Finance unless otherwise authorized by the CAO or directed by the City Council.
  - 4.** Determine the classifications, duties and reporting relationships for positions responsible for centralized administrative services including, but not limited to, human resources, procurement and technology services.
  - 5.** Recommend alternatives to Council for providing administrative services.
  - 6.** At Council direction, provide administrative services to any other governmental or private agency.
- D.** The CAO's duties include, but are not limited to:
- 1.** Evaluate the delivery of City administrative services; initiate improvements; and periodically report to Council on services and initiatives.
  - 2.** Provide the City Council with an annual workplan to improve city administrative services. The CAO will periodically meet with City Council to report on efforts to continually evaluate and improve all city administrative services, including those contained in the annual workplan.
  - 3.** Advise the Council and provide staff support to citywide projects and oversight committees including, but not limited to, technology oversight committees.
  - 4.** Participate with the City Budget Director, Mayor and City Council on City budget decisions, and ensure that information necessary to prepare the financial forecast is available to the City Budget Office.

- E.** The Office of the CAO shall be comprised of the Business Operations Division, a Policy Team, Spectator Facilities management, and Citywide projects assigned to the CAO.

**3.15.020 Bureau of Internal Business Services.**

- A.** The Bureau of Internal Business Services shall be supervised by a Director who shall report to the CAO. The Bureau of Internal Business Services consists of CityFleet, Facilities Services, Printing and Distribution Services, Procurement Services, and Risk Management. The Bureau of Internal Business Services provides facilities, fleet, printing and distribution, procurement and risk management services for the City; and any other duties assigned by the CAO. The Bureau of Internal Business Services shall be responsible for the CityFleet Operating Fund (PCC 5.04.180), the Facilities Services Operating Fund (PCC 5.04.185), the Printing and Distribution Services Operating Fund (PCC 5.04.200), the Insurance and Claims Operating Fund (PCC 5.04.230), the Worker's Compensation Self Insurance Operating Fund (PCC 5.04.240) and other assigned funds.
- B.** The Bureau of Internal Business Services Director shall be authorized to:
- 1.** Determine the City's equipment or leasing needs and determine appropriate methods of funding and financing such needs. Any proposed lease transactions shall first be reviewed and approved by the City's Debt Manager.
  - 2.** Execute real property agreements including, but not limited to, easements, permits, licenses and leases, and amendments or renewals of such real property agreements. The Commissioner-in-Charge of the Office of Management and Finance is authorized to request the City Attorney to proceed in court as necessary to enforce the provisions of any agreement authorized by this section.
  - 3.** Coordinate advance payments for building rentals. In cases where building space has been or shall be rented by the City on lease or on a month-to-month basis and the owner requires advance payment of rentals or a security deposit, the Auditor hereby is authorized to audit and allow such advance payment of rentals or security deposit, provided that advance payments of rentals shall be for a period of not to exceed 31 days.
  - 4.** Develop and enforce Rules of Conduct for City Buildings, and require all persons to obey the Rules of Conduct. City Buildings includes all real properties placed under the facilities management of the Office of Management and Finance. Any person who fails to comply with the Rules

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of Conduct for City Buildings, or the reasonable direction of the Person-in-Charge, may be excluded as provided in this Section.

- a.** Person-in-Charge is defined in ORS 164.205(5) and includes, but is not limited to, any of the following while acting in the scope of employment, agency or duty:
  - (1)** Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau;
  - (2)** Any person providing security services in any City Building pursuant to any contract with the City, or with any person, firm or corporation managing City leased properties on the City's behalf; or,
  - (3)** Any person specifically designated in writing as the Person-in-Charge by the Commissioner-in-Charge of the Office of Management and Finance or by the Bureau of Internal Business Services Director.
- b.** City Building Exclusions. Any Person-in-Charge may exclude any person who violates any Rule of Conduct while in or upon any City building or property, from a specific City building or property or from all City buildings and properties, for a period of 24 hours. The Mayor, and specifically identified designees of the Mayor, may issue an exclusion for any period of time up to and including permanent exclusion from City buildings.
  - (1)** The notice of exclusion shall be in writing, given to the person excluded and signed by the Person-in-Charge. It shall specify the dates and places of exclusion. It shall contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.
  - (2)** A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of the Code to have the notice of exclusion rescinded. Notwithstanding the provisions of Title 22, the appeal to the Code Hearings Officer shall be filed within 5 days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Person in Charge who issued the notice of exclusion shall be used as

evidence on appeal, unless the appellant requests, in writing, the presence of the Person-in-Charge at the appeal hearing.

- C.** CityFleet shall be supervised by a Fleet Manager who shall report to the Bureau of Internal Business Services Director. CityFleet is responsible for managing all City vehicles and equipment, owned leased or rented by the City. The Fleet Manager shall provide fleet management services as required by the CAO including, but not limited to:
1. Maintain an inventory of all city-owned, leased, or rented motorized vehicles and equipment, licensed trailers, and wheel-mounted equipment. This does not include fire fighting apparatus.
  2. Operate the City's maintenance and repair facilities now existing or in the future established for maintenance or repair of the above described fleet equipment.
  3. Assist with identifying City vehicle and equipment needs.
  4. Manage the assignment of fleet vehicles and equipment.
  5. Assist in the development of fuel and resource conservation plans.
  6. In cooperation with the Procurement Services Division, purchase, lease or rent vehicles and equipment as defined above. Any proposed lease transactions shall first be reviewed and approved by the City's Debt Manager.
- D.** Facilities Services shall be supervised by a Facilities Manager who shall report to the Bureau of Internal Business Services Director. The Facilities Manager shall provide facilities management services as required by the CAO including, but not limited to:
1. Provide property management services for the inventory and rental of city-owned real property. Provide property management services for the purchase, sale and replacement of city-owned real property.
  2. Provide facilities maintenance services, including but not limited to, maintenance and repair of City buildings and their related equipment; and the administration of janitorial, maintenance and security contracts.

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3. Provide architectural services including but not limited to architectural design, facilities and space planning, and project management of City capital projects.
- E. Printing and Distribution Services shall be supervised by a Manager who shall report to the Bureau of Internal Business Services Director. Printing and Distribution Services is responsible for managing all reproduction, mail, distribution and copy services used by the City, and shall be responsible for the equipment needed to provide these services. The Printing and Distribution Manager shall provide printing and distribution management services as required by the CAO including, but not limited to:
1. Provide rapid, convenient reproduction, distribution and mail services, and provide advice and consultation on these services.
  2. In cooperation with the Procurement Services Division, review and approve requests for the lease or purchase of office copiers/printers.
  3. Manage the processing of U.S. mail and pick up and delivery of interoffice mail, packages and equipment.
- F. Risk Management shall be supervised by a Risk Manager who shall report to the Bureau of Internal Business Services Director. Risk Management is responsible for administering, coordinating and controlling all activities related to commercial and self-insurance including, but not limited to: property and casualty insurance, workers' compensation insurance, liability insurance and the City's right to subrogation on these insurance programs. Risk Management shall obtain a public liability insurance policy or provide the necessary funding through a self-insurance program protecting the City, its officers, agents and employees with limits of not less than the maximum statutory limits of liability imposed on municipalities of the State of Oregon. Risk Management shall monitor and coordinate a citywide loss prevention and control program to minimize potential property, liability, fidelity and personnel losses. Risk Management shall maintain records relating to commercial and self-insurance losses or claims filed against the City. It shall execute any claim or proof of loss for damage to City property.
1. The Risk Manager is hereby delegated authority to evaluate and approve applications for self-insurance programs in lieu of commercial insurance requirements in any City agreement including, but not limited to, contracts and permits. Upon approval of a self-insurance program, the insurance coverage obligation in the City agreement shall be automatically amended without further action by the Council, subject to the approved form being filed with the City Auditor or such other bureau as may be charged with keeping the records.



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2. The Risk Manager is authorized to act on behalf of the City on all matters related to workers' compensation including, but not limited to: accept, deny or defer claims; authorize payments of workers' compensation benefits in the amounts required by law relating to workers' compensation claims filed with the City; and, subject to the provisions of the City Charter governing settlements, enter into settlements of workers' compensation claims whether it be on a disputed claims disposition agreement or disputed claim settlement basis. Workers' compensation insurance shall be administered in accordance with the laws for the State of Oregon and shall be on a self insurance basis. The City Attorney may represent the City on workers' compensation matters, including litigation or settlement of claims. The City Attorney shall approval all settlements as to form.
  3. Subject to the provisions of City Charter governing settlements, the Risk Manager is authorized to act on behalf of the City of Portland in the settlement of tort claims and court actions alleging employment discrimination and violations of civil rights, subject to concurrence of the Bureau of Human Resources Director.
  4. The Risk Manager is authorized to investigate complaints of discrimination filed with the Civil Rights Division of the Oregon Bureau of Labor and Industries, or the Equal Employment Opportunity Commission. During the investigation of complaints filed, the Risk Manager or designee shall be an agent of the Office of the City Attorney for purposes of representing the City. The Risk Manager is authorized to settle such complaints subject to the following provisions.
    - a. Subject to PCC Section 3.15.040, the Risk Manager may make settlements in an amount not exceeding \$5,000 and shall file a report with the Council two weeks after the end of each month with respect to the settlements entered into pursuant to this subsection.
    - b. Where a settlement agreement provides for payment of a claim in an amount in excess of \$5,000, the settlement must be approved by City Council.
  5. The Risk Manager is authorized to investigate and enter into settlements on fair and moral claims which are not covered by insurance.
- G.** Procurement Services Division shall be supervised by the Chief Procurement Officer (CPO) who shall report to the Bureau of Internal Business Services

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Director. The Procurement Services Division shall be responsible for procurement and contractor services as directed by the CAO. The CPO shall be responsible for the duties of the Chief Procurement Officer under the Charter, Code or general law including, but not limited to those described in PCC Section 5.33.040 and PCC Chapter 5.68.

#### **3.15.030 Business Operations Division.**

Business Operations Division shall be supervised by a Manager who shall report to the CAO. Business Operations is responsible for policy development, communications, specific project management services, and budget and financial services for all bureaus and divisions in the Office of Management and Finance.

#### **3.15.040 Bureau of Revenue and Financial Services.**

(Amended by Ordinance Nos. 185652, 185807 and 186746, effective August 6, 2014.)

- A.** The Bureau of Revenue and Financial Services (BRFS) shall be supervised by a Director, who shall also serve as the Chief Financial Officer (CFO) of the City. The Director shall report to the CAO, but shall serve the entire Council including providing information and advice to elected officials. The Bureau of Revenue and Financial Services shall consist of the following units: Accounting; Public Finance and Treasury, Revenue and Grants. The Bureau of Revenue and Financial Services is responsible for treasury and debt management, accounting, grants management and assigned grant funds, pension oversight, revenue and tax collection, regulatory programs, programs of the Office for Community Technology, and other services or responsibilities the Council or the CAO may assign.
- B.** Serving as CFO, the Director shall be responsible for the overall coordination of financial services of the City. The duties shall include, but not be limited to, the following Citywide responsibilities:
  - 1.** Financial management and policy development
  - 2.** Long-range financial planning and financial sustainability
  - 3.** Revenue development and collection activities
- C.** The Accounting Division shall be supervised by a Controller who reports to the the BRFS and shall have specific authority to:
  - 1.** Establish, maintain and enforce citywide accounting policies, practices, rules and regulations. The Controller shall be the final authority for interpretations of accounting and financial reporting policies and practices.

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2. Authorize reports that disclose the fiscal condition of the City to external users including the Comprehensive Annual Financial Report (CAFR), the Single Audit Report, and other reports required by federal, state and local regulations.
  3. Conduct or contract with public accounting firms to conduct financial and compliance audits and other tests to determine compliance with citywide accounting and financial reporting policies and current professional standards and adequacy of internal controls over accounting transactions, the cost of which shall be paid by the bureau being audited.
- D.** Public Finance and Treasury Division shall be supervised by the City Treasurer, who shall report to the BRFS Director. The Treasurer shall have those authorities and responsibilities as described in PCC Chapter 3.08. Debt Management within the Public Finance and Treasury Division, shall be supervised by the Debt Manager who shall report to the City Treasurer. Debt Management is responsible for managing the City's debt program to ensure access to capital markets including long- and short-term capital financing programs, providing expert advice to City bureaus and officers regarding placement of debt and capital financing issues, and performing other duties as assigned. The Debt Manager is responsible for assuring that sales or leasing agreements entered into by the City comply with applicable Federal tax exemption regulations for funding and financing.
- E.** The Revenue Division shall be supervised by a Director who shall report to the BRFS Director. The responsibilities of the Revenue Division shall include, but are not limited to:
1. Manage all billing and collection software used by the Revenue Division including, but not limited to, maintenance, defect troubleshooting, problem resolution, development, enhancements and upgrades.
  2. Support end users in diagnosing and resolving system problems.
  3. Conduct business and system process improvements.
  4. Manage, enforce and collect business license taxes.
  5. Manage, enforce and collect transient lodging taxes.
  6. Manage, enforce and collect the Arts Education and Access Income Tax.
  7. Manage and enforce regulatory programs assigned by City Council, including the authority to enact administrative rules and regulations.

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8. Manage and collect assessments and liens, in coordination with the City Auditor's Office.
9. Perform business management functions including mail processing, receipting and distribution; and perform overall financial accounting of bureau revenues.
10. Audit functions including the Portland area business license tax returns, transient lodging taxes and internal systems and processes, as well as other special audits as deemed necessary.
11. In consultation with the requesting bureau, recommend systems for new revenue or fee collection services.
12. Manage funds as assigned.
13. Manage, administer and enforce such responsibilities as are assigned to the Office for Community Technology by City Code or the Council, and
14. Perform such other duties as may be required by ordinance or by the City Council, or which are necessary to implement the purposes of this Chapter.

#### **3.15.050 Bureau of Human Resources.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A. The Bureau of Human Resources shall be supervised by a Director who shall report to the CAO. The responsibilities of the Bureau of Human Resources shall include coordination and control of the administrative and technical activities relating to maintenance of a comprehensive human resources system for the City, including labor relations and negotiations, promoting diversity and equity in outreach employment and recruitment services, classification and compensation, training and workforce development, human resources systems, payroll, deferred compensation, and employee benefits and wellness. The Bureau of Human Resources shall be responsible for the health benefit plan administration and funding including the Health Insurance Fund.
- B. The Human Resources Director shall formulate, administer and monitor administrative rules approved by the Council, or the CAO, including provisions for:
  1. Recruitment, examination, certification and appointment on the basis of applicants' knowledge, skills and abilities.

2. Classification and compensation.
  3. Employee behavior and expectations.
  4. Disciplinary guidelines with notice to employees of prohibited practices.
  5. Employee training and development.
- C.** In accordance with Oregon law, the Human Resources Director or designee, on behalf of the Council, may enter into agreements with labor organizations, recognizing their exclusive representation of specified classifications within City service.
- D.** Dispute Resolution.
1. The Human Resources Director or designee(s) is the official interpreter for the City pertaining to its collective bargaining agreements and any other written compensation and benefits plans and personnel policies established by the Council.
  2. The Commissioner-in-Charge of a bureau shall retain the right to hear individual grievances and or complaints on a case by case basis. In settling such grievances and or complaints, the Commissioner-in-Charge shall do so with the advice and consent of the City Attorney and the Human Resources Director.
  3. If the Commissioner-in-Charge of a bureau does not retain jurisdiction of a grievance and or a complaint within one week of receiving the issues, then the Human Resources Director shall automatically have jurisdiction to settle the issue.
  4. Provision for resolution of disputes is as follows:
    - a. Within one (1) day following the filing of a written grievance under a collective bargaining agreement or complaint under other written personnel policy adopted by Council, the bureau or department recipient of the grievance or complaint shall provide a copy to the Human Resources Director of the written grievance or other complaint document. During the investigation of grievances and complaints, the Human Resources Director or designee(s) shall be an agent of the Office of the City Attorney for purposes of representing the City.

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- b.** Where the claim is for wages or other monetary benefit not exceeding \$5,000 per claimant, the supervisor, division manager or bureau director, with the approval of the Commissioner-in-Charge of the bureau and of the Human Resources Director, may accept or adjust the claim in settlement on behalf of the City, where settlement is deemed prudent and appropriate, provided that:
  - (1)** The Human Resources Director authorizes the settlement in writing and gives written notice to the payroll division or to the benefits program manager involved to draw and issue a check not exceeding \$5,000 per claim for the settlement expense, charged to the appropriate center code, account number or fund;
  - (2)** Payments which are an exception to Section 5.08.020 of the Code, which requires payroll checks to be drawn only for services rendered, shall be made only when the Human Resources Director determines such payment to be in the best interests of the City and the Office of the City Attorney approves. This Section shall be narrowly applied.
  - (3)** The Office of the City Attorney reviews and approves the settlement agreement as being not in conflict with State or Federal laws, applicable ordinances and collective bargaining agreements pertaining to conditions of employment.
- c.** Where a settlement agreement provides for payment of claims for back wages or other monetary benefit in an amount exceeding \$5,000, the settlement shall not be authorized or enforceable unless approved by the City Council by ordinance.
- d.** The Human Resources Director or designee is authorized to investigate complaints and reports of employment discrimination, in accordance with the Risk Management Section 3.15.020 where applicable. During the investigation of complaints and reports, the Human Resources Director or designee shall be an agent of the Office of the City Attorney for purposes of representing the City.
- e.** The Human Resources Director will file a report to Council 2 weeks after the end of each month with respect to the settlements entered into pursuant to this section.

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- E.** The Human Resources Director shall establish objectives for the Bureau of Human Resources and develop a plan for accomplishing these objectives and carrying out the mission of the Bureau of Human Resources.
- F.** The Human Resources Director shall design, manage and administer a comprehensive and competitive Classification Plan and Compensation Plan. The Council, or the Human Resources Director by express delegation by ordinance from the Council, shall fix the salaries, compensation and benefits of all officers, agents and employees of the City. No other bureau director or subordinate employee has the authority to change the salaries, compensation or benefits of any City officer, agent or employee.
- G.** The Human Resources Director and the Benefits Manager shall design, manage and administer a comprehensive, competitive and compliant benefits package, including the Deferred Compensation Program, as approved by the Council, including provisions for:
  - 1.** Medical, dental and vision coverage
  - 2.** Dependent Care Assistance Plan
  - 3.** Medical Expense Reimbursement Plan
  - 4.** Life Insurance
  - 5.** Long-Term Disability
  - 6.** Employee Assistance Program; and
  - 7.** Deferred Compensation Program

Such provisions shall include employee participation eligibility and enrollment, claims management, procedures for record keeping and responsibility for all applicable reporting and disclosure requirements.

**3.15.060 Revenue Bureau.**

(Repealed by Ordinance No. 186746, effective August 6, 2014.)

**3.15.070 Bureau of Technology Services.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** The Bureau of Technology Services shall be supervised by the Chief Technology Officer (CTO) of the City, and who shall report to the CAO. The Bureau shall be

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responsible for the Technology Services Fund (PCC 5.04.500). The CTO shall have specific authority to:

1. Enter into nondisclosure agreements between the City and prospective vendors in order for City employees to review proprietary information on products and technologies that are, or might be, considered for use by the City. A nondisclosure agreement is one that prohibits the release of proprietary or confidential information, whether held by the City or the vendor, and does not include any monetary consideration.
  2. In consultation with the bureau that is the custodian of record, enter into data grant agreements between the City and grantees in order for Bureau employees to share City Geographical Information Systems data. A data grant agreement is one in which the City will grant the use of pertinent GIS data to agencies, organizations or individuals (grantees) for research projects or projects performed under contract with the City. Data grant agreements may include direct cost reimbursements to the City.
- B.** Except as specifically exempted by the CTO, the Bureau shall manage, establish policies and standards, and provide technical support for all City-owned technology systems. Technology systems include, but are limited to, information and electronic communications systems. It shall:
1. Provide citywide technology strategic planning and consulting services, including project scoping, budget preparation and analysis, system planning and procurement, resource allocation and project management for technology projects.
  2. Design, implement and manage all technology hardware and software including system security measures.
  3. Manage all citywide radio, video, data communications, microwave, wireless communications and telephone systems and equipment owned by the City.
  4. Design, implement and manage all citywide voice, video and data applications.
  5. Manage all end user technology support services, including Help Desk and Desktop Support services.
  6. Manage citywide Geographic Information Systems.



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7. Provide all Internet and Intranet services to City bureaus, offices, boards and commissions.
8. In cooperation with the Procurement Services Division of the Bureau of Internal Business Services, review and approve the purchase of all technology software, hardware and professional consulting services. Any proposed technology lease transaction shall first be reviewed and approved by the City's Debt Manager.
9. Provide technical expertise and information to technical oversight committees for City technology projects.
10. Provide all telephone services to City bureaus; coordinate with telephone vendors; order new facilities and equipment for city-owned or leased systems; plan telephone systems; and resolve all telephone problems.
11. Manage the City's official website.
12. Manage and authorize all City domain name registrations and renewals.
13. Manage the Enterprise Business Solution Division which is responsible for managing technology systems used to standardize and manage the City's business affairs and providing Citywide services in, but not limited to, the areas of fiscal services, procurement, and human resources services. The EBS Division shall be supervised by a Manager who shall report to the CTO.

**3.15.080 Enterprise Business Solution Division.**  
(Repealed by Ordinance No. 186746, effective August 6, 2014.)

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**Chapter 3.16**

**CITY BUDGET OFFICE**

(Chapter added by Ordinance No. 185807,  
effective December 12, 2012.)

**Sections:**

- 3.16.010      Organization.  
3.16.020      Authority of Council.

**3.16.010      Organization.**

The City Budget Office shall be under the direction and control of the City Budget Director and shall include such other employees as Council may provide. The City Budget Director shall report to the Mayor. The City Budget Director shall serve and perform the duties of the City's budget officer, as defined in Oregon Revised Statutes, or shall name a designee to perform these duties. The City Budget Office is responsible for:

- A.**      Coordinating development and administration of the City's budget, including capital budgeting and the development of budget recommendations for all City bureaus and funds;
- B.**      Financial planning and operational review of the City's utilities, including administration and maintenance of an independent utility review function that provides City Council with an annual review of utility rates and economic impacts;
- C.**      Long range financial forecasting for the City's funds, including oversight of the General Fund;
- D.**      Preparing General Fund Five-Year Forecasts at least twice each fiscal year. The General Fund Five-Year Forecasts shall be released and made publicly available on or before December 31st and on or before April 30th;
- E.**      Collaborating with the Office of Management and Finance on the development of financial forecasts and providing forecasting information to the Chief Administrative Officer when requested;

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 Administration and Enforcement.**

(Amended by Ordinance Nos. 175327, 176955, 183793, 186564 and 186736, effective August 29, 2014.) 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, amend and repeal administrative rules, policies, procedures and forms for the enforcement of applicable Code provisions and laws.
- B. Establish enforcement fees or penalties for non-compliance.

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#### **ADMINISTRATION**

- C.** Establish enforcement priorities based on the number of budgeted enforcement personnel, public safety and welfare factors, and any priorities established by City Council.
- D.** Gain compliance by:
  - 1.** Instituting an action before the Code Hearings Officer in the manner provided for by Title 22 of this Code.
  - 2.** Causing appropriate action to be instituted in a court of competent jurisdiction.
  - 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 or revoking a Type A accessory short-term rental permit for failure to comply with the regulations of City Code Chapter 33.207 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.

- E.** 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.** When a property meets the conditions for charging any Council approved fee or penalty for noncompliance, the Director shall file a statement with the City Auditor identifying the property, the amount of the fee or penalty and the date upon which the charge should be assessed. The City Auditor shall notify the property owner of the amount of the assessed fees and penalties, and a 10 percent City Auditor charge. The City Auditor shall record the total amount as a lien in the Docket of City Liens. The City Auditor shall maintain the lien record until the lien and all associated interest and costs are paid in full, and the Director certifies that all violations listed in the original or subsequent notice of violation have been corrected.

## **TITLE 3 ADMINISTRATION**

7. Providing for administrative procedures as set forth in Subsections 29.70.010 C. through E.
8. Providing for administrative review and the opportunity for appeal to the Code Hearings Officer as set forth in Section 29.80.010.
9. Allowing exceptions as provided in Section 29.60.100.

### **3.30.045 Administrative Rulemaking Procedures.**

(Added by Ordinance No. 186564, effective June 13, 2014.)

- A. The Director has been delegated the authority to adopt and administer administrative rules appropriate to perform the duties set forth in Section 3.30.010 of this Title. Such administrative rules shall be adopted according to the procedures in this Section.
- B. Permanent rules.
  1. Prior to the adoption of a permanent rule, the Director shall:
    - a. Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than thirty days before adoption of the administrative rule. The notice shall include the place and time of a proposed public 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. A copy of the notice will be provided to the Office of Neighborhood Involvement at least thirty days before adoption. The Director is only required to hold the public hearing if a written request is filed seeking a hearing.
    - b. During the public review process, the Director shall hear testimony and receive written comments regarding the proposed rules.
    - c. The Director will review the testimony and comments and may either adopt the proposed rule, modify it or reject it.
    - d. If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for public review and comment prior to adoption.
  2. Unless otherwise stated, all rules will be effective upon adoption by the Director.

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- 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 3.98**

**TOWING BOARD OF REVIEW**

(Chapter added by Ordinance No. 138941,  
effective October 10, 1974.)

**Sections:**

- 3.98.010 Created - Organization.
- 3.98.020 Procedure and Rules.
- 3.98.030 Staff.
- 3.98.040 Contracts - Rates.
- 3.98.050 Eligibility.
- 3.98.060 Powers of Board.
- 3.98.080 Appeals.

**3.98.010 Created - Organization.**

(Amended by Ordinance Nos. 143364, 149583, 157639, 168911, 172488 and 186746 effective August 6, 2014.)

- A.** There hereby is created a Towing Board of Review, hereinafter referred to as the Board, consisting of eight voting members and two nonvoting members. A quorum of the Board shall consist of five voting members.
- B.** The voting members of the Board shall be: the Director of the Portland Bureau of Transportation or an appropriate designee; the Executive Director of the Port of Portland or appropriate designee; the Chief of Police or an appropriate designee; the Traffic Engineer or appropriate designee; the Sheriff of Multnomah County or an appropriate designee; and three members of the general public with no affiliation with the towing industry, appointed by the Mayor, subject to confirmation by the City Council to serve for a period of 2 years. The Mayor shall designate one of the eight voting members to serve as the Chair, who shall so serve at the Mayor's pleasure.
- C.** The two nonvoting members shall be representatives of the towing industry appointed by the Mayor to serve for 1 year subject to confirmation by the Council.
- D.** All members of the Board shall serve without pay, except that they may receive their regular salary during the time spent on matters of the Board. A vacancy on the board shall be filled in accordance with the appointment procedures described above.



- E. If any member of the Board is absent from more than three regularly scheduled meetings of the Board during a single calendar year, without having notified the Chair in advance of such absence, such member shall be deemed to have resigned from the Board and the position shall thereafter be vacant and subject to appointment.

**3.98.020 Procedure and Rules.**

The Towing Board of Review shall establish its own rules and bylaws, and provide the procedure for all matters for consideration or action by the Board.

**3.98.030 Staff.**

(Amended by Ordinance Nos. 153508, 157639 and 186746, effective August 6, 2014.)  
The Portland Bureau of Transportation shall provide staff and appropriate assistance for the Board.

**3.98.040 Contracts - Rates.**

- A. The Board shall determine the terms and content of the contracts the City will abide by in contracting for dispatching and towing services.
- B. The Board is empowered to hold public hearings to establish a fair rate of payment to be received for service performed under the various towing contracts and to determine the payment each towing company shall make to the dispatcher for services rendered.

**3.98.050 Eligibility.**

(Amended by Ordinance No. 153508, effective Aug. 2, 1982.) The Towing Board of Review shall establish the terms, conditions, and contents of the City towing contracts, and the terms, conditions, and methods of selecting towing companies eligible for such contracts and able and willing to perform in accordance with the terms thereof, and shall certify to the Council the towing companies thereby eligible for a towing contract with the City.

**3.98.060 Powers of Board.**

The Board shall be responsible for reviewing the performance of the City's towing service contracts and to recommend to the Council any changes it feels necessary to promote the general purpose of establishing fair and equitable arrangements for the performance of tows requested by City personnel and the board shall be empowered to act on behalf of the City to:

- A. Oversee the operation of and inspect the equipment and personnel qualifications of all parties contracting with the City for towing or dispatching service to

### **TITLE 3 ADMINISTRATION**

determine if they are in compliance with their contracts; and hear and investigate complaints regarding the City's towing contracts and the performance thereof.

- B.** Establish dispatching district boundaries and lists of towing companies within each district eligible to be dispatched for tows:
  - 1.** In establishing district boundaries, the Board shall consider;
    - a.** The number and location of towing companies certified by the board as eligible for City towing contractors, and;
    - b.** That the purpose of establishing districts is to ensure that a tow truck shall be available in the minimum amount of time possible and no later than 30 minutes after request for tow is received; and a motorist whose vehicle is towed shall have to travel the minimum possible distance to recover his vehicle;
  - 2.** The Board is authorized to establish separate district boundaries if necessary for the dispatching of tows to be performed under different forms of contracts.
- C.** Cancel any towing or dispatching contract under the terms thereof.

#### **3.98.080 Appeals.**

(New Section substituted by Ordinance No. 170282, effective June 19, 1996). Any towing company directly affected by an action of the Board may appeal to the Code Hearings Officer, pursuant to provisions of Chapter 22.10 of this Code under the following circumstances:

- A.** The towing company's contract with the City has been revoked or suspended by the Towing Board of Review;
- B.** The towing company has been directed by the Towing Board of Review to pay a civil penalty; or,
- C.** Against whom the Towing Board of Review has otherwise elected to impose Contract remedies.

**Chapter 3.102**

**PROPERTY TAX EXEMPTION FOR NEW CONSTRUCTION OF SINGLE-UNIT HOUSING IN HOMEBUYER OPPORTUNITY AREAS**

(Chapter replaced by Ordinance No. 185477,  
effective August 1, 2012.)

**Sections:**

- 3.102.010 Purpose.
- 3.102.020 Definitions.
- 3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.
- 3.102.040 Exemption Requirements.
- 3.102.050 Application Review and Approval.
- 3.102.060 Compliance.
- 3.102.080 Termination of the Exemption.
- 3.102.090 Implementation.

**3.102.010 Purpose.**

- A.** The City of Portland adopts the provisions of Oregon Revised Statutes 307.651 through 307.687, and administers a property tax exemption program for new construction of single-unit housing authorized under those provisions.
- B.** In addition to meeting the legislative goals set forth in ORS 307.654, the program also seeks to accomplish the following additional core goals:
  - 1.** Stimulate the construction of affordable housing and other public benefits where such housing or benefits may not otherwise be made available.
  - 2.** Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau's Strategic Plan.
  - 3.** Provide transparent and accountable stewardship of public investments.

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#### **3.102.020 Definitions.**

(Amended by Ordinance No. 186700, effective July 1, 2014.) As used in this Chapter:

- A. “Administrative Rules”** means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes and procedures.
- B. “Applicant”** means the individual who or entity which owns the property and is submitting an application for the tax exemption program and is legally bound to the terms and conditions of an approved tax exemption, including but not limited to any compliance requirements under this Chapter.
- C. “Single-unit housing”** has the meaning set forth in ORS 307.651(4).

#### **3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.**

- A.** Single-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.664 and the Administrative Rules.
- B.** However, the Portland Housing Bureau may, upon action by City Council on an annual basis, determine a limit on the number of applications accepted under this Chapter.

#### **3.102.040 Exemption Requirements.**

(Amended by Ordinance No. 186700, effective July 1, 2014.) In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the proposed construction will meet the following requirements and public benefits upon completion of construction:

- A. Property**
  - 1.** Single-unit housing must be located within the City of Portland;
  - 2.** Each qualified dwelling unit in the single-unit housing must have a market value at the time of completion of no more than the amount determined annually by Portland Housing Bureau according to ORS 307.651(3) and 307.661;
  - 3.** Construction of the single-unit housing must be completed according to ORS 307.681(1), except as provided in ORS 307.374;

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**ADMINISTRATION**

4. Each qualified dwelling unit must sell to the initial homebuyer within two years of activation of the exemption;
5. Each qualified dwelling unit must have at least three bedrooms unless built within an approved transit-oriented area as determined by the Portland Bureau of Planning and Sustainability and included on the map defining eligibility areas where two bedroom homes are allowed; and
6. The single-unit housing must comply with all other requirements under the Code of the City of Portland.

**B. Affordability**

1. Each dwelling unit of the single-unit housing must be sold to a household with an annual gross household income not greater than one hundred percent of the area median income for a family of four as determined annually for the Portland Metropolitan Area by the United States Department of Housing and Urban Development, which income may be adjusted upward for households with more than four persons.
2. For the purposes of this program, household income is the annual gross income of the titleholder who will occupy the dwelling unit.

**C. Owner-Occupancy**

1. Once sold to the initial buyer, the dwelling unit shall remain owner-occupied as the principal residence of the titleholder receiving the tax exemption during the tax exemption period;
2. Hardship exception to the owner-occupancy requirement may be granted by the Portland Housing Bureau in accordance with its policies. Such hardship exceptions may include, but are not limited to, the following circumstances:
  - a. Active military duty outside of the area;
  - b. Temporary relocation to care for an ill or dying family member; or
  - c. Temporary relocation caused by an employer; and
3. The single-unit housing may not be rented at any time during the exemption period.

**D. Equity**

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### **ADMINISTRATION**

1. Applicant must acknowledge familiarity with Portland Housing Bureau's Minority, Women, and Emerging Small Businesses (MWESB) guidelines and contracting opportunity goals, and report on past contracting relationships.
  2. Applicant must acknowledge awareness and understanding of Portland Housing Bureau's Guiding Principles on Equity and Social Justice and Strategic Priority of Helping Portlanders from Communities of Color buy a home and agree to partner with Portland Housing Bureau to assure that communities of color are aware of properties for sale with exemptions.
- E.** Green Building. The new construction must be built to meet healthy and resource efficient environmental building standards.
- F.** Application Fee. The applicant must pay an application fee determined by the Portland Housing Bureau as described in ORS 307.674 (5).

#### **3.102.050 Application Review and Approval.**

- A.** The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.667 through 307.674.
- B.** Applicants must apply for the tax exemption prior to issuance of the building permit for the single-unit housing.
- C.** If construction of the single-unit housing is not completed within the timeframe described in ORS 307.674, Portland Housing Bureau may extend the deadline as consistent with ORS 307.677.
- D.** The issuance of final building permits shall indicate compliance with the Code of the City of Portland and shall be sufficient to meet the design standards as described in ORS 307.651(4)(a)
- E.** Any exemption under this Chapter must be approved by City Council by resolution, and Portland Housing Bureau will deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.674.

#### **3.102.060 Compliance.**

(Amended by Ordinance No. 186700, effective July 1, 2014.)

- A.** Upon approval, Portland Housing Bureau will record a notice on title of the single-unit housing requiring Portland Housing Bureau verification of homebuyer

affordability and owner-occupancy qualification prior to the sale of each dwelling unit to an initial homebuyer.

- B.** Single-unit housing which sells to homebuyers who do not meet the affordability or owner occupancy qualifications, will have the tax exemption removed as of the next tax year.
- C.** Single-unit housing not meeting the exemption requirements by selling over the established sale price at initial sale will have the tax exemption terminated according to Section 3.102.080 and require the applicant to repay any exempted taxes consistent with ORS 307.687.

**3.102.070 Designation of Homebuyer Opportunity Areas.**  
(Repealed by Ordinance No. 186700, effective July 1, 2014.)

**3.102.080 Termination of the Exemption.**  
If the Portland Housing Bureau determines that the single-unit housing fails to meet any of the provisions of ORS 307.651 to 307.687 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.681 through 307.687.

**3.102.090 Implementation.**  
Portland Housing Bureau may adopt, amend and repeal the administrative rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

## **TITLE 3 ADMINISTRATION**

### **Chapter 3.103**

#### **PROPERTY TAX EXEMPTION FOR MULTIPLE-UNIT HOUSING DEVELOPMENT**

(Chapter replaced by Ordinance No. 185477,  
effective August 1, 2012.)

##### **Sections:**

- 3.103.010 Purpose.
- 3.103.020 Definitions.
- 3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.
- 3.103.040 Minimum Threshold Requirements.
- 3.103.050 Application Review and Scoring of Public Benefits.
- 3.103.060 Application Approval.
- 3.103.070 Rental Project Rate of Return.
- 3.103.080 For-Sale Unit Compliance.
- 3.103.090 Extension of the Exemption for Low Income Housing Projects.
- 3.103.100 Termination of the Exemption.
- 3.103.110 Implementation.

##### **3.103.010 Purpose.**

- A.** The City of Portland adopts the provisions of Oregon Revised Statutes 307.600 through 307.637, and administers a property tax exemption program for multiple-unit housing development authorized under those provisions.
- B.** In addition to meeting the legislative goals set forth in ORS 307.600, the program also seeks to accomplish the following additional core goals:
  - 1.** Stimulate the construction of affordable housing and other public benefits where such housing or benefits may not otherwise be made available.
  - 2.** Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau's Strategic Plan.
  - 3.** Provide transparent and accountable stewardship of public investments.

##### **3.103.020 Definitions.**

As used in this Chapter:



**Chapter 3.111**

**OFFICE OF  
SUSTAINABLE DEVELOPMENT**

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

**Chapter 3.112**

**SUSTAINABLE DEVELOPMENT  
COMMISSION**

(Chapter repealed by Ordinance No. 184046,  
effective September 10, 2010.)

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**Chapter 3.114**

**OFFICE FOR COMMUNITY TECHNOLOGY**

(Chapter added by Ordinance No. 149053;  
amended by Ordinance Nos. 151338, 160424 and 184882,  
effective September 21, 2011.)

**Sections:**

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

**3.114.010 Creation.**

(Amended by Ordinance Nos. 185568 and 186746, effective August 6, 2014.) There is hereby established an Office for Community Technology. The Office shall be supervised by a manager who shall report to the Director of the Revenue Division, as provided under Subsection 3.15.040 E., or the Director's designee. As used in this Chapter and elsewhere in the City Code when referring to the Office for Community Technology, the term "Director" shall mean the Director of the Revenue Division or the Director's designee. The Office shall have such other employees as the Council may provide.

**3.114.020 Functions.**

(Amended by Ordinance No. 181155, effective August 17, 2007.)

- A.** The Office shall be responsible for coordinating Citywide broadband planning, communications policy advocacy, technology grants and related consumer protection activities.
- B.** The Office shall be responsible for supervising and coordinating all franchising processes engaged in by the City, for monitoring the performance of all franchisees for franchise compliance and for performing all other necessary work relating to franchises in the City.
- C.** The Office shall be responsible for promoting the orderly development of City-owned or City-partnered broadband and cable communication systems, for providing staff support needed by the Mt. Hood Cable Regulatory Commission and for performing all other necessary work related to broadband planning,

**Chapter 3.125**

**DISASTER POLICY COUNCIL**

(Chapter replaced by Ordinance No. 184740,  
effective July 13, 2011.)

**Sections:**

- 3.125.010 Disaster Policy Council.
- 3.125.020 Duties.
- 3.125.030 Membership.
- 3.125.040 Procedures.
- 3.125.050 Staff Support to Disaster Policy Council.

**3.125.010 Disaster Policy Council.**

The Disaster Policy Council (DPC) is hereby created for the purpose of promoting interbureau cooperation in furtherance of the City's integrated emergency management goals.

**3.125.020 Duties.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The DPC's duties include, but are not limited to, the following:

- A. During an emergency, advise the Mayor on policy matters pertaining to management of the emergency;
- B. Approve strategic, response and work plans developed by the Portland Bureau of Emergency Management and the Emergency Management Steering Committee defining the City's emergency management program goals and priorities;
- C. Monitor individual bureau progress on work plan tasks, strategic plan tasks, and response plan updates. The Mayor, in consultation with the DPC, may compel bureaus to create and complete plans and updates;
- D. Convene meetings no less than twice a year whenever:
  - 1. The President of the City Council changes, in which case the meeting shall be held within one month of the change;
  - 2. Requested by the Mayor.

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- E.** Keep records of meetings and decisions.

#### **3.125.030 Membership.**

(Amended by Ordinance Nos. 185304 and 186729, effective September 1, 2014.) The DPC shall consist of the following members:

- A.** The Mayor, who shall be Chair;
- B.** Commissioner serving as President of the City Council, who shall be Vice Chair;
- C.** If the Mayor or the President of the Council is not the Commissioner-in-Charge of the Portland Bureau of Emergency Management, the Commissioner-in-Charge of the Portland Bureau of Emergency Management or his or her designee, unless it would create a quorum of the City Council;
- D.** Chief Administrative Officer;
- E.** City Attorney;
- F.** City Auditor;
- G.** Director, Portland Bureau of Emergency Management;
- H.** Chief of Portland Fire & Rescue;
- I.** Chief of Portland Police Bureau;
- J.** Director, Bureau of Emergency Communications;
- K.** Administrator, Portland Water Bureau;
- L.** Director, Bureau of Transportation;
- M.** Director, Human Resources;
- N.** Director, Bureau of Environmental Services;
- O.** Director, Portland Parks and Recreation;
- P.** Director, Bureau of Development Services;
- Q.** Director, Portland Housing Bureau.

- R.** If the Mayor is unavailable to Chair the DPC, the duties shall be performed and authority exercised by the first of the City officials in the order of membership listed in Subsections A.-Q. above who is able and available.

**3.125.040 Procedures.**

When the DPC is required to approve plans under subsection 3.125.020 C., the decision making process shall be by consensus. The consensus shall be determined by the Chair.

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

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the DPC, including recording and communicating its decisions.

**TITLE 3**  
**ADMINISTRATION**

**Chapter 3.126**

**EMERGENCY MANAGEMENT STEERING COMMITTEE**

(Chapter replaced by Ordinance No. 184740,  
effective July 13, 2011.)

**Sections:**

- 3.126.010 Emergency Management Steering Committee.
- 3.126.020 Duties.
- 3.126.030 Membership.
- 3.126.040 Staff Support to the Emergency Management Steering Committee.

**3.126.010 Emergency Management Steering Committee.**

The Emergency Management Steering Committee (EMSC) is hereby created for the purpose of assisting the Portland Office of Emergency Management in developing emergency management policies and procedures for incidents requiring significant interbureau coordination.

**3.126.020 Duties.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The EMSC's duties include, but are not limited to, the following:

- A.** Assign lead author responsibility to specific bureaus for the development of emergency plans, including annexes and appendices to the CEMP, and approve schedules for plan completion, plan exercise, review and revision;
- B.** Develop strategic, response, and work plans in coordination with the Portland Bureau of Emergency Management defining the City's emergency program goals and priorities;
- C.** Devise bureau-specific protocols for mobilizing resources to respond to emergencies;
- D.** Assess individual Bureau compliance with emergency plans;
- E.** Keep records of decisions;
- F.** Convene meetings at least monthly and at other times as requested by the Director;

**G.** Make periodic reports to the Disaster Policy Council so that the DPC can fulfill its duty under PCC 3.125.020.

**3.126.030 Membership.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The EMSC shall consist of qualified staff from the following Bureaus:

- A.** Water Bureau;
- B.** Portland Fire & Rescue;
- C.** Portland Police Bureau;
- D.** Bureau of Environmental Services;
- E.** Portland Parks & Recreation;
- F.** Bureau of Transportation;
- G.** Bureau of Emergency Communications;
- H.** Portland Bureau of Emergency Management;
- I.** Bureau of Development Services; and
- J.** Bureau of Technology Services.
- K.** Office of Neighborhood Involvement

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

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the EMSC.

**TITLE 3**  
**ADMINISTRATION**

**Chapter 3.127**

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

(Chapter added by Ordinance No. 180690,  
effective December 20, 2006.)

**Sections:**

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

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

In conjunction with Chapter 5 of the Charter of the City of Portland, there is established by the City Council, the Bureau of Portland Fire and Police Disability and Retirement as a part of the Mayor's portfolio and charged with the implementation of Chapter 5 of the Charter.

**3.127.020 Purpose.**

The purpose of this office is to administer Chapter 5 of the Charter of the City of Portland. This purpose may be accomplished by direction from the Board of Trustees of the Fire and Police Disability and Retirement Fund ("FPDR") and in accordance with the provisions of Chapter 5 of the Charter of the City of Portland.

**3.127.030 Organization.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) The Bureau of Portland Fire and Police Disability and Retirement shall be directly responsible to its Board of Trustees and to the Mayor. Pursuant to Chapter 5 of the Charter, the FPDR Board shall have the powers listed in Section 5-202 of the Charter. Other bureaus may provide FPDR with necessary information and assistance in accordance with Chapter 5 of the Charter and include, but are not limited to, Portland Fire & Rescue, the Bureau of Police, and the Bureau of Human Resources.

**3.127.040 Administrator's Powers and Duties.**

The Administrator of the Fire and Police Disability and Retirement Fund shall:

- A. Be the Director of the Bureau of Portland Fire and Police Disability and Retirement, in accordance with Charter Chapter 5 Section 5-202;
- B. Be responsible for administering the terms of the FPDR plan;



- C.** Serve as the principle administrator of the FPDR plan and have the power to initially approve or deny claims filed with the FPDR and to subsequently suspend, reduce or terminate benefits as provided in Charter Chapter 5;
- D.** Lead and direct the activities of the staff of the FPDR;
- E.** Oversee and direct other agents or advisers of the FPDR including actuaries and attorneys;
- F.** Be responsible for integrating disability, retirement, and return-to-work programs with other bureaus within the City where applicable; and
- G.** Review and propose amendments as necessary to the FPDR to conform to changes in federal or state law and, as appropriate, provide Council with the documentation necessary for its review and approval of the same.

**3.127.050      Staff and Delegation.**

The Administrator may delegate to his or her staff members any of the Administrator's duties when the Administrator is not available or able to perform those duties.

**TITLE 3  
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**Chapter 3.128**

**OFFICE OF EQUITY AND HUMAN RIGHTS**

(Chapter replaced by Ordinance No. 184880,  
effective September 21, 2011.)

**Sections:**

- 3.128.010 Creation and Organization.
- 3.128.020 Purpose.
- 3.128.030 Director's Powers and Duties.

**3.128.010 Creation and Organization.**

There is established the Office of Equity and Human Rights. The Office of Equity and Human Rights shall consist of the Director and such other employees as the Council may provide. The Director shall report to the Commissioner in Charge.

**3.128.020 Purpose.**

The purpose of the Office of Equity and Human Rights is to:

- A.** Promote equity and reduce disparities within City government;
- B.** Provide guidance, education and technical assistance to all bureaus as they develop sustainable methods to build capacity in achieving equitable outcomes and service;
- C.** Work with community partners to promote equity and inclusion within Portland and throughout the region, producing measurable improvements and disparity reductions;
- D.** Support human rights and opportunities for everyone to achieve their full potential; and
- E.** Work to resolve issues rooted in bias and discrimination, through research, education, and interventions.

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

The duties of the Director of the Office of Equity and Human Rights include, but are not limited to:

- A.** Overall administration of the Office and supervision of its staff;

**TITLE 3**  
**ADMINISTRATION**

- B.** Implementing the policy directives of the City Council and the Commissioner in Charge, and proposing policies and practices to achieve the purpose of the Office;
- C.** Developing an annual work plan to organize and prioritize the work of the Office;
- D.** Working with the Human Rights Commission, the Portland Commission on Disability and all other City bureaus, offices, boards and commissions, as well as regional partners in government, business and the community, to increase equitable outcomes and reduce disparities;
- E.** Recommending implementation strategies, accountability mechanisms, evaluation standards, and specific actions to the City Council that will achieve the goals of the Portland Plan Equity initiative, and other equity and human rights policies adopted by City Council;
- F.** Providing reports to Council and the community annually and as requested.

## **TITLE 3 ADMINISTRATION**

### **Chapter 3.129**

#### **HUMAN RIGHTS COMMISSION**

(Chapter added by Ordinance No. 181670;  
effective March 19, 2008.)

##### **Sections:**

- 3.129.010     Staffing and Membership.
- 3.129.020     Mission.
- 3.129.030     Jurisdiction.

##### **3.129.010     Staffing and Membership.**

(Amended by Ordinance No. 184880, effective September 21, 2011.) There is established in the City of Portland a Human Rights Commission. The Commission shall be staffed by the Office of Equity and Human Rights. The Commission shall consist of 11 to 15 members. All members shall serve without compensation. Appointments are for staggered terms of three years. No member may serve more than two consecutive three year terms. When a vacancy occurs, a Human Rights Commission workgroup – after consultation with the Commissioner in Charge of the Office of Equity and Human Rights – nominates, the Mayor appoints, and the Council confirms, a member to fill the vacancy. This same process shall be used when an interim vacancy occurs to appoint a member to fill the balance of the unexpired term. Members shall be appointed by the Mayor so as to provide representation from a reasonably broad spectrum of the community, including without limitation the following factors: areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification. Members must live, work, worship or be enrolled in school within the City of Portland. Members are encouraged to establish constructive relationships with each member of Council, the City Auditor and other elected officials. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commission and subject to approval by the Council.

##### **3.129.020     Mission.**

(Amended by Ordinance No. 184880, effective September 21, 2011.) The Human Rights Commission shall work to eliminate discrimination and bigotry, to strengthen intergroup relationships and to foster greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the City of Portland. In doing so, the Human Rights Commission shall be guided by the principles embodied in the United Nations Universal Declaration of Human Rights and by the Portland Plan Equity initiative. The Human Rights Commission shall report at least annually to the Council on the activities of the Human Rights Commission (to include any subcommittees or task forces as may

be established) on the progress of the Commission and any recommendations to the Council for further action.

**3.129.030 Jurisdiction.**

The jurisdiction of the Commission will include all practices and incidents occurring in the City of Portland which affect people who live, work, study, worship, travel or play in the City. The Commission shall have jurisdiction to address such practices and incidents through education, research, advocacy and/or intervention, but shall not have civil rights enforcement authority.

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**ADMINISTRATION**

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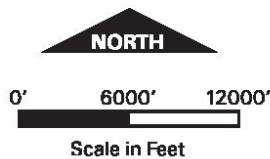
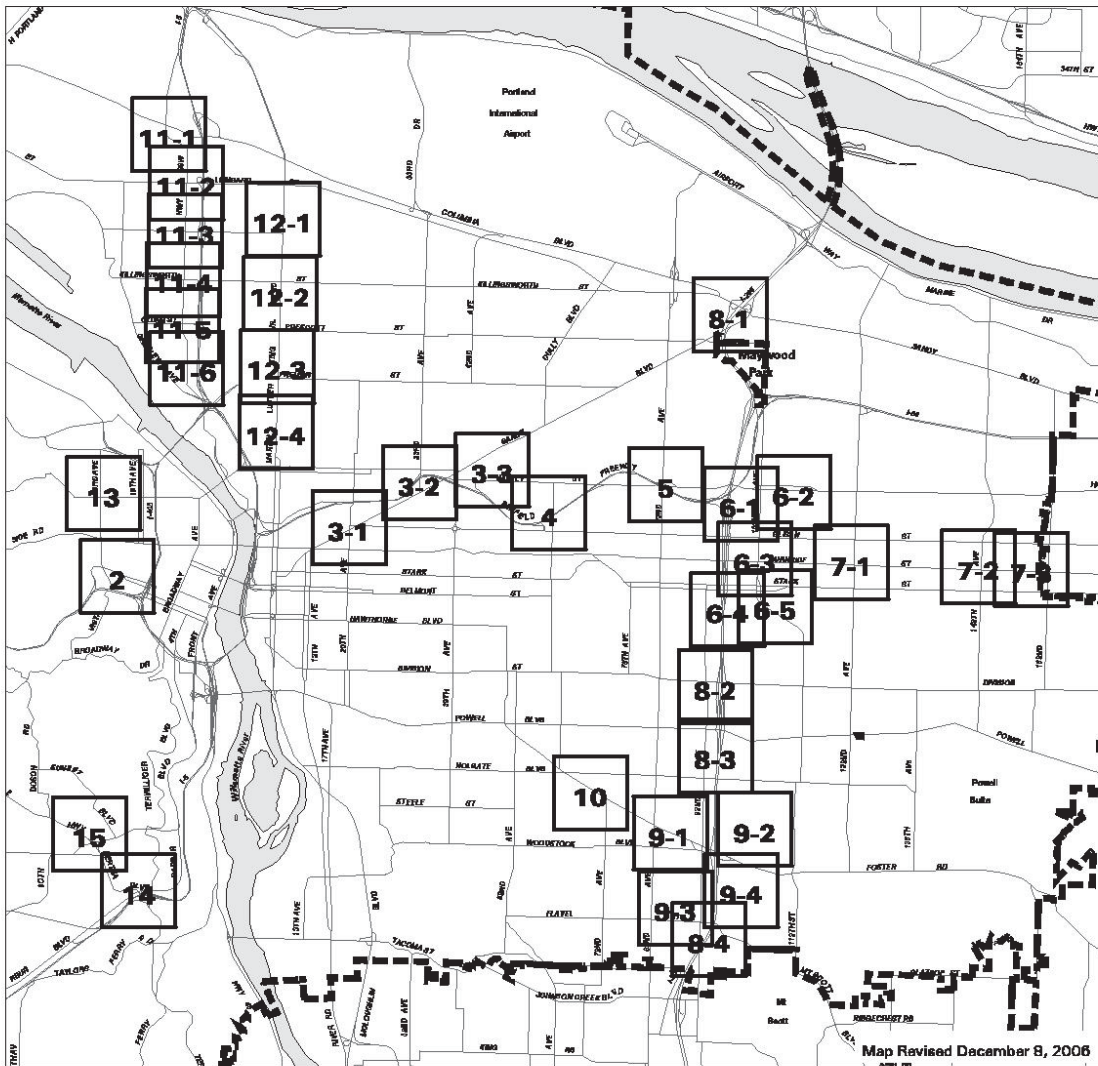
POLICE ARREST DOCKET AND MUNICIPAL COURT TRANSCRIPT  
City of Portland, Oregon  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
Bureau of Police

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

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FIGURE 1 - (Section 3.20.130)



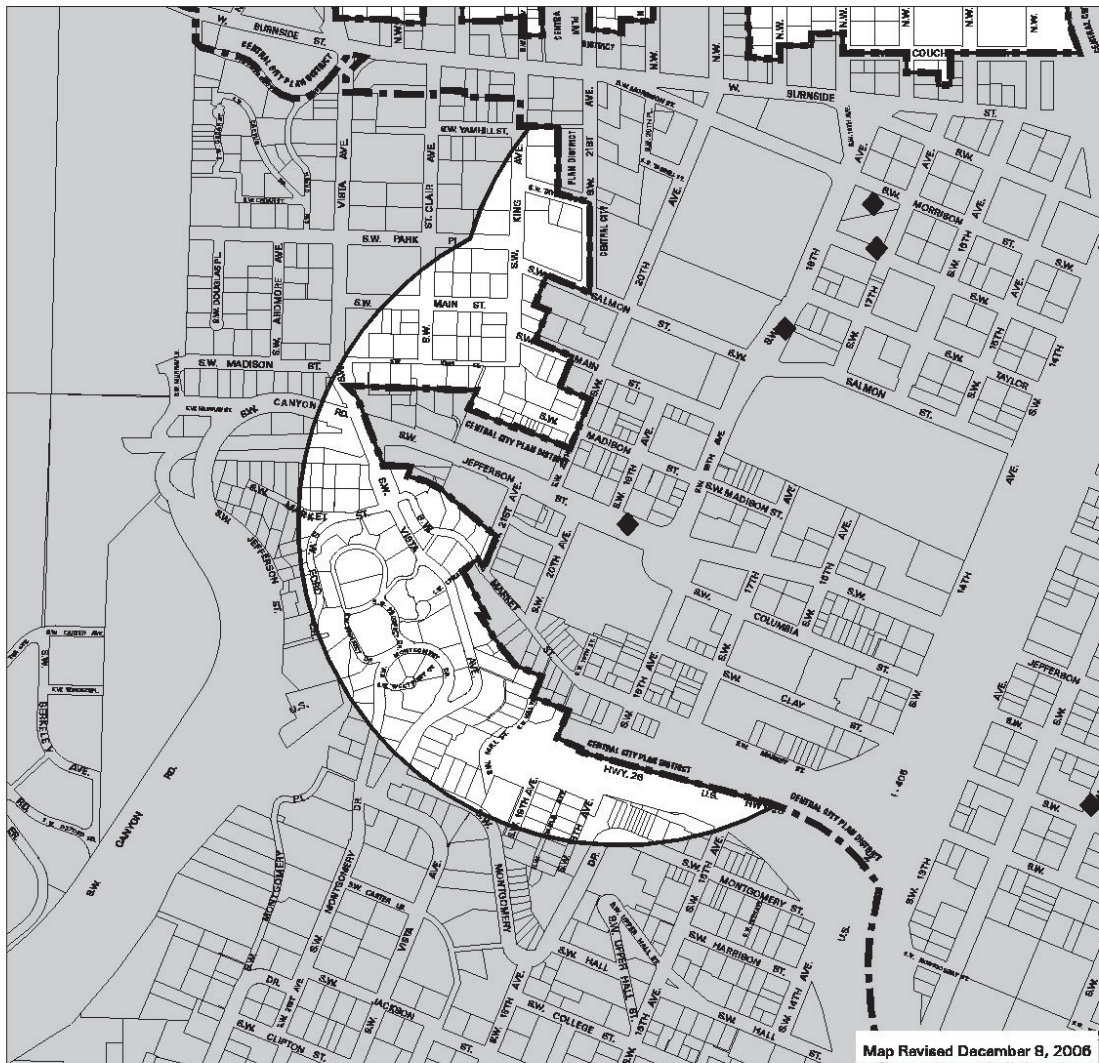
## Map 3.103-1 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

### Index Map

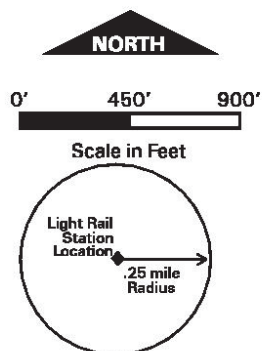
Bureau of Planning • City of Portland, Oregon



**TITLE 3  
ADMINISTRATION**



Map Revised December 8, 2006

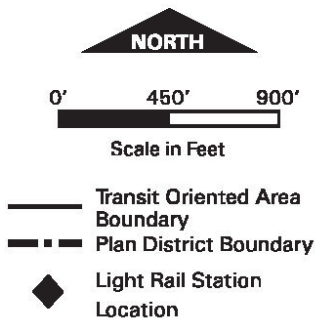
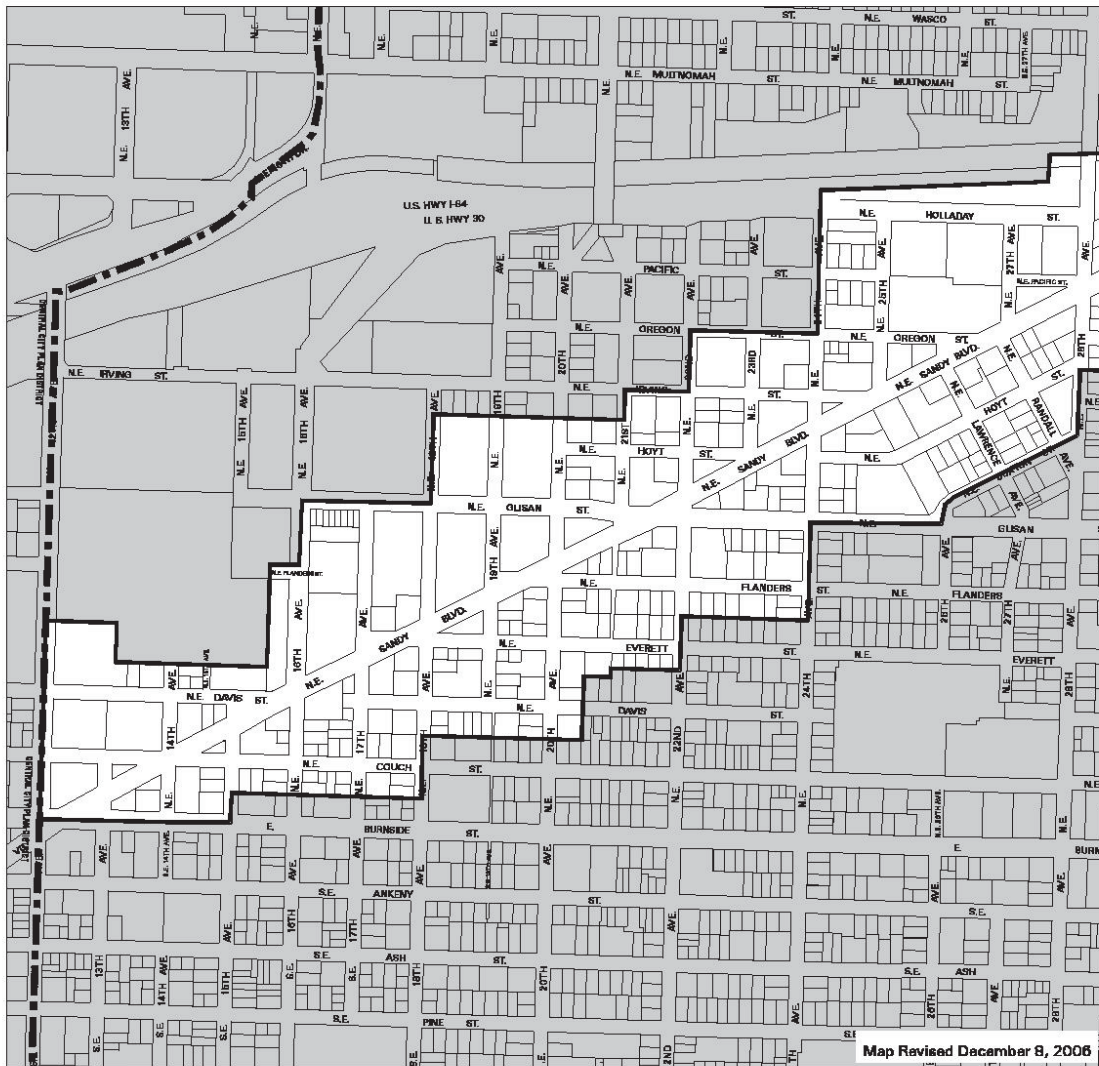


## Map 3.103-2 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

### Goose Hollow Light Rail Station Areas

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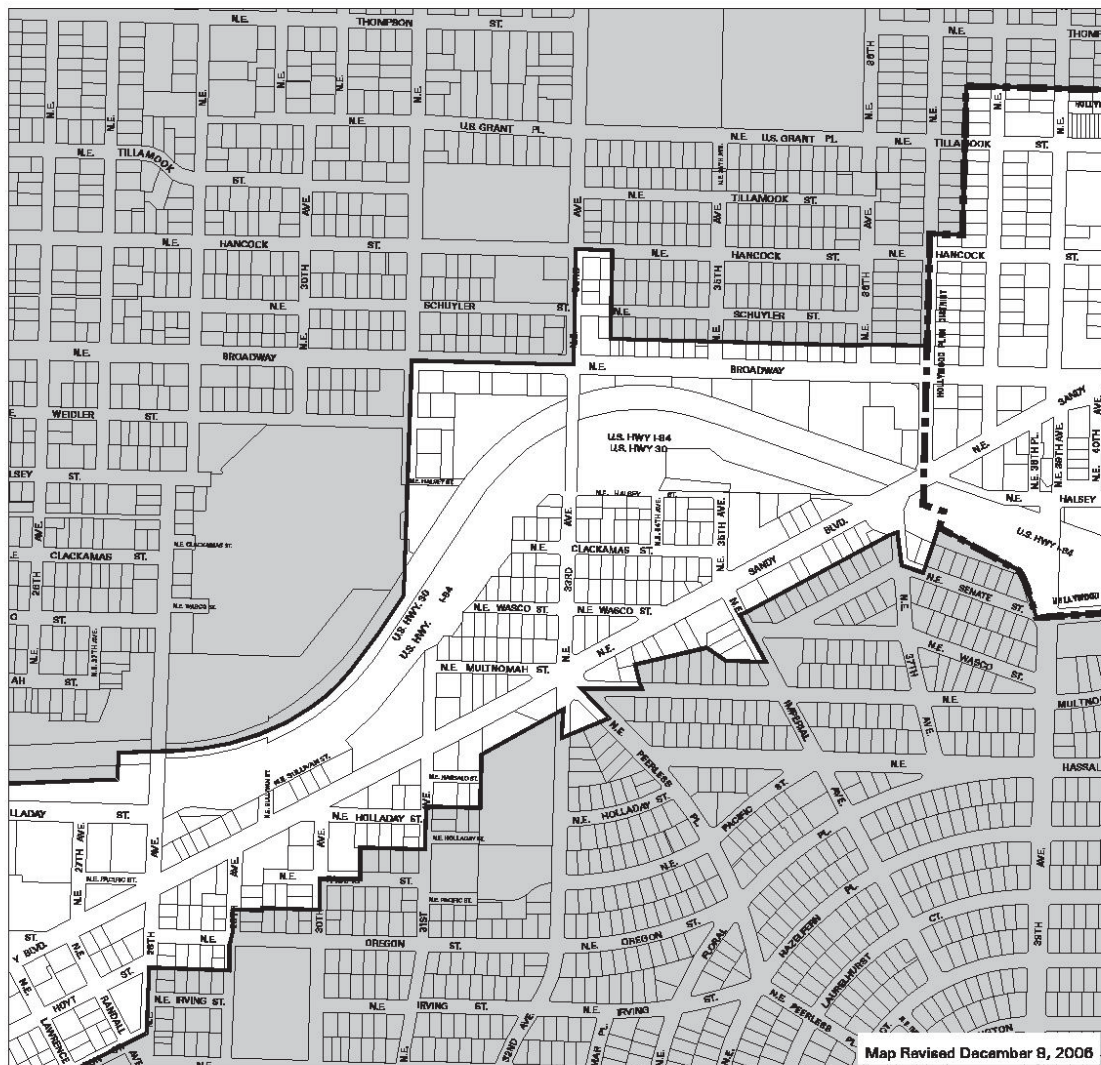
## Map 3.103-3 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Hollywood Light Rail Station Area & Transit Oriented  
Areas along Sandy Boulevard & Broadway Main Street

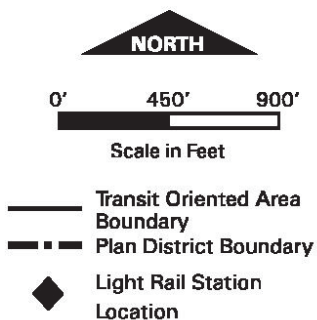
Map 1 of 3

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# TITLE 3 ADMINISTRATION



Map Revised December 8, 2006



## Map 3.103-3 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Hollywood Light Rail Station Area & Transit Oriented  
Areas along Sandy Boulevard & Broadway Main Street

Map 2 of 3

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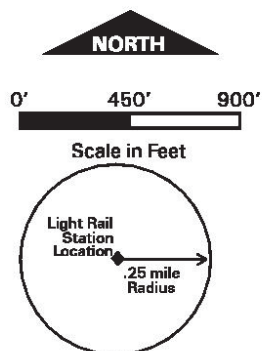
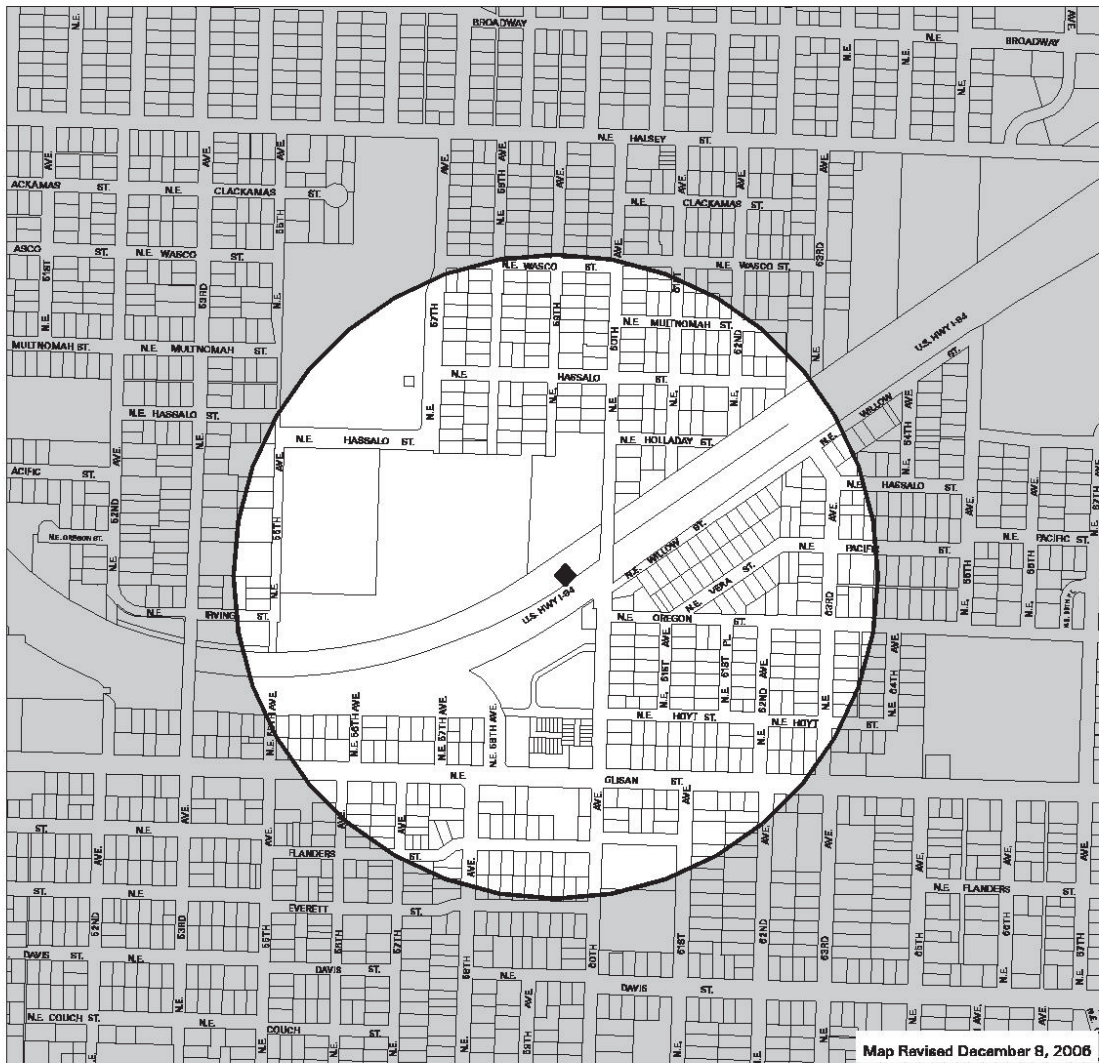


## Hollywood Light Rail Station Area & Transit Oriented Areas along Sandy Boulevard & Broadway Main Street

Bureau of Planning • City of Portland, Oregon

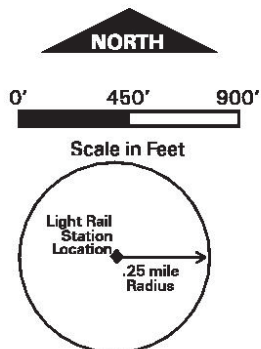
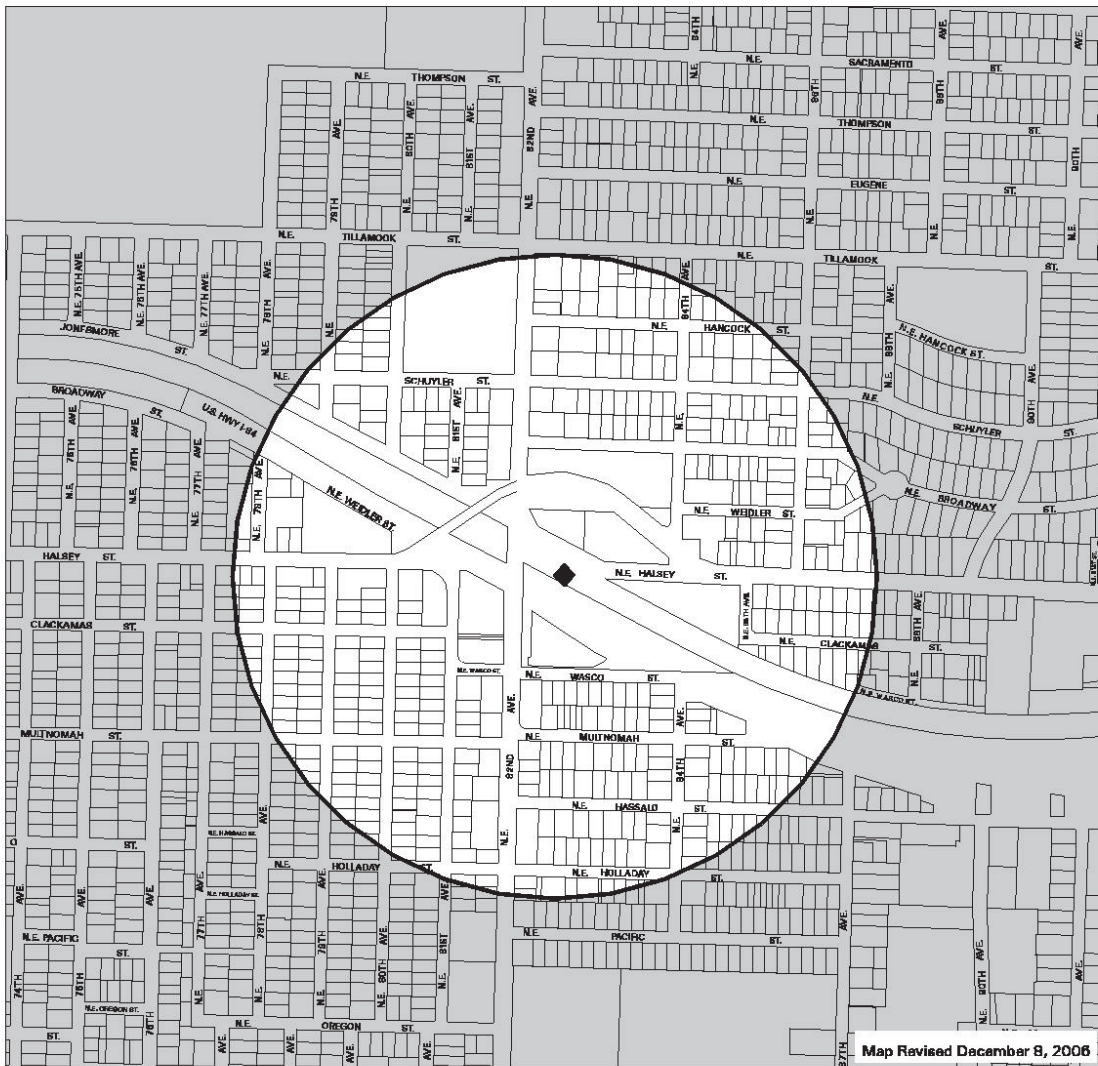


# TITLE 3 ADMINISTRATION



## Map 3.103-4 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development 60th Avenue Light Rail Station Area

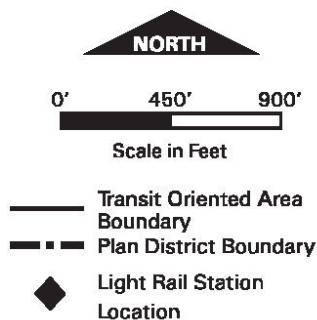
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# Map 3.103-5 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development 82nd Avenue Light Rail Station Area

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**Map 3.103-6  
Property Tax Exemption for  
New Transit Supportive Residential  
or Mixed Use Development**

**Gateway Plan District and  
Light Rail Station Areas**

**Map 1 of 5**

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Map Revised December 8, 2006

NORTH

0'                      450'                      900'

Scale in Feet

**Transit Oriented Area  
Boundary**

### Plan District Boundary

**Light Rail Station  
Location**

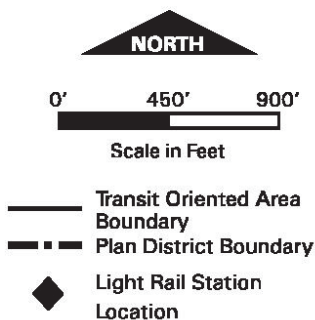
**Map 3.103-6**  
**Property Tax Exemption for**  
**New Transit Supportive Residential**  
**or Mixed Use Development**

## Gateway Plan District and Light Rail Station Areas

Map 3 of 5

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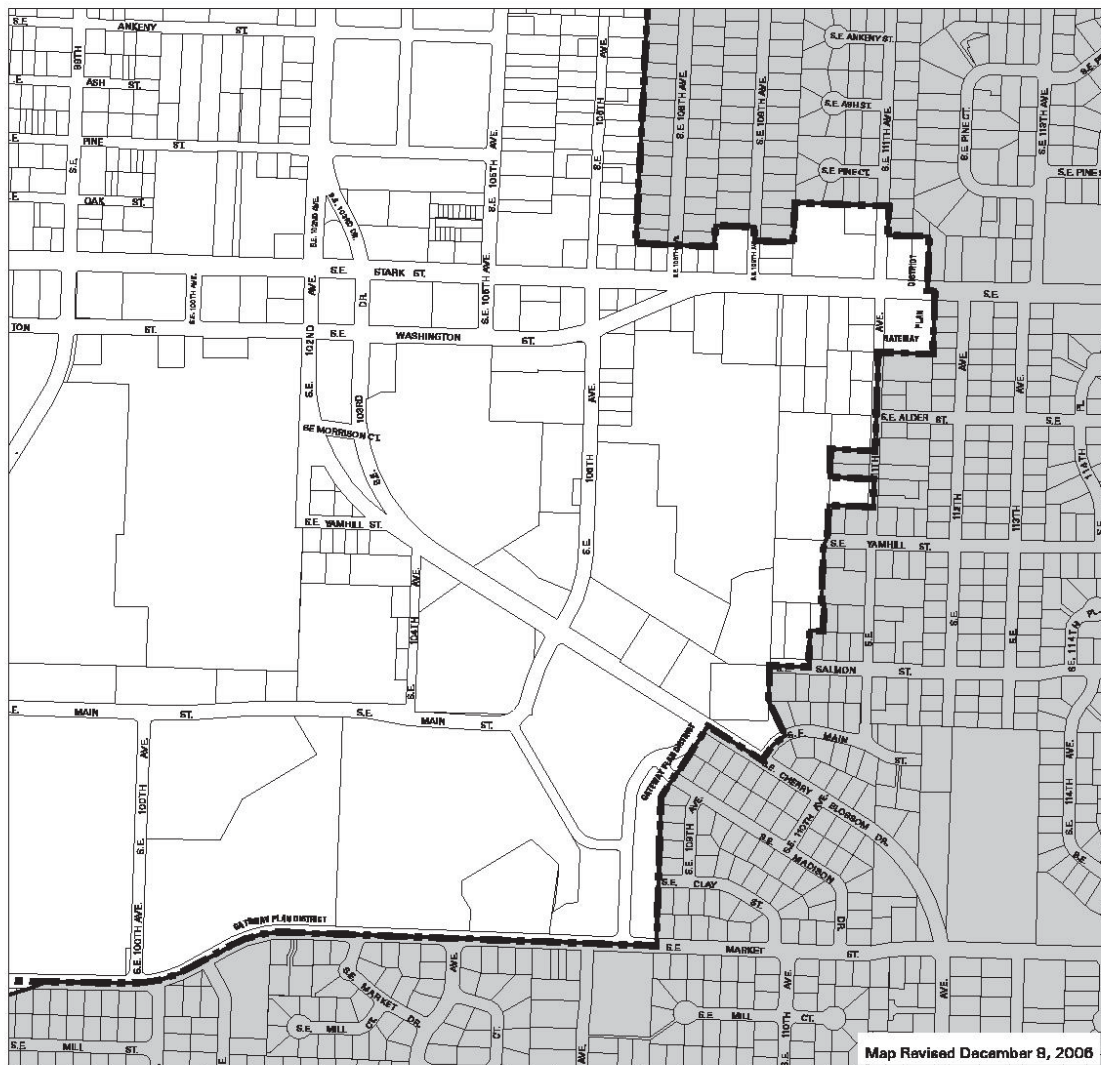
## Map 3.103-6 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

### Gateway Plan District and Light Rail Station Areas

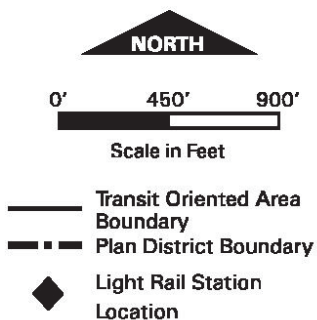
Map 4 of 5

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# TITLE 3 ADMINISTRATION



Map Revised December 8, 2006

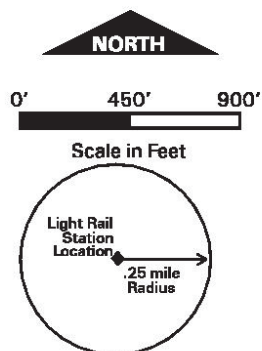
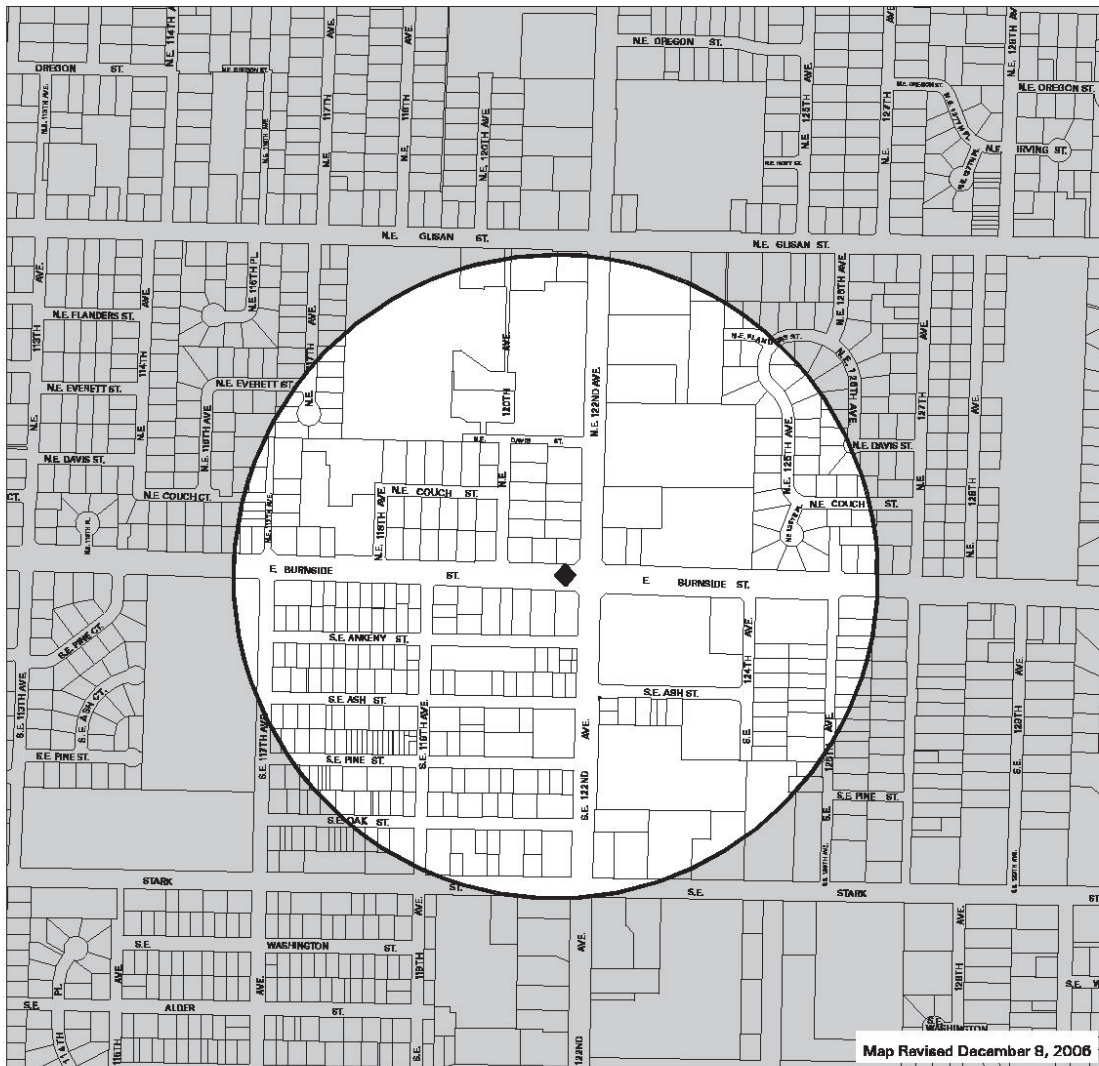


## Map 3.103-6 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

### Gateway Plan District and Light Rail Station Areas

Map 5 of 5

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## Map 3.103-7 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

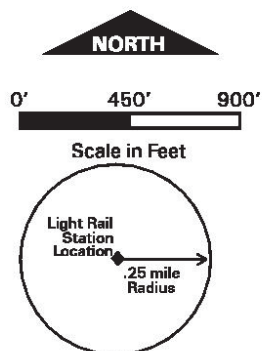
Light Rail Station Areas  
East of Gateway Plan District

Map 1 of 3

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## TITLE 3

### ADMINISTRATION



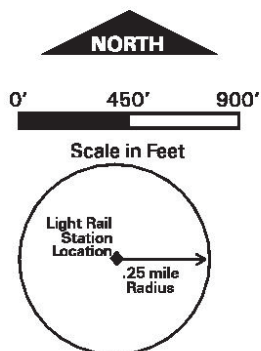
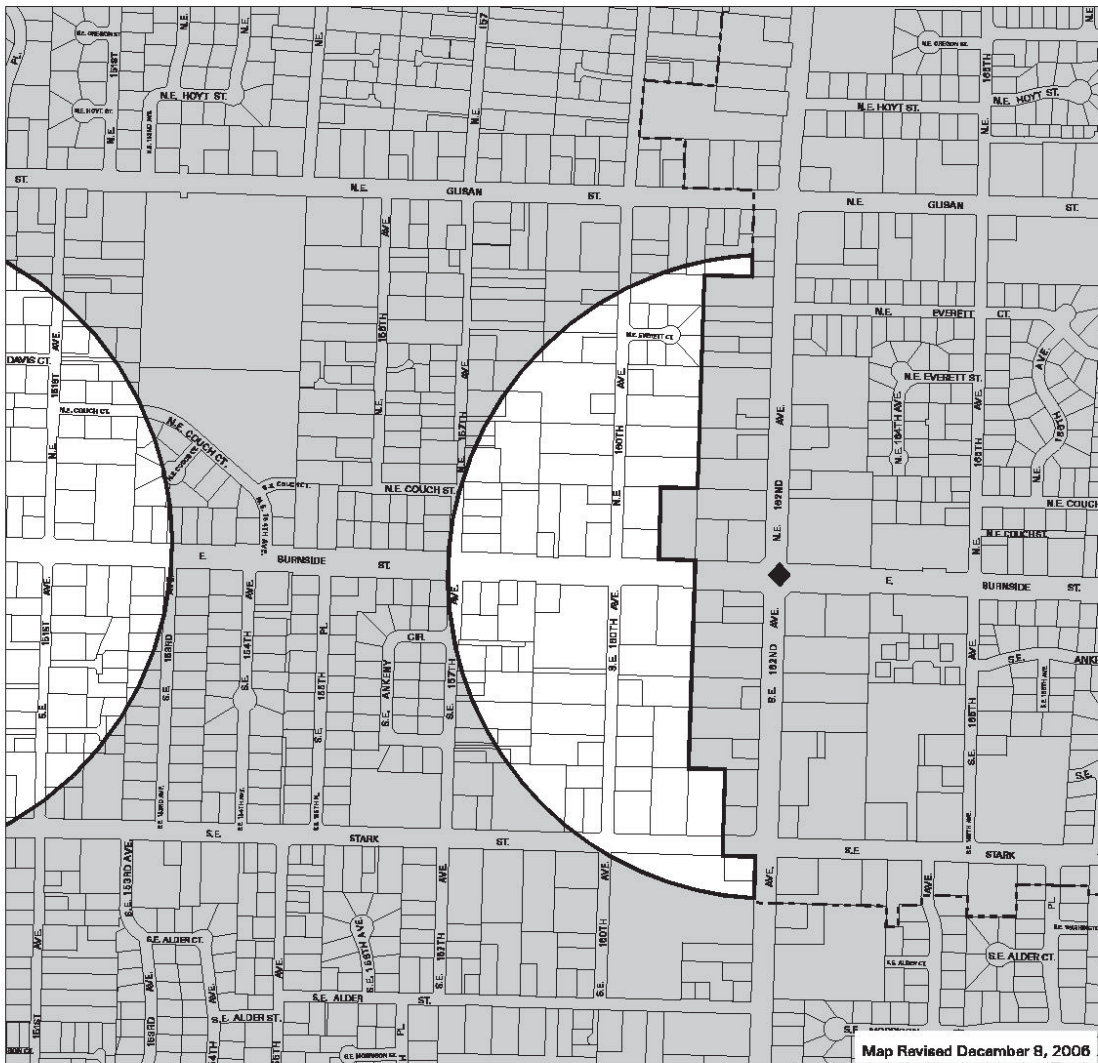
**Map 3.103-7**  
**Property Tax Exemption for**  
**New Transit Supportive Residential**  
**or Mixed Use Development**

## Light Rail Station Areas East of Gateway Plan District

**Map 2 of 3**

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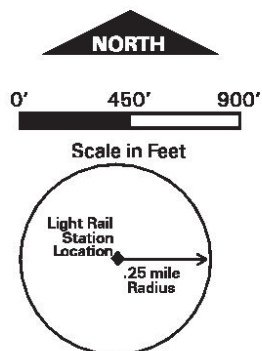
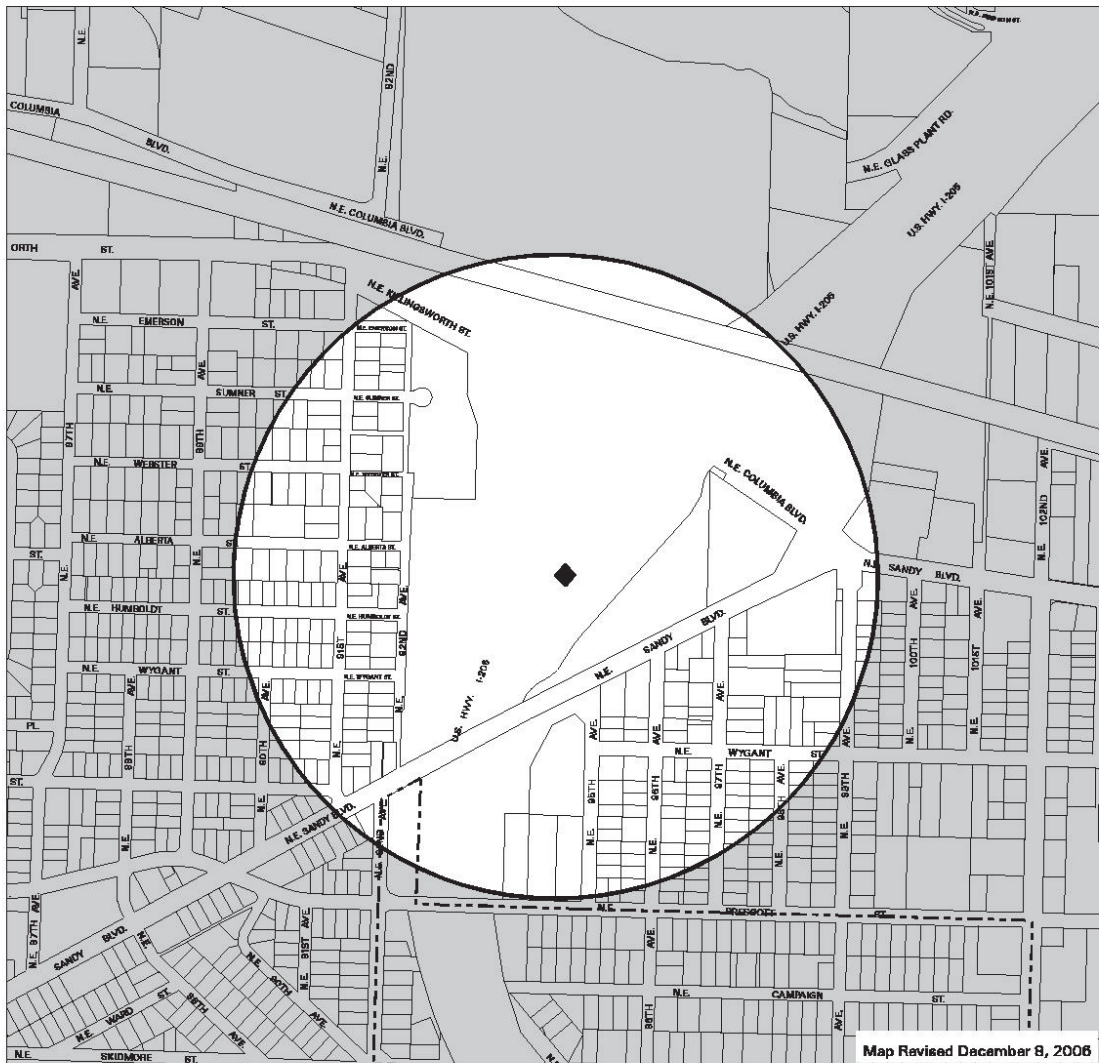
## Map 3.103-7 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Light Rail Station Areas  
East of Gateway Plan District

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# TITLE 3 ADMINISTRATION

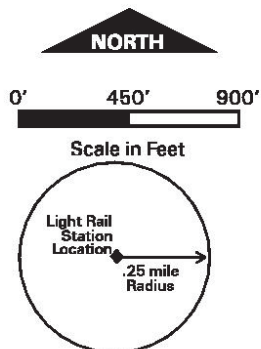
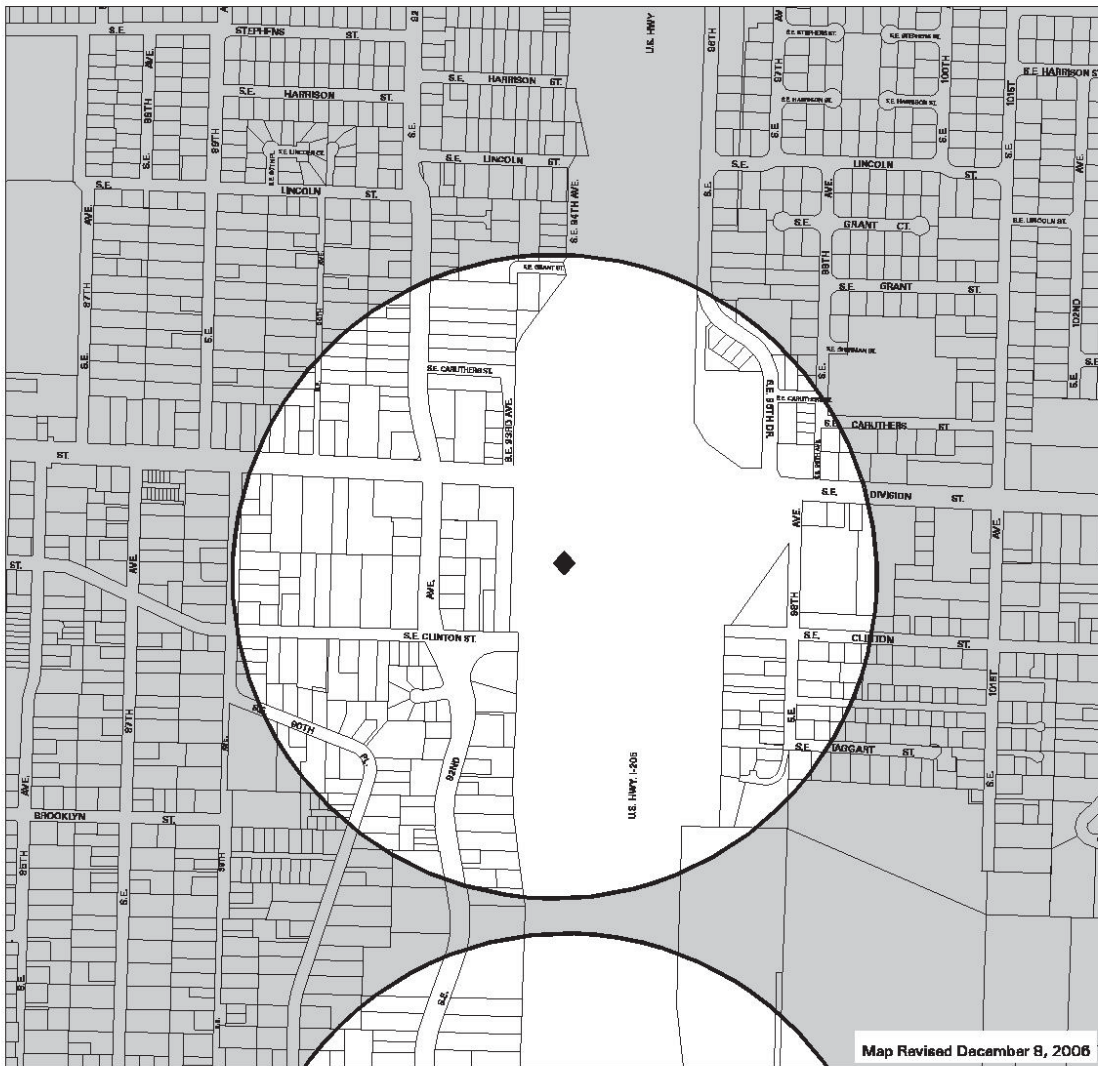


## Map 3.103-8 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

### I-205 Light Rail Stations Areas

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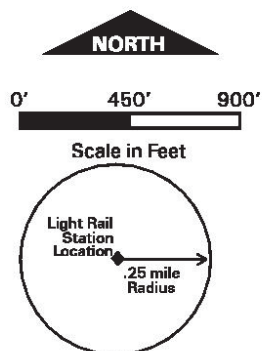
## Map 3.103-8 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

### I-205 Light Rail Stations Areas

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**TITLE 3  
ADMINISTRATION**



**Map 3.103-8  
Property Tax Exemption for  
New Transit Supportive Residential  
or Mixed Use Development**

**I-205 Light Rail Stations Areas**

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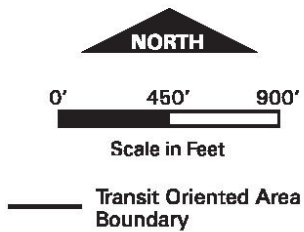




## I-205 Light Rail Stations Areas

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**TITLE 3  
ADMINISTRATION**

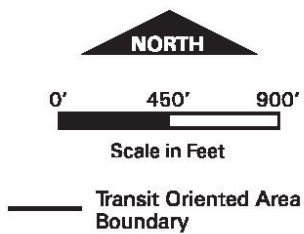
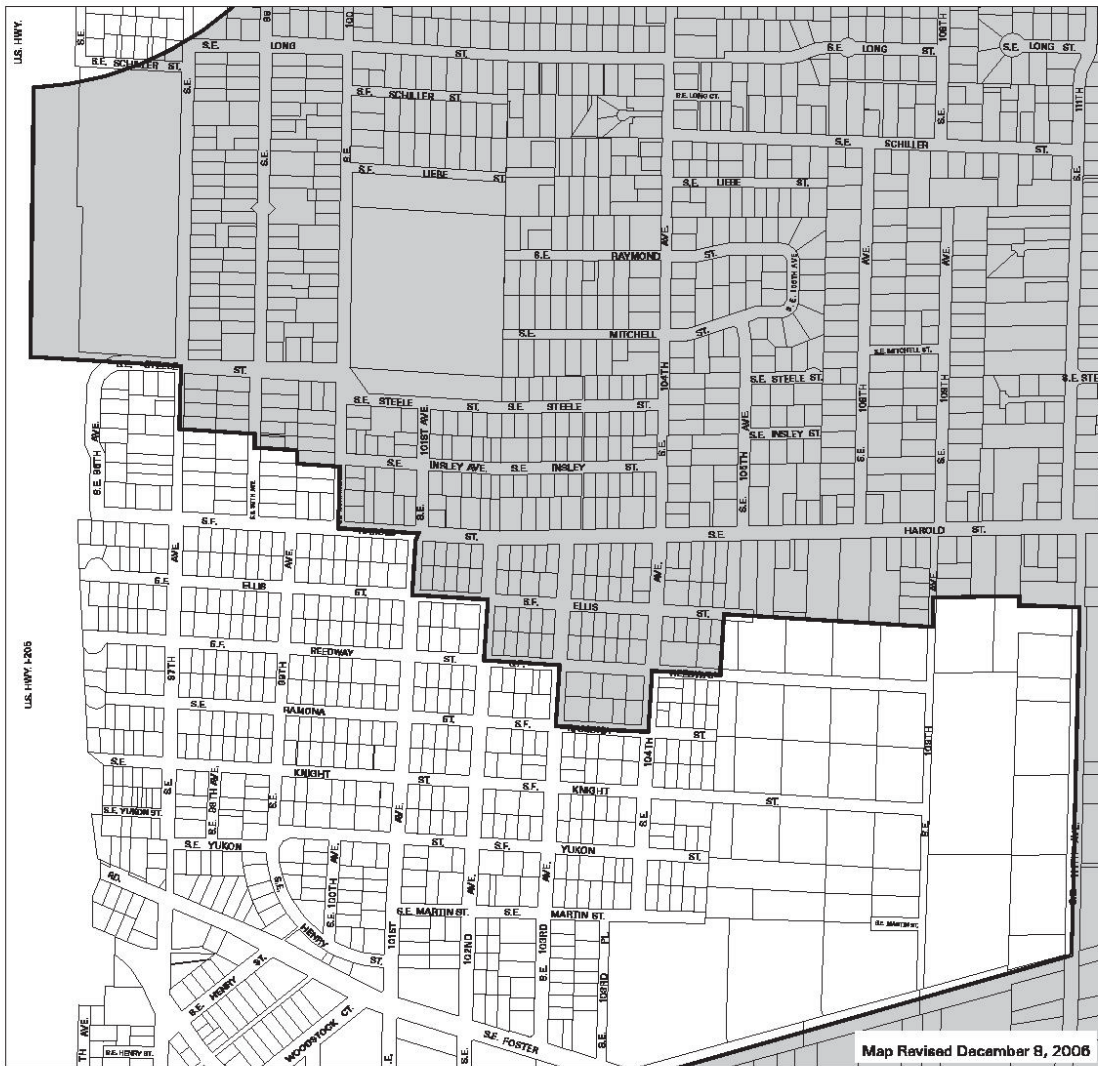


**Map 3.103-9  
Property Tax Exemption for  
New Transit Supportive Residential  
or Mixed Use Development**

**Lents Town Center**

**Map 1 of 4**

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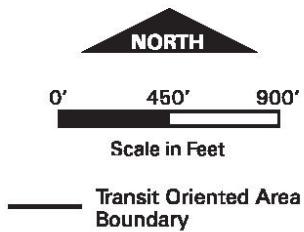
**Map 3.103-9**  
**Property Tax Exemption for**  
**New Transit Supportive Residential**  
**or Mixed Use Development**

**Lents Town Center**

**Map 2 of 4**  
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**TITLE 3  
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**Map 3.103-9  
Property Tax Exemption for  
New Transit Supportive Residential  
or Mixed Use Development**

**Lents Town Center**

**Map 3 of 4**

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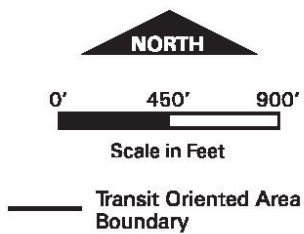
## Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

## Lents Town Center

**Map 4 of 4**

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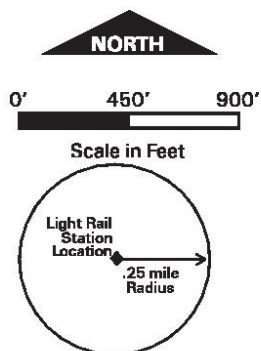
**TITLE 3  
ADMINISTRATION**



**Map 3.103-10  
Property Tax Exemption for  
New Transit Supportive Residential  
or Mixed Use Development**

**Transit Oriented Areas along  
Foster Road Main Street**

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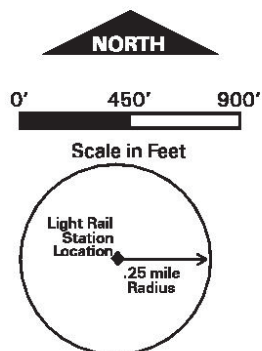


**Map 3.103-11**  
**Property Tax Exemption for**  
**New Transit Supportive Residential**  
**or Mixed Use Development**  
**Interstate Corridor Light Rail Station Areas**

**Map 1 of 6**  
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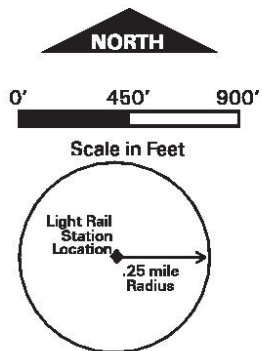
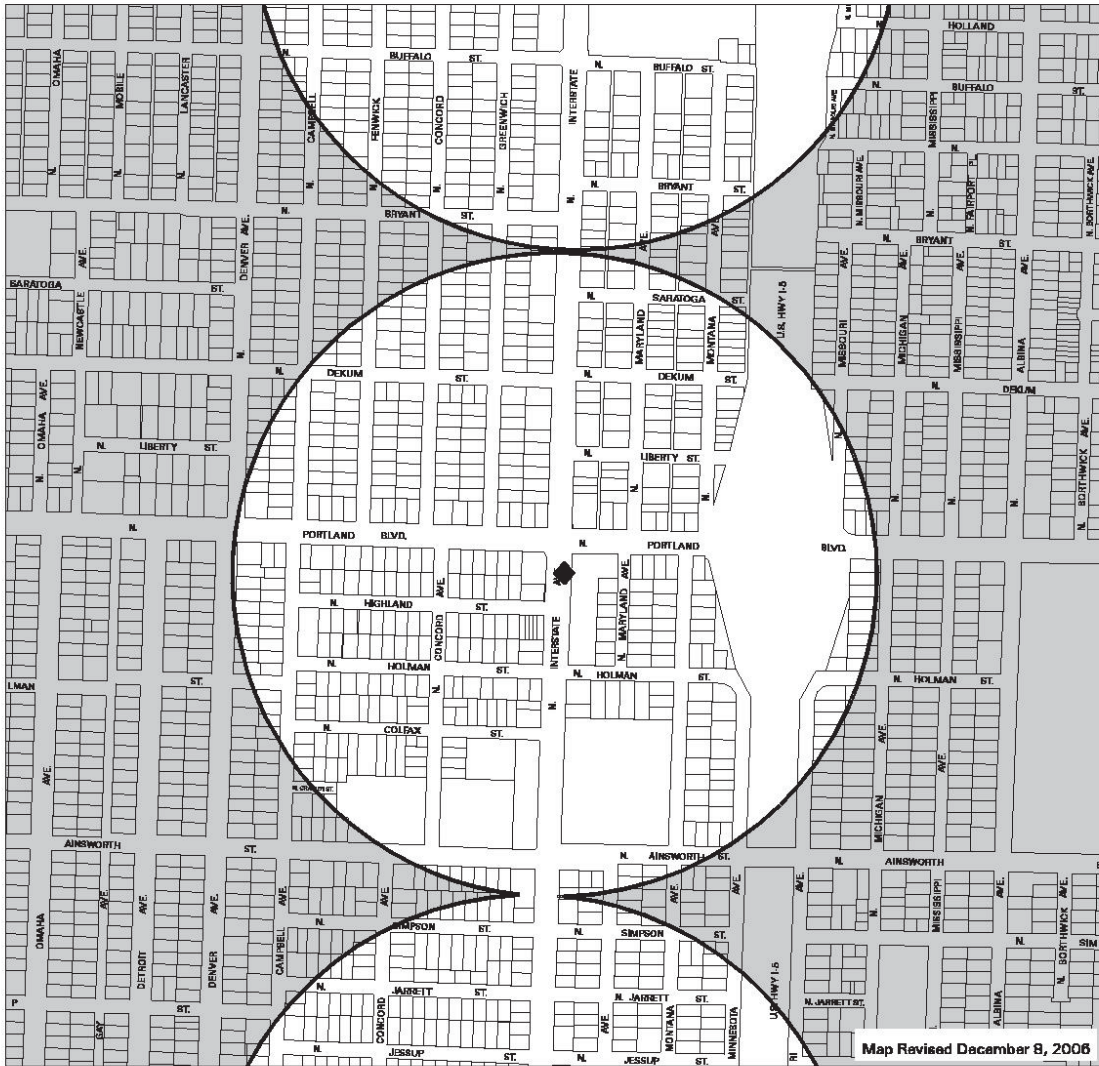


**TITLE 3  
ADMINISTRATION**



**Map 3.103-11  
Property Tax Exemption for  
New Transit Supportive Residential  
or Mixed Use Development  
Interstate Corridor Light Rail Station Areas**

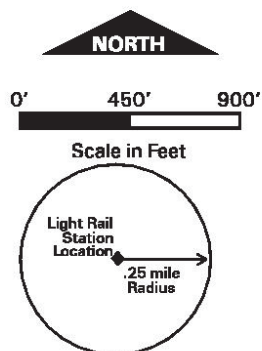
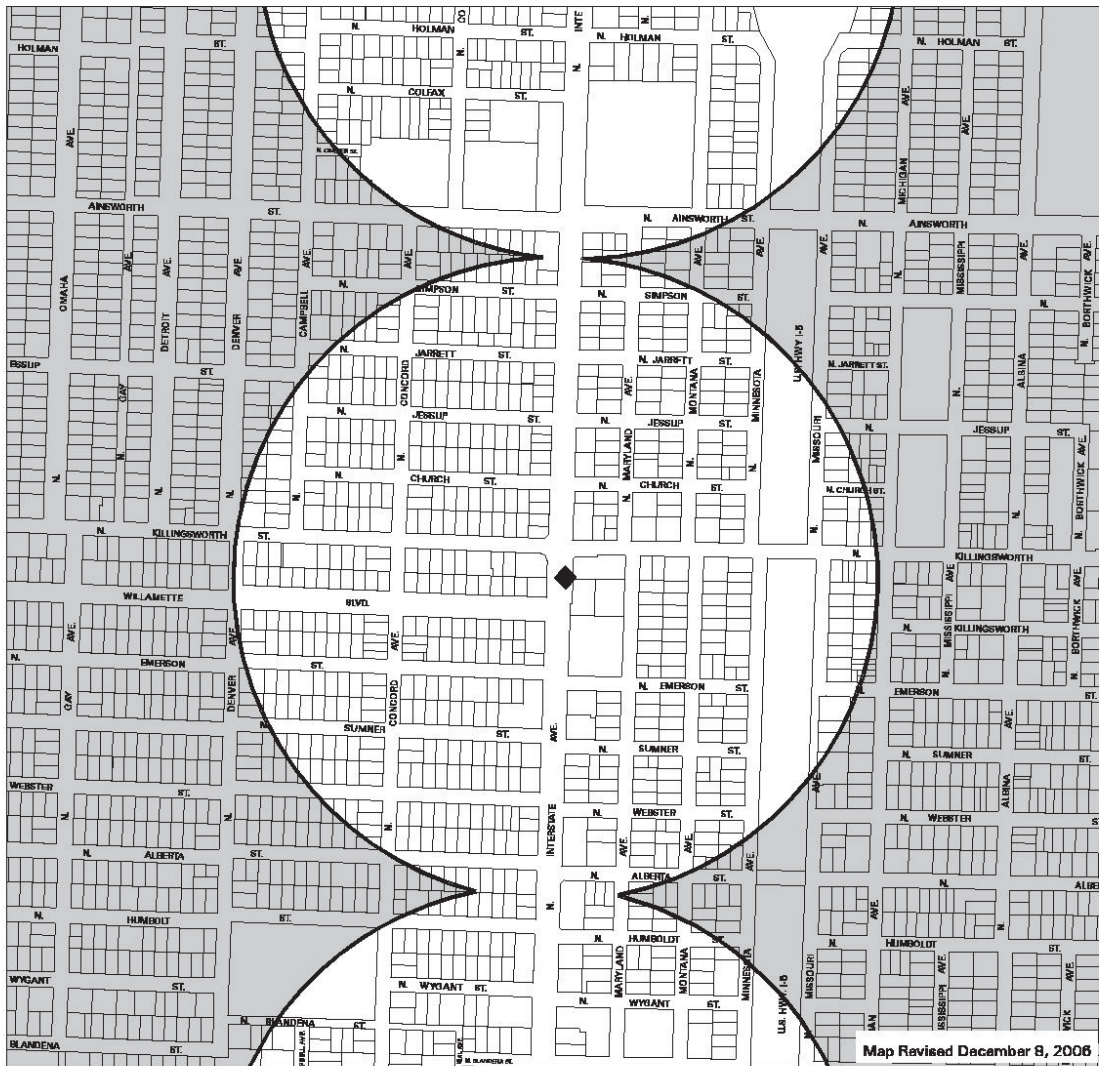
**Map 2 of 6**  
Bureau of Planning • City of Portland, Oregon



**Map 3.103-11**  
**Property Tax Exemption for**  
**New Transit Supportive Residential**  
**or Mixed Use Development**  
**Interstate Corridor Light Rail Station Areas**

**Map 3 of 6**  
Bureau of Planning • City of Portland, Oregon

**TITLE 3  
ADMINISTRATION**



**Map 3.103-11**  
**Property Tax Exemption for**  
**New Transit Supportive Residential**  
**or Mixed Use Development**  
**Interstate Corridor Light Rail Station Areas**

**Map 4 of 6**  
Bureau of Planning • City of Portland, Oregon

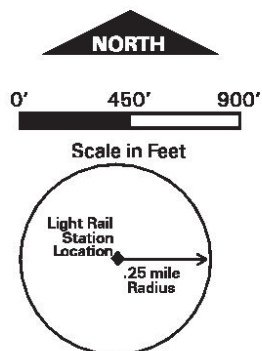
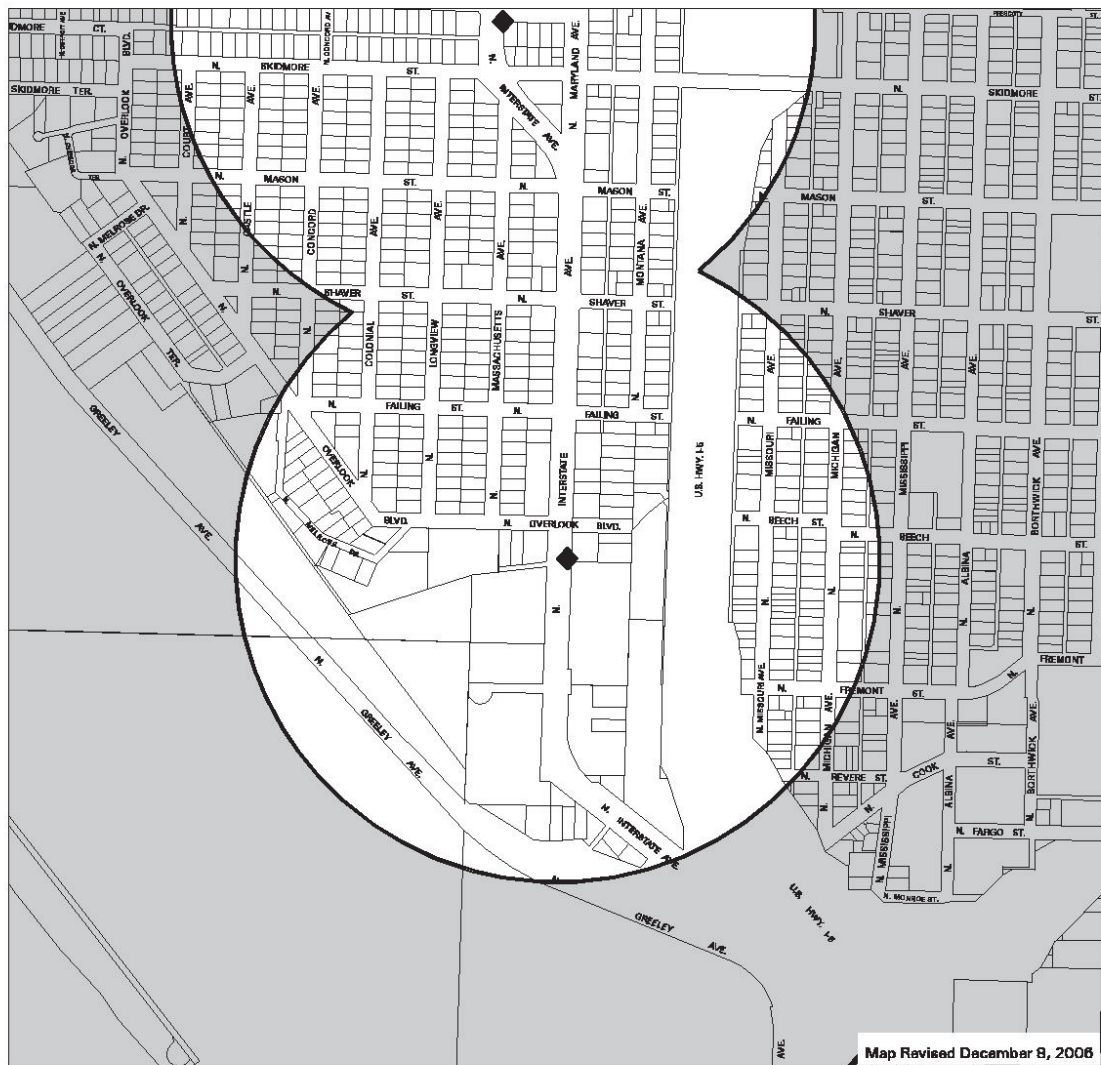




## Interstate Corridor Light Rail Station Areas

Bureau of Planning • City of Portland, Oregon

**TITLE 3  
ADMINISTRATION**

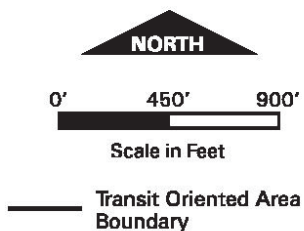


**Map 3.103-11  
Property Tax Exemption for  
New Transit Supportive Residential  
or Mixed Use Development  
Interstate Corridor Light Rail Station Areas**

**Map 6 of 6**  
Bureau of Planning • City of Portland, Oregon



Map Revised December 8, 2006



## Map 3.103-12 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

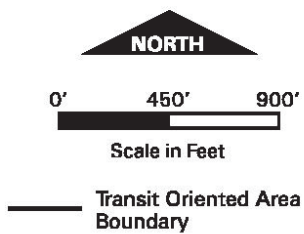
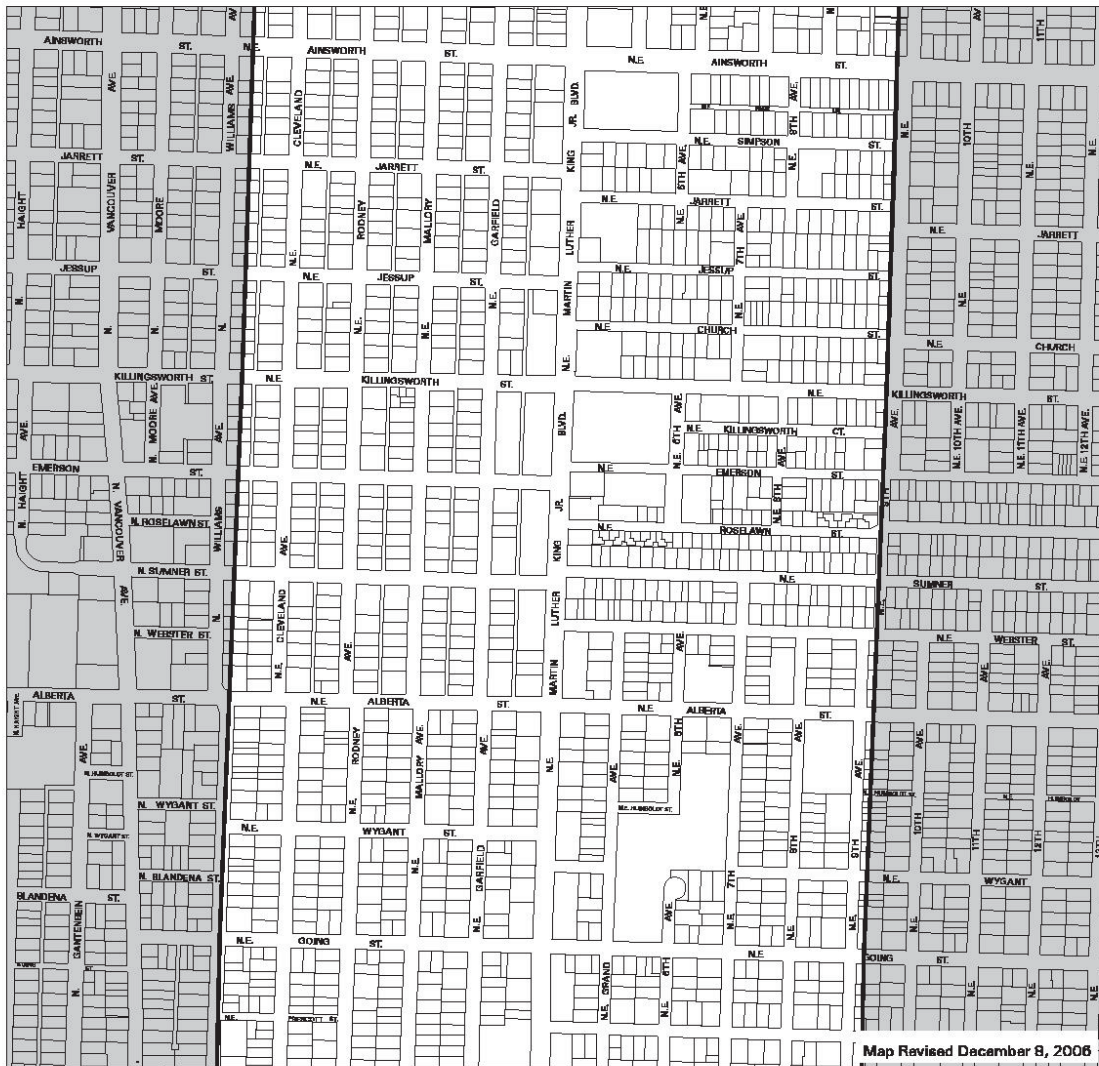
Transit Oriented Areas along  
NE Martin Luther King Jr. Blvd. Main Street

Map 1 of 4

Bureau of Planning • City of Portland, Oregon



**TITLE 3  
ADMINISTRATION**



**Map 3.103-12  
Property Tax Exemption for  
New Transit Supportive Residential  
or Mixed Use Development**

**Transit Oriented Areas along  
NE Martin Luther King Jr. Blvd. Main Street**

**Map 2 of 4**

Bureau of Planning • City of Portland, Oregon

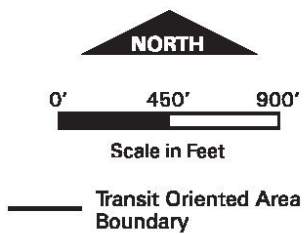




Map 3 of 4

Bureau of Planning • City of Portland, Oregon

**TITLE 3  
ADMINISTRATION**

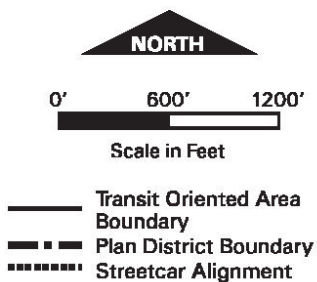
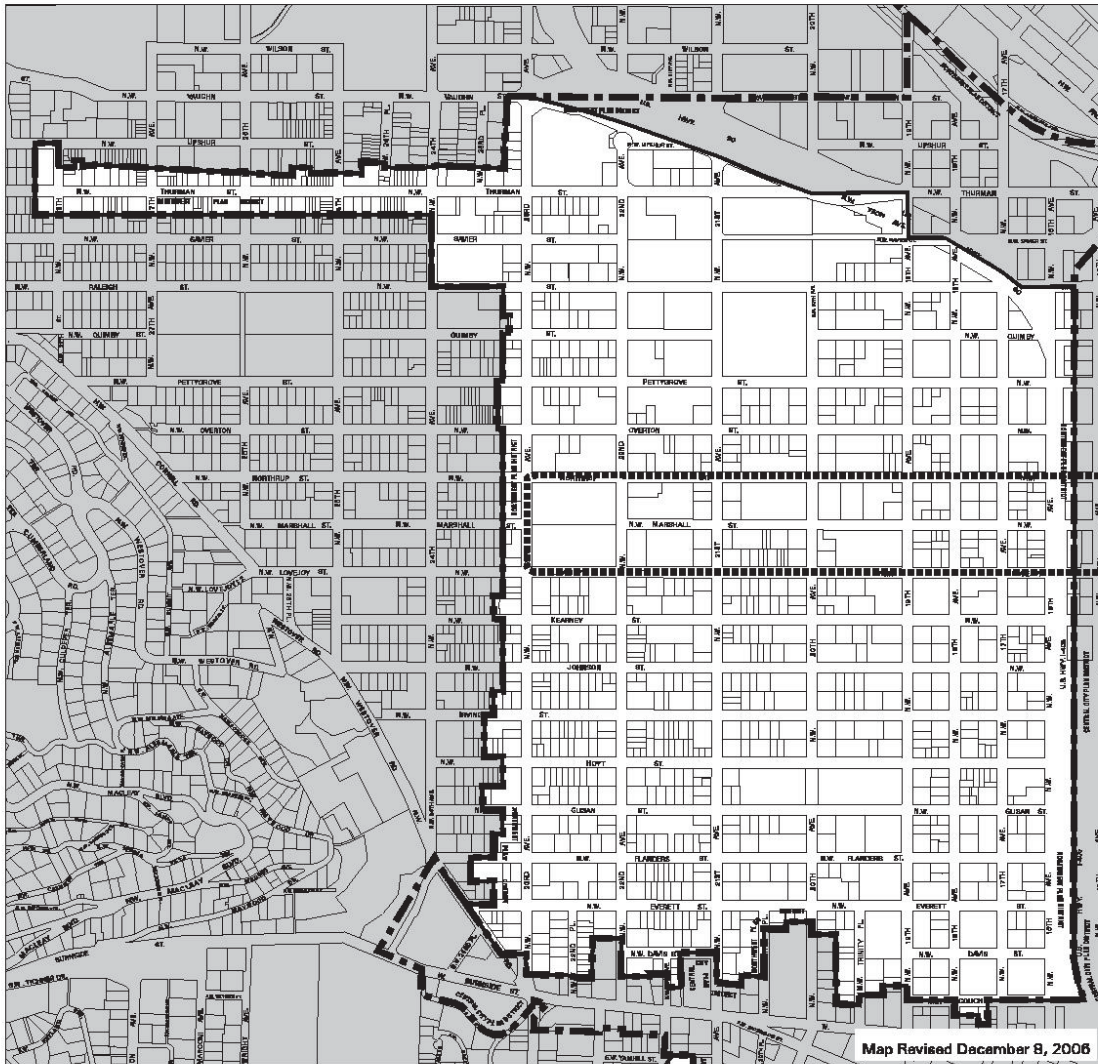


**Map 3.103-12  
Property Tax Exemption for  
New Transit Supportive Residential  
or Mixed Use Development**

**Transit Oriented Areas along  
NE Martin Luther King Jr. Blvd. Main Street**

**Map 4 of 4**

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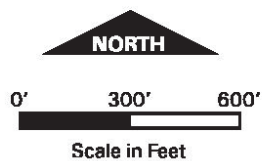
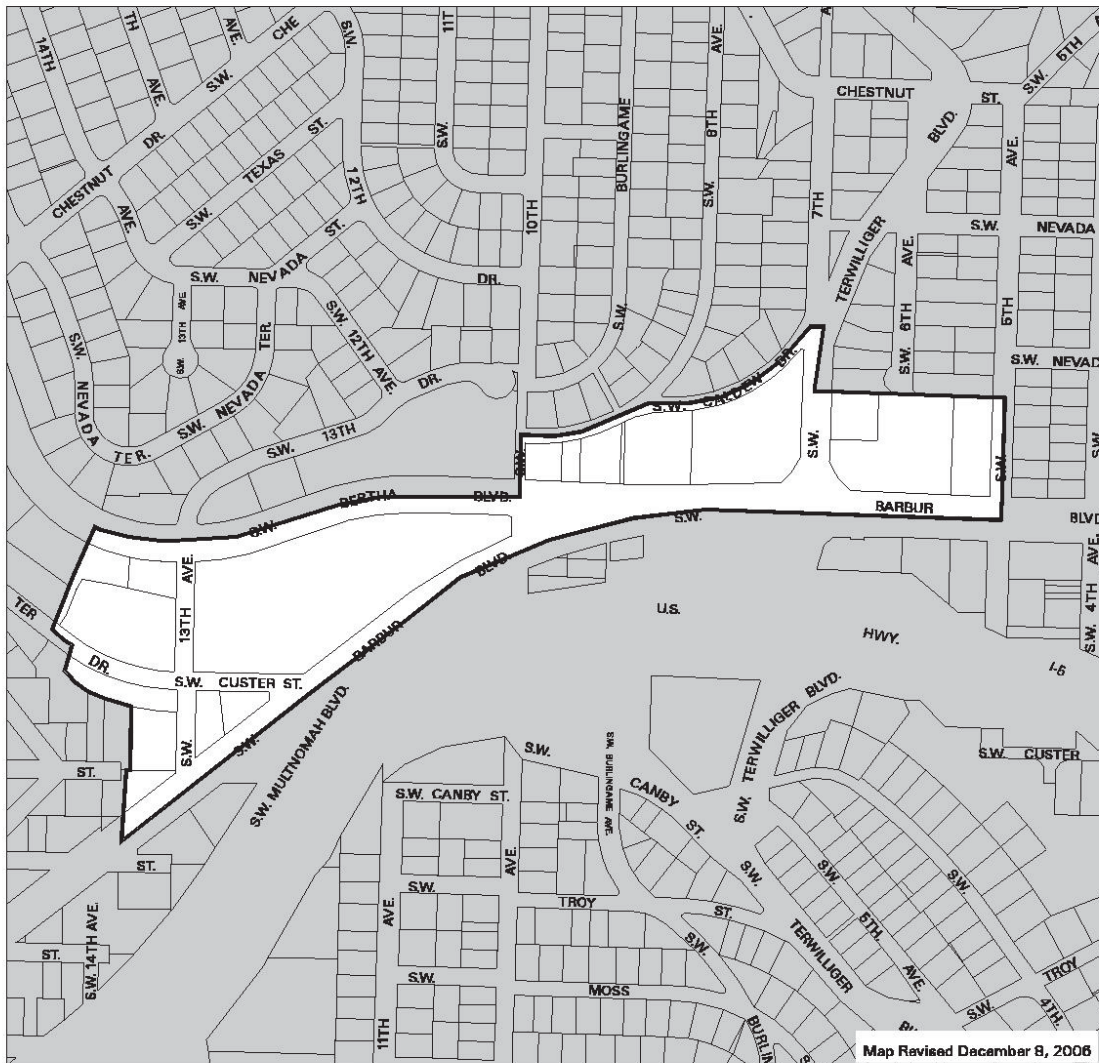
## Map 3.103-13 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

### Northwest Plan District

Bureau of Planning • City of Portland, Oregon



**TITLE 3  
ADMINISTRATION**



**Map 3.103-14  
Property Tax Exemption for  
New Transit Supportive Residential  
or Mixed Use Development**

**Transit Oriented Areas around  
SW Barbur and Terwilliger Boulevards**

Bureau of Planning • City of Portland, Oregon

**Map 3.103-15**

## Hillsdale Town Center

Bureau of Planning • City of Portland, Oregon





**TITLE 5**  
**REVENUE AND FINANCE**

- B.** If the Auditor receives notice of garnishment (except from the State Tax Commission of Oregon) or an order for payment of money into any federal or state court in Oregon, which notice or order applies to wages, salary or other monies due an employee of the City, and the employee is deceased or dies at any time before return is made thereon, the Auditor shall hold all monies pending further order of court and shall immediately notify the City Attorney of the notice or order and of the employee's death. Upon receipt of this notice the City Attorney shall file a supplemental pleading in the case wherein the garnishment or levy was undertaken, to advise the court of the employee's death and to obtain an order of court as to what disposition should be made of the monies held by the Auditor. The procedure authorized herein shall be followed notwithstanding Section 5.12.050.
- C.** The Auditor shall make a return upon any notice of levy issued by the United States Treasury Department and any notice of garnishment issued by the State Tax Commission of Oregon, of wages, salary or other monies due an employee of the City, if the employee is living at the time the notice is served. If the employee is deceased at the time the notice is served, the Auditor shall:
- 1.** Make payment as provided in Section 5.08.160, advising the recipient thereof, in writing, of the existence of the tax lien; and
  - 2.** Notify the taxing authority, in writing, of the fact and date of the employee's death, the date and amount of the payment, the name and address of the recipient thereof, and the recipient's relationship to the deceased. The procedure authorized herein shall be followed notwithstanding Section 5.12.050.

**TITLE 5  
REVENUE AND FINANCE**

**Chapter 5.09**

**DEFERRED COMPENSATION PLAN**

(Chapter added by Ordinance No. 176183,  
effective January 1, 2002.)

**Sections:**

|          |                                                  |
|----------|--------------------------------------------------|
| 5.09.005 | Title.                                           |
| 5.09.010 | Definitions.                                     |
| 5.09.020 | Purpose.                                         |
| 5.09.030 | Administration.                                  |
| 5.09.035 | Education.                                       |
| 5.09.040 | Participation in the Plan.                       |
| 5.09.050 | Compensation Deferral.                           |
| 5.09.055 | Catch-up Provisions.                             |
| 5.09.056 | Excess Deferrals.                                |
| 5.09.060 | Deferred Compensation Records.                   |
| 5.09.070 | Payment Options.                                 |
| 5.09.080 | Distribution of Benefits Generally.              |
| 5.09.090 | Qualified Domestic Relations Orders (QDRO).      |
| 5.09.100 | Determination of Benefits Upon Death.            |
| 5.09.120 | Unforeseeable Emergency.                         |
| 5.09.130 | Non-Assignability.                               |
| 5.09.140 | Amendment and Termination.                       |
| 5.09.150 | Transfers from other Code Section 457 (b) Plans. |
| 5.09.155 | Rollovers to Plan.                               |
| 5.09.156 | Rollovers From the Plan.                         |
| 5.09.157 | Purchase of Service Credits.                     |
| 5.09.160 | Unclaimed Assets.                                |
| 5.09.170 | Disclaimers.                                     |

**5.09.005 Title.**

(Amended by Ordinance Nos. 179417, 182168, 185726 and 186746, effective August 6, 2014.)

- A.** The City of Portland, Oregon (City), maintains a deferred compensation plan authorized by Section 457 of the Internal Revenue Code of 1986, as amended (“IRC”) that was originally adopted by City Council on December 17, 1981 and became effective January 1, 1982.
- B. Name of Plan.** This Plan shall be known as the City of Portland Governmental 457(b) Plan.

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**REVENUE AND FINANCE**

- C. **Effective Date.** The effective date of this Plan, as amended, shall be November 14, 2012.
- D. **Service Providers.** As of August 11, 2005, the service providers offered by the Plan are:
1. ING Life Insurance and Annuity Company
  2. Advantis Credit Union

**5.09.010 Definitions.**

(Amended by Ordinance Nos. 179417, 182168, 183900, 185726 and 186746, August 6, 2014.) As used in this Chapter, unless the context otherwise requires:

- A. **“Account”** means the bookkeeping account **or accounts** maintained for each Participant reflecting the cumulative amount of the Participant's Deferred Compensation, including any income, gains or losses attributable to the investment of the Participant's Deferred Compensation, and further reflecting any distributions to the Participant or the Participant's Beneficiary and any fees or expense charged against such Participant's Deferred Compensation, which are maintained by the Participant's Investment Providers. Account also includes the Participant's Roth Account, and appropriate rollover accounts under Sections 5.09.150 and 5.09.155 that must be segregated.
- B. **“Acknowledgement”** means the document that highlights some of the terms of the Plan and contains the Participant's acknowledgement and understanding of the terms of the Plan.
- C. **“Beneficiary”** means the person(s) designated by the Participant to receive any benefits payable under the plan in the event of the Participant's death. The term Beneficiary may also include the Participant's estate.
- D. **“Beneficiary Designation”** means a document specifying the Beneficiary/Beneficiaries who is/are to receive any part of the Participant's Account in the event of the Participant's death.
- E. **“City Treasurer”** means the City employee that manages the Public Finance and Treasury Division of the Bureau of Revenue and Financial Services.
- F. **“Committee”** means the Deferred Compensation Advisory Committee which makes recommendations for Council to approve regarding plan design, Service Providers, and consultative support on behalf of the Plan.

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- G.** “**Compensation**” means the total annual remuneration for employment payable by the City that would be included in the Federal gross income of the Participant but for the Participant's election to participate in the Plan.
- H.** “**Deferred Compensation**” means the amount of Compensation otherwise payable to the Participant that the Participant and the City mutually agree shall be deferred in accordance with the provisions of the Plan.
- I.** “**Employee**” means an elected official of the City, or a full-time or part-time City Employee who is eligible for benefits offered by the City or a benefit eligible employee of the Portland Development Commission. Independent contractors and leased employees are not eligible.
- J.** “**Includable Compensation**” means the remuneration for service performed for the City which is currently includable in gross income (such amount will not include any amounts excluded from gross income pursuant to this Chapter). Severance pay is excluded. Pay for unused vacation, comp time, and holiday pay is included if deferred prior to a severance from employment and pursuant to this Chapter.
- K.** “**Normal Retirement Age**” means age 70-1/2 or that age selected in writing by a Participant in accordance with this Subsection. A Participant's Normal Retirement Age determines the period during which a Participant may defer those amounts described in Subsection 5.09.050 C. Once a Participant has to any extent utilized the “catch up” provisions of Subsection 5.09.050 C., the Participant's Normal Retirement Age may not be changed. As an alternative to age 70-1/2, a Participant may, at any time prior to Severance from Employment or prior to utilization of the “catch up” provisions of Subsection 5.09.050 C., designate his or her Normal Retirement Age to be any of the following:
- 1.** Any age which is:
    - a.** Not earlier than the earliest age at which the Participant has the right to retire and receive immediate and unreduced retirement benefits from the pension plan of which the Participant is a member (i.e., the Fire and Police Disability, Retirement and Death Benefit Plan for fire fighters and police officers who are members of that Plan and the Public Employee's Retirement System (PERS) for all other Participants); and
    - b.** Not later than the date the Participant attains age 70-1/2.
- L.** “**Participant**” means any Employee who fulfills the eligibility and enrollment requirements of this Chapter.

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- M. “Participating Employer”** means the Portland Development Commission (PDC), or any entity that has adopted the City of Portland Governmental 457(b) Plan, and is legally related to the City of Portland. For employees of a “Participating Employer”, wherever this Chapter references the “City” with respect to the employment relationship, services performed and compensation paid, the term “City” shall also mean the “Participating Employer”.
- N. “Participation Agreement”** means an agreement between the City and a Participant, on a form prescribed by the City, that provides for the deferral of Compensation due a Participant to a future date for service currently rendered by the Participant to the City.
- O. “Plan”** means the program established by this Chapter which has as its purposes the deferral of Compensation to Participants and the deferral of income taxation on the Deferred Compensation.
- P. “Plan Administrator”** means the Bureau of Human Resources Director, or his or her designee, who prepares and provides documents, materials and support services required to administer the Plan on behalf of Participants.
- Q. “Plan Year”** means a calendar year.
- R. “Records”** means the materials and forms maintained in files for each Participant in the Deferred Compensation Plan.
- S. “Roth Account”** means the portion of the Participant Account established and maintained by the Administrator for each Participant with respect to his or her Roth Deferrals including any amounts transferred into the Plan.
- T. “Roth Deferrals”** means Deferred Compensation which is designated irrevocably as a Roth Deferral by the Participant at the time the deferral election is made, and which is included in the Participant’s taxable income at the time the Participant would have received such amount in Compensation. All Roth Deferrals will be made in compliance with Internal Revenue Code Section 402A.
- U. “Service Providers”** means the financial institutions that have contracts with the City to provide investment services to Participants consistent with the terms of the Plan.
- V. “Severance from Employment”** means the severance of the Participant’s employment with the City. A Participant shall be deemed to have severed his or her employment with the City when, in accordance with the established practices of the City, the employment relationship is considered to be terminated.

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### W.

1. **“Unforeseeable Emergency”** means severe financial hardship to the Participant resulting from
  - a. a sudden and unexpected illness or accident of the Participant or of a dependent (as defined in IRC Section 152a) of the Participant, or a designated beneficiary,
  - b. loss of the Participant's property due to casualty, or
  - c. the need to pay for the funeral expenses of the participant's spouse or dependent (defined in IRC Section 152(a),) or
  - d. other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the Participant.
2. The circumstances that will constitute an Unforeseeable Emergency will depend upon the facts of each case, but, in any case, payment may not be made to the extent that such hardship is or may be relieved;
  - a. Through reimbursement or compensation by insurance or otherwise;
  - b. By liquidation of the Participant's assets to the extent the liquidation of such assets would not itself cause severe financial hardship; or
  - c. By cessation of deferrals under this Chapter.

Examples of what are not considered to be unforeseeable emergencies include the need to send a Participant's child to college or the desire to purchase a home.

- X. **“Withdrawal Agreement”** means an agreement between the City and a Participant on a form prescribed by the City that allows the Participant to elect and change the manner in which the value of the Participant’s Account is paid.

### 5.09.020 Purpose.

(Amended by Ordinance No. 182168, effective October 3, 2008.) The purpose of this Chapter is to establish a program that has as its purpose the deferral of Compensation to eligible Employees and the deferral of income taxation on the Deferred Compensation. The program established by this Chapter is limited to the terms contained in the Chapter,



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and as such no other plan provisions are to be implied or assumed, even if such provisions would be permissible under the IRC. Except as specifically set forth otherwise, in the event the terms or provisions of any Component Plan, summary or description of this Plan or of any other instrument are interpreted as being in conflict with the provisions of this Plan, the provisions of this Plan shall be controlling.

**5.09.030 Administration.**

(Amended by Ordinance Nos. 176426, 179417, 182168, 185341, 185726 and 186746, effective August 6, 2014.) This Chapter shall be administered by the Bureau of Human Resources Director, or his or her designee, with the assistance of the Deferred Compensation Advisory Committee. The Committee shall consist of the Chief Administrative Officer of the Office of Management and Finance, the Director of the Bureau of Human Resources, and the City Treasurer and/or their respective designees. The Chief Administrative Officer shall designate a Committee Chairperson. The Committee shall study all matters connected with providing a deferred compensation plan on the best basis possible with relation both to the welfare of the Participants and the City. The Committee shall have authority to devise specifications for deferred compensation plans, advertise for responses and bids, and analyze responses. The Bureau of Human Resources Director, or his or her designee, at the direction of the Committee, is authorized to negotiate and execute all contracts, including contracts with Service Providers. The terms of any contract with the Plan may authorize the assessment of fees to be charged against Service Providers or other contractors that may be necessary to fund the administration of the Plan. The Bureau of Human Resources Director, or his or her designee, at the direction of the Committee, is further authorized to prepare and provide any other documents, materials and support services that may be required to administer the Plan. The Committee members may participate in the Plan established herein if otherwise eligible, but shall not be entitled to participate in decisions relating solely to their own participation.

**5.09.035 Education.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) The Committee shall review the Plan marketing and education materials. All promotional and City-sponsored employee marketing and education efforts relating to the Plan may be coordinated with other similar efforts sponsored by the Employee Benefits Division of the Bureau of Human Resources. The Committee shall not offer investment advice to employees or plan Participants.

**5.09.040 Participation in the Plan.**

(Amended by Ordinance Nos. 179417, 182168, 183900, 185726 and 186746, effective August 6, 2014.)

- A.** Eligibility. Employees shall be eligible to enroll as Participants in the Plan, as provided in this Section, on the first day of the month following the month in which they will have completed 30 days in a paid status. A Participant who

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terminates his or her employment with the City and then returns to City employment after the expiration of 12 calendar months following said termination date must comply with the eligibility waiting period applicable to such person upon his or her return before being eligible to participate in the Plan again. A Participant's right to participate and to have his or her salary reduced in connection with the Plan shall cease in the event the Participant takes a leave of absence without pay, but any such Participant may continue full participation in the Plan upon returning to pay status with the City. A Participant's right to participate and to have his or her salary reduced in connection with the Plan shall cease while the Participant is receiving distributions in accordance with, and subject to, the restrictions of Sections 5.09.070, 5.09.080, 5.09.090, and 5.09.110.

- B.** Enrollment in the Plan. An eligible Employee may become a Participant and defer Compensation not yet earned by executing a written Participation Agreement, and submitting it to the Bureau of Human Resources, Benefits Division in an acceptable format. Compensation will be deferred for any calendar month only if a Participation Agreement providing for such deferral has been entered into by the 15<sup>th</sup> of the preceding month.
- C.** The Participation Agreement shall be in a format provided by the City, which shall include the following:

  - 1. The Participant's name;
  - 2. The dollar amount or percent of Compensation to be deferred;
  - 3. Other relevant statements necessary and appropriate for carrying out the purposes of this Chapter; and
  - 4. The investment or deposit preference shall be made in a format provided by the City.
- D.** When an eligible Employee executes a Participation Agreement, an Acknowledgement and a Beneficiary Designation shall also be completed. A Participant may change the Beneficiary Designation at any time by completing a new Beneficiary Designation and submitting it to the Bureau of Human Resources, Benefits Division. A change of Beneficiary Designation shall become effective on the date received by the Bureau of Human Resources, Benefits Division.
- E.** The City, upon written request of an eligible Employee, will reduce each pay period the salary of the eligible Employee by an amount of money designated by that Employee in the Employee's Participation Agreement. The City shall pay that

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amount to the Service Provider designated in the Employee's Participation Agreement.

- F.** Once per month, a Participant may modify his or her Participation Agreement as to the amount of Compensation not yet earned to be deferred during each Plan Year. Any modification as to the amount of Compensation to be deferred by a Participant must be submitted in a format provided by the City, and received by the Bureau of Human Resources, Benefits Division, by the 15<sup>th</sup> of the month prior to the month in which said modification is to become effective.
- G.** A Participant may revoke the Participation Agreement at any time with respect to any pay period by submitting notification in a format provided by the City, which must be received by the Bureau of Human Resources, Benefits Division, at least on full pay period prior to the date upon which the Participant desires the revocation to be effective.
- H.** At the time of severance from employment with the City, a Participant may make a special election of their vacation, comp, and/or holiday payoff. A Participant must submit a Participation Agreement by the 15<sup>th</sup> of the month prior to the month in which they sever employment. The election can be made as a dollar or percentage amount. This election will only apply once on the final paycheck issued. The maximum deferral limits shall apply in accordance with Section 5.09.050. If not previously elected during the calendar year, the participant may elect the age 50 catch-up provision or the 3-year catch-up provision pursuant to Section 5.09.055.
- I.** A Participant who has severed his or her employment or who has revoked the Participation Agreement may again participate in the Plan, provided that he or she is eligible, by submitting a new Participation Agreement.
- J.** For purposes of Plan administration, a revocation of a Participation Agreement will be considered a Participation Agreement modification. The most recent Participation Agreement shall be controlling with respect to all accounts, including amounts deferred under prior agreements.
- K.** Automatic Enrollment in the Plan.

  - 1.** Collective Bargaining Agreements requiring Automatic Enrollment.

    - a.** If the City and a labor organization representing a unit of City employees agree in collective bargaining, the Eligible Employees in such bargaining unit will be automatically deemed to have executed a Participation Agreement. With respect to then currently Eligible Employees such deemed executed Participation

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Agreement will be effective commencing with the payroll period designated in such collective bargaining agreement. If no payroll period is designated in the collective bargaining agreement, the Participation Agreement will be effective the first payroll period after the effective date of such collective bargaining agreement.

- b.** New Eligible Employees who are covered by such a collective bargaining agreement will be automatically deemed to have executed a Participation Agreement effective for the first payroll period in which they could complete a Participation Agreement, unless another date is specified in the applicable collective bargaining agreement.
  - c.** Notwithstanding the preceding in this Section, the deemed executed Participation Agreement will not be effective prior to the time described in the required notice described in Subsection 5.09.040 K. 2.
- 2.** Advance Notice. An Eligible Employee will be provided the required advance notice of automatic enrollment pursuant to IRC Section 414(w), including the amount of contributions that will be made, the employee's right to elect to not have automatic contributions made, a description of how the contributions will be invested, and when such contributions may be distributed. The notice shall be provided within a reasonable period before each Plan Year or before such other time when the automatic provision will first become applicable to an Eligible Employee.
  - a.** Opting Out of Automatic Enrollment. A Participant shall have the right to opt out of automatic enrollment at any time by completing a Participation Agreement or by providing notice of the election to not have any amount withheld from his or her Compensation.
  - b.** Deferral Amount. The amount deferred from an Eligible Employee's Compensation shall be the amount specified in the applicable collective bargaining agreement, provided that the requirements of IRC Section 414(w) are satisfied, including the requirement that the percentage of pay deferred will be uniform for employees with the same years of employment, and the applicable minimum and maximum deferral percentages.

**5.09.050 Compensation Deferral.**

(Amended by Ordinance Nos. 182168 and 186746, effective August 6, 2014.)

A. The amount of Compensation which may be deferred by a Participant shall be subject to the following limits:

1. The minimum amount deferred shall not be less than \$10 per pay period;
2. The maximum amount of Compensation which may be deferred during a plan year shall be in accordance with the following schedule:

| <b>For the Year:</b> | <b>The lesser of:</b>                                      |
|----------------------|------------------------------------------------------------|
| <b>1982-1997</b>     | \$7,500 or 33.33% of Participant's Includable Compensation |
| <b>1998-2000</b>     | \$8,000 or 33.33% of Participant's Includable Compensation |
| <b>2001</b>          | \$8,500 or 33.33% of Participant's Includable Compensation |
| <b>2002</b>          | \$11,000 or 100% of Participant's Includable Compensation  |
| <b>2003</b>          | \$12,000 or 100% of Participant's Includable Compensation  |
| <b>2004</b>          | \$13,000 or 100% of Participant's Includable Compensation  |
| <b>2005</b>          | \$14,000 or 100% of Participant's Includable Compensation  |
| <b>2006</b>          | \$15,000 or 100% of Participant's Includable Compensation  |
| <b>2007</b>          | \$15,500 or 100% of Participant's Includable Compensation  |
| <b>2008</b>          | \$15,500 or 100% of Participant's Includable Compensation  |
| <b>2009</b>          | Amount shall be administered to reflect changes in         |
| <b>thereafter:</b>   | accordance with IRC Sections 457(e)(15) and 415(d).        |

**5.09.055 Catch-up Provisions**

(Amended by Ordinance Nos. 179417, 182168 and 186746, effective August 6, 2014.)

A. **Three year catch-up provision:** Notwithstanding the language of Subsection 5.09.050 A.2., during each of a Participant's last three (3) taxable years ending before the Participant attains Normal Retirement Age, the maximum amount deferred shall be in accordance with the following schedule:

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| <b>For the Year:</b> | <b>The lesser of:</b>                                                                                                                                                                                                                                                        |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2002</b>          | \$22,000                                                                                                                                                                                                                                                                     |
| <b>2003</b>          | \$24,000                                                                                                                                                                                                                                                                     |
| <b>2004</b>          | \$26,000                                                                                                                                                                                                                                                                     |
| <b>2005</b>          | \$28,000                                                                                                                                                                                                                                                                     |
| <b>2006</b>          | \$30,000                                                                                                                                                                                                                                                                     |
| <b>2007</b>          | \$31,000                                                                                                                                                                                                                                                                     |
| <b>2008</b>          | \$31,000                                                                                                                                                                                                                                                                     |
|                      | or the sum of the maximum allowed under Subsection 5.09.050 A. 2. for the current taxable year plus so much of the maximum established for purposes of Subsection 5.09.050 A. 2. for prior taxable years as has not previously been deferred under Subsection 5.09.050 A. 2. |

For the purposes of this section, a prior year shall be taken into account only if such year began after December 31, 1981, and the participant was eligible to participate in the plan during all or a portion of the year. For purposes of counting prior years, only years of service with the City may be considered. Participant may only make this election once with respect to any IRC section governmental 457(b) deferred compensation plan of the employer.

- B. Age 50 catch-up provision:** All Participants who are eligible to make elective deferrals under the Plan and who have attained age 50 before the close of the calendar year shall be eligible to make catch-up contributions in accordance with Schedule A, and subject to the limitations of IRC Sections 414(v) and 414(v)(6)(c). Additional deferrals under this section of the Plan may be made except during the three (3) years prior to normal retirement age while utilizing the catch-up provision provided for in Subsection 5.09.055 A. of the Plan. Age 50 catch-up contributions will not be taken into account for purposes of determining a participant's underutilized amounts under the three year catch-up provision. The Participant must select the catch-up which results in the higher contribution amount.

**Schedule A**

| <b>For the Year:</b> | <b>Additional deferral amount:</b> |
|----------------------|------------------------------------|
| <b>2002</b>          | \$1,000                            |
| <b>2003</b>          | \$2,000                            |
| <b>2004</b>          | \$3,000                            |
| <b>2005</b>          | \$4,000                            |
| <b>2006</b>          | \$5,000                            |
| <b>2007</b>          | \$5,000                            |
| <b>2008</b>          | \$5,000                            |
| <b>2009</b>          | \$5,500                            |



**2010 &  
thereafter**

Amount shall be administered to reflect changes in accordance with IRC Sections 457(e)(15) and 415(d).

- C. Coordination with other plans.** If a Participant participates in more than one deferred compensation plan authorized under IRC Section 457, the maximum deferral under all such plans shall not exceed the applicable deferral limits described in Section 5.09.050, as adjusted by the Secretary of the Treasury (subject to modification by the catch-up limitations described in Section 5.09.055), which also shall apply to all IRC Section Governmental 457(b) Plans in which the Participant participates. If a Participant participates in a plan described in IRC Section 403 (b), 401 (k), 408 (k) or 501 C (18), amounts deferred by the Participant to such plan(s) and excluded from the Participant's gross income in any taxable year under such plan(s) shall not reduce the limitation described in Section 5.09.050 of this Section and the catch-up limitation described in Section 5.09.055.
- D. Uniform Service Provision.** This Plan shall be administered in accordance with Section 414(u) of the IRC for employees who return to work after absences from employment due to military service. Accordingly, notwithstanding the provisions of this section limiting the amount of compensation which may be deferred under the Plan, a Participant who is entitled to reemployment pursuant to the terms of the Uniformed Services Employment and Reemployment Act of 1994 (USERRA) may defer an additional amount under the Plan as provided in that Act for the years of his or her service in the uniformed services (as defined in USERRA). Any such deferrals will not be subject to the annual limits on deferrals set forth in this section in the year in which deferred, but shall be subject to the limits for the year to which such deferrals relate. This subsection shall apply retroactively to December 12, 1994.

**5.09.056 Excess Referrals.**

(Added by Ordinance No. 179417; amended by Ordinance Nos. 182168 and 186746, effective August 6, 2014.) A Participant who participates in the Plan and another Governmental 457(b) Plan of another employer shall be responsible for complying with the deferral limits. In the event of an excess amount, the Participant shall notify the Plan Administrator so that the excess and the proportionate earnings on the excess as determined by the Plan Administrator in accordance with IRC Section 457 may be distributed as soon as practicable after the Plan Administrator determines that the amount is an excess deferral.

**5.09.060 Deferred Compensation Records.**

(Amended by Ordinance Nos. 182168 and 186746, effective August 6, 2014.)

- A.** The City shall maintain records necessary and appropriate to the efficient administration of this Chapter, and such records shall be maintained by the City

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until a Participant or his or her designated Beneficiaries have received the payment of such amounts as they are entitled to receive under the terms of the applicable Withdrawal Agreement.

- B.** All amounts of Compensation deferred pursuant to this Chapter, shall be held in a trust, custodial account or contract described in IRC Section 457(g). Any change in the net value of the assets of a Participant invested under the Plan shall result in a commensurate change in the total amount distributable to the Participant or the Beneficiary of the Participant and shall not result in any increase or decrease in the net worth of the City.
- C.** As to those amounts held in trusts, notwithstanding any contrary provision of the Plan, in accordance with IRC Section 457(g), all amounts of compensation deferred pursuant to the Plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights shall be held in trust for the exclusive benefit of Participants and Beneficiaries under the Plan. Any trust under the Plan shall be established pursuant to a written agreement that constitutes a valid trust under the law of the State of Oregon. All amounts of compensation deferred under the Plan shall be transferred to a trust established under the Plan within a period that is not longer than is reasonable for the proper administration of the accounts of Participants.
- D.** As to those amounts held in annuity contracts, notwithstanding any contrary provision of the Plan, including any annuity contract issued under the plan, in accordance with IRC Section 457(g), all amounts of compensation deferred pursuant to the Plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights shall be held in one or more annuity contracts, as defined in IRC Section 401(g), issued by an insurance company qualified to do business in the State of Oregon, for the exclusive benefit of Participants and Beneficiaries under the Plan. For this purpose, the term "annuity contract" does not include a life, health or accident, property, casualty, or liability insurance contract. All amounts of compensation deferred under the Plan shall be transferred to an annuity contract described in IRC Section 401(f) within a period that is not longer than is reasonable for the proper administration of the accounts of Participants.
- E.** As to those amounts held in custodial accounts, notwithstanding any contrary provision of the Plan, in accordance with IRC Section 457(g), all amounts of compensation deferred pursuant to the Plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights shall be held in one or more custodial accounts for the exclusive benefit of Participants and Beneficiaries under the Plan. For purposes of this paragraph, the custodian of any custodial account created pursuant to the Plan must be a bank as described in IRC Section 408(n), or a person who meets the nonbank trustee

requirements of paragraphs (2)-(6) of Section 1.408-2(e) of the Income Tax Regulations relating to the use of nonbank trustees. All amounts of compensation deferred under the Plan shall be transferred to a custodial account described in IRC Section 401(f) within a period that is not longer than is reasonable for the proper administration of the accounts of Participants.

- F.** When a Participant agrees to participate in the Plan, the Participant may indicate his or her preference with respect to the investment or deposit option to be used in investing or depositing the Participant's deferred income.

**5.09.070 Payment Options.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** Subject to the restrictions on the distribution of benefit payments appearing in Sections 5.09.080, 5.09.090, 5.09.100 and 5.09.110, the options available to a Participant or Beneficiary for distributing the value of the Participant's Account are:
- 1.** Lump Sum
  - 2.** Substantially equal monthly, quarterly, semi- annual or annual installments until the Account is exhausted.
  - 3.** Substantially equal monthly, quarterly, semi- annual or annual payments for a designated period.
  - 4.** Periodic payments for the life of the Participant with continuation of the payments or a percentage of the payments for the lifetime of the Participant's spouse.
  - 5.** Payments equal to payments made by the issuer of a retirement annuity policy.
  - 6.** Such other option as the Participant chooses, and as authorized by this Plan.

**5.09.080 Distribution of Benefits Generally.**

(Amended by Ordinance Nos. 177367, 179417, 182168, 185341, 185726 and 186746, effective August 6, 2014.)

- A.** With respect to distributions under the Plan made for calendar years beginning on or after January 1, 2002, the Plan will apply the minimum distribution requirements of IRC Section 401(a)(9) in accordance with the regulations under IRC Section 401(a)(9) that were proposed on January 17, 2001, notwithstanding

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any provision of the Plan to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under IRC Section 401(a)(9) or such other date as may be specified in guidance published by the Internal Revenue Service.

- B.** Distribution of a Participant's Account to a Participant or a Beneficiary shall be made in accordance with the manner and method of payments selected in the Withdrawal Agreement, which election may be changed by a Participant or Beneficiary, subject to the restrictions of the Plan.
- C.** At the time distribution to a Participant commences, such distribution shall be made in a manner in which the Participant will receive a minimum portion of the amount payable with respect to the Participant during the life expectancy of the Participant (as determined as of the commencement of the distribution). Therefore, distributions to a Participant must be made in accordance with the distribution tables promulgated by the Secretary of the Treasury pursuant to IRC Section 457(d)(2)(B)(i)(I).
- D.** A minimum amount shall be distributed during each calendar year. The required minimum distribution for each calendar year shall be determined by dividing the Account balance (as determined under Section 1.104(a)(9)-1, Q&A F-5 of the proposed Federal income tax regulations or any successor to such regulations) by the lesser of the applicable life expectancy (as determined under Q&A F-1A(d) of Section 1.104(a)(9)-1 of the proposed Federal income tax regulations or any successor to such regulations) or the applicable divisor (as determined under Q&A-4 of Section 1.104(a)(9)-2 of the proposed Federal income tax regulations or any successor to such regulations).
- E.** Notwithstanding the provisions of Subsection D., distribution of a Participant's Account may be made through an annuity contract that is purchased from an insurance company, with funds from the Participant's Account. Any annuity contract so purchased must satisfy the applicable minimum distribution requirements of Section 1.401(a)(9)-1 of the proposed Federal income tax regulations (and any successor regulations) and the applicable minimum distribution incidental benefit requirement of Section 1.401(a)(9)-2 of the Federal income tax regulations (and any successor regulations). In the event such an annuity contract is purchased, the amount of the annuity payments shall be determined under the annuity contract.
- F.** In no event shall the distribution of a Participant's Account commence earlier than:

  - 1.** the calendar year in which the Participant attains his or her Normal Retirement Age as defined in Subsection 5.09.010 K.,

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2. the Participant's Severance from Employment, or
  3. when the Plan Administrator or designee approves a distribution pursuant to an Unforeseeable Emergency of a Participant.
- G.** Distribution of a Participant's Account to a Participant may commence no later than April 1 of the calendar year following the calendar year in which the Participant attains age 70-1/2 or actually severs from employment.
- H.** Notwithstanding Subsection 5.09.080 J., distributions of a Participant's Account shall cease if the Participant is re-employed by the City.
- I.** All distributions hereunder shall be made in accordance with the regulations under IRC Section 401(a)(9), including Section 1.401(a)(9)-2 of the Federal income tax regulations and such other provisions as are prescribed by the Commissioner of Internal Revenue. Accordingly, no distribution shall be made under any option that does not satisfy IRC Section 401(a)(9), including Section 401(a)(9)(G).
- J.** Participants may elect changes to existing irrevocable election dates and/or payment amounts, except for selections made pursuant to Subsection 5.09.070 A.5. Participants may elect changes to election dates and/or payment amounts, except for selections made pursuant to Subsection 5.09.070 A.5.
- K.** Voluntary In-Service Distribution: Notwithstanding anything in this chapter to the contrary, a Participant who is an active employee of the City shall receive a distribution of the total amount payable to the Participant under the Plan if the following requirements are met:
1. the total amount payable to the Participant under the Plan does not exceed \$5,000 (or the dollar limit under IRC Section 411(a)(11), if greater),
  2. the Participant has not previously received an in-service distribution of the total amount payable to the Participant under the Plan pursuant to Subsection 5.09.080 I.
  3. no amount has been deferred under the Plan with respect to the Participant during the two-year period ending on the date of the in-service distribution; and
  4. the Participant elects to receive the distribution.

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- L.** Distribution of a Participant's Account shall commence no earlier than Severance from Employment.

**5.09.090 Qualified Domestic Relations Orders (QDRO).**

(Replaced by Ordinance No. 177367; amended by Ordinance Nos. 179417 and 182168, effective October 3, 2008.)

- A.** Effective January 1, 2002, court ordered distributions in the form of QDROs are recognized and allowed by the Plan. The Plan or the Plan's designee shall adopt reasonable procedures to determine the qualified status of domestic relations orders and to administer the distributions hereunder. QDROs must be submitted in a form acceptable to the Plan or its designee, and may order Participant Plan assets be divided into a separate account for the benefit of an Alternate Payee. Distribution of those assets may be allowed as provided in Subsection 5.09.090 B. and C. All state and federal taxes on distributions from the Alternate Payee's account will be the responsibility of the Alternate Payee and not to the Plan Participant. The Alternate Payee's account shall be subject to the IRC and Regulations, state law, and the Plan.
- B.** If administered by the Plan, the responsibility for the fees provided for under ORS 243.507 shall be apportioned to the Participant and the Alternate Payee based on the fraction of the plan assets received by the Participant and the Alternate Payee at the time the Alternate Payee's interest in the Plan is established. The apportioned fees shall be immediately paid to the Plan out of the distributions to the Participant and out of the distributions to the Alternate Payee until their respective obligations are paid.
- C.** Any QDRO submitted to and accepted by the Plan or its designee may provide that an Alternate Payee may take an immediate distribution of some or all of the assets established in the separate account or make any distribution election from the payout options available to Plan Participants, or may elect to leave the separate account in the Plan, in which case, the Alternate Payee shall have the same rights as a participant under the Plan.

**5.09.100 Determination of Benefits Upon Death**

(Replaced by Ordinance No. 179417; amended by Ordinance Nos. 182168 and 186746, effective August 6, 2014.)

- A.** Upon the death of a Participant, Former Participant or Alternate Payee, the Plan Administrator shall direct that the deceased Participant's, Former Participant's or Alternate Payee's Participant Account, be distributed to the Beneficiary in accordance with the provision of this Section 5.09.100.



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- B.** The designation of a Beneficiary shall be made in a manner that is satisfactory to the Plan Administrator. A Participant, Former Participant, or Alternate Payee may at any time revoke his or her designation of a Beneficiary or change his or her Beneficiary by submitting notice of such revocation or change with the Plan Administrator. In the event no valid designation of Beneficiary exists at the time of the Participant's, Former Participant's, or Alternate Payee's death, the death benefit shall be payable to the Participant's, Former Participant's, or Alternate Payee's estate.
- C.** The Plan Administrator may require such proper proof of death and such evidence of the right of any person to receive payment of the value of the Participant Account of a deceased Participant, Former Participant, Alternate Payee or Beneficiary, as the Plan Administrator may deem appropriate. The Plan Administrator's determination of death and of the right of any person to receive payment shall be conclusive.
- D.** Death benefits payable to a Beneficiary shall be made in a form as selected by the Beneficiary in accordance with the available options. In the event a Beneficiary fails to make an election as to a benefit distribution option, any benefit payable to such Beneficiary shall be distributed in a lump sum payment in accordance with IRC Section 401(a)(9) and any applicable State of Oregon law or statute. The terms of any annuity contract purchased and distributed by the Plan to a Beneficiary shall comply with the requirements of the Plan.
- E.** Notwithstanding any provision in the Plan to the contrary, distributions upon the death of a Participant or Former Participant, shall be made in accordance with the requirements in Subsections F. through J. and shall otherwise comply with IRC Section 401(a)(9) and the Regulations thereunder.
- F.** In accordance with the Beneficiary's election, if minimum payments under IRC Section 401(a)(9) have not begun upon the death of a Participant or Former Participant and the designated Beneficiary is not the Participant's surviving spouse, death benefit payments must:

  - 1.** begin to be distributed to the designated Beneficiary no later than the December 31 of the calendar year immediately following the calendar year of the Participant's or Former Participant's death payable over a period not to exceed the life expectancy of the Beneficiary; or
  - 2.** be distributed no later than the December 31 of the calendar year containing the fifth anniversary of the Participant's or Former Participant's death.

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**G.** In accordance with the Beneficiary's election, if the designated Beneficiary is the Participant's or Former Participant's surviving spouse and minimum payments under IRC Section 401(a)(9) have not begun upon the death of a Participant or Former Participant, minimum payments to the surviving spouse as the designated Beneficiary must begin by the later of the:

- 1.** December 31 of the calendar year immediately following the calendar year in which the Participant or Former Participant dies, or
- 2.** December 31 of the calendar year in which the Participant or Former Participant would have attained 70  $\frac{1}{2}$ .

The payments to the surviving spouse as the designated Beneficiary must be made over a period not to exceed the surviving spouse's life expectancy. Notwithstanding the foregoing, for purposes of this subsection, an Alternate Payee who is a spouse or former spouse will be treated as a Participant's or Former Participant's surviving spouse.

**H.** If there is no designated Beneficiary as of September 30 of the year following the year of the Participant's or Former Participant's death, the Participant's or Former Participant's entire interest will be distributed according to State of Oregon law or statute by December 31 of the calendar year containing the fifth anniversary of the Participant's or Former Participant's death.

**I.** If the Participant or Former Participant dies on or after the date distributions begin and there is a designated Beneficiary, distributions shall be based on the longer of the remaining life expectancy of the Participant or Former Participant or the remaining life expectancy of the Participant's or Former Participant's designated Beneficiary.

**J.** Life expectancies calculations will be computed using the factors in the Single Life Table set forth in IRC Section 1.401(a)(9)-9, A-1, as follows:

- 1.** The Participant's or Former Participant's remaining life expectancy is calculated using the age of the Participant or Former Participant in the year of death, reduced by one for each subsequent year.
- 2.** If the Participant's or Former Participant's surviving spouse is the Participant's or Former Participant's sole, primary designated Beneficiary, the remaining life expectancy of the surviving spouse is calculated for each distribution calendar year after the year of the Participant's or Former Participant's death using the surviving spouse's age as of the spouse's birthday in that year. For distribution calendar years after the year of the surviving spouse's death, the remaining life expectancy of the surviving

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spouse is calculated using the age of the surviving spouse as of the spouse's birthday in the calendar year of the spouse's death, reduced by one for each subsequent calendar year.

3. If the Participant's or Former Participant's surviving spouse is not the Participant's or Former Participant's sole, primary designated Beneficiary, the designated Beneficiary's remaining life expectancy is calculated using the age of the Beneficiary in the year following the year of the Participant's or Former Participant's death, reduced by one for each subsequent year.
4. If the Participant or Former Participant dies on or after the date distributions begin and there is no designated Beneficiary as of September 30 of the year after the year of the Participant's or Former Participant's death, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's or Former Participant's death is the quotient obtained by dividing the Participant Account by the Participant's or Former Participant's remaining life expectancy calculated using the age of the Participant or Former Participant in the year of death, reduced by one for each subsequent year.

**5.09.110 Distribution Commencing After Death of Participant.**

(Repealed by Ordinance No. 179417, effective August 11, 2005.)

**5.09.120 Unforeseeable Emergency.**

(Amended by Ordinance Nos. 179417, 182168 and 186746, effective August 6, 2014.) A Participant may apply on a form supplied by the Bureau of Human Resources Director, or his or her designee, for payment prior to Severance from Employment or Retirement from City employment but such applications may be granted only if the Participant is experiencing an Unforeseeable Emergency which would cause undue hardship if payment were denied. If the Bureau of Human Resources Director, or his or her designee, finds that a Participant is experiencing an Unforeseeable Emergency, he or she may approve an amount reasonably needed to satisfy the unforeseen emergency be made to the Participant. Payment will be made within 90 days of the date of such approval. Participants who request and are granted a hardship withdrawal from their deferred compensation account may not have their salaries reduced under the terms of this Chapter for a period of six (6) months following such hardship withdrawal. If the Bureau of Human Resources Director, or his or her designee, denies the application for payment, said denial shall be in writing. A Participant may appeal the decision to the Committee. An appeal must be in writing and received by the Plan Administrator within 30 days of the date of denial. The Committee shall issue a written decision within 90 days of receipt of the appeal by the Plan Administrator. Any decision of the Committee is final.

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#### **5.09.130 Non-Assignability.**

(Amended by Ordinance Nos. 177367, 182168 and 186746, effective August 6, 2014.) Neither the Participant, nor the Participant's Beneficiary shall have any right to commute, sell, assign, transfer, or otherwise convey the right to receive any payment which may be due the Participant under the plan, which payments and rights thereto are expressly declared to be nonassignable and nontransferable. Nor shall any amounts deferred pursuant to this Chapter be subject to attachment, garnishment, or execution or be transferable by operation of law in the event of bankruptcy or insolvency unless otherwise required by law. The preceding paragraph prohibiting the assignment or alienation of benefits shall not apply to Qualified Domestic Relations Orders as set forth in Section 5.09.090 which may be issued pursuant to a court decree of annulment or dissolution of marriage or of separation, or the terms of any court order or court approved property settlement agreement incident to any court decree of annulment or dissolution of marriage or of separation which is determined by the Bureau of Human Resources Director or his or her designee to satisfy the requirements of ORS 243.507. The Bureau of Human Resources Director or his or her designee shall establish written procedures to determine whether the above described decrees or the property settlement agreements incident to such decrees satisfy ORS 243.507 and to administer distributions under such orders.

#### **5.09.140 Amendment and Termination.**

(Amended by Ordinance Nos. 182168 and 186746, effective August 6, 2014.)

- A.** The City may terminate the Plan provided for in this Chapter at any time. Upon such termination, the Participants in the Plan will be deemed to have withdrawn from the Plan as of the date of such termination and their full Compensation on a non-deferred basis will be thereupon restored. In the event the City terminates the plan, the value of all Accounts shall be distributed to the Participants or their Beneficiaries in accordance with the method of payment designated by the Participant on a Withdrawal Agreement.
- B.** The City may amend the provisions of this Plan at any time, provided, however, that all amendments are in compliance with the IRC and that no amendment shall affect the rights of any Participant or Beneficiary to the receipt of benefits accrued under the Plan prior to such amendment.

#### **5.09.150 Transfers from other Code Section 457(b) Plans.**

(Amended by Ordinance Nos. 179417 and 182168, effective October 3, 2008.) This Plan shall accept for transfer those amounts of compensation previously deferred by a Participant pursuant to another eligible plan of deferred compensation maintained under IRC Section 457, by another employer.

**5.09.155 Rollovers to the Plan.**

(Replaced by Ordinance No. 182168; Amended by Ordinance Nos. 185726 and 186746, effective August 6, 2014.)

- A.** Amounts that are considered Eligible Rollover Distributions as defined in IRC Section 402(c)(4) may be rolled over by a Participant, from an Eligible Retirement Plan. The amounts rolled over from an Eligible Retirement Plan other than an IRC Section 457(b) plan maintained by an Employer shall be allocated to the Participant Non-457 Rollover Account. The amounts rolled over from another IRC Section 457(b) plan maintained by an Employer shall be allocated to the Participant 457 Rollover Account. Amounts in the Participant Non-457 Rollover Account shall be accounted for separately from amounts in the Participant 457 Rollover Account.
- B.** For purposes of this Section, the term “Participant” means the Participant, the Participant’s surviving spouse beneficiary or an Alternate Payee (who is a spouse or former spouse). “Eligible Retirement Plan” means any other IRC Section 457(b) plan maintained by an employer, an IRC Section 403(b) program, a IRC Section 401(a) plan, an individual retirement account as described in IRC Section 408(a), and an individual retirement annuity as described in IRC Section 408(b), and a Roth individual retirement account under IRC Section 408(a). For purposes of this Section, the term “amounts rolled over from an Eligible Retirement Plan” means:

  - 1.** amounts rolled to the Plan directly from another Eligible Retirement Plan on behalf of an Eligible Individual; and
  - 2.** Eligible Rollover Distributions as defined in IRC Section 402(c)(4) received by an Eligible Individual from another Eligible Retirement Plan that are rolled over by the Eligible Individual to the Plan within sixty (60) days, following his or her receipt thereof.
- C.** A Participant may choose to receive a distribution from his or her 457(b) Rollover Account and Participant Non-457(b) Rollover Account at any time, whether he or she is otherwise entitled to a distribution from the Plan.

**5.09.156 Rollovers From the Plan**

(Added by Ordinance No. 182168, effective October 3, 2008.)

- A.** Notwithstanding any provision of the Plan to the contrary, a Participant who is entitled to a distribution under the Plan shall be permitted to elect to have any Eligible Rollover Distribution (as defined in IRC Section 402(c)(4)) paid directly to an Eligible Retirement Plan (as defined in Subsection 5.09.155 B.) specified by the Participant. The Participant shall, in the time and manner prescribed by the

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Employer, specify the amount to be rolled over and the Eligible Retirement Plan to receive such rollover. Any portion of a distribution which is not rolled over shall be distributed to the Participant.

- B.** The election described in Subsection A. also applies to the surviving spouse who is the designated Beneficiary of the Participant or a spouse or former spouse who is the Alternate Payee, provided that such spouse, former spouse or Alternate Payee directs the transfer of an Eligible Rollover Distribution (as defined in Subsection 5.09.155 B.) in which such spouse, former spouse or Alternate Payee is a participant. Effective for distributions made on or after May 16, 2008, a non-spouse beneficiary is permitted to make a direct rollover of death benefits to an inherited IRA.

#### **5.09.157 Purchase of Service Credits.**

(Added by Ordinance No. 179417; amended by Ordinance No. 182168, effective October 3, 2008.) Prior to Severance from Employment, a Participant may elect to allow the Plan to transfer assets from the Participant's account with the Plan to a designated government defined benefit plan for the purchase of permissible service credits pursuant to IRC Section 457(e) (17), provided, however, that the designated defined benefit plan will accept such a transfer of assets.

#### **5.09.160 Unclaimed Assets.**

In the event the Plan has assets of Participants or their Beneficiaries who, after the Participants' Severance from Employment, cannot be located so as to properly distribute assets to the Participant or Beneficiary under the terms of the Plan, the Plan Administrator shall make all reasonable efforts to locate said Participants and Beneficiaries. If after such efforts, the Participant or Beneficiary cannot be located, the Plan Administrator shall designate such assets as unclaimed property, and thereby abandoned, and shall transfer said assets to the State of Oregon according to the Uniform Disposition of Unclaimed Property pursuant to ORS 98.302, *et seq.*, as amended, if such assets remain unclaimed for two years after said designation.

#### **5.09.170 Disclaimers.**

- A.** Neither the City nor the Committee shall be liable for the investment decisions made by Participants.
- B.** Neither the City nor the Committee manages the Participants' Accounts, and is therefore not responsible or liable for the performance and accuracy of Participant's Accounts.



- E.** Any Federal Government employee traveling on official government business, who presents an official Government Exemption Certificate or official travel authorization.

**6.04.060 Registration of Operator; Form and Contents; Execution; Certification of Authority.**

(Amended by Ordinance No. 186736, effective August 29, 2014.)

- A.** Every person engaging or about to engage in business as an operator of a hotel in this City shall register with the Bureau on a form provided by the Bureau. Operators starting business must register within 15 calendar days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration. Registration shall set forth the name under which an operator transacts or intends to transact business, the location of his place of business and such other information to facilitate the collection of the tax as the Bureau may require. The registration shall be signed by the operator.
- B.** The Bureau shall, within 10 days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the Bureau upon the cessation of business at the location named or upon the business sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed thereon so as to be seen and come to notice readily of all occupants and persons seeking occupancy.
- C.** Said certificate shall, among other things, state the following:
- 1.** The name of the operator;
  - 2.** The address of the hotel;
  - 3.** The date upon which the certificate was issued;
  - 4.** “This Transient Occupancy Registration Certificate signifies that the person named has fulfilled the requirements of the Transient Lodgings Tax Chapter of the City of Portland for the purpose of collecting and remitting the lodgings tax. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from

any board, commission, department or office of the City of Portland. This certificate does not constitute a permit.”

- D.** Operators of Type A and Type B accessory short-term rentals as described in Section Chapter 33.207 must include their Type A Permit Number or Type B Conditional Use case file number, as applicable, in all advertising and other listing services. No person shall advertise or otherwise represent that an accessory short-term rental has received approval unless that person holds a current, valid permit or Conditional Use case file. Additionally, this Permit Number or Conditional Use case file number shall be prominently displayed in the rental unit so as to be seen by all short-term occupants.

**6.04.070 Due Date; Returns and Payments.**

- A.** The tax imposed by this Chapter shall be paid by the transient to the operator at the time that rent is paid. All amounts of such taxes collected by any operator are due and payable to the Tax Administrator on the 15th day of the following month for the preceding 3 months; and are delinquent on the last day of the month in which they are due. If the last day of the month falls on a holiday or weekend, amounts are delinquent on the first business day that follows. The Bureau has authority to classify and/or district the operators for determination of applicable tax periods, and shall notify each operator of the due and delinquent dates for the operator’s returns. The initial return under this Chapter may be for less than 3 months preceding the due date; thereafter returns shall be made for the applicable quarterly period.
- B.** On or before the 15th day of the month following each quarter of collection, a return for the preceding quarter’s tax collections shall be filed with the Bureau. The return shall be filed in such form as the Bureau may prescribe by every operator liable for payment of tax.
- C.** Returns shall show the amount of tax collected or otherwise due for the related period. The Bureau may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of operator for such period and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.
- D.** The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the Bureau at its office, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.
- E.** For good cause, the Bureau may extend for not to exceed 1 month the time for making any return or payment of tax. No further extension shall be granted,

except by the Bureau Director. Any operator to whom an extension is granted shall pay interest at the rate of 1.25 percent per month on the amount of tax due without proration for a portion of a month. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall be added to the tax due for computation of penalties described elsewhere in this Chapter.

- F.** The Bureau, if deemed necessary in order to insure payment or facilitate collection by the City of the amount of taxes in any individual case, may require returns and payment of the amount of taxes for other than quarterly periods.

**6.04.080 Penalties and Interest.**

- A.** Original delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this Chapter prior to delinquency shall pay a penalty of 10 percent of the amount of the tax due in addition to the amount of the tax.
- B.** Continued delinquency. Any operator who has not been granted an extension of time for remittance of tax due, and who failed to pay any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 15 percent of the amount of the tax due plus the amount of the 10 percent penalty first imposed.
- C.** Fraud. If the Bureau determines that the nonpayment of any remittance due under this Chapter is due to fraud or intent to evade the provisions thereof, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalties stated in paragraphs A and B of this Section.
- D.** Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this Chapter shall pay interest at the rate of 1 percent per month or fraction thereof without proration for portions of a month, on the amount of the tax due from the date on which the remittance first became delinquent until paid. Interest shall be compounded monthly.
- E.** Penalties and interest merged with tax. Every penalty imposed and such interest as accrues under the provisions of this Section shall be merged with and become a part of the tax herein required to be paid. If delinquency continues, requiring additional penalty and interest calculations, previously assessed penalty and interest are added to the tax due. This amount becomes the new base for calculating new penalty and interest amounts.
- F.** Petition for waiver. Any operator who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated, provided, however, the

operator may petition the Bureau Director for waiver and refund of the penalty or any portion thereof and the Bureau Director may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof.

**6.04.090      Deficiency Determination; Fraud, Evasion, Operator Delay.**

(Replaced by Ordinance No. 184772, effective August 26, 2011.)

- A.**      Deficiency determinations. If the Bureau determines that a return is incorrect, that required reports or returns have not been filed, or that an operator has otherwise failed to comply with the terms of the Code, it may compute and determine or estimate the amount required to be paid based on the facts contained in the return or returns or any other information reasonably within its possession. Once a deficiency determination is made, the amount is due and payable ten days after service of a deficiency notice from the Bureau. The Bureau may also determine and assess penalties and interest as set forth in Section 6.04.080.
- 1.**      In making a determination, the Bureau may offset overpayments, if any, which may have been previously made for a period or periods against any deficiency for a subsequent period or periods, or against penalties and interest on the deficiency.
  - 2.**      The Bureau shall give to the operator or transient (in the case of a refund request) a written notice of its determination. The notice may be served personally or by mail. If by mail, the notice shall be addressed to the operator at his/her address as it appears on the records of the Bureau or as the Bureau can best determine if the operator has not provided that information to the Bureau. In case of service by mail or any notice required by this Chapter, the service is complete at the time of deposit with the United States Post Office.
  - 3.**      Any deficiency is due and payable 10 days after the Bureau serves its written notice. The operator or transient (in the case of a refund request) may petition for a redetermination if the petition is filed within 10 days of service as provided in Section 6.04.100. Nothing prohibits the Bureau from extending the time for petition beyond 10 days at its discretion.
  - 4.**      Except as provided herein, every deficiency determination shall be made and notice mailed within 3 years after a return was originally filed or subsequently amended, whichever period expires later. In the case of the filing of a false or fraudulent return with the intent to evade this Chapter, a failure to file a required return, or willful refusal to collect and remit the tax, a deficiency determination may be made, or a proceeding for the collection of such deficiency may be commenced, at any time.

- B.** Operator delay. If the Bureau believes that the collection of any tax or any amount of tax required to be collected and paid to the City will be jeopardized by delay, or if any determination will be jeopardized by delay, the Bureau may make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined as herein provided shall be immediately due and payable, and the operator shall immediately pay such determination to the Bureau after service of notice thereof; provided, however, the operator may petition, after payment has been made, for a redetermination of the Bureau's assessment, if the petition is filed within 10 days from the date of the written notice from the Bureau.

**6.04.100 Redeterminations.**

(Amended by Ordinance No. 184772, effective August 26, 2011.)

- A.** Any person against whom a determination is made under Section 6.04.090 or any person directly interested may petition for a redetermination and redemption and refund within the time required in Section 6.04.090, the determination becomes final at the expiration of the allowable time.
- B.** If a petition for redetermination and refund is filed within the allowable period, the Bureau Director shall reconsider the determination, and, if the person has so requested in his/her petition, shall grant the person an oral hearing and shall give him/her 10 days notice of the time and place of the hearing. The Bureau Director may continue the hearing from time to time as may be necessary.
- C.** The Bureau Director may decrease or increase the amount of the determination as a result of the hearing and, if an increase is determined, such increase shall be payable immediately after the hearing.
- D.** The order or decision of the Bureau Director upon a petition for redetermination of redemption and refund becomes final 10 days after service upon the petitioner of notice thereof, unless appeal of such order of decision is filed with the Business License Appeals Board within the 10 days after service of such notice.
- E.** No petition for redetermination, redemption or refund or other appeal shall be accepted and no petition or appeal is effective for any purpose unless the operator has first complied with the payment provisions hereof and has paid in full the amount determined to be due by the decision appealed from.

**6.04.110 Security for Collection of Tax.**

(Amended by Ordinance No. 162647; effective January 4, 1990.) The Bureau, whenever deemed necessary to insure compliance with this Chapter, may require any operator subject thereto to deposit with it such security in the form of cash, bond, or other security as the Bureau may determine. The amount of the security shall be fixed by the Bureau

but shall not be greater than twice the operator's estimated average quarterly liability for the period for which he files returns, determined in such manner as the Bureau deems proper. The amount of the security may be increased or decreased by the Bureau subject to the limitation herein provided.

**6.04.120 Refunds.**

- A.** Refunds by City to operator. Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the Bureau under this Chapter, it may be refunded, provided a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the Bureau within 3 years from the date of payment. The claim shall be made on forms provided by the Bureau. If the claim is approved by the Bureau, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the operator from whom it was collected or by whom paid and the balance may be refunded to such operator, his/her administrators, executors, or assignees.
- B.** Refunds by City to transient. Whenever the tax required by this Chapter has been collected by the operator, and deposited by the operator with the Bureau, and it is later determined that the tax was erroneously or illegally collected or received by the Bureau, it may be refunded by the Bureau to the transient, provided a verified claim in writing therefor, stating the specific reason on which the claim is founded, is filed with the Bureau within 3 years from the date of payment.
- C.** Refunds by operator to tenant. Whenever the tax required by this Chapter has been collected by the operator and it is later determined that the tenant occupies the hotel for a period exceeding 30 days without interruption, the operator shall refund to such tenant the tax previously collected by the operator from that tenant as transient. The operator shall account for such collection and refund to the Bureau. If the operator has remitted the tax prior to refund or credit to the tenant, he shall be entitled to a corresponding refund under this Section.

**6.04.130 Administration.**

- A.** Records required from operator, et cetera; form. Every operator shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the operator for a period of 3 years and 6 months after they come into being.
- B.** Examination of records; investigations. The Bureau, or any person authorized in writing by it, may examine during normal business hours the books, papers and accounting records relating to room sales of any operator, after notification to the operator liable for the tax, and may investigate the business of the operator in



order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

- C.** At any time within 3 years after any tax or any amount of tax required to be collected becomes due and payable or at any time within 3 years after any determination becomes final, the Bureau may bring an action in the courts of this State, or any other state, or of the United States in the name of the City to collect the amount delinquent together with penalties and interest.
- D.** Confidential financial information. Except as otherwise required by law, it shall be unlawful for the Bureau, the Auditor, or any officer, employee, or agent, to divulge, release, or make known in any manner any financial information submitted or disclosed to the Bureau under the terms of Chapter 6.04, Transient Lodgings Tax. Nothing in this subsection shall be construed to prohibit:

  - 1.** The disclosure to, or the examination of, financial records by City officials, employees or agents for the purpose of administering or enforcing the terms of this Chapter, or collecting taxes imposed under the terms of this Chapter, or collecting City business license fees; or
  - 2.** The disclosure to the taxpayer or his/her authorized representative of financial information, including amounts of transient lodgings taxes, penalties, or interest, after filing of a written request by the taxpayer or his/her authorized representative and approval of the request by the Bureau Manager; or
  - 3.** The disclosure of the names and addresses of any persons to whom Transient Occupancy Registration Certificates have been issued; or
  - 4.** The disclosure of general statistics in a form which would prevent the identification of financial information regarding any particular taxpayer's return or application; or
  - 5.** The disclosure of financial information to the City Attorney or other legal representatives of the City, to the extent the Bureau deems disclosure or access necessary for the performance of the duties of advising or representing the Bureau.

**6.04.140 Business License Appeals Board; Hearings Officer; Appeal; Rules.**

(Replaced by Ordinance No. 184772, effective August 26, 2011.) The Business License Appeals Board shall have power and it shall be its duty:

- A.** Except as provided herein, the Business License Appeals Board has authority to hear and determine appeals of orders or decisions of the Bureau or Bureau

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Director made upon petitions for redetermination of tax. The Board may affirm, modify, or reverse such orders or decisions or dismiss the appeals and prescribe such forms, rules, and regulations relating to appeals as it may deem necessary. In the review of the Bureau or Bureau Director's decision or order, the Board may take such evidence and make such investigation as it may deem necessary. It shall give notice of its determinations in the manner prescribed for service of a notice of the Bureau or Bureau Director's decision and shall file a copy of each such determination with the Bureau. Such determination shall become final after 10 days and any increase to the determination becomes due and payable once final, subject to interest and penalties, and enforceable by the Bureau in like manner as an order or decision of the Bureau or Bureau Director.

- B.** For an amount in controversy greater than \$10,000 and less than \$50,000, an appellant may request a hearing by an appointed Hearings Officer instead of a hearing by the Business License Appeals Board.
- C.** An appeal involving an amount in controversy greater than \$50,000 shall be heard by a Hearings Officer instead of a hearing by the Business License Appeals Board. The Hearings Officer shall be appointed by the City Attorney, shall be a member of the Oregon State Bar and shall not be a City employee.
- D.** In appeal hearings held before a Hearings Officer, the appellant and the City's representative shall each have the right to appear in person and be represented by legal counsel, to receive notice, to respond to and present evidence, to call and cross-examine witnesses under oath and to present argument on all issues involved. Subject to the provisions herein, the City Attorney may promulgate supplementary rules and procedures for the conduct of the hearing, the forms of notice and proceedings, and the preparation and submission of the record.
- E.** The record in a proceeding before the Hearings Officer shall include:

  - 1. All pleadings, motions, and intermediate rulings;
  - 2. Evidence received or considered;
  - 3. Stipulations;
  - 4. A statement of matters officially noticed;
  - 5. Questions and offers of proof, objections, and rulings thereon;
  - 6. Proposed findings and exceptions; and

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7. Any proposed, intermediate, or final order prepared by the Hearings Officer.
- F.** The Hearings Officer shall have the power to compel attendance of witnesses by deposition or at hearing and the production of documents by subpoena to any party upon showing of general relevance and subpoena in accordance with civil law.
- G.** The formal rules of evidence shall not apply and any relevant evidence that is the sort of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of serious business affairs shall be admissible. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Hearsay evidence may be considered by the Hearings Officer, but no findings may be based solely on hearsay evidence unless supported or corroborated by other relevant and competent evidence. The Hearings Officer shall give effect to the rules of privilege recognized by law.
- H.** The Hearings Officer may take notice of judicially recognizable facts, and the Hearings Officer may take official notice of general, technical, or scientific facts within the specialized knowledge of City employees.
- I.** A verbatim, written, mechanical, or electronic record shall be made on all motions, rulings, and testimony if requested by any party. The record shall be transcribed for the purposes of court review. If the City prevails on such review, the reasonable costs of preparing the transcript shall be allowed as a part of the City's costs in such action.
- J.** The Hearings Officer is authorized to rule upon issues of law or fact and to determine the amount of the tax, penalty or interest due in accordance with the Transient Lodgings Tax Law. The Hearings Office shall not have any jurisdiction to waive, mitigate or suspend the collection of any tax, penalty or interest found to be duly imposed.
- K.** The decision of the Hearings Officer shall be issued in writing in a final order. The final order shall become final on the date specified in the order, which date shall be within 30 days after the conclusion of the hearing. The decision shall be the final administrative remedy of the appellant. Any amounts due shall be payable to the City Treasurer within 10 days of the order becoming final. The Hearings Officer shall notify the parties to a proceeding of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to each party or, if applicable, the party's attorney of record.

**6.04.150      Appeal to Business License Appeals Board, Hearings Officer.**

(Replaced by Ordinance No. 184772, effective August 26, 2011.) Any operator or transient aggrieved by a decision of the Bureau Director made pursuant to Section 6.04.100 may appeal to the Business License Appeals Board or Hearings Officer as allowed in Section 6.04.140 by filing a notice of appeal with the Bureau Director within 10 days of the service of the notice of a Director's decision. Any hearing shall be scheduled by the Business License Appeals Board or Hearings Officer in accordance with rules pertaining to such appeals.

**6.04.160      Appeals to City Council.**

(Repealed by Ordinance No. 184772, effective August 26, 2011.)

**6.04.170      Violations.**

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

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

**Chapter 7.22**

**STREET AND SIDEWALK  
USE PERMITS**

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

**Sections:**

- 7.22.010 Purpose.
- 7.22.020 Authorization.
- 7.22.030 Permit Required.
- 7.22.040 Revocation of Permit.
- 7.22.050 Permit Subject to Ordinances and Regulations.
- 7.22.060 Diversion of Traffic.
- 7.22.070 Interference Prohibited.

**7.22.010 Purpose.**

The purpose of this Chapter is to regulate walks, marches, parades, athletic events or other processions in streets or on sidewalks held by sponsors that require use of City resources. This Chapter and the administrative regulations that implement it are necessary to maximize the safety of participants and others and to minimize inconvenience to the general public and disruption of public services while providing the public with the opportunity to exercise constitutionally protected rights of assembly and expression.

**7.22.020 Authorization.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** The Street and Sidewalk Use Coordinator of the Portland Bureau of Transportation is authorized to issue street and sidewalk use permits.
- B.** Adoption of Administrative Regulations. The Director of the Portland Bureau of Transportation is authorized to adopt or amend administrative regulations pertaining to use of sidewalks and streets. All administrative regulations shall be in writing.
  - 1.** Prior to the adoption of any administrative regulations the Director of the Portland Bureau of Transportation shall submit the proposed administrative regulations to the Street and Sidewalk Use Review Committee. After consultation with the Street and Sidewalk Use Review Committee, the Director of the Portland Bureau of Transportation shall

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publish a notice regarding the proposed administrative regulations, and shall make them available for public review and written comments.

2. No sooner than thirty days from the publication of the notice, the Director of the Portland Bureau of Transportation may adopt the proposed administrative regulations. All administrative regulations adopted by the Bureau Director shall be filed in the office of the Portland Bureau of Transportation. Copies of all current administrative regulations shall be made available to the public upon request.
3. Notwithstanding Subsections 1. and 2. of this Section, the Director of the Portland Bureau of Transportation may adopt interim administrative regulations without prior public notice upon the Director's finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for prejudice. Any administrative regulation adopted pursuant to this subsection shall be effective for a period of not longer than 180 days.

#### **7.22.030 Permit Required.**

A permit issued by the Street and Sidewalk Use Coordinator is required for use of streets or sidewalks for the purposes of, and as provided in, this Chapter and the Street and Sidewalk Use Administrative Regulations.

#### **7.22.040 Revocation of a Permit.**

A street or sidewalk use permit may be revoked or modified by the Street and Sidewalk Use Coordinator, or the police supervisor assigned to the street or sidewalk use permit, if the sponsor fails to comply with any of the requirements of this Chapter, of the Street and Sidewalk Use Administrative Regulations, or the conditions set forth in the application or permit. If a street and sidewalk use permit is subject to revocation pursuant to this section, on the day of the street and sidewalk use to which the permit pertains, the Street and Sidewalk Use Coordinator or the police supervisor assigned to the street and sidewalk use permit shall attempt to contact or notify the sponsor, the organizer or the day of use coordinator, if any, as provided on the permit application, and attempt to resolve any problems before revoking the permit. If resolution is not possible the permit may be revoked.

#### **7.22.050 Permit Subject to Ordinances and Regulations.**

The sponsor and participants shall comply with all applicable federal, state, and local laws and regulations in connection with their use of streets or sidewalks.

#### **7.22.060 Diversion of Traffic.**

Whenever any street or sidewalk use is in progress, the Bureau of Police shall have the authority to clear the streets or other public places and prohibit motor vehicles, buses,



light rail, bicycles, and pedestrians from crossing, parking, stopping, and standing on the streets.

**7.22.070 Interference Prohibited.**

It is unlawful for any person to interfere with street or sidewalk use permitted under this Chapter. The following acts, among others, are prohibited by this section, when done with the intent to cause interference:

- A.** Blocking, obstructing, or impeding the passage of participants, vehicles, or animals along the route.
- B.** Walking, running, driving a vehicle, riding a bicycle or skateboard through, between, with, or among participants, vehicles, or animals.
- C.** Dropping, throwing, rolling, or flying any object toward, among, or between participants, vehicles, or animals.
- D.** Throwing, squirting, dumping, or dropping any liquid, solid or gaseous substance on, toward, among, or between participants, vehicles, or animals.
- E.** Grabbing at, taking hold of, hitting, pulling, or pushing any participant, vehicle, or animal or anything in the possession of any participant.
- F.** Vending or offering for sale any food or merchandise during the hours and on the route of a street and sidewalk use permit without first having obtained the written permission of the sponsor, in addition to any permits and/or licenses otherwise required for such activity.

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**Chapter 7.24**

**PRIVATE PROPERTY IMPOUND TOWING**

(Chapter replaced by Ordinance No. 185835,  
effective January 18, 2013.)

**Sections:**

|          |                                                    |
|----------|----------------------------------------------------|
| 7.24.010 | Towing of Vehicles from Private Property.          |
| 7.24.020 | Administrative Authority.                          |
| 7.24.030 | Definitions.                                       |
| 7.24.040 | Private Property Impound (PPI) Tower Registration. |
| 7.24.050 | Towing Regulations.                                |
| 7.24.060 | Towing and Storage Rates.                          |
| 7.24.070 | Conditions.                                        |
| 7.24.080 | Prohibitions.                                      |
| 7.24.090 | Remedies.                                          |
| 7.24.100 | Appeals.                                           |

**7.24.010 Towing of Vehicles from Private Property.**

- A. Short Title.** Sections 7.24.010 through 7.24.100 will be known as the PPI (Private Property Impound) Code.
- B. Purpose.** The purpose of the PPI Code is to require that towing from private parking facilities be performed safely and at a reasonable price. Because towing from private parking facilities affects city residents and visitors, regulation is necessary to ensure that the public safety and convenience are protected.
- C. Conformity to State Laws.** The PPI Code should be construed in conformity with the laws and regulations of the State of Oregon Motor Vehicle Code regarding towing from private property. The Director shall have authority to adopt administrative rules in accordance with the State of Oregon Motor Vehicle Code.
- D. Savings Clause.** If any provision of the PPI Code is found by a court of competent jurisdiction to be invalid, illegal or unenforceable, such holding shall not affect the validity, legality and enforceability of any other provision of the PPI Code.

**7.24.020      Administrative Authority.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.**      The Director is authorized and directed to enforce all provisions of the PPI Code. The Director shall have the power to investigate any and all complaints regarding alleged violations of the PPI Code. The Director may delegate any or all authority granted under this Section to the Towing Coordinator or any Portland Bureau of Transportation officer, employee or agent.
- B.**      The Director is authorized to adopt and enforce administrative rules interpreting and applying the PPI Code. The Director or designee shall make written findings of fact and conclusions of law to support all decisions.
- C.**      Prior to the adoption of a new administrative rule, the Director shall give notice to all interested parties of the terms of the proposed rule, and shall conduct a public hearing to consider public comment. Public notice shall be given when administrative rules have been adopted.

  - 1.**      At the public hearing, the Director or designee shall hear oral and written testimony concerning the proposed rule. The Director shall have the power to establish and limit the matters to be considered at the hearing, to establish procedures for the conduct of the hearings, to hear evidence, and to preserve order.
  - 2.**      The Director shall adopt, modify or reject the proposed rule after considering testimony received during the public hearing.
  - 3.**      Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Portland Bureau of Transportation and the Office of the City Auditor in compliance with Section 1.07.030. Copies of all current rules are available to the public upon request.
  - 4.**      Notwithstanding Subsections 7.24.020 C. 1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly may result in serious prejudice to the public interest or the interest of the affected parties. Such interim rules will detail the specific reasons for such prejudice. Any interim rule adopted pursuant to this paragraph will be effective for a period not to exceed 180 days.
- D.**      Rates. The Director is authorized to establish a schedule of maximum rates permissible for all PPI tows from properties located within the city limits of Portland. The jurisdiction of this code section may be expanded by intergovernmental agreement with other agencies.

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- E. Inspection of Records. The City of Portland reserves the right to review and/or copy the records of any PPI tow for purposes of auditing or complaint resolution. Such records will be made available for inspection during normal business hours within 24 hours of written notice by the Director.

#### 7.24.030 Definitions.

(Amended by Ordinance No. 186746, effective August 6, 2014.) For the purposes of the PPI Code and administrative rules adopted by the Director pursuant to the PPI Code, certain terms, phrases, words, abbreviations and their derivations are construed as specified in this Section. Words used in the singular include the plural and the plural the singular. Terms, phrases, words, abbreviations and their derivatives used, but not specifically defined in this Section, either have the meanings defined in the State of Oregon Motor Vehicle Code, or if not therein defined, have the meanings commonly accepted in the community.

- A. **"Director"** means the Director of the Portland Bureau of Transportation.
- B. **"Dispatching facilities"** means the PPI tower's facilities used for communication with Tow Desk and maintaining radio contact with tow vehicles.
- C. **"Oversized tow vehicle"** means a tow truck equipped to perform towing of automobiles or other vehicles, and which has a maximum gross vehicle weight rating (GVWR) of over 10,000 pounds. Vehicles with maximum GVWR of at least 19,000 pounds are designated as "Class B." Vehicles with maximum GVWR of at least 44,000 pounds are designated as "Class C."
- D. **"Owners agent"** means a person bearing documentation from the registered owner officially authorizing them to possess or operate the vehicle.
- E. **"PPI permit"** means the permit issued to a private towing company signifying that the permit holder has met the requirements of this Chapter and the administrative rules and is allowed to tow vehicles from private property within the City of Portland at the request of the private property facility owner/operator without prior consent of the vehicle owner.
- F. **"PPI Police tow"** means any PPI tow that, upon notification to the local police agency, is found to have been reported stolen, or for any other reason becomes a police tow as defined in the Contract for Vehicle Towing and Storage of the City of Portland, or requires a police release.
- G. **"PPI tower"** means any towing firm duly registered and permitted to perform Private Property Impound tows within the City of Portland.

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- H. "Private parking facility"** means any property used for motor vehicle parking at which the property owner or manager restricts or reserves parking. Private parking facility does not include "proscribed property."
- I. "Private parking facility owner"** means the owner, operator, lessee, manager or person in lawful possession of a private parking facility, or any designated agent of the private parking facility owner authorized to enter into a PPI towing agreement with the tower.
- J. "Private Property Impound" (PPI)** means the impoundment of a vehicle from a private parking facility at the request of the property owner, operator, lessee, manager or person in lawful possession of the private property facility, without the prior consent of the vehicle's registered owner.
- K. "Proscribed property"** means any part of private property:
1. Where a reasonable person would conclude that parking is not normally permitted at all or where land use regulation prohibits parking; or,
  2. That is used primarily for parking at a dwelling unit. As used in this paragraph, "dwelling unit" means a single-family residential dwelling, or a duplex, or
  3. Designated as railroad right-of-way.
- L. "Release at Scene" (RAS)** means the fee allowed to be charged when a vehicle owner/owner's agent returns before the PPI tower has departed in tow. Not applicable until the hookup is complete and tow truck is in motion.
- M. "Storage facility"** means a secure area, meeting all requirements of PPI administrative rules, used by PPI tower for storing towed vehicles.
- N. "Storing"** means holding a towed vehicle in an approved secure storage facility until it is redeemed by the registered owner/owner's agent or until a possessory lien is foreclosed.
- O. "Tow Desk"** means the private tow dispatching company contracted with the City of Portland for municipal tow dispatching and data management or any government agency serving this function.
- P. "Towing"** means to draw or pull along a vehicle by means of a tow truck or car carrier.

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- Q.** **"Towing Agreement"** means an agreement between a PPI tower and a private property owner/operator authorizing the PPI tower to tow vehicles from their private property. Such agreement must contain all information specified in PPI administrative rules.
- R.** **"Towing Coordinator"** means the person designated by the Director to provide direct enforcement and administration of all provisions of this Section and PPI administrative rules.
- S.** **"Towing firm" or "PPI Tower"** means any entity whose business includes the towing of motor vehicles from private parking facilities and the subsequent storage of such towed vehicles.
- T.** **"Tow vehicle"** means a tow truck equipped as specified in PPI administrative rules to perform towing of automobiles, motorcycles, or other motor vehicles, and which has a minimum Gross Vehicle Weight Rating (GVWR) of 10,000 lbs.
- U.** **"Vehicle owner"** means the person registered with the Department of Motor Vehicles as the owner of the vehicle, or a person in lawful possession of the vehicle.

#### **7.24.040 Private Property Impound (PPI) Tower Registration.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** Initial registration. No PPI tower will tow or store vehicles towed from private parking facilities located inside the City of Portland unless the PPI tower has registered with the Portland Bureau of Transportation, and complied with all provisions of the PPI Code.
  - 1.** Pay and Park and Non-Pay Private Parking facilities. All towing from any property registered as a Pay and Park or Non-Pay facility, must meet the conditions for towing established in Chapter 7.25 Pay and Park and Non-Pay Private Parking Facilities, at all times.
  - 2.** If all conditions specified by Chapter 7.25 for towing from a Pay and Park facility have been met, performance of the subsequent tow is subject to requirements of this PPI Code with regard to PPI permits, fees established by the Director and notices to Tow Desk, including initiation of the tow, completion of the tow and release of towed vehicles.
- B.** Applications. The PPI tower will submit to the Director an application form containing all information specified in PPI administrative rules.



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1. Except for single family or duplex dwellings, PPI towers must register for approval all properties that they wish to designate as “proscribed” in order to exempt them from this Code. The City will provide a form for registration of “proscribed” properties.
  2. A determination will be made within 3 business days of receipt of registration of a proscribed property.
- C. After December 31, 2012, only those towing companies with a vehicle release office and vehicle storage facility located within the city limits of Portland are eligible to obtain a Portland PPI permit. Such office and storage facility must be staffed during regular business hours and comply with all City PPI standards.
- D. Reporting Changes. Changes in information contained in the PPI tower's application, including office and/or storage locations, insurance provider, employees or additional trucks will be filed with the Director within 3 business days of implementation of such changes.
- E. Inspection. The PPI tower's towing equipment, dispatching and storage facilities will be inspected prior to issuance of a new PPI permit. If an applicant is currently in good standing as a Tow Contractor with the City of Portland and the storage facility and tow vehicles to be inspected are currently approved for use under the City Tow Contract, the qualifying PPI inspection may be waived by the Director.
- F. Registration/expiration dates. PPI permits are valid for no more than 1 year, and expire annually on December 31st.
- G. Renewal. Renewal notices will be sent to all registered PPI towers not less than one month prior to the annual expiration date. A renewal form requesting any changes in the registered information will be provided. Re-inspections are not required for renewal. Any permit not renewed within 30 days after the expiration date is invalid and a new application must be submitted and approved before PPI towing resumes.
- H. Non-assignability. A registration issued or renewed pursuant to the provisions of this Section is not assignable or otherwise transferable.
- I. Indemnification and Insurance. PPI towers subject to the PPI Code agree to hold harmless, defend and indemnify the City of Portland, and its officers, agents and employees for all claims, demands, actions and suits, including all attorney fees and costs, for damage to property or injury to person arising from any activities, work and/or services furnished or carried on under the terms of a PPI permit.

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1. PPI tower will maintain such public liability and property damage insurance as will protect the PPI tower from all claims for damage to property or personal injury, including death, which may arise from operations pursuant to the PPI Code. Such insurance must include a single limit liability policy with coverage of not less than \$1,000,000. PPI tower will also maintain fire and theft insurance (garage keepers insurance) to protect stored vehicles in a minimum amount of \$100,000 and maintain cargo insurance in the minimum amount of \$50,000.
2. PPI tower will maintain insurance in the limits provided by this Section to cover liability for transportation required by Subsection 7.24.070 H. In no case shall the policy deductible for garage keepers and cargo insurance exceed \$2,500 per event.
3. The limits of the insurance shall be subject to statutory changes to maximum limits of liability imposed on municipalities of the State of Oregon during the term of the permit. The insurance must be without prejudice to coverage otherwise existing.
4. The insurance shall name as additional insureds the City and its officers, agents and employees. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts which the insurer would have been liable if only one person or interest had been named as insured. The coverage shall apply as to claims between insureds on the policy.
5. The insurance shall provide that the insurance shall not terminate or be canceled without thirty days written notice first being given to the Towing Coordinator.
6. The adequacy of the insurance shall be subject to the approval of the City Attorney.
7. Failure to maintain liability insurance shall be cause for immediate revocation of the registration by the Director.

#### **7.24.050 Towing Regulations.**

A PPI tower may lawfully tow a vehicle without the registered owner's permission from private property in the City of Portland only if:

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- A.** The PPI tower has express written authorization from the private parking facility owner, or person in lawful possession of the property, in compliance with Chapters 98.812, 98.830 and 98.854 of the Oregon Revised Statutes; and,
- B.** The private parking facility fully complies with this Chapter and the PPI administrative rules; and,
- C.** The vehicle is towed directly to the PPI tower's storage facility within the Portland city limits; and,
- D.** The vehicle is not occupied by any person or persons.

**7.24.060 Towing and Storage Rates.**

- A.** The Director will issue a schedule of approved maximum fees for PPI towing and storage at the beginning of each permit period. Such schedule will be published annually and supplied to all applicants with the application materials for new permits and renewals. PPI towers may submit a request for an increase in the approved maximum fees not later than two months before the end of any permit period. The Director will consider such requests and decide whether such an increase is in the public interest. If changes are made, a public hearing will be held for the purpose of determining fair and reasonable prices prior to making any changes in the PPI rate schedule.
- B.** PPI towers may charge less than the maximum rates allowed. However, PPI towers may not waive the data service fee or City PPI service fee without authorization by the Towing Coordinator.

**7.24.070 Conditions.**

PPI towers registered under this Section will:

- A.** Perform all PPI tows in a safe manner, taking care not to cause damage to the person or property of others while towing or storing a vehicle; and,
- B.** Practice courtesy and professionalism when dealing with police, Tow Desk, agency personnel, and persons redeeming or seeking to redeem a towed vehicle; and,
- C.** Cooperate fully with any police agency to facilitate processing of any PPI towed vehicle identified as a possible stolen vehicle; and,
- D.** Issue to the person redeeming a PPI towed vehicle a clearly legible receipt complete with all required information and with all fees and considerations itemized; and,

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- E.** Prominently display at the vehicle release location a placard, provided by the City of Portland, containing the current list of approved PPI rates; and,
- F.** Prominently display at the vehicle release location a placard, provided by the City of Portland, containing a statement of the rights of the vehicle owner; and,
- G.** Be considered in possession of any vehicle towed under this Section, and therefore entitled to charge a Release at the Scene fee, when the hookup is complete and the tow truck has begun towing the motor vehicle by engaging the tow truck's transmission and moving forward. Until these conditions are met, the PPI tower is not entitled to charge any fee; and,
- H.** Offer to call for or provide transportation to the vehicle owner/operator at a reasonable cost, from within the immediate vicinity of the tow scene to the location of the towed vehicle storage; and,
- I.** Photograph vehicle to be towed and signs posted prior to hookup in order to demonstrate compliance with all PPI regulations and illustrate conditions, such as absence of a parking permit, warranting the tow; and,
- J.** Have staff or dispatch service available at all times to provide information about the location of a towed vehicle and/or instructions for release of a towed vehicle; and
- K.** Staff the storage facility with an attendant between 10 a.m. and 6 p.m., Monday through Friday, excluding official City holidays, and at all other hours have personnel available at the storage facility to release a vehicle within 30 minutes after an appointment time agreed on by the vehicle owner. Gate fees are not applicable between 8 a.m. and 10 a.m., Monday through Friday; and
- L.** Accept at least the following methods of payment for any fees assessed:
  - 1.** Cash. Adequate cash must be available at all times at the storage facility for the purpose of making change. After hours and on holidays, PPI tower will provide exact change, in person or by mail, not later than the end of the business day following receipt of payment; and,
  - 2.** By any valid credit card or debit card bearing the VISA emblem and issued in the name of the registered owner/owner's agent. PPI tower may also accept credit or debit cards from other issuers.
  - 3.** If for any reason, a PPI tower becomes unable to process payments by credit or debit card, the tower must notify the Towing Coordinator within

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24 hours and provide an estimate of when service will resume. During any period when the PPI tower is unable to process credit or debit card payments, the PPI tower must accept personal checks; and,

- M.** At no extra charge, make the vehicle available to the owner/owner's agent for retrieval within 30 minutes of the time of payment, or other time mutually agreed upon; and,
- N.** Notify Portland Police of the intent to tow by a telephone call by the tow driver to the Tow Desk prior to attaching any equipment to a vehicle at a private parking facility; and,
- O.** Notify Portland Police of the location of the vehicle by facsimile transmission to the Tow Desk within one hour after the vehicle is placed in storage; and,
- P.** Provide to Tow Desk all information required for completion of the tow record by facsimile transmission within 60 minutes after the vehicle is placed in storage; and,
- Q.** Notify the local police agency of the release of a vehicle to the registered owner/owner's agent, acceptance of a vehicle title in lieu of payment, or foreclosure of a possessory lien by facsimile transmission to the Tow Desk within 8 hours after the release; and,
- R.** Review the daily Tow Desk report of PPI tows and releases, and report errors to Tow Desk or the Towing Coordinator within 24 hours of discovery; and,
- S.** Provide verification, or additional information, about a towed vehicle as requested by a police agency within 30 minutes of receiving the request; and,
- T.** Pay a data service fee, in an amount established by the Director, for each vehicle released to the registered owner or owner's agent. Such data service fees are payable to the Tow Desk by the 20th day of each month; and,
- U.** Pay a service fee, in an amount established by the Director, for each vehicle released to the registered owner or owner's agent. Such service fees are payable to the City of Portland by the 20th day of each month; and,
- V.** Accept as proof of ownership vehicle title or registration in addition to valid photo-identification of the person seeking the release. If the registered owner is not available to redeem the towed vehicle, the PPI tower will assist the owner's agent in finding an acceptable alternate proof of ownership, as detailed in PPI administrative rules; and,

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- W.** Exercise reasonable care for the welfare of any animal found to be in a PPI towed vehicle, as detailed in PPI administrative rules.

#### **7.24.080 Prohibitions.**

PPI towers will not:

- A.** Perform any PPI tows within the city limits of Portland, or from City-owned/operated property, unless the tower is registered with the City of Portland and in compliance with all provisions of this Chapter and administrative rules.
- B.** Charge any fee not listed in, or in excess of, those included in the fee schedule established by the Director.
- C.** Require any vehicle owner/owner's agent to make any statement or sign any document promising not to dispute validity of the tow or fees assessed or relieving the PPI tower from responsibility for the condition of the vehicle or its contents.
- D.** Require any vehicle owner/owner's agent to pay any fee, except a gate fee if after hours, as a condition of allowing them to inspect their vehicle or remove an animal or personal belongings of an emergency nature, within 15 days of the tow.
- E.** Solicit PPI towing business by means of payment of a gratuity, commission or any other consideration, except as provided in this PPI Code, to the private property owner, operator, manager or employee. This violation may result in revocation of the tower's PPI permit, at the Director's discretion.
- F.** Remove a vehicle from a private parking facility unless the hookup has been completed and all safety equipment has been attached.
- G.** Use predatory practices, as defined in PPI administrative rules, to secure PPI tows.
- H.** Release a vehicle designated as a PPI Police tow without a release or other authorization from the appropriate police agency.
- I.** Assess or collect a penalty or surcharge fee, in lieu of towing, unless the parking lot is registered as a pay and park facility in compliance with Chapter 7.25 "Pay and Park and Non-Pay Private Parking Facilities."
- J.** Make any false statements of material fact, misrepresent information in any document or omit disclosure of material fact in performance of activities regulated by this Code.



- K.** Pursuant to ORS 90.485, PPI towers shall not remove a legally parked vehicle because the vehicle's registration has expired or is otherwise invalid.
- L.** Property owners or operators are prohibited from knowingly allowing an unpermitted PPI tower to impound vehicles from any property within the Portland city limits.
- M.** Property owners or operators may not require, solicit or accept payment from any PPI tower, nor from any person acting on behalf of a PPI tower, in exchange for authorization to tow from a property.
- N.** Pursuant to ORS 87.186, possessory liens by PPI towers may be foreclosed only by public auction held within the county in which the vehicle was towed.
- O.** No person shall attach a mechanical boot or any other immobilization device to any vehicle parked on private property or public right-of-way without consent of the vehicle owner.

**7.24.090 Remedies.**

Failure to comply with any part of the PPI Code or the administrative rules may be punishable by any or all of the following:

- A.** Suspension. The Director or designee may suspend a PPI tower's permit if investigation reveals any substantial violation of the PPI Code or the PPI administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods have failed to resolve. Suspension may be for a period of up to 14 calendar days. The suspension will be effective from the date of written notice of a suspension. If the violation is not corrected within the 14 day period, the Director may revoke the permit.
- B.** Revocation. The Director may revoke a permit for any substantial violation of the PPI Code or the administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods fail to resolve. The revocation will be effective immediately upon issuance of written notice by the City of Portland to the PPI tower. No new application will be accepted from any PPI tower with outstanding penalties or who has been revoked within the current term for the remainder of the current permit period. Prior revocation may be grounds for denial of a permit application.
- C.** A private property owner or operator in the City of Portland is subject to civil penalties up to \$700 per tow from their property for violations including, but not limited to:

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1. Knowingly authorizing non-compliant PPI towing to be performed on property they own or operate;
  2. Requiring, soliciting or accepting payment from any PPI tower, or from any person acting on behalf of a PPI tower, in exchange for authorization to tow from a property.
- D.** Civil penalty. The Director may impose a civil penalty of up to \$1,000 for any substantial violation of the PPI Code or the administrative rules, including:
1. Towing any vehicle from private property inside the City of Portland or from City owned or operated property without a PPI permit.
  2. Towing from a property without authorization in the form of a current agreement or owner/operator's signature on the tow invoice.
  3. Late payment of data service fees to Tow Desk. The penalty will be \$100 for each incident.
  4. Late payment of service fees to the City of Portland. The penalty will be \$100 for each incident.
  5. Failure to initiate a tow, as required by administrative rule. The penalty will be refund of all fees assessed to the citizen, plus \$300 penalty for each incident.
  6. Failure to notify Tow Desk of the completion of a tow within one hour of its arrival at the storage facility. The penalty will be \$150 for each incident.
  7. Late report or failure to report a release. The penalty will be \$100 for each incident.
  8. Failure to release a vehicle when contacted by the vehicle owner/owner's agent prior to completion of the hookup. The penalty is \$100 per 10 minute delay of release for each incident.
  9. Late response or failure to respond to a police agency's request for information. The penalty is \$150 for each incident.
  10. Late response to a complaint notice without approval of the Towing Coordinator. The penalty is \$100.

11. Failure to respond to a request for information pertaining to a complaint. The penalty is \$500.
  12. Failure to provide a person redeeming a towed vehicle with an invoice, complete with all required information. The penalty is \$50 per missing item.
  13. Civil penalties are payable to the City of Portland.
- E.** Refund to vehicle owner/owner's agent. Upon a finding of any violation by a PPI tower, the Director may direct release of a vehicle at no charge or a refund of all or part of fees paid by a vehicle owner/owner's agent for towing and storage, in lieu of, or in addition to, civil penalties.
- F.** Civil remedies. Nothing in this Section is intended to prevent any person from pursuing legal remedies.

**7.24.100 Appeals.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** Any towing firm whose application for initial PPI permit registration or renewal of PPI permit registration has been denied, or whose permit registration has been revoked or suspended, or who has been directed by the Director or director's designee to pay a civil penalty or refund, may appeal such action of the Director or director's designee by submitting a written request for a hearing before the Code Hearings Officer of the City of Portland, within 10 business days of receiving the Director's written findings, as set out in Chapter 22.10.
- B.** PPI Board of Appeals. Pursuant to Portland City Charter Section 2-103, City Council hereby creates the PPI Board of Appeals. The PPI Board of Appeals will hear and resolve protests and appeals arising from adoption of administrative rules by the Director. The findings of the PPI Board of Appeals are final.
1. Composition of the PPI Board of Appeals. The PPI Board of Appeals shall consist of three members. A quorum shall consist of three members. The Commissioner in Charge of the Portland Bureau of Transportation shall appoint a representative member from a public agency and a representative member of the general public, and shall approve a representative member from the towing industry selected by the towing industry.
  2. Compensation. All members of the PPI Board of Appeals shall serve without pay, except that they may receive their regular salaries during the time spent on Board matters.

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3. Procedures and Rules. The Director shall establish rules and procedures for the Board and the Board shall follow those procedures in all matters heard by the Board.
4. Staff. The Portland Bureau of Transportation shall provide staff and assistance to the Board.
5. Powers of the Board. The PPI Appeals Board shall hear protests of administrative rules adopted by the Director. Written notice of the protest must be received by the Towing Coordinator within 30 days after the notice of adoption of the administrative rule. The protest must state the name and address of the PPI tower and an explanation of the grounds for the protest. Requests not received within 30 days of the notice of adoption will not be heard.
6. Written notice of the findings of the Board will be provided to the appellant within 10 business days of the conclusion of the hearing.

**CHAPTER 7.25**

**PAY AND PARK AND NON-PAY  
PRIVATE PARKING FACILITIES**

(Chapter added by Ordinance No. 185835,  
effective January 18, 2013.)

**Sections:**

|          |                                             |
|----------|---------------------------------------------|
| 7.25.010 | Purpose.                                    |
| 7.25.020 | Savings Clause.                             |
| 7.25.030 | Definitions.                                |
| 7.25.040 | Authorization.                              |
| 7.25.050 | Registration as the Operator of a Facility. |
| 7.25.060 | Registration of a Facility.                 |
| 7.25.070 | Payment Device.                             |
| 7.25.080 | Signage Requirements.                       |
| 7.25.090 | Assessment of Penalties.                    |
| 7.25.100 | Parking Penalty Notice.                     |
| 7.25.110 | Penalty Payment Letters.                    |
| 7.25.120 | Unlawful to Tow Vehicles.                   |
| 7.25.130 | Complaint Handling Procedures.              |
| 7.25.140 | Maintenance of Records.                     |
| 7.25.150 | Insurance Required.                         |
| 7.25.160 | Prohibitions.                               |
| 7.25.170 | Remedies.                                   |
| 7.25.180 | Appeals.                                    |
| 7.25.190 | Locking Parked Cars.                        |

**7.25.010 Purpose.**

The purposes of this Section are to ensure that the regulation of parking at pay and park and non-pay private parking facilities is applied objectively with proper notice; and to protect fairness and convenience for the parking public.

**7.25.020 Savings Clause.**

If any provision of this Section is found by a court of competent jurisdiction to be invalid, illegal or unenforceable, such holding has no effect on the validity, legality and enforceability of any other provision of this Section.

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#### 7.25.030 Definitions.

(Amended by Ordinance Nos. 186267 and 186746, effective August 6, 2014.) Except where the context requires otherwise, the following words and phrases have the definitions given in this Section:

- A. **"Administrative Fee"** means a fee assessed by a department of motor vehicles for the purpose of determining the registered owner of a vehicle.
- B. **"Boot"** means a mechanical device attached to a vehicle to prevent its movement.
- C. **"Director"** means the Director of the Portland Bureau of Transportation or his or her designee.
- D. **"Operator"** means any person or entity whose business includes assessing and collecting penalties at registered parking facilities.
- E. **"Park"** means to leave a vehicle standing, while the driver has exited the registered parking facility, or to leave a vehicle standing for more than 5 minutes.
- F. **"Parker"** means any person in control of any vehicle that is parking at a registered parking facility.
- G. **"Payment device"** means any device capable of accepting or receiving parking fee payments by cash or credit card and issuing sequentially numbered receipts or tickets.
- H. **"Penalty"** means an amount assessed for failure to pay, or properly display proof of payment, for parking at a pay and park facility or for unauthorized or over-time parking at a non-pay private parking facility.
- I. **"Penalty payment letter"** means the letter that must be sent by the operator to the registered owner if payment of the penalty is not received by the operator within 10 days of the date the penalty notice was affixed to a vehicle.
- J. **"Penalty notice"** means the notice affixed to vehicles parked without payment, parked without properly displaying proof of payment or parked without authorization at a registered facility, and which is the initial demand for payment.
- K. **"Registered Facility"** means a parking lot or structure that is accessible to the public that has been registered with the Portland Bureau of Transportation and is either:
  - 1. A non-pay private parking facility at which the free parking or storage of vehicles is limited by time or authorization by the property



owner/operator, where the limitations are enforced by issuance of penalty notices; or

2. A pay and park facility that is open for parking or storage of vehicles by the general public, at which a fee must be paid for parking, where payment of parking fees is enforced by issuance of penalty notices, and where parkers receive a receipt or ticket at the time of payment that has the parking expiration time printed on it.

**L.** “**Registered Facility**” does not include property used for governmental purposes by any agency or special district.

**M.** “**Second penalty payment letter**” means the letter that must be sent by the operator to the registered owner if payment of the penalty is not received by the operator within 30 days of the mailing date of the first penalty demand for payment letter.

**7.25.040 Authorization.**

**A.** Enforcement. The Director is authorized to enforce all provisions of this Chapter.

1. Investigation. The Director has the power to investigate any and all complaints regarding alleged violations of this Chapter.
2. Inspection. The Director may inspect any operator records required to be maintained pursuant to this Section. Such records must be made available for inspection during normal business hours within 24 hours of notice by the Director.
3. Delegation. The Director may delegate the authority provided under this Section to any City employee or agent thereof.

**B.** Procedures and forms. The Director may adopt procedures and forms to implement the provisions of this Chapter.

**C.** Adoption of rules. The Director may adopt rules pertaining to matters within the scope of this Chapter.

1. Before the Director adopts a rule, a public hearing must be conducted. The Director must give notice of the public hearing in a reasonable manner not less than 10 nor more than 30 days before the hearing. The notice must include the place and time of the hearing; where copies of the full text of the proposed rules may be obtained; and a brief description of the proposed rules.

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2. During the hearing the Director will consider oral and/or written testimony. The Director will adopt, modify or reject the proposed rule based on the testimony received. Unless otherwise stated, all rules are effective upon adoption by the Director and will be kept on file at the Bureau. Copies of all rules will be made available to the public upon request.
3. Notwithstanding Subsections 1. and 2. above, the Director may adopt an interim rule without prior public notice upon a finding by the Director that failure to act promptly would result in serious prejudice to the public interest. In so doing, the Director must include the specific reasons for such prejudice. Any rule adopted pursuant to this Subsection will be effective for a period of not longer than 180 days.

#### **7.25.050 Registration as the Operator of a Facility.**

(Amended by Ordinance Nos. 186267 and 186746, effective August 6, 2014.) No person may assess any penalty at any facility unless that person is in compliance with the provisions of this Chapter.

- A. Applications. An applicant for registration as an operator of a facility must submit to the Bureau:
  1. The name, address and telephone number of the applicant;
  2. The name, email address and telephone number of the person that will be the point of contact for the Bureau. This person will be available to respond to inquiries, informational requests, or complaints at all times during normal business hours from 9 a.m. to 5 p.m. Monday through Friday;
  3. Proof of valid insurance as described in this Chapter;
  4. A sample copy of the proposed penalty notice;
  5. A sample copy of the proposed penalty payment letters;
  6. The name, address and telephone number of any collection agency that may be employed by the operator for collection of delinquent payments;
  7. Such other information relating to the purposes of this Chapter as the Director may require.

- B.** Penalty notices, penalty payment letters and any subsequent demands for payment must include:
1. The name, address and telephone number of the operator;
  2. The vehicle's make, model, color and license plate number;
  3. The time and date the penalty notice was issued;
  4. The location of the facility, including the street address or the intersection nearest the entrance as provided on the original registration application;
  5. Any facility number that may be assigned by the operator;
  6. The amount of the penalty demanded;
  7. Instructions describing deadlines and acceptable methods of payment;
  8. Warning that an Administrative Fee may be assessed if the payment of the penalty is not received within 10 days of issuance of a penalty notice;
  9. Any additional penalty that may be added if not paid within 30 days; and
  10. A statement that the vehicle owner may submit a written complaint to the Portland Bureau of Transportation if attempts to resolve the complaint with the operator have been unsuccessful anytime within 90 days of the date of the first penalty payment letter. The Bureau's contact and mailing address and website address for complaints must be included on penalty payment letters.
- C.** The penalty notice must not represent to be a document issued by any government agency or government official, or otherwise simulate legal or judicial process. The penalty notice form is subject to review and approval by the City Attorney's Office.
- D.** The Bureau must approve all notices and letters. If a proposed penalty notice or penalty payment letter is rejected by the Bureau, it will be returned to the applicant for amendment and resubmission without additional fees. If such documents have previously been approved by the City and if no changes to the Section have been made, it is not necessary to resubmit them with each new location application. Changes to penalty notices and letters proposed by the operator must be approved by the Bureau before they are implemented.
- E.** The Director shall reject any incomplete application.

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#### **7.25.060 Registration of a Facility.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) No operator shall assess any penalties at any facility unless it is registered with the Portland Bureau of Transportation.

- A.** Application. To register a facility with the Bureau an operator must submit:
  - 1.** A written request from the registered operator that includes the facility's number (designated by the operator) and the facility's address;
  - 2.** A drawing of the facility showing adjacent street names, facility entrances and exits, and location of payment devices;
  - 3.** A nonrefundable registration fee for each facility in an amount as required by Administrative Rule.
- B.** As a condition of registering a pay and park or non-pay private parking facility under this Chapter, the operator shall hold the City of Portland and its officers and employees free and harmless, and shall defend and indemnify the City for any claims for damage to property or injury to person that may be occasioned by any work and/or services furnished or carried on under the terms of registration.
- C.** The Director shall inspect an operator's facility following receipt of the written request for registration, the facility drawing, and the registration fee. If the Director determines that a facility complies with this Chapter's requirements, the Director will issue a registration certificate to the operator for the facility. If the Director determines that the facility does not comply with this Chapter's requirements, the application will be denied and notice will be sent to the operator that lists the requirements the facility failed to meet. If an application is denied, the operator may resubmit the application without payment of additional registration fees at any time within 60 days of the notice date if the deficiencies noted in the original denial have been corrected. Only one such reapplication without payment of registration fees may be made with respect to each facility. If upon such reapplication the registration is again denied, the operator must file a new facility application accompanied by the required registration fee.
- D.** Facility registrations are valid from the date of issuance until the last day of that same month the following year.
- E.** Reporting Changes. Operators must notify the Director of any changes to the operator's office location, contact information, and insurance provider prior to implementation of the change. Operators must also notify the Director of any changes to a facility that affect a parker's use of the facility including, but not

limited to, location of entrances and exits and location of a payment machine. Changed facilities must be reinspected before any penalty notices are issued.

- F.**     **Renewal.** The Bureau will send invoices for facility registration renewal to all operators at least 1 month prior to the expiration date. Registrations will be renewed upon payment of the nonrefundable fee for each facility as required by the Administrative Rules.
- G.**     **Non-assignability.** A registration issued or renewed pursuant to the provisions of this Chapter is not assignable or otherwise transferable.

**7.25.070       Payment Device.**

Payment devices must be placed and maintained at pay and park facilities in locations convenient and accessible to all parkers.

**7.25.080       Signage Requirements.**

(Amended by Ordinance No. 186267, effective October 25, 2013.) All signs required pursuant to this Section must be unobstructed, reflectorized and visible during all hours of operation. All signs required to be posted at a facility entrance must be no more than 10 feet from the entrance, must be located within 2 feet of the property line, and the center of such sign must be at least 4 feet from the ground.

**A.       Pay and Park Signage.**

- 1.**     Pay and Park facilities must have a sign posted at each entrance (in letters at least 7 inches high) stating either "PAY TO PARK ALL HOURS," or "PAY TO PARK POSTED HOURS." For facilities with a "POSTED HOURS" sign, the sign must also state (in letters at least 3 inches high) the exact hours that the facility is operated as a pay and park facility.
- 2.**     At each facility containing a payment device, there must be a sign (in letters at least 9 inches high) visible from every vehicle entrance stating "PAY HERE," indicating the location of the payment device.
- 3.**     At each payment location there must be a sign(s) that states (in letters at least 2 inches high):
  - a.**     all applicable charges for parking including the posted hours at a "PAY TO PARK POSTED HOURS" facility;
  - b.**     that proof of payment must be displayed and clearly visible through the windshield;

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- c. the phone number for the release of vehicles if they are subject to being towed;
        - d. a warning that the facility may be monitored; and
        - e. that vehicles parked without valid proof of payment or permit are subject to a parking penalty.
  4. In spaces reserved for parkers with a disabled person parking permit, the operator must attach a sticker or sign to the disabled parking sign at the front of each space that notifies the disabled parking customer that he/she is responsible for payment, regardless of having a disabled person parking permit.
- B. Non-Pay Private Parking Signage.
  1. Non-pay facilities must have a sign posted at each entrance stating:
    - a. that parking is prohibited, reserved or otherwise restricted;
    - b. who is authorized to park;
    - c. all limitations on parking;
    - d. the hours during which parking is restricted;
    - e. that the facility may be monitored; and
    - f. that parking in violation of posted restrictions may result in assessment of a penalty or towing and storage of a vehicle at the vehicle owner's expense.
  2. If a private parking facility is shared by more than one business, the parking spaces must be marked (or signs posted) clearly indicating which spaces are reserved for each business.
- C. Notwithstanding Subsection 7.25.080 A. and B., if the Director determines that the requirements are not sufficient to protect the parking public due to a facility's site-specific conditions, configurations, or location, the Director may impose additional facility requirements. These requirements may include, but are not limited to, additional lighting, signage, landscaping, pavement markings, and restrictions on the hours during which penalties may be issued.



**7.25.090      Assessment of Penalties.**

- A.** Pay and park facilities. The operator of a pay and park facility may assess and collect a penalty from any parker found to have either parked without paying the required parking fees upon parking the vehicle, or parked without placing the proof of payment in the vehicle so that it is clearly visible through the windshield.
- B.** Non-pay private parking facilities. The operator of a non-pay private parking facility may assess and collect a penalty from any parker found to have parked without authorization.
- C.** The penalty amount assessed to vehicles described in Subsections A. and B. above must not exceed the following amounts:
  - 1.** Not more than the overtime parking penalty set by Multnomah County Circuit Court if paid within 30 days of the mailing date of the penalty payment letter.
  - 2.** Not more than double the overtime parking penalty set by Multnomah County Circuit Court if paid after 30 days from the mailing date of the penalty payment letter.

**7.25.100      Parking Penalty Notice.**

- A.** When a vehicle is parked in violation of a registered facility's requirements, the operator may affix to the vehicle, in a prominent location, a penalty notice.
- B.** The penalty notice must be processed as follows:
  - 1.** A copy must be affixed to the vehicle,
  - 2.** A record of the notice must be retained by the operator for not less than 1 year, and
  - 3.** All records of penalty notices must be available to the Director upon request.

**7.25.110      Penalty Payment Letters.**

(Amended by Ordinance No. 186267, effective October 25, 2013.)

- A.** If the operator does not receive payment within 10 days from the day the operator affixed the penalty notice to the vehicle, the operator may mail a penalty payment letter to the registered owner(s) and any other persons who reasonably appear to have any interest in the vehicle. The letter must be mailed no earlier than 10 days

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nor later than 30 days from the penalty notice issuance date. The letter must include:

1. The amount demanded;
2. Acceptable method(s) of payment;
3. The schedule of increases for continued non-payment as described in Chapter 7.25;
4. Space for the recipient to inform the operator that the person to whom the letter was sent is not the current registered owner of the vehicle;
5. A statement that the vehicle owner may submit a written complaint to the Bureau if attempts to resolve any disputes with the operator have been unsuccessful;
6. The mailing address of the Bureau, and
7. A statement to the effect that the Bureau will only investigate complaints by parkers regarding the issuance of a parking penalty notice filed within 90 days of the date of the first penalty payment letter.

#### **B. Administrative Fees.**

1. If an operator incurs costs from the Department of Motor Vehicles (DMV) in its efforts to obtain the name and address of a vehicle's registered owner, the operator may add a one-time administrative fee in addition to the penalty amount, provided that:
  - a. 10 days have elapsed since the penalty notice issuance;
  - b. The operator indicates the amount assessed as a separate itemized amount on the penalty payment letter;
  - c. The amount assessed is no more than the amount charged to the operator by the DMV.
2. Operators may not demand payment for an administrative fee until they have been charged said fee by the DMV.
3. Although operators may only charge the administrative fee once, the fee may be a combination of more than one DMV charge if the first attempt to

obtain registered owner information resulted in invalid information. In no event may an operator charge for more than two attempts.

**7.25.120 Unlawful to Tow Vehicles.**

It is unlawful for any person to tow any vehicle parked at any registered facility without the permission of the parker unless:

- A.** The vehicle has been parked at the registered facility without the payment of the required parking fees or without authorization for a period in excess of 24 hours after the period for which parking fees have been paid or authorization has been given; or
- B.** The vehicle is parked at the registered facility in such a manner as to clearly impede vehicular ingress or egress to and from designated parking stalls or the facility itself, or is parked in any area that is clearly and conspicuously designated by signs or other traffic control devices as areas in which parking is restricted or forbidden; or
- C.** The vehicle is parked at any of the operator's registered parking facilities, and:
  - 1.** Within the previous 2-year period, the vehicle was parked at any of the operator's registered facilities without payment of parking fees or authorization, three times or more; and
  - 2.** During that time the operator affixed and mailed the notices and payment letters as provided for in this Chapter; and
  - 3.** Three or more penalties remain unpaid; and
  - 4.** The operator has mailed a notice by certificate of mailing, and a reasonable amount of time has elapsed for service of the notice, advising the registered owner(s) and any other persons who reasonably appear to have any interest in the vehicle stating that the vehicle will be towed if the vehicle is again parked at a registered parking facility. The notice must also state the total amount due for outstanding penalties, the issue date and parking facility location for each outstanding penalty, the method(s) of payment accepted, the name, address and phone number of the operator, and that the vehicle owner may submit a written complaint to the Bureau if attempts to resolve the complaint with the operator are unsuccessful. The operator shall retain a copy of each notice for not less than 1 year and make such copies available upon request of the Director. The notice must be in a form approved by the City Attorney's Office; and,

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5. Such towing is performed in compliance with Chapter 7.24 Private Property Impound Towing.

**7.25.130 Complaint Handling Procedures.**

(Amended by Ordinance Nos. 186267 and 186746, effective August 6, 2014.)

- A. Operators responding to the complaints of parkers or registered owners of vehicles must follow these guidelines:
  1. The operator must be available by telephone, fax and e-mail to the public during normal business hours to accept and respond to public complaints. The operator must have voicemail and must respond to telephone messages by the end of the next business day.
  2. The operator must respond in writing to written complaints within 10 days from the date the operator received the complaint.
  3. The operator's written response must include the mailing address of the Portland Bureau of Transportation and a statement that the parker or registered owner of the vehicle may submit a written complaint to the Bureau if attempts to resolve the complaint with the operator are unsuccessful.
  4. All efforts to collect the penalty and related amounts must be suspended upon the filing of a complaint with the operator or the Director, pending final resolution.
  5. The operator must respond in writing within 10 days to inquiries from the Director regarding complaints or operations of a registered facility.
  6. Penalties must not increase from the time a complaint is received by the operator or the Director, pending final resolution.
  7. The operator must void the penalty if the parker or registered owner provides evidence within 30 days of issuance of the penalty notice that the parking fee payment was made at the time the vehicle was parked at the facility or that the parker was authorized to park.
  8. The operator must notify appropriate credit agencies immediately upon voiding any penalty.
- B. Upon receipt of a complaint the Director shall conduct an investigation.

1. Upon a finding by the Director or Bureau staff that a penalty is invalid, the operator must immediately cancel the penalty, cease all efforts to collect the penalty, and refund any payments that have been made.
2. If the investigation determines that a violation of this Chapter has occurred, the Director will initiate remedies provided in this Chapter.
3. The Director shall not investigate complaints by parkers regarding the issuance of a notice of demand for payment of penalties filed any time after 90 days from the date of the first mailed penalty payment letter.

**7.25.140 Maintenance of Records.**

(Amended by Ordinance No. 186267, effective October 25, 2013.)

- A. The operator shall keep and maintain records of all penalties, any transactions relating to collection of past due accounts, written warnings, requests for vehicle towing, and any other transactions or written complaints relating to penalties or the impoundment of vehicles for a period of at least 1 year from the date the penalty notice was issued.
- B. For the purpose of investigating complaints and to aid in enforcement of the requirements of this Chapter, the Director may require the operator to report financial and operating data listed in Subsection A. above, in such form as the Director requires.
- C. The operator must compile the necessary data and submit reports to the Director within 10 days of a written request.

**7.25.150 Insurance Required.**

Operators must provide and maintain commercial general liability insurance covering any and all claims for damage to property or personal injury, including death and automobile damage that may arise from operations under the registration.

- A. Such insurance must provide coverage of not less than \$1 million combined single limit per occurrence, with aggregate of \$1 million for bodily injury or property damage.
- B. The limits of the insurance are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of the registration.
- C. The insurance must be without prejudice to coverage otherwise existing.

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- D.** The insurance must name as additional insured the City and its officers, agents and employees. Notwithstanding the naming of additional insureds, the insurance must protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein will operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts which the insurer would have been liable if only one person or interest had been named as insured.
- E.** The coverage must apply as to claims between insureds on the policy.
- F.** The insurance policy must provide that it will not terminate or be canceled without 30 days written notice first being given to the Director.
- G.** The adequacy of the insurance is subject to the approval of the City Attorney.
- H.** Failure to maintain liability insurance is cause for immediate revocation of the registration of the operator by the City.

#### **7.25.160 Prohibitions.**

No operator shall:

- A.** Require any person to make any statement or sign any document promising not to dispute the validity of a penalty or relieving the operator from responsibility for the condition of the vehicle.
- B.** Solicit business by means of payment of a gratuity, commission or other consideration to the property owner, manager or employee of a facility.
- C.** Attach a mechanical boot or any other immobilization device to any vehicle parked on private property or public right-of-way for the purpose of collecting a fee for the release of the vehicle.

#### **7.25.170 Remedies.**

Upon a violation by the operator of any requirements of this Chapter, the Director may exercise the following authority and may apply one or more of the following remedies:

- A.** Suspension or revocation. The Director may suspend a registration of any facility if investigation reveals that the violation has an impact on the public that informal compliance methods have failed to resolve. Suspension of registration may be for a period of up to 14 calendar days. The suspension will be effective from the operator's receipt of written notice of suspension. If the violation is not corrected within the 14 calendar day period, then the Director may revoke the registration. The revocation will be effective upon the mailing of written notice by the Director.



- B.** Civil Penalty. The Director may impose a civil penalty of up to \$500 for each violation.

**7.25.180 Appeals.**

Any operator aggrieved by a determination of the Director may appeal such determination to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10.

**7.25.190 Locking Parked Cars.**

It is unlawful for the operator or an employee of a public parking lot to close and leave the lot without first removing the keys from any vehicle remaining upon the lot. It is unlawful for the operator or employee to close and leave the lot prior to the posted time of closing without locking any vehicle remaining on the lot. If no closing time is posted it shall be unlawful for the operator or an employee to close and leave the lot without locking any vehicle remaining on the lot. The operator of any lot where the operator or employee removes keys to any location other than the lot itself shall post and maintain a sign on the premises stating where and during what hours keys may be obtained when the lot is not attended. The sign shall be placed in a location meeting the requirements of signs giving notice of impoundment fees required by Section 7.25.080 of this Code.

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**CHAPTER 7.26**

**REGULATION OF PAYDAY LENDING**

(Chapter added by Ordinance No. 179948,  
effective February 22, 2006.)

**Sections:**

- 7.26.010 Purpose.
- 7.26.020 Definitions.
- 7.26.030 Permits.
- 7.26.040 Administrative Authority.
- 7.26.050 Payment of Principal Prior to Payday Loan Renewal.
- 7.26.060 Cancellation of Payday Loan.
- 7.26.070 Payment Plan for a Payday Loan.
- 7.26.080 Remedies.
- 7.26.090 Appeals.
- 7.26.100 Complaints.
- 7.26.110 Severability.

**7.26.010 Purpose.**

The City finds that, in order to minimize the detrimental effects that certain payday lending practices have on individuals and families, payday lenders should require payment of a portion of the original loan amount prior to the renewal of a payday loan, borrowers should be able to cancel a payday loan, and borrowers should be able to convert a payday loan into a payment plan. This Chapter shall be construed in conformity with the laws and regulations of the State of Oregon.

**7.26.020 Definitions.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) As used in this Chapter unless the context requires otherwise:

- A. “Borrower” means a natural person who receives a payday loan.
- B. “Cancel” means to annul the payday loan agreement and, with respect to the payday loan agreement returning the borrower and the payday lender to their financial condition prior to the origination date of the payday loan.
- C. “Director” means the Director of the Revenue Division.
- D. “Payday Lender” means a “lender” in the business of making payday loans as defined in ORS 725.600.

- E.** “Payday Loan” means a payday loan as defined by state law.
- F.** “Principal” means the original loan proceeds advanced for the benefit of the borrower in a payday loan excluding any fee or interest charge.

**7.26.030 Permits.**

Within 60 days of the effective date of the ordinance enacting this Chapter, any Payday Lender operating in the City of Portland shall apply for and obtain a permit to operate as a Payday Lender. Permits shall required for each location a lender operates in the City of Portland and shall be renewed annually. The application shall be in a form to be determined by the Director. The Director shall require the Payday Lender to report its fee schedule in the Payday Lenders permit application. No person shall operate a Payday lending business or loan any funds as a Payday Loan without a current permit to do business issued by the City of Portland. The annual cost for the permit shall be \$1,500.00, payable to the City of Portland; this permit is in addition to the City of Portland business license required by PCC 7.02.

**7.26.040 Administrative Authority.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** The Director is authorized and directed to enforce all provisions of this Chapter. The Director shall have the power to investigate any and all complaints regarding alleged violations of this Chapter. The Director may delegate any or all authority granted under this Section to any Revenue Division officer, employee or agent.
- B.** The Director is authorized to adopt and enforce administrative rules interpreting and applying this Chapter. The Director or designee shall make written findings of fact and conclusions of law to support all decisions.
- C.** Prior to adoption of a new administrative rule, the Director shall give notice to all interested parties of the terms of the proposed rule, and shall conduct a public hearing to consider public comment. Public notice shall be given when administrative rules have been adopted.
  - 1.** At the public hearing, the Director or designee shall hear oral and written testimony concerning the proposed rule. The Director shall have the power to establish and limit the matters to be considered at the hearing, to prescribe procedures for the conduct of the hearings, to hear evidence, and to preserve order.
  - 2.** The Director shall adopt, modify or reject the proposed rule after considering testimony received during the public hearing.

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3. Unless otherwise stated, all rules shall be effective upon adoption by the Director. All rules adopted by the Director shall be filed in the Revenue Division and the Office of the City Auditor in compliance with PCC 1.07.030. Copies of all current rules shall be available to the public upon request.
  4. Notwithstanding subsections 1 and 2 of this Section, the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly may result in serious prejudice to the public interest or the interest of the affected parties. Such interim rules shall detail the specific reasons for such prejudice. Any interim rule adopted pursuant to this paragraph shall be effective for a period not to exceed 180 days.
- D.** Inspection of Records. The City of Portland reserves the right to review and/or copy the records of any Payday Lender for purposes of auditing or complaint resolution. Such records shall be made available for inspection during normal business hours within 24 hours of written notice by the Director or its designee.

#### **7.26.050 Payment of Principal Prior to Payday Loan Renewal.**

A Payday Lender may not renew a Payday Loan unless the Borrower has paid an amount equal to at least twenty-five percent (25%) of the principal of the original Payday Loan, plus interest on the remaining balance of the Payday Loan. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.

#### **7.26.060 Cancellation of Payday Loan.**

- A.** A Payday Lender shall cancel a Payday Loan without any charge to the Borrower if prior to the close of the business day following the day on which the Payday Loan originated, the Borrower:
1. Informs the Payday Lender in writing that the Borrower wishes to cancel the Payday Loan and any future payment obligations; and
  2. Returns to the Payday Lender the uncashed check or proceeds given to the Borrower by the Payday Lender or cash in an amount equal to the principal amount of the Payday Loan.
- B.** A Payday Lender shall disclose to each Borrower that the right to cancel a Payday Loan as described in this section is available to the Borrower. The Payday Lender shall disclose this requirement to the borrower in a minimum of bold 12 point type.

**7.26.070      Payment Plan for a Payday Loan.**

- A.**     A Payday Lender and a Borrower may agree to a payment plan for a Payday Loan at any time.
- B.**     A Payday Lender shall disclose to each Borrower that a payment plan described in this section is available to the Borrower after the maximum amount of renewals allowed by state law. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.
- C.**     After a Payday Loan has been renewed to the maximum amount allowed by state law, and prior to default on the Payday Loan, a Payday Lender shall allow a Borrower to convert the Borrower's Payday Loan into a payment plan. Each payment plan shall be in writing and acknowledged by both the Payday Lender and the Borrower.
- D.**     The Payday Lender shall not assess any fee, interest charge or other charge to the Borrower as a result of converting the Payday Loan into a payment plan.
- E.**     The payment plan shall provide for the payment of the total of payments due on the Payday Loan over a period of no fewer than 60 days in three or more payments. The Borrower may pay the total of payments due on the payment plan at any time. The Payday Lender may not assess any penalty, fee or other charge to the Borrower for early payment on the payment plan.
- F.**     A Payday Lender's violation of the terms of a payment plan entered into with a Borrower under this section constitutes a violation of this Chapter. If a Payday Lender enters into a payment plan with a Borrower through a third party that is representing the Borrower, the Payday Lender's failure to comply with the terms of that payment plan constitutes a violation of this Chapter.

**7.26.080      Remedies.**

- A.**     Failure to comply with any part of this Chapter or the administrative rules may be punishable by civil penalties. The Director may impose a civil penalty of up to \$1,500.00 for a substantial violation of this Chapter or the administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods fail to resolve. Each substantial violation may be assessed a separate civil penalty.
- B.**     Civil penalties shall be payable to the City of Portland.
- C.**     Civil remedies. Nothing in this Section is intended to prevent any person from pursuing any available legal remedies.

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- D.** No civil penalties shall be assessed within 60 days of the effective date of this ordinance.

#### **7.26.090 Appeals.**

Any person upon whom a civil penalty has been imposed, or who has been directed by the Director to resolve a complaint, may appeal to the Code Hearings Officer pursuant to the provisions of Chapter 22.10 of this Code.

#### **7.26.100 Complaints.**

The Director shall have the authority to investigate any and all complaints alleging violation of this Chapter or administrative rules.

- A.** The Director may receive complaints from Borrowers by telephone or in writing. Within a reasonable time, the Director shall forward the complaint by telephone or in writing to the Payday Lender it concerns for investigation.
- B.** The Payday Lender shall investigate the allegations of the complaint and report the results of the investigation and the proposed resolution of the complaint to the Director by telephone or in writing within two (2) business days from initial contact by the Director.
- C.** If the proposed resolution is satisfactory to the Director, the Payday Lender shall proceed to resolve the complaint directly with the Borrower according to the resolution proposed to the Director.
- D.** If the proposed resolution is not satisfactory to the Director, the Director shall conduct an independent investigation of the alleged complaint and propose an alternative resolution of the complaint. If the Payday Lender accepts the proposed alternative resolution and offers it to the Borrower, the complaint shall be final. If the Payday Lender refuses to accept and implement the proposed alternative resolution it shall be subject to remedies as provided by PCC 7.26.080. In the event of imposition of remedies, the Payday Lender may appeal as provided by PCC 7.26.090.

#### **7.26.110 Severability.**

If any provision of this Chapter, or its application to any person or circumstance is declared invalid or unenforceable the remainder of the Chapter and its application to other persons and circumstances, other than that which has been held invalid or unenforceable, shall not be affected, and the affected provision of the Chapter shall be severed.



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scheme; or to solicit or advertise any such scheme; or to list persons who have surrendered any sum of money or any other thing of value to any such scheme. It is unlawful for any person, firm, or corporation to let, lease, or rent any real property and allow any such scheme to be established, maintained, conducted, managed or operated therein or thereon.

**14A.70.040 Social Games Authorization Limited.**

A social game between players in a private business, private club, or place of public accommodation is authorized only when each of the following conditions are met:

- A.** No house player, house bank, or house odds exist; and
- B.** There is no house income from the operation of a social game; and
- C.** The game cannot be observed from a public right of way; and
- D.** Persons under 18 years of age are not permitted in the room or enclosure where the social game takes place; and
- E.** A valid permit issued pursuant to this Chapter is conspicuously displayed in the room or enclosure where the social game takes place; and
- F.** The room or enclosure where the social game takes place is open to free and immediate access by any police officer. Doors leading into the social game room must remain unlocked during all hours of operation; and
- G.** No player shall bet more than \$1 in money or other thing of value in any one game, and the amount awarded the winner of a game shall not exceed \$1 in money or other thing of value multiplied by the number of players in the game.

**14A.70.050 Social Games Permit Required.**

A permit shall be required for any person to conduct or permit to be conducted in any private business, private club, or place of public accommodation any social game. Any violation of the conditions set forth in Section 14A.70.040 shall be considered grounds for suspension or revocation of such permit. Such permit is not subject to transfer or assignment, is not valid at any location other than the premises described therein, and shall be dated as of the first day of the month in which issued and shall expire 1 year from that date.

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**14A.70.060 Social Games Permit Application Process.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** The application for a permit to conduct any social game activity shall set forth all information deemed necessary by the Director of the Revenue Division consistent with the regulations provided in this Chapter, including but not limited to a description of the premises subject to the permit, and the fingerprints of the owner(s), officers, principal managing employees, and all employees who are involved in conducting the game activities or operating the game premises of the applicant. The permittee shall notify the Director within 10 days of any change in owners, officers, or principal managing employees that occurs subsequent to permit issuance.
- 1.** For the purposes of this Section, "principal managing employee" shall include:
    - a.** Any person who is a proprietor or partner of the applying organization;
    - b.** Any person who owns or controls 5 percent or more of the outstanding capital stock where the organization is a corporation;
    - c.** Any person who has supervisory authority over employees and/or operations of the business as it relates to the conduct of permitted social games; and
    - d.** Any person who has the authority to supervise the premises and conditions under which permitted social games are conducted.
  - 2.** Where the permit applicant is a nonprofit membership organization, "principal managing employee" shall also mean the chief elected official of the organization and any other elected official(s) whose authority extends to the supervision or management of permitted social games.
  - 3.** With the concurrence of the Chief of Police or proper designee, the Revenue Division may exempt a corporate stockholder from the definition "principal managing employee" when it is shown that the involvement of such stockholder(s) in the operations of the applying organization is limited to stock ownership and that such stockholder(s) has no role in the conduct of the organization's operations.
  - 4.** All persons required to supply information in the application shall by oath or affirmation swear to the veracity of the information supplied by them.

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- B.** There shall be no right to renewal of a permit; each application shall be considered as it would be for a new permit notwithstanding that the applicant has previously been issued a permit.
- C.** Each application for a permit shall be accompanied by a nonrefundable fee of \$500.
- D.** Before issuance of a permit, the Director or appropriate designee shall confer with the Chief of Police or proper designee, who shall advise whether or not and on what basis there exists law enforcement concerns about the particular applicant's suitability to obtain a permit. If the Chief of Police so recommends, then no permit shall be issued, provided that Council may finally determine, upon appeal by the applicant that permit shall be issued.

**14A.70.070 Social Games Permit Issuance, Denial.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** An application for a social game permit shall be denied if the Director of the Revenue Division finds:
  - 1.** That within 5 years of the present application date, the applicant or any person having a financial interest in the private business, private club, or place of public accommodation, or any of the applicant's officers or principal managing employees has been convicted of, or if evidence exists that supports a finding by a preponderance of evidence, that such person has committed any felony or misdemeanor under federal or state law or this Code relating to theft, fraud, gambling, controlled substances, or prostitution activities; or
  - 2.** That the applicant or any person having a financial interest in the private business, private club, or place of public accommodation, or any of the applicant's officers or principal managing employees has falsified any statement in the application for permit.
  - 3.** That any violation of federal or State law or this Code relating to gambling has occurred on the premises described in the application. It shall be prima facie evidence of such violation if any person has forfeited bail on, pleaded nolo contendere to, or been convicted of any offense in violation of federal or State law or this Code relating to gambling or gambling devices where the act charged occurred on the premises described in the permit application.

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4. That the applicant has permitted the commission of any criminal act on the premises described in the application or has failed to maintain the premises in conformance with all the requirements of this Code.
- B.** If one or more grounds for denial of a permit as described in Subsection A. of this Section are not established after investigation of the application by the Director with assistance from the Bureau of Police, then the permit shall be issued as soon as practicable.

**14A.70.080 Revocation, Suspension of Social Games Permit.**  
(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** The permit required under this Chapter may be temporarily suspended for up to 30 days or revoked by the Revenue Division for any reason that would be grounds for denial of an application for a permit. Additionally, such permit may be suspended or revoked when investigation reveals that:
1. Any violation of the provisions of this Chapter or any violation of federal or State law or City ordinance relating to minors, theft, fraud, gambling, obscenity, controlled substances, prostitution, or alcoholic beverages has occurred on or in such premises, or that any such violation was connected in time and manner with the operation of such premises and occurred within the proximity of same; or
  2. Conducting of social games in such location as authorized by the permit causes disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other similar problems in the area around the permitted premises.
- B.** Suspension or revocation shall become effective 5 days after the Revenue Division makes reasonable attempts to notify the permittee in writing of the grounds for revocation or suspension. If the permittee gives notice of appeal to the Revenue Division prior to the effective date of the revocation or suspension, suspension or revocation shall not become effective until the appeal is finally determined. If the permittee cannot be found after a reasonable effort to locate him or her has been made, then such notice may be sent by certified mail to the permit address, or posted at the same, and shall be deemed acceptable alternative means of service in lieu of personal service.
- C.** On a case-by-case basis, depending upon the severity of the violation and the likelihood of continued unlawful activity on such premises, in lieu of suspending or revoking a permit or to reduce the penalty period involved, with the

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concurrence of the permittee and the Chief of Police, the Director may order a fine of up to \$500 per violation of this Code to be paid to the City's General Fund. Failure to pay the fine within 30 days shall be grounds for revocation or suspension of the social games permit.

**14A.70.090 Appeal of Denial, Revocation, or Suspension of Social Games Permit.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) The sole method of appeal of a denial, revocation, or suspension of a permit shall be as follows:

- A. When denying an application for permit, the Revenue Division shall immediately make reasonable attempts to notify the applicant who may appeal within 10 days thereafter.
- B. Upon receipt of notice of appeal of a permit denial, revocation, or suspension, the Director shall appoint a Hearings Officer to hear the appeal. The Hearings Officer shall conduct a hearing on the matter, giving the permittee and the Revenue Division 10 days notice of the date thereof. The hearing shall be conducted according to the procedures established for contested case hearings in ORS Chapter 183. The Hearings Officer shall issue a report within 10 days of the hearing, making findings of fact and determining whether the grounds for revocation or suspension given in the notice have been established by a preponderance of the evidence. The Hearings Officer's determination shall be final and effective within 10 days of giving notice to the Revenue Division and the permittee, unless appealed to the Council before such time by the aggrieved party. The Council shall hear and determine the appeal based on the record made at the hearing, but may, at its discretion, hear other evidence. In all cases, the decision of the Council shall be final.

**14A.70.100 Inspection of Premises Permitted for Social Games.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) All persons who have been issued permits pursuant to this Chapter shall permit entry to premises where social games are conducted to any member of the Revenue Division or any officer of the Bureau of Police, upon presentation of official identification, for the limited purpose of inspecting the premises and any activities, records, or devices involved in such games to ensure compliance with this Chapter. Failure to permit an authorized inspection shall be grounds for suspension or revocation of the involved social games permit.

**14A.70.110 Notice of Social Games Required.**

Where social games are conducted, each permittee shall continuously and conspicuously post notice that is clearly readable and in letters at least 1 inch high that such games must be conducted in accordance with the conditions set forth in this Chapter, which shall be listed in their entirety.

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**14A.70.120 Unlawful Amusement Games and Concessions.**

- A.** It is unlawful for any person to manage, operate, or profit from any unlawful amusement game or concession.
- B.** As used in this Section, "unlawful amusement game or concession" includes the following:

  - 1.** Any amusement concession or game in which any physical limitations affecting the degree of skill necessary to win the amusement concession or game are not readily visible to the player, unless notice disclosing such physical limitations is displayed continuously and conspicuously at the location where the amusement concession or game is played, so as to be readily visible to patrons and contestants.
  - 2.** Any amusement concession or game where winning depends upon the patron or contestant's ability to throw or project an object, unless all such objects available for use by any single patron or contestant are uniform in size and weight.
  - 3.** Any amusement concession or game in which the ability of the patron or contestant to win depends upon throwing or projecting of an object, unless there exists an unobstructed air space of at least 18 inches in height above the highest point of any surface, object, or place upon which that object must land to win the amusement concession or game.
  - 4.** Any amusement concession or game in which any target, which must be struck, hit, overturned, broken, or passed through is tilted or inclined in any manner so as to give any advantage to the manager or operator.
  - 5.** Any amusement concession or game in which any material has been placed on any target so as to give any advantage to the manager or operator.
  - 6.** Any amusement concession or game that utilizes any device, other than the target and the objects to be thrown or projected at that target, which increases or decreases the opportunity of any patron or contestant to win the amusement concession or game.
  - 7.** Any amusement concession or game in which the patron or contestant is required to shoot a firearm, air gun, pellet gun, BB gun, or similar device at a target in order to win the amusement concession or game, unless all of the ammunition used in such devices is uniform in type, size, and weight,



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and the devices are physically attached or controlled to ensure that they can only be pointed toward the target area at all times.

8. Any amusement concession or game in which, as a condition of winning the amusement concession or game, a part or all of a target must be destroyed, unless the patron or contestant is permitted, at his or her request, to inspect the target at any time(s) after he or she has paid to play and has concluded such contest but before he or she has left the amusement concession or game location.

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**Chapter 14A.80**

**MINORS**

**Sections:**

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

**14A.80.010 Curfew.**

(Amended by Ordinance No. 184274, effective December 31, 2010.)

- A.** It is unlawful for any minor to be in or upon any public property or public right of way between the hours specified in this Section, unless such minor is accompanied by a parent, guardian or other person 21 years of age or over and authorized by the parent or by the law to have care and custody of the minor, or unless such minor is then engaged in a school activity or lawful employment that makes it necessary to be in or upon any city property or public right of way during the hours specified in this Section. For minors under the age of 14 years who have not begun high school, curfew is between 9:15 p.m. and 6 a.m. of the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the City, the curfew is between 10:15 p.m. and 6 a.m. of the following morning. For children 14 years of age or older who have begun high school, curfew is between 10:15 p.m. and 6 a.m. of the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the City, curfew is between 12 midnight and 6 a.m. of the following morning. For minors who have been found by a court to have possessed, purchased, used, transferred or transported a firearm unlawfully and are under the jurisdiction of the court as a result of that adjudication, curfew is between 7 p.m. and 6 a.m. of the following morning except for minors attending, or traveling directly to or from, a school-sponsored event, or a church, with written approval from the school, organization or church or to any activity or place with the permission of the minor's probation or parole officer or juvenile court counselor.
- B.** If a minor is taken into protective custody in violation of curfew, it is the responsibility of the parent, guardian, or other person having legal care and custody of the minor to come immediately and take custody of the minor from the police.

**Chapter 14B.90**

**SECONDHAND DEALERS**

(Chapter replaced by Ordinance No. 181303,  
effective October 26, 2007.)

**Sections:**

- 14B.90.010 Purpose.
- 14B.90.020 Definitions.
- 14B.90.030 Permit Required.
- 14B.90.035 Minimum Standards.
- 14B.90.040 Application for Permit.
- 14B.90.050 Issuance and Renewal of Permit.
- 14B.90.060 Permit Fees.
- 14B.90.070 Subsequent Locations.
- 14B.90.080 Reporting of Secondhand Dealer Transactions.
- 14B.90.090 Regulated Property Sale Limitations.
- 14B.90.100 Tagging Regulated Property for Identification.
- 14B.90.110 Inspection of Property and Records.
- 14B.90.120 Prohibited Acts.
- 14B.90.130 Civil Penalties.
- 14B.90.140 Revocation or Suspension of Permit.
- 14B.90.150 Appeals.
- 14B.90.170 Authority of Director to Adopt Rules, Procedures and Forms.

**14B.90.010 Purpose.**

The Council's purpose in adopting this Chapter is to regulate certain business activities that present an extraordinary risk of being used by criminals to dispose of stolen property. The Council finds that this risk is present despite the best efforts of legitimate secondhand dealer businesses because these businesses process large volumes of goods and materials that are frequently the subject of theft. This Chapter is intended to reduce this type of criminal activity by providing timely police awareness of such property transactions and by regulating the conduct of persons engaged in this business activity. The Council finds that these regulations are necessary and the need for the regulations outweighs any anti-competitive effect that may result from their adoption.

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**14B.90.020 Definitions.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) As used in this Chapter, unless the context requires otherwise:

- A.** "Acceptable identification" means either a current driver's license, a State of Oregon Identification Card issued by the Department of Motor Vehicles, or two current United States, state or local government-issued identification cards, one of which has a photograph of the seller.
- B.** "Acquire" means to take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales; consignments; memoranda between a Dealer and a private party seller; leases; trade-ins; loans; and abandonments. Any acquisition of regulated property by a Dealer will be presumed to be an acquisition on behalf of the Secondhand Dealer business. Notwithstanding the foregoing, "acquire" does not include:

  - 1.** Any loans made in compliance with state laws by persons licensed as pawnbrokers by the State of Oregon; or
  - 2.** Memoranda between a Dealer and a person engaged in the business of selling regulated property.
- C.** "Business Location" means any physical location where the Dealer conducts business.
- D.** "Chief of Police" means the Chief of the Portland Police Bureau or his or her designee.
- E.** "Criminal arrests or convictions" refers to any offense defined by the statutes of the State of Oregon or ordinances of the City of Portland, unless otherwise specified. Any arrest or conviction for conduct other than that denoted by the statutes of the State of Oregon or ordinances of the City of Portland, as specified herein, will be considered to be equivalent to one of such offenses if the elements of such offense for which the person was arrested or convicted would have constituted one of the above offenses under the applicable Oregon statutes or Portland ordinance provisions.
- F.** "Dealer".

  - 1.** Means any:

    - a.** Sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate,

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corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business and that:

- b.** Either:
    - (1)** Acquires regulated property at or from business locations within the City of Portland, or on behalf of such a business regardless of where the acquisition occurs, or
    - (2)** Offers for sale regulated property.
- 2.** Dealers that acquire or offer for sale not more than 50 items of regulated property in any one-year period will be categorized as an "Occasional Secondhand Dealer." The term "Dealer" in this Chapter and all regulations herein refer to Secondhand Dealers, Occasional Secondhand Dealers and Pawnbrokers unless specifically stated otherwise.
- 3.** "Dealer" does not include:
  - a.** A business whose acquisitions of regulated property consist exclusively of donated items and/or purchases from 501(c)3 organizations; or
  - b.** A person whose only business transactions with regulated property in the City of Portland consist of the sale of personal property acquired for household or other personal use; or
  - c.** A person whose only business transactions with regulated property in the City of Portland consist of a display space, booth, or table maintained for displaying or selling merchandise at any trade show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any calendar year.
- G.** "Director" means the Director of the Bureau of Revenue and Financial Services Revenue Division or his or her designee.
- H.** "Held Property" means any regulated property that cannot be sold, dismantled or otherwise disposed of for a proscribed period of time as more specifically enumerated in 14B.90.090.

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- I.** "Investment purposes" means the purchase of personal property by businesses and the retention of that property in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.
- J.** "Medication" means any substance or preparation, prescription or over-the-counter, used in treating or caring for ailments and/or conditions in humans or animals.
- K.** "New" means anything conspicuously not used.
- L.** "Pawnbroker" means any business required by Oregon Revised Statute 726.040 to hold an Oregon pawnbroker's license. Pawnbrokers are required by Chapter 14B.90 to have a Secondhand Dealer Permit. As a Dealer all transactions occurring within their business (loans, buys, or consignments) are subject to all requirements within this Chapter unless otherwise stated.
- M.** "Person" means a natural person.
- N.** "Principal" means any person who will be directly engaged or employed in the management or operation of the Secondhand Dealer business, including any owners and any shareholders with a 5% or greater interest in the company.
- O.** "Receive" means to take property into the inventory, possession, or control of a Dealer.
- P.** "Regulated property" means property of a type that has been determined by the Portland Police Bureau to be property that is frequently the subject of theft, including new items as defined in this section as well as used items such as precious metals, precious gems, watches, sterling silver, electronic equipment, photography equipment, tools, musical instruments and cases, firearms, sporting equipment, and household appliances. A list of regulated property is included in the Administrative Rules and may be updated at any time in order to enhance the Bureau's ability to reduce property crimes and recover stolen goods.
- Q.** "Remanufactured" means that an item has been altered to the degree that the main components are no longer identifiable as the original item.
- R.** "Seller" means any person who:
  - 1.** Offers items of regulated property in exchange for money or other property; or as collateral for a loan; or
  - 2.** Donates or abandons items of regulated property.



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- S. "Trade Show" means an event open to the public, held in a venue other than a Dealer's business location, at which vendors of a specific type of merchandise may exhibit, buy, sell, or trade items that may include regulated property. Events commonly known as flea markets or swap meets, in which goods of many types are exhibited, sold or traded, are not considered trade shows for the purpose of this Chapter.
- T. "Transaction Report" means the record of the information required by 14B.90.080, transmitted to the Police Bureau by the means required in the Administrative Rules.
- U. "Used" means anything that has been put into action or service.

**14B.90.030 Permit Required.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A. No person or business shall engage in, conduct or carry on a secondhand dealer business in the City without a valid Secondhand Dealer Permit issued by the Revenue Division.
- B. Upon acquiring or offering for sale more than 50 items of regulated property during any one-year period, an Occasional Secondhand Dealer shall apply for and obtain a Secondhand Dealer Permit before acquiring any more items of regulated property.
- C. Any person or business that advertises or otherwise holds him/herself out to be acquiring or offering for sale regulated property within the City will be presumed to be operating as a Dealer subject to the terms of Chapter 14B.90.
- D. The sale of regulated property at events commonly known as "garage sales," "yard sales," or "estate sales," is exempt from these regulations if all of the following are present:
  - 1. No sale exceeds a period of 72 consecutive hours; and
  - 2. No more than four sales are held at the same location in any twelve-month period.

**14B.90.035 Minimum Standards.**

- A. No person or business may operate as a Dealer within the City of Portland unless the person or business maintains a fixed physical business location.

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

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

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** An applicant for a Secondhand Dealer Permit shall complete and submit an application (including required personal history forms) that sets forth the following information:
- 1.** The name, address, telephone number, birth date and principal occupation of all owners and any person who will be directly engaged or employed in the management or operation of the business or the proposed business;
  - 2.** The name, address and telephone number of the business or proposed business and a description of the exact nature of the business to be operated;
  - 3.** The web address of any and all web pages used to acquire or offer for sale regulated property on behalf of the Dealer, and any and all internet auction account names used to acquire or offer for sale regulated property on behalf of the Dealer.
  - 4.** Written proof that all principals are at least 18 years of age;
  - 5.** Each principal's business occupation or employment for the 3 years immediately preceding the date of application;
  - 6.** The business license and permit history of the applicant in operating a business identical to or similar to those regulated by Chapter 14B.90;
  - 7.** A brief summary of the applicant's business history in any jurisdiction including:
    - a.** The business license or permit history of the applicant; and,
    - b.** Whether the applicant or any principal has ever had any business-related license or permit revoked or suspended, the reasons therefor, and the business activity or occupation of the applicant or principal subsequent to the suspension or revocation.
  - 8.** Whether the applicant will be a sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association,

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cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business.

- a.** If a partnership, the application must set forth the names, birth dates, addresses, telephone numbers, and principal occupations, along with all other information required of any individual applicant, of each partner, whether general, limited, or silent, and the respective ownership shares owned by each;
    - b.** If a corporation, or limited liability company, the application must set forth the corporate or company name, copies of the articles of incorporation or organization and the corporate by-laws or operating agreement, and the names, addresses, birth dates, telephone numbers, and principal occupations, along with all other information required of any individual applicant, of every officer, director, members or managers, and shareholder (owning more than five percent of the outstanding shares) and the number of shares held by each;
  - 9.** If the applicant does not own the business premises, a true and complete copy of the executed lease (and the legal description of the premises to be permitted) must be attached to the application;
  - 10.** All arrests or convictions of each principal enumerated in paragraphs 1 through 7 of this Section;
  - 11.** Upon request, principals and employees shall submit to the Portland Police Bureau the following information: fingerprints, passport size photographs, and a copy of the signature initials to be used by persons on transaction report forms. Principals and employees must submit new photos if requested to do so by the Portland Police Bureau;
  - 12.** Any other information that the Director may reasonably feel is necessary to accomplish the goals of this Chapter.
- B.** The Dealer shall notify the Revenue Division of any changes in the information required in Section A within ten business days.
- C.** New employees of Dealers shall complete and submit the personal history form as required in Section A of this Subsection. Employees may not acquire regulated property until all required information has been reviewed and approved by the

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Portland Police Bureau. The criteria used to review a new employee will be the same as those used in the review of an initial application in 14B.90.050 B.

- D.** The personal and business information contained in the application forms required pursuant to Section 14B.90.040 A. are subject to the requirements of the Oregon Public Records Law, ORS 192.410 et seq.

**14B.90.050 Issuance and Renewal of Permit.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** Upon the filing of an application for a Dealer permit and payment of the required fee, the Chief of Police shall conduct an investigation of the applicant and all principals and employees listed according to the requirements in Section 14B.90.040 A. The Director shall issue the permit within 90 days of receiving the application if no cause for denial exists.
- B.** Except as provided in Section 14B.90.050 C. the Director shall deny an application for a Dealer Permit if any of the following apply:
- 1.** The applicant, or any person who will be directly engaged in the management or operation of the business, or any person who owns a five percent or more interest in the business, has previously owned or operated a business regulated by Chapter 14B.90; and
    - a.** the license or permit for the business has been revoked for cause that would be grounds for revocation pursuant to Chapter 14B.90; or
    - b.** the business has been found to constitute a public nuisance and abatement has been ordered.
  - 2.** Any person listed on the initial application or renewal application has been convicted of one or more of the offenses listed below or has violated any section of Section 14B.90. The offenses include:
    - a.** Any felony.
    - b.** Any misdemeanor or violation involving either bribery, controlled substances, deception, dishonesty, forgery, fraud, or theft, or any attempt or conspiracy to commit any of the listed offenses.
  - 3.** The Director finds by a preponderance of the evidence that the applicant or any principal or employee has committed any offense relating to fraud,

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theft or any attempt or conspiracy to commit theft, or any offense listed in Section 14B.90.120;

4. The Director finds by a preponderance of the evidence that the applicant or any principal or employee who will be involved in the business has violated any law where the elements of such law are equivalent to the provisions of Chapter 14B.090;
  5. Any statement in the application is false or any required information is withheld; or
  6. The Director finds by a preponderance of the evidence that the applicant, or any person who will be directly engaged or employed in the management or operation of the business, or any person who owns a five percent or more interest in the business, has previously owned or operated a business regulated by Chapter 14B.90 or any laws or statutes equivalent to the provisions of Chapter 14B.90, and the business has violated applicable State, Federal or local requirements, including permitting requirements.
- C. Notwithstanding Section 14B.90.050 B., the Director may grant a permit after consulting with the Chief of Police despite the presence of one or more of the enumerated factors if the applicant establishes to the Director's reasonable satisfaction that:
1. The behavior evidenced by such factor is not likely to recur; or,
  2. The behavior evidenced by such factor is remote in time; or,
  3. The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to the purpose of Chapter 14B.90.
- D. Dealer permits are valid for a term of one year and expire on the first anniversary of their issuance. The permits are nontransferable and are valid only for a single business location. When the business location is to be changed, the permit holder shall provide the address of the new location in writing to the Revenue Division for approval at least 14 days prior to the change.
- E. Dealer permits must be displayed at the business location in a manner readily visible to patrons.

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- F.** Upon denial of an application for a Dealer's permit, the Director shall give the applicant written notice of the denial.
  - 1.** Service of the notice will be accomplished by mailing the notice to the applicant by certified mail, return receipt requested.
  - 2.** Mailing of the notice will be prima facie evidence of receipt of the notice.
  - 3.** The denial will be effective the date the notice is sent.
- G.** Denial of a permit may be appealed by filing written notice of an appeal within 10 days of the date of denial in accordance with Section 14B.90.150.

**14B.90.060 Permit Fees.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) Every Dealer shall complete and submit all required forms to the Revenue Division and pay a nonrefundable fee as required by the Administrative Rules.

**14B.90.070 Subsequent Locations.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** Dealers must file an application for a permit for a subsequent or additional business location with the Revenue Division and pay a non-refundable fee as set forth in the Administrative Rules of Chapter 14B.90, provided the information required for the subsequent or additional business location is identical to that provided in the application for the prior location with the exception of that required by Subsection 14B.90.040 A.2.
- B.** Permits issued for subsequent or additional business locations will be subject to all the requirements of this Chapter, and the term of the permit issued for a subsequent or additional location will expire on the same date as the initial permit.

**14B.90.080 Reporting of Secondhand Dealer Transactions.**

- A.** Dealers shall provide to the Portland Police Bureau all required information as described in the Administrative Rules for each regulated property transaction (not including sales). The Chief of Police may designate the format for the transfer of this information and may direct that it be communicated to the Special Property Investigations office by means of mail, the internet, or other computer media.
  - 1.** In any such case that the Chief directs that the information be transmitted via computer media, the Chief may also direct the system that will be utilized in order to ensure conformity among all Dealers.

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2. If, after establishing the format and requirements for the transmission of computerized reports of transactions, the Chief of Police alters the required format, Dealers will be given at least 60 days to comply with the new format requirements. If unable to implement the reporting system before the deadline, a Dealer must submit a written request for additional time to the Chief of Police before the deadline.
  3. Pawnbrokers are required to report only new transactions. Loan renewals do not need to be reported.
- B.** The Portland Police Bureau will provide all Dealers with transaction report forms at cost until 60 days after such time that the Chief of Police directs a change in the reporting method. The Chief of Police may specify the format of the transaction report form. The Chief of Police may require that the transaction report form include any information relating to the regulations of this Chapter. Dealers may utilize their own forms, in lieu of those supplied by the Portland Police Bureau, if the Chief of Police has approved such forms. The Declaration of Proof of Ownership will be considered to be included in references in this Chapter to the transaction report form, as appropriate.

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

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** Regulated property is subject to the following limitations:
1. Holding Period: Regulated property acquired by any Dealer must be held for a period of 30 full days from the date of acquisition. Pawnbroker loan transactions are exempt from the 30-day hold requirements of 14B.90.090 because of the redeemable nature of the loans and the holding requirements in ORS 726. However, if the loan is converted to a buy by the pawnbroker within 30 days from the date of the pawn transaction, the difference between the original date of the pawn and the buy will count toward the 30-day hold requirement. All other provisions of 14B.90.090 remain in effect.
  2. Requirements of held property: All held property must remain in the same form as when received, must not be sold, dismantled or otherwise disposed of, and must be kept separate and apart from all other property during the holding period to prevent theft or accidental sale and to allow for identification and examination by the Revenue Division or Police Bureau. Held property must be kept at the business location during this holding period so that it can be inspected during normal business hours (as



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provided in Section 14B.90.110). Held property, other than property on Police Hold, may be held in a place within public view, as long as the other requirements of A.2 are met.

3. Held property requirements do not apply if:
  - a. The property is received from a Dealer regulated by the City of Portland who has already satisfied the holding requirements of this Chapter and the Dealer records the original transaction report number on the transaction report completed for the new transaction, or
  - b. If a customer, who originally purchased property from a Dealer, returns it to that Dealer with the original receipt.
- B. Notwithstanding Subsection 14B.90.090 A., the Director may determine that certain types of transactions pose a reduced risk of being an outlet for the sale of stolen property and therefore may modify the hold period and/or reporting requirements for those types of transactions. Those transactions and the modified requirements are described in the Administrative Rules.
- C. Upon reasonable belief that an item of regulated property is the subject of a crime, any peace officer may provide notice to any Dealer that a specifically described item of regulated property must be held in a separate Police Hold area for a period not to exceed 30 days from the date of notification, and is subject to the requirements of subsection A.2 above. The hold may be extended an additional 30 days upon notice provided to the Dealer that additional time is needed to determine whether a specific item of regulated property is the subject of a crime. The Dealer shall comply with the hold notice and notify the Portland Police Bureau Special Property Investigations unit of the hold notice not later than five calendar days from the day the notice was received, either by telephone, fax, email, or in person. A Dealer must notify the Special Property Investigations office of their intent to dispose of any item of regulated property under Police Hold at least 10 days prior to doing so.
  1. A Police Hold area must meet the following criteria:
    - a. Located out of public view and access, and
    - b. Marked "Police Hold," and
    - c. Contain only items that have been put on Police Hold.

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2. Dealers may maintain up to three Police Hold areas as necessary for the safe storage of high value items, physically large items, and general merchandise put on Police Hold.
  3. If it is not possible or practical to move an item to or store an item in the Police Hold area, a Dealer may submit a written request to the Chief of Police for approval to keep the item with other held property. Approval may be granted with the understanding that the item will be clearly marked as being on Police Hold and kept from public view and access.
- D.** Upon probable cause that an item of property is the subject of a crime, the Chief of Police may take physical custody of the item or provide written notice to any Dealer to hold such property for a period of time as determined by the Chief of Police, not to exceed the statute of limitations for the crime being investigated. Any property placed on hold pursuant to this subsection is subject to the requirements found in A.2 of this subsection, and will be maintained in the Police Hold area unless seized or released by the Police. Seizure of property will be carried out in accordance with Oregon Revised Statutes.
- E.** If a Dealer acquires regulated property with serial numbers, personalized inscriptions or initials, or other identifying marks which have been destroyed or are illegible due to obvious normal use, the Dealer shall continue to hold the property at the business location for a period of 90 full days after acquisition. The Dealer must notify the Portland Police Bureau by writing "90 day hold" next to the item on the transaction report or by an electronic means approved by the Portland Police Bureau. The held property must conform to all the requirements found in A.2 of this subsection.
- F.** If a Dealer receives information that leads to an objectively reasonable basis to believe that any property already at his/her business location has been previously lost or stolen, he/she must report that belief to the Portland Police Bureau by day's end. The notice must include the transaction report number and any additional information regarding the name of the owner, if known.
- G.** If a peace officer seizes any property from a Dealer; the Dealer must notify the Portland Police Bureau of the seizure not later than five calendar days from the day the seizure occurs. The Dealer must provide the name of the agency, the name of the peace officer, the number of the receipt left for the seizure, and the seized property information. Notification to the Police Bureau may be given by telephone, fax, email, or in person.

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**14B.90.100 Tagging Regulated Property for Identification.**

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

- A.** After the applicable holding period has expired, hand tools, or items that are sold with other like items and have no identifiable numbers or markings need not remain tagged.
- B.** After the applicable holding period has expired, items that are remanufactured need not remain tagged.

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

(Amended by Ordinance No. 186746, effective August 6, 2014.) Upon presentation of official identification, a Dealer shall allow any representative of the Portland Police Bureau or the Revenue Division to enter the business location to ensure compliance with the provisions of Chapter 14B.90. The inspection will be for the limited purpose of inspecting the business location, regulated property, and related records as provided in this Chapter and the Administrative Rules. Except by mutual agreement with the Dealer or by court order, any inspection under this Section may occur only during the Dealer's normal business hours.

**14B.90.120 Prohibited Acts.**

- A.** It is unlawful for any person regulated by Chapter 14B.90:
  - 1.** To receive any property from any person
    - a.** Known to the principal, employee or Dealer to be prohibited from selling by a court order,
    - b.** Under the age of 18 years unless the person's parent or guardian complete the applicable information on the Declaration of Proof of Ownership,
    - c.** About whom the principal, employee or Dealer has been given notice by law enforcement as having been convicted of burglary, robbery, theft or possession of or receiving stolen property within the past ten years whether the person is acting in his or her own behalf or as the agent of another who meets the above criteria;

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

**14B.90.130 Civil Penalties.**

- A.** The Director may assess civil penalties in an amount up to \$500 for each violation of Chapter 14B.90.
- B.** Procedure.
  1. The Director, having made a determination to seek civil penalties as provided by this Section, shall give the Dealer written notice of the determination.
  2. Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.
  3. Mailing of the notice will be prima facie evidence of receipt of the notice.
  4. The civil penalty will be due ten days from the date of the notice unless such civil penalty is appealed in accordance with Section 14B.90.150.

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

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** Along with the other regulatory enforcement authority granted under this Chapter, the Director may, after consulting with the Chief of Police, revoke or suspend any permit issued pursuant to this Chapter:

  - 1.** For any cause that would be grounds for denial of a permit; or
  - 2.** Upon a finding that any violation of the provisions of this Chapter, federal, state or other local law has been committed and the violation is connected with the operation of the permitted business location so that the person in charge of the business location knew, or should reasonably have known, that violations or offenses were permitted to occur at the location by the Dealer or any principal or employee engaged or employed in the management or operation of the business location; or
  - 3.** A lawful inspection has been refused; or
  - 4.** If payment of civil penalties has not been received by the Revenue Division within ten business days after the penalty becomes final; or
  - 5.** If any statement contained in the application for the permit is false.
- B.** The Director, upon revocation or suspension of any permit issued pursuant to this Chapter, shall give the Dealer written notice of the revocation or suspension.

  - 1.** Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.
  - 2.** Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.
- C.** Revocation will be effective and final ten days after the giving of notice unless the revocation is appealed in accordance with Section 14B.90.150.
- D.** Suspension will be effective immediately upon the giving of notice, for the period of time set in the notice not to exceed 30 days.

**14B.90.150 Appeals.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** Any Dealer or person whose initial application or renewal application for a Dealer permit has been denied, or whose permit has been revoked or suspended, or who has been directed to pay a civil penalty by the Director, may appeal the action of the Director to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10 of the Portland City Code. Requests for appeal hearings must be filed with the Revenue Division.
- B.** The filing of a notice of appeal of revocation or suspension of a permit, or of a civil penalty imposed by the Director under this Chapter, will stay the effective date of the action until the Code Hearings Officer issues an opinion.

**14B.90.170 Authority of Director to Adopt Rules, Procedures and Forms.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

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

  - 1.** The Director may adopt rules pertaining to matters within the scope of this Chapter.
  - 2.** Before the Director adopts a rule, a public hearing must be conducted. The Director must give notice of the public hearing in a reasonable manner not less than ten nor more than 30 days before the hearing. The notice must include the place and time of the hearing; where copies of the full text of the proposed rules may be obtained; and a brief description of the proposed rules.
  - 3.** The Director will consider oral and/or written testimony during the public hearing. The Director shall adopt the proposed rule, modify, or reject the proposed rule, based on the testimony received. Unless otherwise stated, all rules are effective upon adoption by the Director and will be kept on file at the Revenue Division. Copies of all rules will be made available to the public upon request.
  - 4.** Notwithstanding paragraphs 2 and 3 of this Section, the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly would result in serious prejudice to the public interest. In so doing, the Director must include the specific reasons for such prejudice.

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Any rule adopted pursuant to this paragraph will be effective for a period of not longer than 180 days.



**Chapter 14B.100**

**LIQUOR LICENSE  
RECOMMENDATIONS**

**Sections:**

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

**14B.100.010 Purpose.**

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

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

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

**14B.100.030 Application Procedure.**

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

- A. Any applicant for any license who is required by the OLCC to have a recommendation from the City of Portland concerning the suitability of the application shall present the license application forms prescribed by the OLCC to the Office of Neighborhood Involvement, or its designee, for the purpose of obtaining the recommendation of the Chief of Police concerning the license.

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- B.** The Office of Neighborhood Involvement shall accept liquor license applications only when the following conditions are met:

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

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

    - a.** Property owners and property occupants within 300 feet of the proposed licensed premises;
    - b.** The neighborhood association within whose boundaries the licensed premises will be located.
  - 2.** Post the proposed new licensed premises with a notice indicating the process for public comment.
  - 3.** Request a response in writing from the neighborhood association, property owners and property occupants and allow at least 20 days after the mailing or posting of notification as provided in this Section, to provide a response in writing to ONI. ONI shall notify any person who responds pursuant to this Section of the recommendation made by the Chief of Police to the OLCC.
- E.** The Chief of Police shall conduct an investigation of each application for the purpose of determining the recommendation that shall be made to the OLCC. In addition to the information required by the OLCC application forms, the Chief of Police is authorized to require from the applicant any other pertinent information that the Chief of Police deems appropriate.

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

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ONI is unable to complete a good neighbor agreement within a reasonable period of time.

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

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

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

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

**14B.100.060 Impact Areas.**

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

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- C.** Within any area declared to be an impact area as provided by this Chapter, the Chief of Police is authorized, on behalf of Council:
- 1.** To present an unfavorable recommendation to the OLCC on any application for a new licensed premises located in the impact area; or,
  - 2.** To present a favorable recommendation for any existing licensed premises located in the impact area, subject to certain conditions or restrictions, such as allowing liquor sales only during limited hours, restricting the sale of alcoholic beverages associated with street drinkers, or other restrictions consistent with the Oregon liquor laws.
- D.** Impact area recommendations shall not apply to licensed premises wherein the sale of alcoholic beverages is incidental to full service restaurant facilities, with meals prepared on the licensed premises, provided that the liquor license applicant(s) and the restaurant owner(s) are one and the same.
- E.** The following areas are declared by Council to be impact areas:
- 1.** Burnside District Impact Area. The Burnside District, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For purposes of this Section, the Burnside District is defined as that area bounded by the Willamette River on the East and North, by NW Ninth Avenue to West Burnside Street, by West Burnside Street to SW Fourth Avenue, by SW Fourth Avenue to SW Ankeny Street, by SW Ankeny Street to the Willamette River.
  - 2.** Central Eastside Industrial District Impact Area. The portion of the Central Eastside Industrial Area, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For the purposes of this Section, the Central Eastside Industrial Area is defined as that area bounded by the Banfield Freeway to the North, by SE 12<sup>th</sup> Avenue to the East, by SE Clay Street to the South, and by the Willamette River on the West.
  - 3.** Inner North/Northeast Neighborhood Impact Area. The Inner North/Northeast Neighborhood, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For purposes of this Section, the Inner North/Northeast Neighborhood is defined as that area bounded by NE Columbia Blvd. on the North, NE Broadway Blvd. on the South, and Interstate 5 on the West. The area's boundary on the East is NE 42<sup>nd</sup> Avenue from NE Columbia

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

**Chapter 14B.110**

**AMUSEMENT DEVICES,  
GAMES AND MACHINES**

**Sections:**

- 14B.110.010 Purpose.
- 14B.110.020 Definitions.
- 14B.110.030 Authorization.
- 14B.110.040 Permits Required for Certain Amusement Devices.
- 14B.110.050 Permits Required, Fees.
- 14B.110.060 Permit Application, Issuance, Denial.
- 14B.110.070 Requirements of Permit Holders.
- 14B.110.080 Inspection of Amusement Devices, Records, and Premises.
- 14B.110.090 Prohibited Conduct.
- 14B.110.100 Permit Suspension, Revocation.
- 14B.110.110 Violations, Sealing Prohibited Amusement Devices.
- 14B.110.120 Civil Penalties.
- 14B.110.130 Criminal Penalties.
- 14B.110.140 Appeals.

**14B.110.010 Purpose.**

The purpose of this Chapter is to provide for the strict regulation of amusement devices, games and machines in order to reduce the potential for unlawful gambling, adverse neighborhood impacts, and adverse impacts on the welfare and education of children in the City, and to raise revenue.

**14B.110.020 Definitions.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) As used in this Chapter, unless the context requires otherwise:

- A.** “Amusement device” means any machine, device, or game, including foosball or table soccer games, billiards or pool tables, shuffleboard, shooting gallery devices, miniature bowling games, electronic games of skill, video games, and other similar machines, devices, or games:
  - 1.** Which are made available for display or operation; and,
  - 2.** Which require the payment of money or other valuable consideration.



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3. “Amusement device” shall not include:
  - a. Ping pong tables, music devices, vending machines, or any rides where no element of chance, bonus, or prize is involved; or
  - b. Video lottery games, game terminals and equipment operated directly by the Oregon Lottery Commission as a state agency.
- B. “Amusement Center” means any location where a person makes seven or more amusement devices available for operation or play at any one time, but excluding any location that:
  1. Derives at least 50 percent of its gross income from the sale of food; or,
  2. Possesses a current, valid license authorizing the on-premises consumption of alcoholic beverages; or,
  3. Is operated primarily as a movie theater, bowling alley, skating rink, or other similar establishment, which displays or operates amusement devices only during the hours that such establishment makes its primary service or activity available to the public.
- C. “Director” means the Director of the Bureau of Revenue and Financial Services Revenue Division, or his or her designee.
- D. “Display or operation” means to make any amusement device available to the public for use or play, for the purposes of displaying or exercising skill or for amusement, at any public or private location.
- E. “Location” means any business establishment, public or private club, association, or any other site where a person makes any amusement device available for display or operation, excepting only private residences in which such amusement devices are available only for display or operation at no cost to the player.
- F. “Person” means any real person, or any partnership, association, corporation, or other form of business organization.

**14B.110.030 Authorization.**

- A. Enforcement. The Director is authorized to enforce all provisions of this Chapter.

- B.** Procedures and forms. The Director may adopt procedures and forms to implement the provisions of this Chapter.

**14B.110.040 Permits Required for Certain Amusement Devices.**

- A.** It shall be unlawful for any person to make available for display or operation any amusement device in which the outcome does not depend in a material degree upon an element of chance, unless all required permits have been obtained, and the display or operation of the amusement device comply with all applicable provisions of this Chapter and of the statutes of the State of Oregon.
- B.** The provisions of this Section shall not exempt any amusement device from any applicable provisions of the Internal Revenue Code requiring federal gaming device tax stamps, or any applicable provisions of the statutes of the State of Oregon.

**14B.110.050 Permits Required, Fees.**

- A.** It shall be unlawful for any owner of a location to display or make available for operation any amusement device described in Subsection 14B.110.040 without first obtaining a valid Location Permit for the location. Location Permits shall be classified with respective nonrefundable fees, as follows:

| Type of Permit | No. of Devices | Fee Per Location |
|----------------|----------------|------------------|
| Class I        | 1 - 3          | \$ 50.00         |
| Class II       | 4 - 6          | 100.00           |
| Class III      | 7 - 9          | 200.00           |
| Class IV       | 10 - 19        | 500.00           |
| Class V        | 20 or more     | 1000.00          |

- B.** It shall be unlawful for any owner of an amusement center to display or make available for operation any amusement device described in Section 14B.110.040 without first obtaining a valid Amusement Center Permit. Amusement Center Permits shall be classified with nonrefundable fees according to the number of devices at the location as set forth above.
- C.** In lieu of all other permits required by this Chapter, any person may make any amusement device described in Section 14B.110.040 available for display or operation, for one continuous time period not exceeding 90 days in any calendar year, by obtaining a Temporary Location Permit, which shall require the payment of a nonrefundable fee of \$250.

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- D.** All permits issued under this Chapter, except Temporary Location Permits, shall be valid for the calendar year of issue, and shall expire on December 31 of that year. All permits shall contain information regarding the permittee's identity. No permit issued under this Chapter shall be transferable or assignable under any circumstances.
- E.** No provision in this Chapter shall be construed to permit the use of any amusement device in violation of State or federal law, or of any of the other provisions of this Code other than those specifically referred to herein.

**14B.110.060 Permit Application, Issuance, Denial.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** Applications for all permits required by this Chapter shall be made to the Revenue Division on forms provided by the Revenue Division. The applicant shall provide all the information relating to the purposes of this Chapter required on the form by the Revenue Division. Failure to provide any information requested on this form may be cause to deny the requested permit.
- B.** The Director shall approve issuance of permits after payment of the required fee, completion of the application form and following an investigation of the applicant. However, the Director shall deny a permit application if:
  - 1.** The applicant has been convicted of any offense related to minors, juveniles, gambling, obscenity, controlled substances, prostitution or alcoholic beverages;
  - 2.** Any person has been convicted of any offense relating to minors, juveniles gambling, obscenity, controlled substances, prostitution or alcoholic beverages occurring at the location for which the permit is to be obtained;
  - 3.** Any statement in the application is found to be false;
  - 4.** The applicant has been a principal owner, operator, manager or supervisor of an amusement location and the activities or patrons of such business caused a significant increase in harassing, disorderly or violent acts, criminal activity, vandalism, litter, liquor law violations, noise or traffic congestion in or around such business;
  - 5.** In the Director's opinion, after investigation of the proposed location of an amusement location, the proposed site would be reasonably likely to result in an increase in those acts noted in part (4) of this Subsection;

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6. The business operation as proposed by the applicant would not comply with all applicable requirements of this Code, including, but not limited to, the Building, Health, Planning and Zoning and Fire Codes of the City;
  7. The permitted amusement center would be located within 100 feet of any residential zone established by the Planning and Zoning Code or any location within 500 feet of any public or private elementary, junior high or high school or playground, this distance to be measured in a straight line without regard to intervening structures or obstacles from the nearest point of the school property or residential zone to the nearest point of the structure in which the permitted amusement devices would be operated; or,
  8. The proposed location of the business operation requiring a Location Permit, would be a detriment to the immediate vicinity due to congregation of pedestrian or vehicular traffic.
- C. Notwithstanding Subsection B. above, the Director with the concurrence of the Chief of Police may issue a conditional permit if the applicant establishes to the Director's satisfaction that:
1. The behavior evidenced by such factor is not likely to recur;
  2. The behavior evidenced by such factor is remote in time; or,
  3. The behavior evidenced by such factor occurred under circumstances which diminish the seriousness of the factor as it relates to the purpose of this Chapter.
  4. Under this Subsection, the Director may only issue a permit containing conditions directed at ensuring that such factor shall not recur.
- D. Denial of a permit may be appealed by the applicant by filing written notice of an appeal as provided in Section 14B.110.140.

**14B.110.070 Requirements of Permit Holders.**

- A. Any person issued any permit for any amusement device shall supervise the use and operation of such device to prevent its use or operation for any purposes contrary to the provisions of this Chapter or any other violation of the provisions of the City Code or applicable State statutes.

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**B. Displaying Permits.**

1. All location, amusement center, and temporary location permits issued under this Chapter shall either be:
  - a. Securely affixed to the permitted amusement device;
  - b. Displayed so as to be visible to the public at all times such device is in a location open to the public; or,
  - c. Visible to the public in the same room as the permitted amusement device.
2. If affixed to the amusement device, the permit must be visible for inspection without removing any portion of the amusement device, or any other obstacle, and without physically moving the amusement device from its normal operating position.
3. The entire face of any displayed permit shall be visible. The permit shall be displayed or affixed during its entire term.

**C. Any person issued a Location Permit, or a permit to operate an amusement center, shall operate, maintain and supervise the permitted business and its premises, including parking facilities, to prevent:**

1. Violations of the provisions of the Portland City Code, state, or federal law, relating to juveniles, minors, alcoholic beverages, gambling, obscenity, controlled substances, prostitution, or crimes against persons or property as defined by the Oregon Revised Statutes, that are connected in a time and manner with the operation and proximity of such premises;
2. Harassing or disorderly acts on, in, or around such premises; and,
3. Any significant increase in litter, noise, vehicular or pedestrian traffic congestion, or other locational problems in the area around such business.

**14B.110.080 Inspection of Amusement Devices, Records, and Premises.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** Any person issued permits under this Chapter, or who controls any location in which a permitted amusement device is located, shall permit any Revenue Division representative or Bureau of Police officer upon presentation of official identification, to enter such location for the limited purposes of inspecting all

records, amusement devices and premises regulated under this Chapter, to which the public has access, to ensure compliance with the provisions of this Chapter.

- B.** Inspections under this Section shall be authorized only during normal business hours.
- C.** Failure to permit an inspection authorized under this Section shall be grounds for suspension or revocation of any permit required under this Chapter.

**14B.110.090 Prohibited Conduct.**

- A.** It shall be unlawful for any person to make an amusement device available for use or operation without first obtaining all permits required pursuant to this Chapter.
- B.** It shall be unlawful for any person in control of an amusement device to display an expired permit.
- C.** It shall be unlawful for any person to possess or control an amusement device which has any paper, sticker, tag or other device affixed, attached or placed on the device which purports to be a permit issued by the City or implies that the City has issued a permit when the paper, sticker, tag or other device was not issued by the City.
- D.** It shall be unlawful to knowingly or intentionally use or permit the use or operation of an amusement device for any gambling purposes, whether by operation of the amusement device or based upon results obtained through use or operation of the device.
- E.** It shall be unlawful for any owner to transfer ownership of any amusement location permitted under this Chapter without first removing the permit from the location.
- F.** It shall be unlawful for any person to sell, rent, give, loan or otherwise assign or transfer any permit issued under this Chapter.
- G.** It shall be unlawful for any person to operate an amusement center without having a permit issued pursuant to this Chapter.

**14B.110.100 Permit Suspension, Revocation.**

- A.** The Director may suspend or revoke any permit issued under this Chapter upon finding reasonable grounds to believe, based upon an investigation, that:

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1. Cause exists which would otherwise be grounds for the denial of such permit;
  2. An intentional or knowing violation by the permittee of any provision of this Chapter has occurred; or,
  3. Any violation by any person of any City ordinance or state or federal statute has occurred relating to gambling while using, operating or playing any such amusement device. Persons holding permits shall be considered to be responsible for any gambling activity of any employee relating to any permitted amusement device. Pursuant to this Section, permits may be suspended or revoked for any violation of law relating to gambling activity relating to permitted amusement devices or premises.
- B.** A suspension or revocation ordered by the Director shall not become effective until the permittee is served with written notice of the suspension or revocation, the reasons therefor, and the limited right of appeal pursuant to Section 14B.110.140, either personally or by delivery or posting of the notice at the location of the involved amusement device or business. The suspension or revocation may be appealed by filing written notice of an appeal as provided in Section 14B.110.140.

**14B.110.110 Violations, Sealing Prohibited Amusement Devices.**  
(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** Upon a determination that any provision of this Chapter has been violated, the Director shall issue a written Notice of Violation and assess civil penalties. The notice shall state the nature of the violation, the date of the violation, and the date by which such violation must be corrected and any civil penalties which must be paid to prevent the amusement device from being sealed. The person responsible for the violations shall be allowed 5 days in which to correct the violation.
- B.** Sealing of Amusement Devices.
1. If a violation is not corrected and civil penalties paid within the time period allowed in Subsection A. above, the Director may seal the coin slot of any amusement device involved in the violation. If an amusement device is sealed, the Director may remove the seal only if the person responsible for the violations has corrected the violations and paid any penalties imposed under this Chapter.
  2. It shall be unlawful for any other person other than the Director to remove or alter a seal. If a seal is unlawfully removed or altered, the sealed



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amusement device shall be subject to seizure and destruction pursuant to this Section.

3. If within a single calendar year a permittee has been issued a Notice of Violation, the Director may seal any amusement device and impose penalties for all further violations by that permittee within that calendar year without first issuing a Notice of Violation or allowing time to correct the violations.
- C. A sealed amusement device shall be subject to seizure and destruction as a public nuisance if:
1. The violation is not corrected and all penalties paid within 5 days of sealing; or
  2. Upon the occurrence of any subsequent violations of this Section by any one owner or lessor within any calendar year.
- D. The Bureau of Police shall assist the Revenue Division in the seizure of the amusement device. The City Attorney is authorized to bring any suit or action for the destruction of the amusement device as a public nuisance.
- E. The owner of any amusement device seized for destruction may, within 10 days of the permittee being served with written notice of such seizure, file a written notice of appeal as provided in Section 14B.110.140.

**14B.110.120 Civil Penalties.**

- A. The Director may impose civil penalties for violations of the provisions of this Chapter according to the following schedule:
1. Sealed amusement device removed from location: the penalty shall be up to \$50 per amusement device.
  2. Failure to obtain proper location permit: the penalty shall be up to \$50 per amusement device.
  3. The unlawful removal of seal from amusement device: the amusement device shall be subject to seizure and destruction pursuant to Section 14B.110.110.
- B. Calculation of Civil Penalties.

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1. In calculating the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Director shall consider:
    - a. The extent and nature of the person's involvement in the violation;
    - b. The economic or financial benefit accruing or likely to accrue as a result of the violations;
    - c. Whether the violations were repeated or continuous, or isolated and temporary;
    - d. The magnitude and seriousness of the violation;
    - e. The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
    - f. Any other factor the Director deems to be relevant.
  2. The Director shall provide notice of the assessment of civil penalties in the Notice of Violation under Section 14B.110.110 A.
- C. No person assessed a penalty under this Section shall be issued a permit under this Chapter until all such penalties have been paid in full.
- D. Civil penalties imposed pursuant to this Section shall be the only penalties authorized for such violations.
- E. Any person assessed a penalty may, within 10 days of receiving such written order, file a written notice of appeal as provided in Section 14B.110.140.

**14B.110.130 Criminal Penalties.**

Except as provided in Section 14B.110.120, the intentional or knowing violation of any provision of this Chapter is punishable upon conviction by a fine of not more than \$500 or by imprisonment for not more than 6 months, or both.

**14B.110.140 Appeals.**

- A. The filing of a notice of appeal to the Code Hearings Officer, as set out in Chapter 22.10 of this Code, of revocation or suspension of a permit, or of any civil penalty imposed by the Director under this Chapter, or of any seizure of an amusement device for destruction, shall stay the effective date of the action until the appeal is determined by the Code Hearings Officer.

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- B.** The notice of appeal shall be in writing. The notice shall state the name and address of the appellant to which all required notices may be mailed. The notice shall also indicate the reasons why the appealed action was wrong and what the correct determination should be.

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**Chapter 14B.120**

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

(Chapter added by Ordinance No. 178201,  
effective March 19, 2004.)

**Sections:**

- 14B.120.010 Purpose.
- 14B.120.020 Definitions
- 14B.120.025 Authority to Adopt Rules, Procedures and Forms.
- 14B.120.030 Nuisance Activity Violations.
- 14B.120.040 Notice.
- 14B.120.050 Nuisance Abatement Plan.
- 14B.120.055 Responsible Neighbor Program.
- 14B.120.060 Enforcement.
- 14B.120.070 Hearings.
- 14B.120.080 Remedies.

**14B.120.010 Purpose.**

The Oregon Legislature has authorized Oregon cities and counties to adopt reasonable time, place and manner regulations of the nuisance aspects of establishments serving alcoholic beverages, ORS 471.164. In adopting the provisions of this Chapter, the City Council's intent is to provide for reasonable time, place and manner regulations of the nuisance aspects of those establishments that serve alcoholic beverages where adverse effects occur with regard to the surrounding community. By requiring that the nuisance violations be brought before the Code Hearings Officer, the City Council's intent is that there will be specific findings made regarding the occurrence of adverse effects. The City Council also intends that the remedies imposed by the Code Hearings Officer under the authority of this Chapter will solely address the time, place and manner aspects of the nuisance activities. In addition, to create the most effective program, this Chapter establishes the Responsible Neighbor Program. The purpose of the Responsible Neighbor Program is to encourage the owners of establishments serving alcoholic beverages to act to ensure that the operation of their establishment does not create nuisances and thereby negatively impact neighborhood livability.

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**14B.120.020 Definitions.**

(Amended by Ordinance No. 184870, effective September 14, 2011.) As used in this Chapter, unless the context requires otherwise:

- A. "Alcoholic Beverage" means any liquid or solid containing more than one-half of one-percent alcohol and capable of being consumed by a human being.
- B. "Director" means the Director of the Office of Neighborhood Involvement, or the Director's designee.
- C. "Chief of Police" means the Chief of Police of the Portland Police Bureau.
- D. "Licensee" means any person holding a license issued by the Oregon Liquor Control Commission.
- E. "Establishment" means any location licensed under ORS Chapter 471 and includes all enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas where patrons are permitted to be present. "Establishment" also includes areas outside of a building that the Oregon Liquor Control Commission has specifically approved for serving alcoholic beverages.
- F. "Nuisance activity" means any of the following:
  - 1. Operation of sound producing equipment, as prohibited by City Code Section 14A.30.020.
  - 2. Disorderly conduct as defined in ORS 166.025 (2003).
  - 3. Offensive littering as defined in ORS 164.805 (2003).
  - 4. Drinking on public rights of way, unless officially authorized, as prohibited by City Code Section 14A.50.010.
  - 5. Interference with vehicle ingress and egress as prohibited by City Code Section 14A.50.035.
  - 6. Alcoholic beverage violations in parks, as prohibited by City Code Section 20.12.040, where the violation relates to a specific licensee.
  - 7. Discharge of a firearm at the establishment, as prohibited by City Code Section 14.A.60.020.

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8. Illegal Drug activity as defined by ORS Chapter 475.840 sections (1) – (4).
  9. Unlawful Prostitution Procurement Activities or loitering for the purpose of prostitution as defined in City Code Sections 14A.40.040 or 14A.40.050 or Illegal prostitution as defined in ORS 167.007.
  10. Criminal homicide as defined in ORS 163.005(2) and 163.095-163.149.
  11. Assault by means of a weapon or motor vehicle as defined in ORS 163.160(1)(b), 163.165(1)(a), 163.165(1)(c), 163.175(b)-(c), 163.185(a) and 163.185(d).
  12. Assault that causes serious physical injury as defined in ORS 163.165(b) and 163.175(a).
  13. Recklessly endangering another person as defined in ORS 163.195.
  14. Any felony sexual offense in the first degree as defined in ORS 163.375-163.427.
  15. Unlawful Use of a Weapon as defined in ORS 166.220.
- G. "Serve" or "serving" means to furnish, provide or supply alcoholic beverages to patrons or customers.

**14B.120.025 Authority to Adopt Rules, Procedures and Forms.**

The Director and Chief of Police are authorized to adopt rules, procedures and forms to implement the provisions of this Chapter.

**14B.120.030 Nuisance Activity Violations.**

(Amended by Ordinance No. 184870, effective September 14, 2011.) It shall be a violation of this Chapter if:

- A. During any continuous sixty (60) day period, any combination of three or more nuisance activities as defined in Subsections 14B.120.020 F.1.-9. occurs that is related to or arising out of an establishment that serves alcoholic beverages.
- B. One or more nuisance activities as defined in Subsections 14B.120.020 F.10-15. occur that are related to or arising out of an establishment that serves alcoholic beverages.

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**14B.120.040 Notice.**

(Amended by Ordinance No. 184870, effective September 14, 2011.)

- A.** The Director and the Chief of Police shall appoint a Liquor License Team to review and substantiate the occurrences of nuisance activities.
- B.** If the Director or the Chief of Police determines that a nuisance activity has occurred at an establishment, the Director or the Chief of Police will send a written notice to the licensee. The notice shall contain a description of the nuisance activity, the date and the time of its occurrence.
- C.** Upon determining that there is reasonable belief that a violation of this Chapter has occurred as provided under Section 14B.120.030, the Director or the Chief of Police shall send written notice to the licensee. The written notice shall contain at least the following information:

  - 1.** The street address or legal description of the establishment, as reflected in the records of the Oregon Liquor Control Commission.
  - 2.** A concise statement setting forth the date and time of nuisance activities, and the possible remedies that may be imposed under this Chapter by the Code Hearings Officer; and,
  - 3.** A request that the licensee provide a written response within ten (10) business days either disputing the occurrence of the nuisance activities or providing specific proposals to abate the nuisance activities and preventing such nuisance activities from reoccurring.
- D.** If the licensee's response does not satisfy the Director or the Chief of Police's concerns, they may attempt to develop a nuisance abatement plan with the licensee. The Director or the Chief of Police may file a complaint with the Code Hearings Officer as provided under Section 14B.120.060 if:

  - 1.** The licensee refuses to actively and meaningfully participate in the process of developing a nuisance abatement plan; or,
  - 2.** The effort by the Director or the Chief of Police to develop a nuisance abatement plan with the licensee fails.

**14B.120.050 Nuisance Abatement Plan.**

- A.** If the licensee responds to the Director or the Chief of Police within ten (10) business days of the date of the notice, with a proposed course of action for



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abating the nuisance activities, the Director or the Chief of Police shall review the proposal. If the Director or the Chief of Police determines that the proposal will reasonably abate the nuisance activities, the Director or the Chief of Police and the licensee shall enter into an enforceable agreement, specifying the terms and conditions of the abatement plan.

- B.** At a minimum, the agreement shall identify the nature of the nuisance activities, the specific steps the licensee will undertake to abate the nuisance activity and the related resources the licensee will commit to the abatement, if applicable, and a mechanism for the Director or the Chief of Police to monitor compliance with the plan.
- C.** Any such agreement shall be executed by the licensee and the Director or the Chief of Police within thirty (30) days of the date of the licensee's written response to the Director or the Chief of Police's notice. The Director or the Chief of Police may, upon request, extend this thirty-day period if it appears that the parties are working diligently to come to agreement.

**14B.120.055 Responsible Neighbor Program.**

(Amended by Ordinance No. 178898, effective November 24, 2004.) Qualified licensees may request to participate in a Responsible Neighbor Program as administered by the Director.

- A.** The Director shall approve a licensee for participation in the Responsible Neighbor Program, if the licensee meets all of the following qualifications:
  - 1.** The licensee is licensed solely for off premises sales; and
  - 2.** The licensee is currently certified for participation in the Responsible Vendor Program provided in ORS 471.344 (2003).
- B.** If any licensee participating in the Responsible Neighbor Program has three (3) nuisance activities in violation of Section 14B.120.030, or fails to comply with any of the qualifications under Subsection 14B.120.030 A., the Director shall issue a written notice to the licensee and initiate a proceeding before the Code Hearings Officer as set out in Chapter 22.03 of the City Code for suspension of the licensee from participation in the Responsible Neighbor Program for a period of one year.
- C.** If a licensee is removed from the Responsible Neighbor Program, any subsequent nuisance activity violations under Section 14B.120.030, the Director or the Chief of Police will follow the processes and remedies as provided in Sections 14B.120.040 through 14B.120.080

**14B.120.060 Enforcement.**

(Amended by Ordinance No. 184870, effective September 14, 2011.) Upon making a determination that a violation of this Chapter has occurred as provided under Section 14B.120.030, the Director or the Chief of Police may file a complaint before the Code Hearings Officer to initiate a code enforcement proceeding only if any of the following have first occurred:

- A. The licensee has failed to submit a timely written response to the Director or the Chief of Police's notice; or
- B. The licensee fails to propose or enter into an abatement plan that is acceptable to the Director or the Chief of Police; or
- C. The licensee does not operate the establishment in compliance with the written abatement plan.
- D. The licensee has been found to be in violation of this Chapter within the preceding 12 months.

**14B.120.070 Hearings.**

The initiation and procedures of any code enforcement proceeding to determine whether nuisance activities have occurred as provided in Section 14B.120.030 and to impose remedies under Section 14B.120.080 shall follow the provisions of Chapter 22.03 of the City Code.

**14B.120.080 Remedies.**

(Amended by Ordinance No. 184870, effective September 14, 2011.) If the Code Hearings Officer determines that a violation has occurred, as provided in Section 14B.120.030, the Code Hearings Officer shall make findings regarding the occurrence of the nuisance activities and any related adverse effects. Time, place and manner abatement remedies imposed by the Code Hearings Officer to address the occurrence of the nuisance activities may include any of the following:

- A. Limiting the hours or days during which the establishment may operate.
- B. Requiring the establishment to provide resources to monitor, control and respond to patron behavior at and around the establishment, including but not limited to, hiring adequate security personnel to patrol the establishment.
- C. Restricting the activities at the establishment to prevent the reoccurrence of nuisance activities, including but not limited to restrictions upon the time and manner in which entertainment is offered.

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- D.** Ordering the licensee to undertake other actions reasonably necessary to abate the nuisance activities or mitigate the effects thereof, including but not limited to, modifying the establishment to include noise insulation to prevent and abate nuisance activities related to noise.

**Chapter 14C.10**

**POLICE DUTIES TO INVENTORY PROPERTY**

**Sections:**

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

**14C.10.010 Purpose.**

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

**14C.10.020 Definitions.**

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

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

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4. The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement or detaining of persons pursuant to Oregon Revised Statute or this Code.
- E. “Police officer” means any police officer employed or acting at the direction of or in collaboration with the Portland Bureau of Police and any officer of the Port of Portland Police Department.

#### **14C.10.030 Inventories of Impounded Vehicles.**

- A. The contents of all vehicles impounded by a police officer will be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:
1. If there is reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, a required inventory will be done as soon as safely practical; or
  2. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.
- B. The purpose for the inventory of an impounded vehicle will be to:
1. Promptly identify property to establish accountability and avoid spurious claims to property;
  2. Assist in the prevention of theft of property;
  3. Locate toxic, flammable or explosive substances; or
  4. Reduce the danger to persons and property.
- C. Inventories of impounded vehicles will be conducted according to the following procedure:
1. An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats;

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

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

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

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1. Promptly identify property to establish accountability and avoid spurious claims to property; or
  2. Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the police officer for safekeeping; or
  3. Assist in the prevention of theft of property; or
  4. Locate toxic, flammable or explosive substances; or
  5. Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; or
  6. Reduce the danger to persons and property.
- C. Inventories of the personal property in the possession of such persons will be conducted according to the following procedures:
1. An inventory will occur prior to placing such person into a holding room or a police vehicle, whichever occurs first. However, if reasonable suspicion to believe that the safety of either the police officer(s) or the person in custody or both are at risk, an inventory will be done as soon as safely practical prior to the transfer of custody to another law enforcement agency or facility.
  2. To complete the inventory of the personal property in the possession of such person, the police officer will remove all items of personal property from the clothing worn by such person. In addition, the officer will also remove all items of personal property from all open containers in the possession of such person.
  3. A closed container in the possession of such person will have its contents inventoried only when:
    - a. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room;
    - b. Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or



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- c. The closed container is designed for carrying money and/or small valuables on or about the person including, but not limited to, closed purses, closed coin purses, closed wallets and closed fanny packs.
- D. Valuables found during the inventory process will be noted by the police officer in a report as directed by the Chief of such officer's department.
- E. All items of personal property neither left in the immediate possession of the person in custody nor left with the facility or agency accepting custody of the person, will be handled in the following manner:
  1. A property receipt will be prepared listing the property to be retained in the possession of the respective police department and a copy of that receipt will be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person;
  2. The property will be dealt with in such manner as directed by the Chief of such officer's department.
- F. All items of personal property neither left in the immediate possession of the person in custody nor dealt with as provided in Subsection 14.10.040 E. above, will be released to the facility or agency accepting custody of the person so that they may:
  1. Hold the property for safekeeping on behalf of the person in custody, and
  2. Prepare and deliver a receipt, as may be required by ORS 133.455, for any valuables held on behalf of the person in custody.

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**Chapter 14C.20**

**POLICE BUREAU PROPERTY/  
EVIDENCE DIVISION DUTIES**

**Sections:**

- 14C.20.010 Maintenance of Property/Evidence Division.
- 14C.20.020 Receipts for Property.
- 14C.20.030 Records.
- 14C.20.040 Evidence Property.
- 14C.20.050 Reserved.
- 14C.20.060 Found Property.

**14C.20.010 Maintenance of Property/Evidence Division.**

The Bureau of Police shall maintain a property/evidence division which shall keep the following:

- A.** Property of all persons arrested by Portland Police and incarcerated in a Multnomah County Jail, except any personal items kept at the jailer's discretion for the prisoners;
- B.** Evidence seized by officers or other persons in the process of making an arrest;
- C.** Contraband, illegal items, or miscellaneous property which comes into possession of members of the Bureau of Police.

**14C.20.020 Receipts for Property.**

Officers and other authorized persons shall issue a receipt for all seized property, a duplicate copy of which shall be retained by the property/evidence division custodian. The receipt and any copy therefrom shall bear the signature of the person depositing the property and contain a description of the property.

**14C.20.030 Records.**

The property/evidence division custodian shall keep an accurate record of all property received by the property/evidence division and shall keep current records showing the disposition of all property.

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**14C.20.040 Evidence Property.**

(Amended by Ordinance No. 186355, effective November 27, 2013.)

- A.** All property received by the property/evidence division as evidence shall be held subject to use as evidence in the appropriate court(s). Currency received by the division may be held as cash or deposited into a trust fund. Upon final disposition of the case(s) for which such property was seized as evidence, the Bureau of Police shall make a reasonable attempt to return all lawful property still held by the property/evidence division to its legal owner or rightful possessor. The property/evidence division may return currency in the form of cash.
- B.** The Bureau of Police shall make a reasonable attempt to give notice to the legal owner or rightful possessor that the property will be released to him or her. The notice shall state that the legal owner or rightful possessor has 60 days within which to claim the property at the Bureau of Police. All property received from the property/evidence division requires the signature of the legal owner or rightful possessor.
- C.** Upon attempted notice, if property is not claimed within 60 days, the property may be disposed of by the Bureau of Police in the manner provided by law. Payment on disputed claims shall be authorized either by an appropriate court order approved by the City Attorney or by ordinance.

**14C.20.060 Found Property.**

All found property in the custody of the Bureau of Police will be held, and a reasonable attempt will be made to return the property to the owner. If the owner of found property held by the Bureau of Police cannot be determined, or no owner comes forward to claim the property, the property may be disposed after 30 days from the date the property was taken into custody by the Bureau of Police in the manner provided by law.

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**Chapter 14C.30**

**GENERAL PROCEDURES AND  
AUTHORITY OF THE BUREAU OF POLICE**

**Sections:**

- 14C.30.010 Authority to Restrict Access to Certain Areas.
- 14C.30.020 Other Police Officers Authorized to Arrest, Cite, or Take Other Enforcement Action for Violations of City Code Provisions.
- 14C.30.030 Authority to Direct Traffic on Public Rights of Way.
- 14C.30.040 Seizure and Disposition of Weapons.
- 14C.30.050 Seizure of Dangerous and Deadly Weapons for Safekeeping.
- 14C.30.060 Caretaking of Property.
- 14C.30.070 Authority of Tri-Met to Prohibit Misuse of Transit Shelters and Loading Platforms on City Property.
- 14C.30.080 Appeal of Designation as a Gang Affiliate.

**14C.30.010 Authority to Restrict Access to Certain Areas.**

- A.** Whenever a threat to the public health or safety is created by any emergency, a Portland police officer may restrict or deny access to any persons to the area where such threat exists, for the duration of such threat, when the officer reasonably believes the presence of such persons would constitute a danger to themselves or others or would substantially interfere with the performance of the police or other emergency services. For purposes of this Section, an emergency includes, but is not limited to an escaped prisoner, a natural disaster, a fire, an explosion, an accident, a riot, the presence of an armed person, a hostage incident or a bomb threat.
- B.** Whenever it appears to be reasonably necessary to investigate, or to preserve or collect evidence of criminal acts, a police officer may restrict or deny access to any area.
- C.** As used in this Section, "restrict or deny access" means that a police officer has the authority to regulate or prohibit the presence or movement of persons or vehicles to, from, and within any area, to evacuate persons and to move or remove any property therefrom, until the reason for such restriction or denial of access no longer exists.

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- D.** It is unlawful for any person to enter or to refuse to leave any area closed or restricted in access pursuant to Subsections (A) or (B) above, unless such person has specific statutory authority, or the permission of the on-scene ranking police officer, to be within such area.
- E.** In accordance with the authority granted by this Section, and in consideration of the law enforcement and emergency services needs involved, provision shall be made for reasonable access to such areas by members of the media for the purpose of news gathering and reporting.

**14C.30.020 Other Police Officers Authorized to Arrest, Cite, or Take Other Enforcement Action for Violations of City Code Provisions.**

Police officers, as defined in this Title, are authorized to arrest, issue a citation, or take other enforcement action for violations of the following City Code provisions:

- A.** All provisions of Title 14, Public Order and Police;
- B.** All provisions of Title 16, Vehicles and Traffic;
- C.** All provisions of Title 18, Noise Control; and
- D.** All provisions of Title 20, Parks and Recreation.

**14C.30.030 Authority to Direct Traffic on Public Rights of Way.**

Officers and reserve officers of the Portland Police Bureau are authorized to direct pedestrian and vehicular traffic on any public right of way.

**14C.30.040 Seizure and Disposition of Weapons.**

- A.** The Bureau of Police may seize and take possession of any dangerous or deadly weapon that is possessed unlawfully, or used unlawfully, or used for an unlawful purpose. The weapon shall be held subject to disposal as provided in this Section.
- B.** If it is determined that the weapon was not possessed, carried, or used unlawfully, the weapon shall be released to the lawful owner if he or she files a timely written claim with the Bureau.
  - 1.** A claim is timely if it is filed:
    - a.** Within 60 days after the weapon was seized, if it was not held for use as evidence, or

## Police Policy, Regulations and Procedures

- 14C.30.050 Seizure of Dangerous and Deadly Weapons for Safekeeping.**

If a police officer reasonably believes that a dangerous or deadly weapon may be used to cause serious harm to any person, the police officer may temporarily seize the weapon for safekeeping. If an officer seizes a weapon under this Section, he or she shall promptly turn the weapon into the Bureau of Police Property/Evidence Division.

At the discretion of a police officer, property may be received for safekeeping or the prevention of crime.

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

**14C.30.070 Authority of Tri-Met to Prohibit Misuse of Transit Shelters and Loading Platforms on City Property.**

- A.** Tri-Met may make and enforce such ordinances and regulations as it deems necessary regarding misuse of transit shelters and transit loading platforms for the purpose of exclusion and criminal trespass.
- B.** For the purposes of this Section, the following definitions apply:
  - 1.** Transit Shelter: the area within the drip line of any transit shelter within the limits of the City of Portland, except the Pioneer Square North and South stations.
  - 2.** Transit loading platform: the area that extends the entire length of the tactile bricks where Tri-Met operated trains and trolleys load and unload within the limits of the City of Portland. This area extends from the tracks to one foot past the rear of the Tri-Met ticket vending machines, or to the farthest drip line of the transit shelter, whichever is farthest from the tactile bricks.

**14C.30.080 Appeal of Designation as a Gang Affiliate.**

- A.** Any person who is to be designated as a gang affiliate by the Police Bureau following the administrative hearing provided for in the Portland Police Bureau Manual of Policy and Procedure or who has unsuccessfully challenged a gang affiliate designation at such a hearing, has a right of appeal to the Code Hearings Officer.
- B.** The appeal authorized by this Section shall be conducted in accordance with the procedures and under the conditions set forth in Chapter 22.10 of this Code.





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

**Chapter 16.10**

**ADMINISTRATIVE PROVISIONS**

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**Chapter 16.20**

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## **Chapter 16.30**

## **TOWING & DISPOSITION OF VEHICLES**

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## **Chapter 16.50**

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**Chapter 16.60**

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**Chapter 16.65**

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**Chapter 16.70**

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## **Chapter 16.90**

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| 16.90.340 | Sled.                                       |
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| 16.90.351 | Storage Container.                          |
| 16.90.355 | Taxicab.                                    |
| 16.90.360 | Tire.                                       |
| 16.90.365 | Traffic.                                    |
| 16.90.370 | Traffic Congestion Thoroughfare.            |
| 16.90.375 | Traffic Control Device.                     |
| 16.90.380 | Traffic Control Signal.                     |
| 16.90.385 | Traffic Hazard.                             |
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| 16.90.415 | Uncontrolled Intersection.                  |
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| 16.90.425 | Vehicle.                                    |
| 16.90.430 | Vehicle Alarm System.                       |
| 16.90.435 | Vendor.                                     |
| 16.90.440 | Way.                                        |
| 16.90.445 | Wheelchair User Disabled Permit/Placard.    |



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

(Title replaced by Ordinance. No. 165189,  
effective July 1, 1992.)

**Chapter 16.10**

**ADMINISTRATIVE PROVISIONS**

**Sections:**

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

**16.10.001 Purpose.**

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

**16.10.020 Where Regulations Apply.**

(Amended by Ordinance Nos. 172976, 177028 and 179141, effective March 23, 2005.)  
The regulations of this chapter apply to all City of Portland owned or operated property, public rights-of-way, other designated public areas in the City of Portland and to private property specifically noted in this chapter.

**16.10.030 Authority to Direct Traffic on Public Rights of Way.**

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

## **TITLE 16**

### **VEHICLES AND TRAFFIC**

#### **16.10.050 Compliance Required.**

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

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

#### **16.10.060 Citations and Nuisances.**

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

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

**16.10.080      Altering or Erecting Traffic Control Devices.**

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

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

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

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

**16.10.100      Road Authority.**

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

**16.10.200      Duties of the City Traffic Engineer.**

(Amended by Ordinance Nos. 170923, 172976, 173369, 173627, 175205 and 182389, effective January 2, 2009.) The City Traffic Engineer will be designated by the Commissioner-In- Charge of the Bureau of Transportation. The City Traffic Engineer or his/her designee may exercise the following duties and responsibilities:

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



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

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- L.** Require the removal or pruning of any street tree, vegetation or other obstruction in the public right-of-way that obscures the visibility of or for drivers, bicyclists, or pedestrians, or in any way presents a safety hazard.
- M.** Regulate the installation and presence of banner signs on lighting poles owned by the City.
- N.** Install temporary traffic control devices when traffic conditions constitute a danger to the public.
- O.** Whenever specifically provided in the Title, the City Traffic Engineer may assess civil penalties for violations of the provisions of Title 16. The City Traffic Engineer shall adopt rules, procedures, and forms to be used in assessing such civil penalties. In determining the amount of any civil penalty to be assessed, the City Traffic Engineer shall consider the following criteria:
  - 1.** The extent and nature of the violation;
  - 2.** The benefits, financial or otherwise, accruing or likely to accrue as a result of the violations;
  - 3.** Whether the violations were repeated and continuous, or isolated and temporary;
  - 4.** The magnitude and seriousness of the violation;
  - 5.** The City's cost of investigating the violation and correcting or attempting to correct the violation; and
  - 6.** Any other relevant factors.
- P.** The City Traffic Engineer's assessment of civil penalties may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

**16.10.300 Administrative Rules and Procedures.**

(Amended by Ordinance Nos. 173627 and 182389, effective January 2, 2009.) Traffic and Parking management rules and procedures not specified in this Code are governed by the Bureau of Transportation Rules and Procedures Manual. It is the duty of the Bureau Director to develop and implement the Bureau of Transportation's Rules and Procedures Manual. The Commissioner-In-Charge of the Bureau of Transportation or the City Council may amend the Manual at any time.

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

#### **16.10.400 Regulation Standards.**

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

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

#### **16.10.500 Fees and Charges.**

(Amended by Ordinance Nos. 170923, 173627, 182389 and 183829, effective July 1, 2010.) The Transportation Director and/or City Council may establish fees and charges. If a larger fee is required elsewhere in this Title for any class of permit, the larger fee shall apply; otherwise the following fees and charges shall be paid unless the Transportation Bureau Director or Council has granted a specific permit for a different fee.

All fees, charges, civil penalties, and fines established by authority of this Title will be listed in the Transportation Fee Schedule included in Portland Policy Documents, as amended annually by Council effective with the fiscal year budget.

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

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

#### **16.10.650 Parking Code Enforcement Officers.**

(Amended by Ordinance Nos. 170923, 173627, 176394, 179141 and 182389, effective January 2, 2009.) Parking code enforcement supervisors and officers under the administration and control of the Bureau of Transportation as established in Section 3.12.010, will serve as follows:

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- A.** The duties of the position of parking code enforcement officer are to provide assistance as special police officer in the enforcement of parking regulations as provided by this Title, and other related work under the direction of the Bureau Director.
- B.** Persons appointed as parking code enforcement officers or as supervisors, will be special police officers of the City. As special police officers, the parking code enforcement officers and supervisors will have authority to issue citations for parking violations, including violations of disabled zones on property that is open to the public outside of the public right-of-way, or on City of Portland owned or operated property.

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**Chapter 16.20**

**PUBLIC RIGHT-OF-WAY PARKING**

**Sections:**

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#### **16.20.001 Purpose.**

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

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

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

#### **16.20.100 General Parking Methods.**

#### **16.20.110 Generally.**

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

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



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

**16.20.120 Prohibited Parking or Stopping of a Vehicle.**

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

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

  - 1.** Where angle parking is designated by official parking space markings or other traffic control devices.

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

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

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- R.** That is required by law to display two registration plates if a plate is not displayed on the front and the rear of the vehicle.
- S.** Which is a government vehicle, in a parking space where government vehicles are prohibited.
- T.** Any violation of the City of Portland, Transportation Administrative Rule is subject to citation or fine for each violation.

#### **16.20.130 Prohibited in Specified Places.**

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

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

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- H.** On any mass transit lane or street as defined in Section 16.50.
- I.** On any planting strip, sidewalk, or pedestrian way.
- J.** On a shoulder unless a clear and unobstructed traffic lane of the roadway adjacent to the vehicle is left for the passage of other vehicles, and:
  - 1.** The stopped or parked vehicle is visible from a distance of 200 feet in each direction upon the roadway; or
  - 2.** A person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the parked vehicle by use of flag persons, flags, signs or other signals.
- K.** On the approaches to or upon any restricted access highway, bridge, viaduct, or other elevated structure, unless permitted by authority of this Title.
- L.** On City-owned or City-operated property designated for vehicle parking by authorized City personnel only, without consent of the City, if there is in plain view on such property a sign prohibiting or restricting public parking.
- M.** Over, upon, or in such manner as to prevent access to any water meter, gate valve, or other appliance in use on any water meter connection of the Portland Water Bureau, located on public property, the public right-of-way or private property.
- N.** On any municipal terminal except in the place and manner permitted by official signs or markings.
- O.** On any pier or dock of a municipal terminal except when loading/unloading freight in compliance with any official signs or markings.
- P.** On or within an intersection.
- Q.** On or within a crosswalk.
- R.** Within any tunnel unless parking in officially designated spaces.
- S.** Within 7 feet of the nearest rail of a railroad track or within 25 feet of the center line of any set of tracks at any railroad or light rail crossing unless parking in officially designated spaces.
- T.** In the area between roadways of a divided street or highway.

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- U. On or within a bicycle lane, path, or trail.
- V. In front of any portion of a driveway ingress/egress to the public right-of-way.

#### **16.20.150 Prohibited Practices.**

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

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

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

(Added by Ordinance No. 171455; amended by Ordinance Nos. 176394, 182456 and 186639, effective July 11, 2014.)

- A. It is unlawful for any public vehicle parking business, vehicle sales, repair, or servicing business to cause or permit a vehicle to be parked on a street, alley, lane, or other public right of way while such vehicle is in the custody, control, or possession of the business for the purpose of being parked, offered for sale, repaired, or serviced.
- B. As used in this Section, “public vehicle parking business” means the business of offering off-street vehicle parking or storage for a fee; “vehicle sales, repair, or servicing business” means the business of offering new or used vehicles for sale, lease, or rent, or of offering vehicle repairs or servicing; “vehicle” means any device, including any major portion or part thereof, in, on, upon, or by which any person or property may be transported or drawn upon a public highway except a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.
- C. If a vehicle is parked on a street, alley, or lane, or other public right of way while in the custody, control, or possession of a public vehicle parking business or a vehicle sales, repair, or servicing business for the purpose of being parked or stored,

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offered for sale, lease, or rent, or being serviced or repaired, it is prima facie evidence that the person engaged in such business caused or permitted such vehicle to be so parked.

- D.** Except for vehicles associated with accessory home occupations per Chapter 33.203, it is unlawful for any business entity to store more than one vehicle on any block face between the hours of 8:00 p.m. and 6:00 a.m. It is unlawful for the operator of any accessory home occupation to park or store more than one vehicle used in association with the home occupation in the public right-of-way at any time. The maximum size of the vehicle used in association with the home occupation is a pickup truck in the medium truck category as defined in Chapter 33.910.
- E.** The owner of the business, operator of the business, or the owner of the property where the business is located shall be the party responsible for any violation of this Section.

**16.20.170 Storing Property on Street Prohibited.**

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

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

**16.20.190 Successive Violations.**

- A.** After a citation for overtime parking has been issued and the cited vehicle remains parked or stopped within 500 feet on the same block face of where parked when cited for the previous violation, a separate violation occurs upon the expiration of each successive maximum period of parking time as designated by official signs, markings, or meters. A separate citation may be issued for each successive violation.



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

#### **16.20.200 Regulated Parking Zones.**

##### **16.20.201 Purpose.**

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

#### **16.20.203 Regulated Parking Zone Designations.**

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

**16.20.205 Enforcement of Regulated Parking Zones.**

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

- A. A sign which regulates the amount of time a vehicle may park such as “Parking 30 minutes”, is in effect from 8 a.m. to 6 p.m. Monday through Saturday, excluding City recognized holidays, unless the regulating sign shows other restrictions for days or hours.
- B. A sign without stated hours or days which regulates parking zones such as “No Parking”, “No Parking This Block”, “Bus Zone”, or “Truck Loading Zone, No Parking Anytime” is in effect all hours of all days, including City recognized holidays.
- C. A sign which prohibits parking during certain hours or days such as “No Parking 7 a.m. to 9 a.m. Monday through Friday” or “Truck Loading Zone 7 a.m. to 6 p.m. Monday through Friday” is in effect during the days and times shown on the sign, excluding City recognized holidays.
- D. For a parking sign which has an arrow, the direction in which the head of the arrow points is the direction that the regulation is in effect.
- E. It is unlawful to put nonvehicular property in a regulated parking zone without permission of the City Engineer, the City Traffic Engineer or the Bureau of Development Services. Any nonvehicular property stored in a regulated parking zone is a nuisance and may be summarily abated.

**16.20.210 No Parking Zones.**

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

**16.20.213 No Stopping or Parking Zone.**

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

**16.20.215 Theater Zone.**

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

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#### **16.20.220 Truck Loading Zones.**

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

- A.** Truck loading zones are established to prevent double parking and other illegal parking by designating a supply of parking spaces dedicated to the delivery of merchandise by trucks to commercial properties.
- B.** Only the following vehicles, while being actively loaded or unloaded, may park in a truck loading zone for no more than 30 minutes:
  - 1.** A truck as defined by this Title;
  - 2.** A vehicle defined by its Department of Motor Vehicles registration as a truck, van, or pick-up that exhibits the commercial nature of the vehicle according to paragraph 6;
  - 3.** A passenger or other vehicle with an official commercial loading permit as defined in Section 16.20.620 or delivery permit as defined in Section 16.20.630 that exhibits the commercial nature of the vehicle according to paragraph 6;
  - 4.** Any vehicle with Farm Vehicle registration plates when actively engaged in loading/unloading merchandise; or
  - 5.** Taxicabs with a current taxicab permit as defined in Section 16.40.220 when actively engaged in loading/unloading passengers or packages, for a period not to exceed 15 minutes.
  - 6.** Commercial signage required by this section must be:
    - a.** On both sides of the vehicle;
    - b.** Magnetic, static cling vinyl (which may not be used on tinted windows), decals or permanently painted;
    - c.** No smaller than 8 1/2" by 11";
    - d.** In 2-inch or larger lettering;
    - e.** In a color that clearly contrasts with the color on which the lettering is displayed; and

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- f. In lettering that is clearly visible at a distance of 20 feet.
- C. Upon leaving a truck loading zone, a vehicle must vacate the block face of said truck loading zone or move 500 feet as measured along the curb line for a period of 1 hour before returning to a truck loading zone, a time zone, or a metered space, on the same block face.
- D. Truck loading zones should not be located within 50 feet of an intersection in order to facilitate traffic safety. This does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.

**16.20.230 Bus Zone.**

Only a motor bus may park in a bus zone.

**16.20.235 Tri-Met Bus Zone.**

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

- A.** A Tri-Met Bus or a contract or franchise bus of Tri-Met while passenger loading/unloading for a period not to exceed 2 minutes;
- B.** When allowed by the terms of a contract or franchise with the City of Portland for a period not to exceed 2 minutes; or
- C.** A taxicab for a period not to exceed 15 minutes. Taxicabs may not use Tri-Met bus zones during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
- D.** The buses described in subsections A and B may park in a designated Tri-Met bus lay over zone for a period not to exceed 30 minutes.

**16.20.240 Taxi Zone.**

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

- A.** Location of taxi zones will be determined by the City Traffic Engineer with the advice of the Taxicab Regulation Supervisor.
- B.** No vehicle may park in a taxi zone except a taxicab operated by authority of a current taxicab company permit and displaying a current taxi plate issued pursuant to PCC 16.40.710 E.
- C.** No taxicab driver may leave a vehicle unattended in a taxi zone adjacent to a fire hydrant for any reason.

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- D.** No person may leave a taxicab unattended in any taxi zone not adjacent to a fire hydrant except when assisting passengers to enter or alight from the taxicab or to carry a passenger's baggage or when delivering packages, and then for a period not to exceed 15 minutes.
- E.** No person may make repairs to a taxicab parked in a Taxi Zone.

#### **16.20.250 Disabled Person/Wheelchair User Zone.**

(Amended by Ordinance No. 186575, effective July 1, 2014.) No vehicle may stop or park in a disabled or wheelchair user zone except:

- A.** a vehicle transporting a disabled person with an official State-issued disabled person or wheelchair user registration plate, placard, permit or decal; or
- B.** a Tri-Met bus loading/unloading disabled passengers.

#### **16.20.260 Time Zones.**

- A.** A vehicle may park in a time zone only for a period not to exceed the posted time limit.
- B.** A vehicle may not return to a time zone in the same block face or within 500 feet of where previously parked on the same block face for a 3-hour period.
- C.** Upon expiration of the designated time limit, as indicated by the parking zone sign, a citation may be issued if a vehicle remains parked or stopped on the same block face unless:
  - 1.** The vehicle has moved 500 or more lineal feet, measured along the curb or edge line;
  - 2.** The vehicle has moved to an unregulated parking area in the same block face; or
  - 3.** The vehicle has vacated the block face for 3 hours.

#### **16.20.270 Carpool Zone.**

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

#### **16.20.280 Official/Reserved Zones.**

- A.** An official/reserved zone is a parking area reserved for specific vehicles.

- B.** No vehicle may park in an official/reserved zone unless authorized as indicated by the sign or markings of the zone.

**16.20.400 Metered Parking Zones.**

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

**16.20.401 Purpose.**

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

**16.20.405 Enforcement of Metered Parking Spaces.**

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

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

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

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

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

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#### **16.20.420 Determination of Meter District Boundaries.**

(Amended by Ordinance Nos. 173627, 179141 and 182389, effective January 2, 2009.)

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

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

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

- A.** It is unlawful for any person to park any vehicle in any parking meter space during the hours of operation of the meter without paying the parking meter fee, or to permit any vehicle in their control or custody to remain in any parking meter space longer than the time designated time limit.



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- B.** At short-term meters, it is unlawful to extend the parking time beyond the designated limit for parking in the metered space.
- C.** Upon expiration of the designated time limit, as indicated by the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face unless it has moved 500 or more lineal feet as measured along the curb or edge line.
- D.** Upon leaving a metered space a vehicle may not return to a parking meter in the same block face for a 3-hour period, unless it is a metered space in the same block face that is more than 500 lineal feet, as measured along the curb or curb line, from the previously used metered space.
- E.** Upon expiration of the designated time limit indicated by the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face unless:
  - 1.** The vehicle has moved 500 or more lineal feet, measured along the curb or edge line;
  - 2.** The vehicle has moved to an unregulated parking area in the same block face; or
  - 3.** The vehicle has vacated the block face for a period of 3 hours.
- F.** A vehicle may not be parked in any space with a broken or “out of order” meter for a period of time longer than the time limit indicated on the meter. Payment or a valid receipt is required at all spaces regardless of whether the closest device is functioning.

**16.20.431 City of Portland Owned or Operated Property.**

(Added by Ordinance Nos. 179141 and 182389, effective January 2, 2009.)

- A.** It is unlawful for any person to park any vehicle in any parking space during the hours of operation without paying the parking meter fee, or displaying a valid receipt, or to permit any vehicle in their control or custody to remain parked without payment of meter fees or displaying a valid receipt.
- B.** It is unlawful for any person to park any vehicle with an invalid or unrenewed permit or failure to display the valid permit according to the City of Portland, Bureau of Transportation Administrative Rules.
- C.** Improper use of a permit by a permit holder will result in cancellation of that permit.

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- D.** After a citation for violation has been issued and the cited vehicle remains parked or stopped, when cited for the previous violation, a separate violation occurs upon the expiration of each successive maximum period of parking time as designated by official signs, markings, or meters. A separate citation may be issued for each successive violation.

#### **16.20.440 Meter Fees.**

(Amended by Ordinance Nos. 176394 and 186575, effective July 1, 2014.) A sign or legend which indicates the interval of time for which parking is permitted and the fee payable for the time interval must be posted on all meters. The parking meter fee must be paid with U.S. coins, payment card or any other authorized payment method by the person within the vehicle, except:

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

#### **16.20.445 Pay Stations.**

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

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

**16.20.450      Obstruction of Meters.**

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

**16.20.460      Parking Space Reservation.**

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

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

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

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

- A. It is unlawful for any person to deface, injure, tamper with, willfully break, destroy, or impair the usefulness of any parking meter installed in public streets, public places, or elsewhere in the City, or to open or remove the same without lawful authority.

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

#### **16.20.500 General Parking Permits.**

##### **16.20.501 Purpose.**

General parking permits may be issued to reserve public right-of-way areas for use by designated parties. The City Traffic Engineer may issue permits, parking meter hoods, signs, or other devices to temporarily reserve public right-of-way areas outside of the Special Traffic Control District (17.23). Within the Special Traffic Control District, the City Engineer may issue a general parking permit. General parking permits may apply in designated parking zones, at parking meters, or elsewhere depending on the specifications of the permit. This section will describe each general parking permit and the regulations for enforcement of the permit.

##### **16.20.503 Current Approval Required Before Use.**

- A.** All general parking permits, including meter hoods, must have current approval of the City Engineer or the City Traffic Engineer at the time the permit is used by the permittee.

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

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

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

**16.20.510 Construction Area Permit.**

- A.** A construction area permit will only be issued to a person with an official street use permit, a street opening permit, a temporary street closure permit, or who is performing minor modifications or clean-up activities.
- B.** A construction area permit allows placement of building materials, equipment, or commercial vehicles necessary for the performance of the work in the public right-of-way. A meter hood/sign may only be used to establish a construction area when the parking of the vehicle is essential to the performance of the construction work. A vehicle not allowed by right to park in truck loading zone and vehicles being used to transport small tools are not essential in this regard and are not allowed in any construction area unless specifically authorized by the permit.
- C.** No vehicle may park in a construction area unless authorized by the construction area permit. Identification cards may be required for authorization of the vehicle.

**16.20.520 Maintenance Hood Permit.**

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

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#### **16.20.530 Temporary Truck Loading Area Permit.**

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

#### **16.20.540 Angle Loading Permit.**

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

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

#### **16.20.550 Travel Lane Parking Permit.**

(Amended by Ordinance No. 165594, effective July 8, 1992.)

- A.** A street closure permit must be obtained from the City Engineer per Title 17.44.020 for the following purposes:
  - 1.** Facilitating construction, demolition or installation of facilities on public or private property.

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2. Restricting vehicular use of an unimproved street for the protection of the public or to eliminate a neighborhood nuisance.
  3. Providing for special events, such as block parties or neighborhood fairs.
- B.** The City Traffic Engineer may issue a travel lane closure permit for any other purpose, and, as a condition of the permit, require:
1. A traffic control plan to be implemented; and
  2. Insurance to indemnify the City for liability related to permit use.

**16.20.560 Special Use Permit.**

(Amended by Ordinance Nos. 173627 and 182389, effective January 2, 2009.)

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

**16.20.595 Improper Use.**

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

- A.** It is a violation to improperly use a permit, meter hood, sign, or curb marking, and will be cause for the revocation of the permit, meter hood, sign, or curb marking. A citation or a civil penalty will be assessed of up to \$1,000 by the City Traffic Engineer. Upon notice of revocation, the permit and/or meter hood(s) must immediately be returned to the City Traffic Engineer.
- B.** The permit applicant is fully responsible for any violation of the conditions of the permit.
- C.** All fees paid will be forfeited in the event of revocation. All fines are due within 30 days after the fine is levied. All civil penalties assessed by the City Traffic Engineer are due within 30 days unless an appeal is made.



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

#### **16.20.600 Vehicle Parking Permits.**

##### **16.20.601 Purpose.**

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

##### **16.20.603 Current Approval Required Before Use.**

- A.** All vehicle permits, including meter hoods, must have current approval of the City Traffic Engineer at the time the permit is used by the permittee.
- B.** The City Traffic Engineer may deny a vehicle permit application based on a demonstrated history of permit abuse by the applicant during the previous 12-month period.
- C.** Unless otherwise specified, all vehicle permits issued by authority of this Section will expire January 1, following the calendar year in which the permit was issued.
- D.** A duplicate permit may be issued by the City Traffic Engineer upon receipt of a replacement application and fee from the permittee.
- E.** No permit will be issued to any applicant who has an outstanding balance due for prior violation(s) of permits issued by the City Traffic Engineer.
- F.** Decisions of the City Traffic Engineer regarding the issuance of vehicle permits may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

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

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

##### **16.20.610 Media Permit.**

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

**16.20.620 Commercial Permit.**

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

**16.20.621 Disabled Resident Permit.**

(Added by Ordinance No. 186575, effective July 1, 2014.) A Disabled Resident Permit allows parking in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

**16.20.622 Disabled Employee Permit.**

(Added by Ordinance No. 186575, effective July 1, 2014.) A Disabled Employee Permit allows parking in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

**16.20.630 Delivery Permit.**

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

**16.20.640 Disabled Person Placard – Metered Districts.**

(Amended by Ordinance Nos. 166575, 170923, 179141, 181507, 181914, 182345, 182935, 184628, 185036, 185785, 186096, 186394 and 186575, effective July 1, 2014.)

- A.** A vehicle with an official State-issued disabled person registration plate, placard, permit or decal, must adhere to all applicable meter regulations, including payment, and may park:

  - 1.** In any space designated for a vehicle with a disabled person parking placard with a designated time limit of 1 hour, 90 minutes, or 2 hours, a person must pay for the time parked if under the maximum meter time limit, or pay up to the maximum meter time limit allowed and the vehicle may remain parked in that space for up to 3 hours;
  - 2.** In any metered space with a designated time limit of 1 hour, 90 minutes, or 2 hours, a person must pay for the time parked if under the maximum meter limit, or pay up to the maximum meter time limit allowed and the vehicle may remain parked in that space for up to 3 hours;
  - 3.** In any metered space with a designated time limit less than 1 hour, a person must pay for the time parked if under the meter time limit, or pay up to the maximum meter time limit allowed and the vehicle may remain parked in that space for up to the maximum meter time limit; or

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4. In any metered space with a designated time limit of 3 hours or longer a person must pay for the time parked if under the maximum meter time limit, or pay up to the maximum meter time limit allowed, and the vehicle may remain parked in that space for up to the maximum meter time limit.
- B.** Use of invalid disabled person parking permit; penalty.
  1. A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:
    - a. Has been previously reported as lost or stolen;
    - b. Has been altered;
    - c. Was issued to a person who is deceased at the time of the citation;
    - d. Has not been issued under ORS 811.602;
    - e. Is a photocopy or other reproduction of a permit, regardless of the permit status; or
    - f. Is mutilated or illegible.
- C.** Unlawful use of disabled person parking permit; penalty.
  1. A person commits the offense of unlawful use of a disabled person parking permit if the person:
    - a. Is not a person with a disability and is not transporting the holder of a disabled person parking permit to or from the parking location; and
    - b. Uses a disabled person parking permit described under ORS 811.602 OR 811.606 to exercise any privileges granted under ORS 811.635.
- D.** Misuse of program placard; penalty.
  1. A person commits the offense of misuse of a program placard if the person:
    - a. Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and

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- b.** Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

**16.20.641 Disabled Person Placard – Non-Metered Regulated Parking Zone.**

(Added by Ordinance No. 186575, effective July 1, 2014.)

- A.** A vehicle with an official State-issued disabled person registration plate, placard, permit or decal, must adhere to all applicable non-meter regulated parking zone regulations, and may park:
  - 1.** In any non-metered regulated parking zone designated for a vehicle with a disabled person parking placard for any amount of time (subject to on-street storage regulations);
  - 2.** In any non-metered regulated parking zone with a designated time limit of 30 minutes or more for any amount of time; or
  - 3.** In any non-metered regulated parking zone with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit.
- B.** Use of invalid disabled person parking permit; penalty.
  - 1.** A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:
    - a.** Has been previously reported as lost or stolen;
    - b.** Has been altered;
    - c.** Was issued to a person who is deceased at the time of the citation;
    - d.** Has not been issued under ORS 811.602;
    - e.** Is a photocopy or other reproduction of a permit, regardless of the permit status; or
    - f.** Is mutilated or illegible.
- C.** Unlawful use of disabled person parking permit; penalty.

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1. A person commits the offense of unlawful use of a disabled person parking permit if the person:
    - a. Is not a person with a disability and is not transporting the holder of a disabled parking permit to or from the parking location; and
    - b. Uses a disabled parking permit described under ORS 811.602 or 811.606 to exercise any privileges granted under ORS 811.635,
- D. Misuse of program placard; penalty.
  1. A person commits the offense of misuse of a program placard if the person:
    - a. Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and
    - b. Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

**16.20.645 Wheelchair User Disabled Person Parking Placard.**

(Added by Ordinance No. 181507; amended by Ordinance No. 186575, effective July 1, 2014.)

- A.** A vehicle with an official State-issued “Wheelchair User” plate, placard, permit or decal, may park:
1. In any space designated for a vehicle with a “Wheelchair User” placard or decal for any amount of time (subject to on-street storage regulations);
  2. In any metered or non-metered space with a designated time limit of 30 minutes or more for any amount of time without fee; or
  3. In any metered or non-metered space with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit with fee, if applicable.
  4. In an Area Parking Permit Program Zone for any amount of time and without fee.
- B.** A vehicle with an official State-issued “Wheelchair User” plate, placard, permit or decal, may not:

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1. Park in any space reserved for special types of vehicles or activities including, but not limited to, truck loading zones, carpool zones, no parking zones, and reserved zones.
- C.** Use of invalid disabled person parking permit; penalty.
1. A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:
    - a. Has been previously reported as lost or stolen;
    - b. Has been altered;
    - c. Was issued to a person who is deceased at the time of the citation;
    - d. Has not been issued under ORS 811.602;
    - e. Is a photocopy or other reproduction of a permit, regardless of the permit status; or
    - f. Is mutilated or illegible.
- D.** Unlawful use of disabled person parking permit; penalty.
1. A person commits the offense of unlawful use of a disabled person parking permit if the person:
    - a. Is not a person with a disability and is not transporting the holder of a disabled parking permit to or from the parking location; and
    - b. Uses a disabled parking permit described under ORS 811.602 or 811.606 to exercise any privileges granted under ORS 811.635,
- E.** Misuse of program placard; penalty.
1. A person commits the offense of misuse of a program placard if the person:
    - a. Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and

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- b.** Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

#### **16.20.650 Government Permit.**

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

#### **16.20.660 Nonprofit Permit.**

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

#### **16.20.670 Carpool Permit for Metered Parking.**

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

#### **16.20.675 Carpool Zone Permit.**

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

#### **16.20.680 Other Permit.**

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

#### **16.20.695 Improper Use.**

- A.** The improper use of a permit, meter hood, or sign will be cause for the revocation of the permit, meter hood, or sign and/or for a fine to be levied by the City Traffic Engineer. Upon notice of revocation, the permit and/or meter hood(s) must immediately be returned to the City Traffic Engineer.
- B.** The vehicle permit applicant is fully responsible for any violation of the conditions of the permit.
- C.** All fees paid will be forfeited in the event of revocation. All fines will be due within 30 days after the fine is levied.
- D.** Decisions of the City Traffic Engineer regarding the revocation of a vehicle permit may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.



**16.20.800      Area Parking Permit Program.**

**16.20.801      Purpose.**

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

**16.20.810      Definitions.**

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

- A.**      **“Address”** is the street number and applicable apartment number for each dwelling unit, business, or other use. Each apartment or commercial unit is regarded as a unique address.
- B.**      **“Annual permit fee”** is the annual fee for each business, guest, or resident permit decal. If a permit is issued on or after the first day of the seventh month in the

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permit year, the fee will be one half of the yearly permit fee. Replacement permits will be one half of the current permit fee.

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

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

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

#### 16.20.830 Area Eligibility.

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

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

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

**16.20.840 Process.**

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

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

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- D.** Based on the findings of the investigations, the City Traffic Engineer will determine if a proposed area is eligible for an area parking permit program.
- E.** If an area is approved as eligible, the City Traffic Engineer may propose a program and mail this program and notice of a public meeting to all addresses in the proposal area. After the public meeting, the proposal will be refined and a ballot prepared. The City Traffic Engineer may expand or contract (if larger than the minimum) the proposed area to conform to major physical boundaries such as arterial roadways, rivers, hills, ridges, or political boundaries such as neighborhood boundaries or to protect projected impact areas as determined by the professional engineering or planning staff.
- F.** A ballot will be mailed to all addresses within the proposed area within 30 days after the last public meeting. The legal occupant of an address is eligible to vote. This ballot must be received by the City Traffic Engineer on or before the date specified in the mailing. A minimum of 50 percent of the ballots must be received, of which 60 percent must be “yes” votes, to approve the program.
- G.** If the vote in Paragraph F. is negative, a minimum of 12 months must elapse before any new proposal can be initiated.
- H.** If the vote in Paragraph F. of this Section is positive, the City Traffic Engineer will submit to the City Council an ordinance authorizing the permit system and required funding. If approved by Council, the City Traffic Engineer will notify all addresses of the approval and enclose application materials. Permit fees from at least 50 percent of the addresses must be collected prior to the installation of signs.
- I.** The program will renew annually, unless:
  - 1.** The City Traffic Engineer receives a petition, representing 50 percent of the addresses within the designated permit program area, requesting termination of the program. After receipt of a valid petition, the City Traffic Engineer will mail a ballot to the program area according to subsection F. The vote must be completed before the program will be terminated; or
  - 2.** The designated area does not meet the rules or procedures established by the City Traffic Engineer.
- J.** Changes to boundaries of existing permit areas desired by area residents must be made according to the following procedure:
  - 1.** The City Traffic Engineer must determine that the resulting permit area will meet the minimum standards for permit areas established in 16.20.830.

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

**16.20.850 Program Administration.**

(Amended by Ordinance Nos. 177006 and 183829, effective July 1, 2010.)

- A. For each Area Permit Parking Program, the City Traffic Engineer will guide the area in establishment, evaluation, revision, or termination of the Area Permit Parking Program by:
  1. Meeting with the Area Parking Committee;
  2. Planning and coordinating registration and enforcement; and
  3. Completing any other such duties described in the Supplemental Plan Description.
- B. Annual Review of Program Fees: Services charges and fees are reviewed annually and updated per the City’s financial policy, and are effective with the adoption of the annual budget.  
Notification of Fee Changes and Permit Renewal: A current listing of service charges and fees will be made available to the public.
- C. It is the obligation of area residents and businesses to apply for permit decals in a timely manner and in accordance with Code Chapter 16.20 and the appropriate Supplemental Plan Description. Applicants must present authorized documentation to the City Traffic Engineer as follows:
  1. An area resident must present proof of current occupancy and current proof of vehicle control. A person using a vehicle owned by another must present a notarized statement from the owner stating that the vehicle has been assigned to the applicant for their personal use.



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

#### **16.20.860 Violation and Enforcement.**

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

- A. A permitted vehicle which is parked in accordance with posted Area Permit Parking Program signing and in accordance with parking regulations generally (Chapter 16.20) is permitted to be parked in excess of the visitor parking time limit. An area parking permit does not allow parking in restricted parking zones (16.20.200).
- B. Display of an area parking permit does not convey any privileges other than that of exceeding the posted permit parking visitor time limit. It does not authorize parking in any other restricted zone. Permitted vehicles are subject to the provisions of 16.20.170. (Storing Property on street is prohibited.)
- C. During permit designated hours, it is unlawful for a nonpermitted vehicle to:
  1. Exceed the maximum visitor time limit allowed within the signed permit area;
  2. Return to the signed permit area for a period of 12 hours after parking for any time period.
- D. The permit holder is responsible for all improper use (16.20.810.L.) of any assigned permit decal(s), unless previously reported as lost or stolen. If investigation verifies improper use, the permit holder will be penalized as described below.

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1. A fine will be assessed for each permit decal in violation. This fine shall be payable and due within 30 days following the violation.
  2. No additional permits will be issued to the permit holder until all fines have been paid.
- E.** It is unlawful for a vehicle to display an unauthorized permit. A vehicle displaying an unauthorized permit may be cited, or a fine assessed for each violation. The fine shall be payable and due within 30 days of the violation.
- F.** Improper use of a decal by a permit holder will result in cancellation of that permit decal for a period of 12 months. Further improper use of a permit decal by that permit holder within a 24-month period will additionally render the permit holder disqualified from purchasing any Area Parking Program Permit for two subsequent permit years.
- G.** Decisions of the City Traffic Engineer regarding the revocation or refusal to issue a permit may be appealed to the Code Hearings Office according to the provisions of Title 22 of the Portland City Code.
- H.** It is unlawful for a vehicle to improperly display any authorized permit, as outlined in the City of Portland, Transportation Administrative Rule.

**16.20.900 City Owned Parking Garages.**

(Added by Ordinance No. 183979; amended by Ordinance No. 185351, effective June 22, 2012.)

**16.20.910 Rules of Conduct.**

(Added by Ordinance No. 185351, effective June 22, 2012.) The Bureau of Transportation Business Services Division Manager shall be authorized to develop and enforce Rules of Conduct for City Parking Garages and require all persons to obey the Rules of Conduct. City Parking Garages include any publicly or privately owned real property, and the buildings, structures and facilities thereon, placed under the jurisdiction of the City for parking garage purposes, and includes all land granted to the City for such purposes. Any person who fails to comply with the Rules of Conduct for City Parking Garages or the reasonable direction of the Person in Charge, may be excluded as provided in this Section.

- A.** Person in Charge is defined in ORS 164.205(5) and includes, but is not limited to, any of the following while acting in the scope of employment, agency or duty:
1. Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau;

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2. Any person providing security services in City Parking Garage pursuant to any contract with the City, or with any person, firm or corporation managing City parking garages or City leased properties on the City's behalf; and/or,
  3. Any person specifically designated in writing as the Person in Charge by the Commissioner in Charge of the Bureau of Transportation or by the Transportation Business Services Division Manager.
- B. City Parking Garage Exclusions.** Any Person in Charge may exclude any person who violates any Rule of Conduct while in or upon any City Parking Garage, from all City Parking Garages for a period of 180 days.
1. The notice of exclusion shall be in writing, given to the person excluded and signed by the Person in Charge. It shall specify the dates and places of exclusion. It shall contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.
  2. A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of the Code to have the notice of exclusion rescinded. Notwithstanding the provisions of Title 22, the appeal to the Code Hearings Officer shall be filed within 5 days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Person in Charge who issued the notice of exclusion shall be used as evidence on appeal, unless the appellant requests, in writing, the presence of the Person in Charge at the appeal hearing.
- C. City Parking Garages Rules of Conduct**
1. No person shall violate federal, state, or city law.
  2. No person shall enter or remain for any purpose other than to park or retrieve a motor vehicle or do business with a City parking garage retail tenant.
  3. No person shall possess any weapon or any similar instrument that can be used to inflict injury upon a person or damage to property, except to the extent permitted by Oregon law.

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4. No person shall use City parking garages for the purpose of housing or camping, including but not limited to, sleeping, bathing, cooking, or use as a restroom.
5. No person shall deface, damage, or destroy City parking garages.
6. Unless authorized by the City of Portland, no person shall post or place on cars any handbills, flyers, or posters of any kind within City parking garages.
7. No person shall engage in sexual conduct as defined by ORS 167.060 (10).
8. Other than at City of Portland authorized events, no person shall possess an open container of alcohol or consume alcoholic beverages.
9. Other than at City of Portland authorized events, no person shall play or use amplified or audio equipment at a level that disturbs others.
10. Other than at City of Portland authorized events, no person shall participate in parties, rave parties, or other similar gatherings.
11. No person shall use City parking garages and/or their structures and fixtures, including but not limited to, walls, railings, banisters, stairs, or ventilation fixtures, in ways they were not intended to be used, including but not limited to, sitting, standing, lying kneeling, skating, or skateboarding.
12. No person shall smoke or carry any lighted smoking instrument while in the elevator or any enclosed portion of City parking garages.
13. No person shall engage in conduct that disrupts or interferes with normal operations of City parking garages, or any tenant of a City parking garage, or that disturbs employees or patrons of City parking garages, including but not limited to, conduct that involves the use of abusive or threatening language or gestures, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior.
14. No person shall interfere with free passage of patron or employees of City parking garages, including but not limited to, placing objects such as bicycles, backpacks, carts or other items in a manner that interferes with free passage.

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- 15.** No person shall refuse to obey any posted parking signs or any reasonable direction of a Parking Garage Officer.

#### **16.20.920 Garage Parking Rates.**

(Added by Ordinance No. 185351, effective June 22, 2012.) The Bureau of Transportation Director shall be authorized to set parking rates at City-owned Parking Garages without first returning to City Council, subject to the following provisions:

- A.** Portland City Council shall set the hourly parking rate for the first four hours at all City Parking Garages.
- B.** The Transportation Director may set different parking rates at different locations and may consider the following factors when setting parking rates:
  - 1.** Rate changes may reflect an amount intended to reach a desired occupancy rate in each location;
  - 2.** Rate changes may reflect the annual consumer price index (CPI) for inflation in the Portland Metropolitan Area;
  - 3.** Rate changes may reflect market conditions in the Portland Central City;
  - 4.** Rate changes may accommodate specific site characteristics and seasonal events; and
  - 5.** Rate changes may reflect parking conditions, including without limitation the availability and desirability of reserved and non-reserved parking spaces.
- C.** Parking rates may not exceed the following rate maximums without Council approval:
  - 1.** Weekday daily maximum: \$25
  - 2.** Weekday evening maximum: \$10
  - 3.** Weekend daily maximum: \$25
  - 4.** Weekend evening maximum: \$10
  - 5.** Monthly general access: \$250
  - 6.** Monthly reserved: \$350

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7. Monthly carpool: \$200
8. Monthly motorcycle: \$150
9. Event maximum: \$20

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**Chapter 16.30**

**TOWING & DISPOSITION OF VEHICLES**

**Sections:**

|           |                                                                         |
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| 16.30.100 | Authority to Tow Vehicles and Establish Hearing Procedures.             |
| 16.30.200 | Vehicle Towing.                                                         |
| 16.30.210 | When a Vehicle May be Towed.                                            |
| 16.30.220 | Towing Without Prior Notice.                                            |
| 16.30.225 | Towing With 24 Hour or 72 Hour Notice.                                  |
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| 16.30.300 | Notice of Vehicle Tow.                                                  |
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| 16.30.420 | Hearing Procedure.                                                      |
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| 16.30.620 | Sale of Vehicles.                                                       |
| 16.30.700 | Moving Vehicles for Street and Utility Maintenance and for Emergencies. |
| 16.30.710 | Authority to Move Vehicles.                                             |
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| 16.30.810 | Solicitation of Towing Business at Accidents Prohibited.                |
| 16.30.820 | Obstructing Traffic.                                                    |
| 16.30.830 | Failure to Remove Injurious Substance.                                  |



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**16.30.001 Purpose.**

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

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

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

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

**16.30.200 Vehicle Towing.**

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

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

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

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

#### **16.30.220 Towing Without Prior Notice.**

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

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

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

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

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

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

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

**16.30.230 When Notice Required Before Towing.**

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

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

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

**16.30.300 Notice of Vehicle Tow.**

**16.30.310 Notice Prior to Tow.**

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

- A. Except where shorter notice is allowed by this title, notice for vehicles which require prior notice before towing must be provided by:
  - 1. Affixing a tow warning to the vehicle at least 10 days prior to the tow; and
  - 2. Mailing a notice to the registered owner(s) and any other persons who reasonably appear to have an interest in the vehicle within 48 hours, Saturdays, Sundays, and holidays excluded, after the tow warning is affixed to the vehicle.
- B. The tow warning and the mailed notice will state that:
  - 1. The vehicle is parked in violation of City Code;
  - 2. The City intends to tow and remove the vehicle if the violation is not corrected; and
  - 3. A hearing is available to contest the validity of the intended tow, and the method of requesting a hearing, including the date by which a hearing may be requested.
- C. If a timely request for hearing is received pursuant to Subsection 16.30.400, the vehicle will not be towed until the Tow Hearings Officer makes a determination.

**16.30.320 Notice After Vehicle Tow.**

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

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

#### **16.30.340 Unidentifiable Vehicle.**

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

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

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

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

**16.30.400 Tow Hearing Procedure.**

**16.30.410 Request for Hearing.**

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

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

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



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

#### **16.30.420 Hearing Procedure.**

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

#### **16.30.430 When Tow Found Invalid.**

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

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

#### **16.30.440 When Tow Found Valid.**

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

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

#### **16.30.450 Hearing Administration.**

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

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

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

**16.30.510 Towing and Storage Rates.**

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

**16.30.520 Charges and Release of Vehicle.**

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

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

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#### **16.30.530 When Tow Found Invalid.**

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

#### **16.30.540 When Tow Found Valid.**

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

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

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

#### **16.30.600 Selling Abandoned Vehicles.**

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

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

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**16.30.620 Sale of Vehicles.**

(Amended by Ordinance No. 166575, effective June 2, 1993.)

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

“CERTIFICATE OF SALE

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

(Brief description of property)

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

. . . . .  
City Traffic Engineer

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

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

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

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

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

#### **16.30.710 Authority To Move Vehicles.**

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

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

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

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

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

**16.30.730 Manner of Moving Vehicle.**

(Amended by Ordinance No. 165594, effective July 8, 1992.)

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

**16.30.800 Regulation of Towers.**

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

(Amended by Ordinance No. 165594, effective July 8, 1992.)

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

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

#### **16.30.820 Obstructing Traffic.**

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

#### **16.30.830 Failure to Remove Injurious Substance.**

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



**Chapter 16.40**

**PRIVATE FOR-HIRE TRANSPORTATION REGULATIONS**

(Chapter replaced by Ordinance No. 182813,  
effective June 19, 2009.)

**Sections:**

- 16.40.010 Purpose.
- 16.40.020 Chapter Applies to all Companies, Drivers and Vehicles.
- 16.40.030 Definitions.
- 16.40.040 Private For-Hire Transportation Board of Review.
- 16.40.050 Board Authority.
- 16.40.060 Board Standing Committees.
- 16.40.070 Fuel Surcharges.
- 16.40.080 Pedicab Driver Permits Required – Application Process & Requirements.
- 16.40.090 LPT and Taxi Driver Permits Required – Application Process & Requirements.
- 16.40.100 Issuance of Driver’s Permit; Term; Replacements.
- 16.40.110 Further Review and/or Denial of a Driver Permit Application.
- 16.40.120 Driver Permit Renewals; Consequences of Failure to Renew.
- 16.40.130 LPT Company Permits Required – Application Process & Requirements.
- 16.40.140 Issuance of LPT Company Permits; Term; Replacements.
- 16.40.150 Taxicab Company Permits Required – Application Process and Requirements.
- 16.40.160 Issuance or Denial of Taxicab Company Permit; City Council Action.
- 16.40.170 LPT and Taxicab Company Permit Renewals.
- 16.40.180 Pedicab Decals Required – Application Process & Requirements.
- 16.40.190 LPT Decals and Taxiplates Required – Application Process & Requirements.
- 16.40.200 Limit on Number of LPT Vehicles Allowed.
- 16.40.210 Limit on Number of Taxicabs Allowed.
- 16.40.220 Vehicle Decal and Taxiplate Issuance or Denial.
- 16.40.230 Vehicle Decal and Taxiplate Renewals.
- 16.40.240 Transfer of Decal, Permit or Taxiplate Interest Prohibited.
- 16.40.250 Knowingly Providing False Information; Penalties.
- 16.40.260 Late Submission of Payments Due, Information or Documents; Penalties .
- 16.40.270 Minimum Standards of Service for Taxicab Companies.
- 16.40.280 Taxicab Digital Security Camera Systems.
- 16.40.290 Taxicab Fare Rates.
- 16.40.300 Wheelchair Accessible Taxicabs.
- 16.40.310 Taximeter Requirements.
- 16.40.320 Required Taxicab Equipment.
- 16.40.330 Identification of Taxicab Vehicles.
- 16.40.340 Driver Conduct Requirements and Prohibitions.

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- 16.40.350 Pedicab Regulations.
- 16.40.360 Pedicab Driver and Vehicle Requirements and Prohibitions.
- 16.40.370 Maximum Hours For Drivers.
- 16.40.380 For-Hire Vehicle Requirements and Prohibitions.
- 16.40.390 Identification of SAT Vehicles.
- 16.40.410 LPT and Taxi Insurance Requirements.
- 16.40.420 Pedicab Insurance Requirements.
- 16.40.430 Financial and Operating Restrictions and Reporting.
- 16.40.440 Reports to the Administrator.
- 16.40.450 Limousine, Executive Sedan and Taxi Logs Required.
- 16.40.460 Limousine and Executive Sedan Transportation Must Be Prearranged; Exceptions.
- 16.40.470 Maximum Fares for Shuttles; No Charge for Luggage.
- 16.40.480 Minimum Fares for Limousines and Executive Sedans.
- 16.40.490 Safety Fund.
- 16.40.500 Compliance with Federal, State and Local Laws.
- 16.40.510 Prior Board Orders of No Effect.
- 16.40.520 Administrative Rule Authority and Process.
- 16.40.530 Civil Penalties.
- 16.40.540 Civil Penalty Table.
- 16.40.550 Company and Driver Permit Suspension and Revocation.
- 16.40.560 Criminal Penalties.
- 16.40.570 General Appeals.
- 16.40.580 Appeals Regarding Taxicab Limits.
- 16.40.590 Fee Table.
- 16.40.600 Currently Permitted Companies, Vehicles and Drivers Grandfathered; Renewal Process.
- 16.40.610 Severability.
- 16.40.620 Horse-Drawn Carriage Driver Permits Required – Application Process and Requirements.
- 16.40.630 Horse-Drawn Carriage Company Permits Required – Application Process and Requirements.
- 16.40.640 Horse-Drawn Carriage Permit and Plate Required – Application Process and Requirements.
- 16.40.650 Horse-Drawn Carriage Insurance Requirements.
- 16.40.660 Horse-Drawn Carriage Temperature, Time and Place Restrictions.
- 16.40.670 Operation of Horse-Drawn Carriages: Requirements and Prohibitions.
- 16.40.680 Care of Carriage Horses.
- 16.40.690 Horse-Drawn Carriage Regulations.
- 16.40.700 Horse-Drawn Carriage Penalties.
- 16.40.710 Paid Passenger Referrals Prohibited.

**16.40.010 Purpose.**

- A.** The purpose of Chapter 16.40 is to provide for the safe, fair and efficient operation of private “for-hire” transportation services. The industry should be allowed to operate without unnecessary restraint. However, because the industry constitutes an essential part of the City’s transportation system and because transportation so fundamentally affects the City’s well being and that of its citizens, some regulation is necessary to insure that the public safety is protected, the public need provided, and the public convenience promoted. It is not the purpose of Chapter 16.40 to displace competition with regulation or monopoly public service.
- B.** The provisions contained herein should be applied and enforced in such a manner as to require the “for-hire” transportation industry to:

  - 1.** Promote innovation and adaptation to changing needs; and
  - 2.** Allow competition, so long as the public interest is served thereby.

**16.40.020 Chapter Applies to All Companies, Drivers and Vehicles.**

- A.** The requirements of Chapter 16.40 – along with any penalties that may be assessed for violations of Chapter 16.40 – apply to all for-hire transportation companies, vehicles and drivers, whether legally and validly permitted or not.
- B.** It is not a defense to any regulatory action (including penalties and fines) to assert that the City cannot act because the driver, company or vehicle does not possess a valid City-issued permit, decal or taxiplate.

**16.40.030 Definitions.**

(Amended by Ordinance Nos. 184361, 186385 and 186746, effective August 6, 2014.)

- A.** “Administrator” means the private for-hire transportation Program Administrator.
- B.** “Approved Mechanic” means a mechanic on a list maintained on a quarterly basis by the Bureau that is published annually and whom meets all the following criteria:

  - 1.** does not own, lease or drive a vehicle for-hire;
  - 2.** has no financial interest in any for-hire transportation company operating within the States of Oregon or Washington;
  - 3.** has received ASE (Automotive Service Excellence) A Series (Automobile/Light Truck Certification) master certification; and

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4. is not employed by any for-hire transportation company.
- C.** “Board” means the Private For-Hire Transportation Board of Review.
- D.** “Branded Vehicle” (aka “Reconstructed Vehicle”) means any vehicle that has been purchased by an insurance company because the vehicle has been severely damaged typically due to collision, fire or flood damage, and the value of the vehicle is considered less than the cost to repair the vehicle.
- E.** “Bureau” means the Portland Bureau of Transportation of the City of Portland.
- F.** “Carriage” means any vehicle or conveyance that is drawn, pulled or propelled by a horse or other animal(s).
- G.** “Certificate of Safety” means a document from an approved mechanic certifying that a particular vehicle meets all safety standards as set forth in this Chapter and/or administrative rules.
- H.** “Company Permit” means the permit issued to a private for-hire transportation company under the terms of this Chapter and/or administrative rules.
- I.** “Compensation” means any form of payment or gratuity by a customer or customer’s agent to a permitted for-hire driver or company for the use of the driver or company’s for-hire transportation services. For-hire transportation providers that only accept gratuities, tips, etc, are considered to be providing “for-hire” transportation services.
- J.** “Conduct Business” means operating a for-hire vehicle or company, receiving money or other compensation from the use of a for-hire vehicle, causing or allowing another person to do the same, or advertising the same.
- K.** “Customer” means a person who purchases for-hire transportation service from a for-hire transportation service provider that is permitted or should be permitted by the City. The customer may or may not also be a passenger.
- L.** “Day” means a business day and not a calendar day unless specifically stated otherwise.
- M.** “Decal” means the numbered identification sticker issued by the City and affixed to an LPT vehicle.

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- N.** “Decaled” means that a particular for-hire transportation vehicle is in full compliance with the requirements of Chapter 16.40 and is operating legally and validly in the City of Portland.
- O.** “Director” means the Director of the Portland Bureau of Transportation.
- P.** “Downtown Core” means the area formerly known as the “Fareless Square” or “Free Rail Zone” as defined by TriMet as follows: The area to the west of the Willamette River shall be bounded on the North by NW Irving, except that at the intersection of NW Irving and NW Station Way it shall be bounded on the North by NW Station Way to NW Broadway and then by NW Broadway south to NW Irving and continuing west on NW Irving to the Stadium (I-405) Freeway, on the West and South by the Stadium (I-405) Freeway and on the East by the Willamette River. The area to the east of the Willamette River shall be bounded on the West by North Interstate Avenue, on the North by NE Multnomah to 125 feet east of 13th Avenue, on the East by 13th Avenue and on the South by NE Holladay.
- Q.** Driver Permit” means the permit issued to a private for-hire transportation driver under the terms of this Chapter.
- R.** Driver” means a for-hire transportation driver, including taxi drivers and LPT drivers.
- S.** Executive Sedan” means a large expensive passenger sedan or full-sized sports utility vehicle (SUV) commonly recognized by the limousine industry as an executive vehicle and used to provide ongoing luxury transportation.
- T.** “Horse-Drawn Carriage” is a vehicle or conveyance operating for hire that is drawn, pulled, propelled or powered, in whole or in part, by a horse, mule or other animal(s).
- U.** “Horse-Drawn Carriage Driver Permit” means the permit issued to a horse-drawn carriage driver under the terms of this Chapter.
- V.** “Limited Passenger Transportation Company” (LPT Company) means a for-hire transportation company other than a taxi company.
- W.** “Limited Passenger Transportation” (LPT) means providing for-hire transportation services with non-motorized vehicles or motorized vehicles other than taxicabs. LPTs include, but are not limited to, horse-drawn carriages, pedicabs, executive sedans, limousines, shuttles and SATs.

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- X.** “Limousine” means an Executive Sedan whose chassis and wheelbase have been altered by a Qualified Vehicle Modifier (QVM) program participant (or its equivalent) beyond the length of the manufacturer’s original specifications, whether at the time of manufacture or after, and which is commonly recognized by the limousine industry as a “limousine”.
- Y.** “Operate” means driving a for-hire vehicle, using a for-hire vehicle to conduct a business, receiving money from the use of a for-hire vehicle, or causing or allowing another person to do the same.
- Z.** “Passenger” means a person traveling in a for-hire transportation vehicle that is not the operator of that vehicle.
- AA.** “Pedicab” means a tricycle that:
- 1.** transports or is capable of transporting passengers on seats attached to the tricycle;
  - 2.** is powered by human power or an electrical assist; and
  - 3.** is used as a for-hire transportation service.
- BB.** “Pedicab Driver Permit” means the permit issued to a pedicab driver under the terms of this Chapter.
- CC.** “Permittee” means a person or business entity that has been issued a driver or company permit under the terms of this Chapter.
- DD.** “Permitted” means that a for-hire transportation company, driver or vehicle has a valid city-issued permit, decal or taxiplate.
- EE.** “Person” means any individual, partnership, joint venture, association, club, trust, estate, corporation, or other form of business organization recognized by Oregon Law.
- FF.** “Plate” means the numbered identification plate issued by the City and affixed to a horse-drawn carriage or pedicab.
- GG.** “Prearranged” means that the customer, passenger or passenger’s agent has personally asked the driver of a validly permitted for-hire vehicle or a validly permitted for-hire transportation company for transportation services, regardless of the communication format used. The Bureau may establish by administrative rule

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the amount of time required between asking and receiving transportation services to allow a presumption that the services were “prearranged”.

- HH.** “Private for-hire transportation” means providing vehicular, horse-drawn carriage or pedicab transportation for compensation of any kind within the Portland City limits. However, it does not include transportation provided by a public or governmental entity, transportation that is regulated entirely by the state of Oregon or the federal government.
- II.** “Private for-hire vehicle” means motorized or non-motorized vehicle used to transport persons for-hire or other consideration and which is not exclusively regulated by the State. This includes limousines, taxis, executive sedans, shuttles, SATs, pedicabs, and horse-drawn carriages; but does not include school buses, charter buses or ambulances.
- JJ.** “Revocation” means that a permit, taxiplate or decal is no longer valid and cannot be renewed without approval by the Director of the Portland Bureau of Transportation.
- KK.** “Shuttle Transportation” means transportation provided in a vehicle over a fixed route and time schedule.
- LL.** “Specially Attended Transportation” (SAT) means transportation used for agency-sponsored, contracted transportation of non-emergency medical and/or special needs passengers. Ambulance vehicles providing basic life support (BLS) and advanced life support (ALS) services are excluded from this definition.
- MM.** “Suspension” means that a permit, taxiplate or decal is temporarily invalid and that the holder of that permit, taxiplate or decal may not engage in any for-hire transportation activity under the authority granted to that suspended permit, taxiplate or decal.
- NN.** “Taxicab Company” means any entity operating taxicabs other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.
- OO.** “Taxicab driver” means any person operating taxicabs as a driver for any taxicab company regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.
- PP.** “Taxicab” means any vehicle that carries passengers for-hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on



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the basis of an initial fee, distance traveled, waiting time, or any combination thereof.

- QQ.** “Taximeter” means a mechanical or electronic device that calculates and displays a fare based on an initial fee, distance traveled, waiting time, or any combination thereof.
- RR.** “Taxiplate” means the numbered metal identification plate issued by the City and permanently affixed to the rear of a taxicab.
- SS.** “Taxiplate” means that a particular for-hire transportation taxicab is in full compliance with the requirements of Chapter 16.40 and is operating legally and validly in the City of Portland.
- TT.** “Waiting time” means the time during which a taxicab is under the direction of a passenger and the taxicab is moving slower than the per-mile rate allowed by this Chapter.
- UU.** “Week” means the 7-day period from Monday through Sunday.
- VV.** “Wheelchair Accessible” means that a for-hire transportation vehicle is equipped with a hydraulic lift or ramps designed for the purpose of transporting wheelchair users or others using mobility devices, or which contains any other physical device or alteration designed to permit access to and enable the transportation of physically handicapped persons.

#### **16.40.040 Private For-Hire Transportation Board of Review.**

- A.** Membership and Terms. The Private For-Hire Transportation Board of Review (“Board”) consists of 14 members, including a Chairperson. The Director serves as the Chairperson and is a permanent member of the Board. All other members serve 2-year staggered terms as prescribed by administrative rule. In order to achieve the necessary staggered terms, the initial terms of some members will be for less than two years, as prescribed by administrative rule.
- B.** Composition. The Board is composed of:
- 1.** The Director, or his or her designee;
  - 2.** A representative from the Portland Bureau of Transportation;
  - 3.** A representative from the tourism industry;

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4. A representative for persons with disabilities;
  5. A representative of the riding public;
  6. A representative from the Port of Portland;
  7. A representative from TriMet;
  8. A representative from the taxicab companies;
  9. A representative from the non-limousine LPT companies;
  10. A representative from the SAT companies;
  11. A representative from the limousine companies;
  12. A representative from the pedicab companies;
  13. A representative from the taxicab drivers; and
  14. A representative from the LPT drivers.
- C.** Selection of Members. The Commissioner-in-Charge of the Bureau appoints the Board positions described in Subsections 16.40.040 B.2 - B.7. The Board positions described in Subsections 16.40.040 B.8. - B.14 are selected as provided by Administrative Rule and these are termed "Industry Board member positions". All validly-permitted for-hire transportation companies and drivers may vote on selecting their respective industry representatives.
- D.** Salary. Board members serve without pay, except they may receive their regular salary during time spent on Board matters.
- E.** Meeting Times; Quorum. Unless the Director cancels a meeting for good cause, the Board will meet every odd-numbered month beginning in July 2009. Eight members must be present to have a quorum, with at least five members present from the positions described in Subsections 16.40.040 B.1. - B.7. Meetings must be noticed and conducted as provided by ORS 192.610 et seq. The Board Chairperson will maintain order and establish and limit the matters to be considered at all Board meetings. The Director may schedule a special meeting provided that at least 5 days' notice is given and the meeting is otherwise noticed and conducted as provided by ORS 192.610 et seq.

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- F.** Absences. If any Board member is absent from more than three regularly-scheduled Board meetings during a 12-month period, that member may be dismissed by a majority vote of the Board. If a Board member sends an alternate in his or her place as provided by Subsection 16.40.040 G., then no absence is considered to have occurred.
- G.** Alternate Members. If any Board member cannot make a regularly-scheduled meeting, that member may send an alternate in the member's place provided that the member gave at least 5 days' notice to the Director. Any alternate attending as a result of this Subsection may not vote on any Board action, unless the alternate has been appointed as an alternate by the City Council.
- H.** Company Representative Requirements. Company representatives cannot serve as a specific industry representative unless:
  - 1.** at least 85 percent of that company's business is derived from that industry; or
  - 2.** the company has at least 20 vehicles in that industry.
- I.** Vacancies. Any Board position that becomes vacant for any reason will be filled in the same manner as required by Subsection 16.40.040 C. for non-industry member positions, and by administrative rule for industry member positions.

#### **16.40.050 Board Authority.**

- A.** The Board advises the Bureau on matters relating to the for-hire transportation industry operating within the jurisdiction of the City of Portland.
- B.** In addition to its advisory role, the Board has the following specific authority and jurisdiction:
  - 1.** Adopt or reject administrative rules proposed by the Director;
  - 2.** Impose, modify or remove fuel surcharges that are in addition to any fare amounts regulated under Chapter 16.40;
  - 3.** Approve or deny applications by an LPT company to increase the number of decaled vehicles it may operate if the number has been capped by administrative rule pursuant to Section 16.40.200;
  - 4.** Approve or deny applications by a taxi company to increase the number of permitted taxicabs it may operate pursuant to Section 16.40.210; and

5. Recommend approval or denial of taxicab company applications pursuant to 16.40.160.

**16.40.060 Board Standing Committees.**

- A. The Board has three permanent standing committees of which only validly-permitted companies and drivers may be members:
  1. A “Company Standing Committee,” consisting of all for-hire transportation company owners or managers;
  2. A “Taxi Driver Standing Committee,” consisting of all taxi drivers; and
  3. An “LPT Driver Standing Committee,” consisting of all LPT drivers.
- B. No entities or persons regulated under Chapter 16.40 are required to attend the standing committees described in Subsection 16.40.060 A.
- C. The Company Standing Committee will select five members who will serve as the Board members described in Subsections 16.40.040 B.8. - B.12. The selection will take place according to administrative rule. The Company Standing Committee will also select one person to serve as its Chairperson from among the five members serving on the Board.
- D. The Driver Standing Committees will each select a member who will serve as both Chairperson of that committee and as the Board members described in Subsections 16.40.040 B.13. - B.14.
- E. The representatives will bring to the Board’s attention issues that are important to their respective committees.
- F. The Board may task any standing committee to review and discuss issues relevant to the for-hire transportation industry and ask the standing committee to issue a report to the Board at a future meeting. The report may or may not include specific recommendations based on the standing committee’s review and discussion.
- G. The standing committees are responsible for adopting rules of procedure for their meetings, including the frequency of their meetings and the procedure for conduct of the meetings, except that all standing committees are required to keep minutes of the meetings and take attendance of those present. The minutes and attendance records must be reported to the Board at the next regularly-scheduled Board meeting following a standing committee meeting.

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- H.** The City will assist the standing committees with notices, meeting rooms and other administrative requirements.

#### **16.40.070 Fuel Surcharges.**

- A.** The Board has the authority to impose, modify and rescind fuel surcharges. Any fuel surcharge imposed under this Section or any modification of a fuel surcharge already in place that increases the fuel surcharge must be reviewed by the Board within 180 days from its effective date.
- B.** A failure by the Board to review any fuel surcharge as required in Subsection 16.40.070 A. automatically rescinds the surcharge and it is of no further effect.
- C.** Fuel surcharges authorized under this Section may only be imposed or modified pursuant to the criteria found in administrative rule. Fuel surcharges may be rescinded by the Board at any time, even if the criteria for allowing a fuel surcharge currently exist.
- D.** If at any time a fuel surcharge is currently in place, appropriate notification of the surcharge must be given to the public. The Board may determine by administrative rule what suffices for appropriate notification, but at a minimum all vehicles subject to a fuel surcharge must have signage in the vehicle notifying of the surcharge.

#### **16.40.080 Pedicab Driver Permits Required – Application Process & Requirements.**

- A.** Permit Required. No person may drive a pedicab without a valid, current pedicab driver's permit issued under Chapter 16.40.
- B.** Application Documents Required. Applicants for a pedicab driver's permit must submit to the Administrator the items listed below. The failure to submit any of the items listed will result in a denial of the permit:
  - 1.** a completed application on a form approved by the Administrator;
  - 2.** a copy of the applicant's current driver's license or government issued photo identification (if the company has a Bureau-approved training class relating to traffic rules and regulations); and
  - 3.** if necessary, any information that reasonably relates to the application or is a clarification of information provided to the Administrator.

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- C.**     Photographs. Applicants will be photographed by the Bureau upon submittal of the driver permit application. The photograph then becomes a part of the applicant's submittal package.
- D.**     Fees Required. Applicants must submit a nonrefundable application fee in the amount listed in the Fee Table in Section 16.40.590.
- E.**     Age and Criminal History. Applicants for a pedicab driver's permit may not be issued a permit if any of the following conditions exist:

  - 1.     The applicant has a felony of any kind in the 10 years preceding the submission of the application;
  - 2.     The applicant has a felony involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
  - 3.     During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:

    - a.     any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
    - b.     any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
  - 4.     The applicant is less than 18 years old.
- F.**     Driver Safety and Customer Service Training Requirements. Applicants must successfully complete the following training and classes within 6 months of issuance of the driver's permit:

  - 1.     A Bureau-approved driver safety program; and
  - 2.     A Bureau-approved customer service training class.
- G.**     Driver Knowledge and Skills Testing Requirements. Applicants must successfully complete each of the following tests as administered by the Bureau before a permit can be issued:

  - 1.     Map-reading;
  - 2.     Relevant City Code provisions and administrative rules; and

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3. Portland-area attractions.

**16.40.090 LPT and Taxi Driver Permits Required – Application Process & Requirements.**

(Amended by Ordinance No. 185496, effective August 10, 2012.)

- A. Permit Required. No person may drive a for-hire transportation vehicle without a valid, current for-hire transportation driver's permit issued under Chapter 16.40.
- B. Application Documents Required. Applicants for a for-hire transportation driver's permit must submit to the Administrator the items listed below. The failure to submit any of the items listed will result in a denial of the permit:
  1. a completed application on a form approved by the Administrator;
  2. a copy of the applicant's current driver's license;
  3. a copy of the applicant's non-Oregon driving record for any year in which the applicant was not a resident of Oregon during the last 10 years, regardless of the jurisdiction; and
  4. if necessary, any information that reasonably relates to the application or is a clarification of information provided to the Administrator.
- C. Photographs. Applicants will be photographed by the Bureau upon submittal of the driver permit application. The photograph then becomes a part of the applicant's submittal package.
- D. Fees Required. Applicants must submit a nonrefundable application fee in the amount listed in the Fee Table in Section 16.40.590.
- E. Age, Criminal History, Driving History and Insurability Requirements. Applicants for a driver's permit may not be issued a permit if any of the following conditions exist:
  1. The applicant has a felony of any kind in the 10 years preceding the submission of the application;
  2. The applicant has a felony involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;



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3. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
    - a. any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
    - b. any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
  4. During the 5-year period preceding the submission of the initial application, the applicant had greater than 10 traffic infractions as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;
  5. During the 10-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident;
  6. The applicant has more than two traffic violations or infractions of any kind within the previous 12 months from the date of the application;
  7. The applicant has more than four infractions of any kind within the previous 12 months from the date of the application;
  8. The applicant does not have at least 2 years' worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
  9. The applicant is less than 21 years old; or
  10. The applicant is unable to obtain car insurance for any reason.
- F. Driver Safety and Customer Service Training Requirements.** Applicants must successfully complete the following training and classes within 6 months of issuance of the driver's permit:
1. A Bureau-approved driver safety program; and
  2. A Bureau-approved customer service training class.

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- G.** Driver Knowledge and Skills Testing Requirements. Applicants must successfully complete each of the following tests as administered by the Bureau before a permit can be issued:
  - 1.** Map-reading;
  - 2.** Relevant City Code provisions and Administrative Rules; and
  - 3.** Portland-area attractions.
- H.** CPR Training for SAT Drivers. In addition to all other requirements found in Section 16.40.090, SAT drivers must have CPR and advanced first aid certifications within 6 months of issuance of the driver's permit.
- I.** The Director is authorized to provide by Administrative Rule the special permitting process for round trip medical transportation from distant areas for service provided by medical brokerages under contract with the Oregon Health Authority.

#### **16.40.100 Issuance of Driver's Permit; Term; Replacements.**

- A.** Issuance and Fees. If an applicant submits the required documents and otherwise satisfies all conditions and requirements found in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs), the Administrator will issue a driver's permit to the applicant within 20 days of completion of all requirements and payment of the permit fees outlined in the Fee Table in Section 16.40.590.
- B.** Permit Requirements: All driver permits must:
  - 1.** contain the permit number, permit expiration date, the driver's name and the driver's photograph;
  - 2.** be posted in a prominent place within any vehicle driven by the permitted driver if the vehicle is a taxicab, pedicab, shuttle or SAT; and
  - 3.** be inside the vehicle and available for inspection by any customer, passenger, police officer or designated City employee if the vehicle is a limousine or executive sedan.
- C.** Term. Driver's permits are valid for a period of 12 months from the date of issuance and must be renewed upon expiration. Permits expire on the last day of any given month, regardless of what day of the month the Bureau issued the permit. In order to achieve the goal of staggered renewal dates, the Board may by administrative

rule require that initial permit terms following passage of this ordinance are valid for a period of less than 12 months.

- D.** Replacements. If a driver's permit is lost, damaged or stolen, the Administrator will issue a replacement permit for a fee in the amount outlined in the Fee Table in Section 16.40.590.
- E.** Compliance with Business License Tax Law. If applicable, any driver issued a driver's permit under this Chapter must comply with all provisions of the Business License Tax Law, Chapter 7.02, within 60 days of issuance of a driver's permit.
- F.** Suspension for Failure to Complete Training. Drivers that do not successfully complete all training and skills tests as required by Subsections 16.40.080 F., 16.40.090 F. and 16.40.090 H. within 6 months of the permit's issuance must return their permits to the City and those permits are thereafter suspended pending completion of all required skills tests and trainings. If the required tests and trainings are not completed within 9 months of the permit's original issuance date, the permit is revoked and applicants must begin the permit process again.

**16.40.110 Further Review and/or Denial of a Driver Permit Application.**

- A.** "Request for More Information" Letter. If the Administrator determines that a permit cannot be issued due to an incomplete application, a failure to pay the application fee, or for any reason found in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs) that can potentially be corrected, the Administrator will send the applicant a "Request for More Information" letter (the "Information Letter") within 21 days of the initial application date. If the applicant is a taxi driver, the Administrator will also mail a copy of the Information Letter to the sponsoring taxi company. If the Administrator does not grant a permit or send an Information Letter within 21 days, the application is deemed denied and the applicant may appeal pursuant to Section 16.40.580.
- B.** Contents of Information Letter. The letter must list the reason(s) in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs) that require further information and/or review before a permit may be issued.
- C.** Applicant Response Opportunity. If an applicant receives an Information Letter, the applicant may respond by either:
  - 1.** Submitting any missing information as requested by the Administrator in the letter;

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2. Submitting any explanatory information regarding any criminal or driving infraction that was the subject of the denial;
  3. Completing, within 90 days, any skills tests, driving tests, or knowledge tests that the applicant failed; or
  4. Demonstrating to the Bureau's satisfaction that the disqualifying factor is either not likely to reoccur or that it occurred under circumstances that diminish the seriousness of the behavior.
- D.** Successful Response. Applicants that successfully and timely address the initially-disqualifying reason found in the Information Letter will be issued a driver's permit pursuant to Section 16.40.100.
- E.** Failure to Respond. An application is deemed rejected if the applicant fails to respond in writing within 10 days to an Information Letter. Rejected applicants that subsequently wish to obtain a driver's permit must file a new application and meet all the requirements of Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs), including paying all necessary application fees. If the applicant shows that the delay in responding was based on good cause, the Administrator may allow the applicant to respond to the Information Letter in the manner prescribed in Subsection 16.40.110 C.

**16.40.120 Driver Permit Renewals; Consequences of Failure to Renew.**

- A.** Driver permits must be renewed every 12 months from the date of issuance.
- B.** Every 2 years from the date of the initial permit, drivers must successfully complete all driver safety classes as described in Subsection 16.40.090 F. In addition, the City will conduct a review of the driver's criminal history and DMV records during this time.
- C.** The following information, certificate of completion and payment amount must be submitted to the Bureau no less than 1 month prior to the renewal date:
1. Updated file information if any information in the original application has changed;
  2. Payment of the renewal fee as outlined in the Fee Table in Section 16.40.590.
  3. Certificate of completion of a Bureau-approved driver safety class as described in Subsection 16.40.090 F.

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- D.** Permits will not be renewed unless the driver is in compliance with the City's Business License Tax Law, Chapter 7.02, if applicable.
- E.** Except as provided in Subsection 16.40.120 B., permits will not be renewed if the driver fails to satisfy any condition that would have been grounds to deny the initial permit, including any criminal activity or driving crimes/violations.
- F.** Permits will not be renewed if the driver has more than five assessed civil penalties or more than \$4,500 in assessed civil penalty fines in the 12 months prior to the renewal date.
- G.** If a driver fails to timely pay the permit renewal fee, timely provide the renewal information required by Subsection 16.40.120 C., or fails to timely complete any training course as required by Subsection 16.40.120 B., the permit expires and becomes void. Voided driver permits require the former permittee to file an initial permit application and pay all necessary fees as outlined in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs) to obtain a valid permit.

**16.40.130 LPT Company Permits Required – Application Process & Requirements.**  
(Amended by Ordinance No. 185496, effective August 10, 2012.)

- A.** Permit Required. No person or entity may conduct business as an LPT for-hire transportation company without a valid, current LPT company permit issued by the City under Chapter 16.40.
- B.** Application Requirements. An applicant for an LPT company permit must submit to the Administrator:
  - 1.** a completed application on a form supplied by the Bureau;
  - 2.** proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
  - 3.** proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
  - 4.** The name of any person or entity holding an ownership interest of 20 percent or more for any corporation, limited liability company or limited liability partnership;
  - 5.** If an SAT company, proof that it has at least one valid government-approved contract for services; and

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6. A nonrefundable application fee in the amount outlined in the Fee Table in Section 16.40.590.
- C. Additional Requirements. In addition to the requirements of Subsection 16.40.130 B., the Board has the authority to require, by administrative rule, that the applicant demonstrate some or all of the following:
  1. that it has an adequate amount of financial resources to ensure compliance with the requirements of this Chapter, including, but not limited to, insurance and vehicle requirements,
  2. that it has a valid business plan to enter into the for-hire market,
  3. that there is a need for additional LPT service providers in the City limits to service a growing demand or that the applicant has a business model to attract new business in the current market.
- D. Compliance with Secretary of State Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
- E. The Director is authorized to provide by Administrative Rule the special permitting process for round trip medical transportation from distant areas for service provided by medical brokerages under contract with the Oregon Health Authority.

#### **16.40.140 Issuance of LPT Company Permits; Term; Replacements.**

- A. Issuance of Permit. If the applicant provides all necessary documents required in Subsection 16.40.150 D., and if the applicant has a current business license issued under Chapter 7.02, the Administrator will issue an LPT Company permit upon the payment of the required permit fee as outlined in the Fee Table in Section 16.40.590. If the applicant fails to satisfy any requirement, the permit will be denied.
- B. Term. LPT Company permits are valid for a period of 12 months from the date of issuance. Permits expire on the last day of any given month, regardless of what day of the month the Bureau issued the permit. In order to achieve the goal of staggered renewal dates, the Board may by administrative rule require that initial permit terms following passage of this ordinance are for less than 12 months.

- C. Replacement Permit. If an LPT company permit is lost, damaged or stolen, the Administrator will issue a replacement permit for a fee amount as outlined in the Fee Table in Section 16.40.590.

**16.40.150 Taxicab Company Permits Required – Application Process & Requirements.**

- A. Permit Required. No person or entity may conduct business as a taxicab company without a valid, current company permit issued by the City under Chapter 16.40.
- B. Application Requirements. An applicant for a taxicab company permit must submit to the Administrator:
  - 1. a completed application on a form supplied by the Bureau;
  - 2. proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
  - 3. proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
  - 4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates; and
  - 5. A nonrefundable application fee in the amount outlined in the Fee Table in Section 16.40.590.
- C. Compliance with Secretary of State’s Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**16.40.160 Issuance or Denial of Taxicab Company Permit; City Council Action.**

- A. Administrator Review Process. After receiving a completed taxicab company application form and upon successful completion of all the requirements of Section 16.40.150, the Administrator will review the application in order to make a recommendation to the Board for approval or denial.
- B. Recommendation Factors. The Administrator’s recommendation will be based upon the requirements of Chapter 16.40, any regulations established by the Board pursuant to Section 16.40.050, and the following additional factors:
  - 1. The current status of the public transportation system in the City;



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2. The current and future ability of the public transportation system to provide the timely and effective movement of persons;
  3. The ratio of population within the City of Portland to the number of taxicabs currently in operation;
  4. The demonstrated need for additional taxicab service in the City that is not accomplished by existing companies, as shown by the applicant;
  5. The present utilization patterns of taxicabs currently in operation; and
  6. The interests of the applicant in establishing a local business to legitimately serve the citizens of this City.
- C.** Administrator's Staff Recommendation Report. Upon completion of the review process outlined in Subsection 16.40.160 A., the Administrator will prepare a Staff Recommendation Report that recommends approval or denial of the application. If the Administrator recommends denial, the Administrator will state the specific reasons therefore in the Staff Recommendation Report.
- D.** Board Review. Upon completion of the Staff Recommendation Report the Administrator will forward it and the original taxi company application to the Board for consideration at the next regularly-scheduled Board meeting. The Board will review the application and the Staff Recommendation Report and will consider the Administrator's recommendation. Board members may ask questions of the applicant during the Board meeting. Upon the Board's review and consideration of the application, it will then vote on whether it recommends approval or denial of the application. The Board will reduce its recommendation to a written document (the "Board Recommendation") and the Bureau will forward it to the City Council along with the Staff Recommendation Report.
- E.** Council Hearing. Once the Bureau has forwarded the Staff Recommendation Report and the Board Recommendation to City Council, the Administrator will contact the Auditor's Office and set a Council hearing date on the Board's recommendation of the applicant's approval or denial. The Council will conduct a public hearing regarding the Board's recommendation on the application. At such hearing the officers and/or major stockholders in the applicant company may be directed by the Council to personally appear before it.
- F.** Council's Standard of Review. The Council's review is de novo, but it will consider the Staff Recommendation, the Board's Recommendation, and the factors found in Subsection 16.40.160 B. in determining whether to grant an application for a new taxicab company permit.

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- G.** Issuance or Denial of Permit. At the close of the hearing, the Council will direct the Bureau to issue a taxicab company permit to the applicant only if it finds:
- 1.** That the interests of the City will be served thereby; and
  - 2.** That the applicant has sufficient financial resources to be able to meet the minimum standards established by Section 16.40.270.
- H.** Conditions of Permit. If the permit is granted, it may contain such terms or conditions as the Council deems appropriate.
- I.** Fees. The Bureau cannot issue the taxicab company permit until the applicant pays the permit fee outlined in the Fee Table in Section 16.40.590.

**16.40.170 LPT and Taxicab Company Permit Renewals.**

(Amended by Ordinance No. 185721, effective November 7, 2012.)

- A.** LPT and Taxicab Company permits must be renewed 12 months after issuance. All permits expire on the last day of any given month, regardless of what day of the month the original permit was issued.
- B.** The following information and documents must be submitted to the Bureau no later than 1 month prior to the renewal date:
- 1.** Updated file information if any information in the initial application has changed; and
  - 2.** Updated copies of insurance certificates for any permitted vehicles that are subject to the requirements found in Section 16.40.410.
- C.** LPT and taxi companies must pay the renewal fees outlined in the Fee Table in Section 16.40.590.
- D.** Permits will not be renewed if the company fails to satisfy any condition that would have been grounds to deny the initial permit.
- E.** Permits will not be renewed unless the company is in compliance with the City's Business License Tax Law, Chapter 7.02.
- F.** Permits will not be renewed if the company does not have a current, valid registration with the Oregon Secretary of State's office, including registration of all assumed business names.

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- G.** Company and vehicle permits will not be renewed if the company does not achieve the minimum score on the matrix of taxi company performance standards. The number of taxi vehicle permit renewals granted will be related to review of the performance standards. Taxi company performance standards will be described by administrative rule.

#### **16.40.180 Pedicab Decals Required – Application Process & Requirements.**

- A.** Decal Required for Pedicabs. No pedicab may be used as a for-hire transportation vehicle without a valid and unobstructed decal issued by the City under Chapter 16.40. Applicants for a vehicle decal must satisfy the conditions as set forth in Subsections 16.40.180 B. – F. for every vehicle decal application, which includes providing to the Bureau a copy of all certificates required.
- B.** Application Form. The applicant for a pedicab decal must complete a “Pedicab Decal Application Form” provided by the Administrator and which includes the following requested information:
  - 1.** Pedicab Make;
  - 2.** Pedicab Model; and
  - 3.** Pedicab Owner.
- C.** Insurance Certificate. All pedicab applicants must provide the Bureau with an insurance certificate of liability indicating that the requirements of Section 16.40.420 have been satisfied.
- D.** Safety Inspection. The Board has the authority, by administrative rule, to require that a pedicab satisfy certain safety standards before it may be decaled. This may include inspection by an independent third party or inspection by City personnel.
- E.** Pedicab Condition. Notwithstanding Subsection 16.40.180 D., no pedicab will be decaled if the Administrator determines that the interior is not clean and/or the exterior is not in good condition.
- F.** Fees. Pedicab companies must pay a nonrefundable application fee for each for-hire pedicab applying for a decal in the amount outlined in the Fee Table in Section 16.40.590.

**16.40.190 LPT Decals and Taxiplates Required; Application Process & Requirements.**  
(Amended by Ordinance Nos. 185496 and 185497, effective August 10, 2012.)

- A.** Decal Required for LPT Vehicles. No LPT vehicle may be used as a for-hire transportation vehicle without a valid and unobstructed decal issued by the City under Chapter 16.40. Applicants for a vehicle decal must satisfy the conditions as set forth in Subsections 16.40.190 C. – J. for every vehicle decal application, which includes providing to the Bureau a copy of all certificates required.
- B.** Taxiplate Required for Taxicabs. No taxicab vehicle may be used as a for-hire transportation vehicle without a valid and unobstructed taxiplate issued by the City under Chapter 16.40. Applicants for a taxiplate must satisfy the conditions as set forth in Subsections 16.40.190 C. – J. for every vehicle taxiplate application, which includes providing to the Bureau a copy of all certificates required
- C.** Application Form. The applicant for a vehicle decal or taxiplate must complete a “Decal/Taxiplate Application Form” provided by the Administrator and which includes the following requested information:

  - 1. Vehicle Make;
  - 2. Vehicle Model;
  - 3. Vehicle Identification Number (VIN);
  - 4. Vehicle Owner;
  - 5. Vehicle Model Year;
  - 6. Vehicle License Plate Number; and
  - 7. Whether the vehicle is wheelchair accessible
- D.** Age of Vehicle. After December 31, 2011, decals and taxiplates will not be issued to a for-hire vehicle applicant unless the vehicle meets the age requirements below. For the purposes of Chapter 16.40, the age of a vehicle is determined by the manufacturer’s model year, regardless of when the vehicle was purchased or put into service as a “for-hire” vehicle. Apart from the exception found in Subsection 16.40.190 E., no for-hire vehicle may be older than the following ages:

  - 1. Taxicabs: 10 years
  - 2. Shuttles: 10 years

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- 3.** Executive Sedans: 10 years
  - 4.** SAT's: 10 years
  - 5.** Wheelchair Accessible Vehicles: 10 years for all new and replaced wheelchair accessible vehicles, effective January 1, 2013; except that vehicles purchased and put into service prior to January 1, 2013 may be used and renewed until they are 15 years old, so long as they remain continuously permitted and in service from the time of purchase.
- E.** Vehicle Age Exception. Applicants whose vehicles are considered “classic” or “antique” under criteria found in administrative rule may petition the Administrator for an exception to the vehicle age requirements found in Subsection 16.40.190 D. Applicants who can demonstrate to the Administrator that their vehicle is in excellent safety, mechanical and physical condition despite it being beyond the age limits found in Subsection 16.40.190 D. may be granted an exception to those age limits.
- F.** Insurance Certificate. All decal and taxiplate applicants must provide the Bureau with an insurance certificate of liability indicating that the requirements of Section 16.40.410 have been satisfied.
- G.** Safety Certificate. Each vehicle must pass a standardized vehicle safety test as performed by a certified mechanic approved by the City. The Certified Mechanic will then issue to the applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. A list of certified mechanics and the things that must be inspected by the mechanic are found in administrative rules.
- H.** Vehicle Condition. Notwithstanding the issuance of a safety certificate, no vehicle will be decaled or taxiplated if the Administrator determines that the interior is not clean and/or the exterior is not in excellent condition.
- I.** Vehicle Registration. All applicants must provide the Administrator with a copy of the appropriate state-issued vehicle registration for all for-hire transportation vehicles.
- J.** Fees. All for-hire companies must pay a nonrefundable application fee for each for-hire vehicle applying for a decal or taxiplate in the amount outlined in the Fee Table in Section 16.40.590.

- K.** The Director is authorized to provide by Administrative Rule a substitute decal or permit card for round trip medical transportation from distant areas for service provided by medical brokerages under contract with the Oregon Health Authority.

**16.40.200 Limit on Number of LPT Vehicles Allowed.**

- A.** The total number of LPT decal-issued vehicles for any specific LPT industry (sedan, limousine, shuttle, SAT or pedicab) may be capped by administrative rule if the Bureau determines that market saturation exists. In determining if market saturation exists, the Bureau will examine the factors outlined in administrative rule.
- B.** If the Bureau determines that market saturation exists after examining the factors listed in administrative rule, the Director may ask the Board to adopt an administrative rule capping the number of LPT vehicles for that specific industry. In making this determination, the Bureau is not required to find that all factors are present, nor is it required to give any one factor priority over other any other factor.
- C.** If the Board adopts an administrative rule that caps the number of LPT decaled vehicles, then no new permits will be issued by the Bureau in that specific industry category.
- D.** Notwithstanding Subsection 16.40.200 C., no currently-decaled vehicle will be required to forfeit its decal upon adoption of any administrative rule capping the number of decaled vehicles allowed.
- E.** Notwithstanding Subsection 16.40.200 C., any vehicle that has been providing for-hire transportation for at least 12 months prior to June 1, 2009, and which was not subject to this Chapter's requirements at that time but which is subject to this Chapter's requirements as of June 1, 2009, may be permitted provided that the Bureau receives its application for a permit by August 31, 2009.
- F.** If the Board adopts an administrative rule that caps the number of decaled LPT vehicles, any LPT company affected by the cap may apply to the Board for an increase in the number of decaled vehicles that it may operate notwithstanding the cap. The application must be in a form established by the Administrator. Applications will only be accepted from April 1 – April 30 and September 1 – September 30 of any given year. Requests for more LPT vehicle decals will be considered by the Board at the first regularly-scheduled board meeting after July 1 for the April applications and after December 1 for the September applications. Bureau staff will submit a recommendation to the Board at least 10 days prior to the meeting, but the Board is not required to follow staff's recommendation. The Board may grant the application in whole or in part upon a finding that an increase

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in decayed vehicles for the applicant would not detrimentally affect market saturation or that the applicant has demonstrated a need for increased vehicles to serve a growing demand for that applicant.

#### **16.40.210 Limit on Number of Taxicabs Allowed.**

(Amended by Ordinance No. 185721, effective November 7, 2012.)

- A.** No taxicab company may operate more taxicabs than authorized by the Council, unless additional taxicabs have been authorized by the Board pursuant to Subsection 16.40.210 B.
- B.** A taxicab company may apply to the Board for an increase of the number of taxicabs that the company may operate. The application must be in a form established by the Administrator. Applications will only be accepted from April 1 – April 30 and September 1 – September 30 of any given year. Requests for more taxiplates will be considered by the Board at the first regularly-scheduled board meeting after July 1 for the April applications and after December 1 for the September applications. Bureau staff will submit a recommendation to the Board at least 10 days prior to the meeting, but the Board is not required to follow staff's recommendation. The Board may grant the application in whole or in part.
- C.** If the Board approves an increase in the number of taxicabs that a company may operate, it may also impose additional conditions, including but not limited to, vehicle type or utilization. If a condition is imposed under this Subsection, the Board may remove it upon application by the taxi company if the Board determines that the reasons for the condition no longer exist or have otherwise been minimized.
- D.** Any Board action that authorizes an increase in the number of taxicabs operated by a taxicab company is automatically stayed if a timely appeal of such action is filed by an aggrieved party pursuant to the procedures in Section 16.40.580.
- E.** Board review of taxi company requests for additional vehicle permits will include evaluation of taxi company performance standards, as described by administrative rule.

#### **16.40.220 Vehicle Decal and Taxiplate Issuance or Denial.**

- A.** Upon successful completion of the vehicle or pedicab decal/taxiplate application process and payment of the required permit fee as outlined in the Fee Table in Section 16.40.590, the Administrator will issue a vehicle identification decal bearing a bar code and the city seal for each LPT vehicle or pedicab that qualifies, and the Administrator will issue a taxiplate bearing a unique City-issued number for each taxicab that qualifies.



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- B.** Decals and taxiplates are valid for a period of no more than 12 months from the date of issuance, and all decals and taxiplates expire on the same day as the expiration of the LPT or Taxi Company permit with which they are affiliated. Fees for decals and taxiplates that are not issued contemporaneously with a company permit will be prorated to equal the cost of the number of months remaining until the company permit expires.
- C.** Decals must be affixed to the vehicle's front and back window in a manner outlined by administrative rule.
- D.** Taxiplates must be affixed to the trunk, tailgate or rear bumper of the taxicab.
- E.** All decals and taxiplates must be clearly visible upon outside inspection.
- F.** Permittees may not operate any substitute vehicle or pedicab until the substitute vehicle or pedicab has passed the safety inspection process and has a decal or taxiplate affixed to it.
- G.** Decals that are intentionally destroyed or damaged by the permittee prior to renewal and without the City's authorization are not subject to renewal.

**16.40.230 Vehicle Decal and Taxiplate Renewals.**

- A.** Company permittees must pay a renewal fee in the amount outlined in the Fee Table in Section 16.40.590 for each decal and taxiplated vehicle no later than 1 month prior to the decal or taxiplate's expiration date.
- B.** If the permittee fails to pay the renewal fee or provide other renewal information as required by Subsection 16.40.230 A., the vehicle decal or taxiplate is deemed abandoned and the vehicle decal or taxiplate becomes void within 30 days of its original expiration date.
- C.** Voided vehicle decals and taxiplates are not renewable in the year following their voidance.
- D.** Once a vehicle decal or taxiplate is voided, a for-hire transportation company may not renew that decal or taxiplate and instead must complete the initial application process if the company seeks a decal or taxiplate for that vehicle.
- E.** With the exception of pedicabs, vehicle decals and taxiplates will not be renewed unless the vehicle passes the safety inspection test outlined in Subsection 16.40.190 G. and the permittee provides the City with a Certificate of Safety.

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- F.** No decal or taxiplate will be issued as a renewal if any condition exists that would have been grounds for denial of the initial decal or taxiplate.

#### **16.40.240 Transfer of Decal, Permit or Taxiplate Interest Prohibited.**

- A.** All permits, decals and taxiplates issued by the City under the terms of this Chapter are City property and cannot be leased, sold, transferred or assigned in any manner.
- B.** Any decal, taxiplate or permit that is not returned to the City within 21 days upon revocation or upon a failure to renew is considered conversion of City property and is an actionable offense in a court of competent jurisdiction.
- C.** Any person or company that fails to return, within 21 days, any decal, taxiplate or permit upon revocation or upon a failure to renew is subject to a civil penalty of \$1,500.

#### **16.40.250 Knowingly Providing False Information; Penalties.**

- A.** Any person that knowingly provides materially false information on any document, insurance form, report or application required under this Chapter is subject to a civil penalty of \$250 for each occurrence.
- B.** If the correct information would have been grounds for a denial of a permit for any reason, then any permit issued due to the false information is revoked in addition to the penalty found in Subsection 16.40.250 A.
- C.** If a person knowingly provides materially false information to an insurance agent, broker or company as part of the requirements for insurance under this Chapter, then all permits issued to that person will be revoked immediately upon the date the violation is discovered by the Administrator.

#### **16.40.260 Late Submission of Payments Due, Information or Documents; Penalties.**

- A.** Any person that does not timely submit any payment when due, or who does not timely submit any information or documents required under this Chapter or requested by the Administrator, is subject to a civil penalty as described in Subsection 16.40.260 B.
- B.** Civil penalties for late submissions will be assessed as follows:
  - 1.** If less than 10 days late, the penalty is \$50 per occurrence.

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2. If more than 10 days late but less than 21 days late, the penalty is \$100 per occurrence.
3. If more than 21 days late the penalty is \$200 per occurrence and, if the information or documents are necessary for the issuance or renewal of a permit, the permit will not be issued by the City absent a showing of good cause for the delay.

**16.40.270 Minimum Standards of Service for Taxicab Companies.**

Permitted taxicab companies must comply with the following minimum standards:

- A. A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests received by telephone.
- B. Acceptance of any request for taxicab service received from any location within the City.
- C. Service city-wide, 24 hours a day, 7 days a week. If more than 65 percent of the company's permitted taxicabs are found within a 1 mile radius of the Portland International Airport's main entrance road at any given time (not including any taxicabs at a company headquarters), a rebuttable presumption exists that the company is not providing city-wide service.
- D. A minimum fleet of 15 taxicabs.
- E. At least 2/3 of the taxicab company's permitted fleet must be utilized and in service at all times. Utilization is measured by the number of days in operation divided by a given number of days. This test will be for no fewer than 30 days.

**16.40.280 Taxicab Digital Security Camera Systems.**

- A. Digital security cameras are required in every permitted taxicab. Taxicab companies own the cameras and are responsible for their maintenance and the records produced by them.
- B. Taxicab companies must perform inspection and testing of the cameras according to the recommended product specifications, requirements and schedule.
- C. If a Portland Police Bureau Officer requests access to any record produced by the digital security camera systems to assist in the investigation of any crime, the taxi company must provide access thereto within 24 hours. Except as provided by Subsection 16.40.280 B., no person other than a Portland Police officer may intentionally access any record produced by the digital security camera systems.

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- D.** No taxicab company or driver may allow any person to intentionally access any records produced by the digital security camera systems.
- E.** No taxicab company or driver may benefit or gain from any records produced by digital security camera systems.
- F.** No taxicab driver may tamper with, damage, disturb, remove or disable a digital security camera system in a taxicab.
- G.** Taxicab drivers must utilize the digital security camera and immediately notify the taxicab company if a digital security camera system is or appears to be damaged, stolen or inoperative.

**16.40.290 Taxicab Fare Rates.**

(Amended by Ordinance No. 185722, effective November 7, 2012.)

- A.** The following are the maximum rates that can be charged for the transportation of passengers in taxicabs for trips within the City limits:
  - 1.** An initial charge of \$2.50, for one passenger, and waiting time at a rate of \$30 per hour or proportionate fraction thereof;
  - 2.** Subsequent to the initial charge provided for in Subsection 16.40.290 A.1., the maximum charges may not exceed \$2.60 per mile; and
  - 3.** For each extra passenger, \$1 additional charge.
- B.** Taxi companies are authorized, per company policy, to require that passengers must use cash only to pay for fares of less than \$5. If a taxi company has such a policy in effect, it must post that policy in all taxiplated taxicabs in a manner consistent with the requirements of Subsection 16.40.290 G.
- C.** The Bureau has the authority to perform a rate study annually to determine appropriate maximum meter rates.
- D.** If there is more than one passenger during a taxi trip, the last person leaving the cab is responsible for the entire fare – regardless of when other passengers boarded or disembarked. The taximeter is started at the beginning of the trip but not again until the last passenger has arrived at that passenger's destination.
- E.** No extra charge is to be made for transporting any items belonging to a passenger if those items fit within the interior of the taxicab (including the trunk but not the

front seat), provided that the items in total can be carried by the driver and/or passenger(s) in one walking trip from the vehicle to the building entrance, and each item can be carried by a single person.

- F.** No charge is to be made for time lost or distance traveled while the taxicab is disabled. No charge is to be made for traveling empty while en route to pick up a passenger, unless the person requesting the taxicab unreasonably refuses to hire it after it arrives, in which case an amount equal to the minimum charge on file as specified in Subsection 16.40.290 A. may be charged.
- G.** A clear and complete summary of a taxi company's rate schedule must be posted in a conspicuous place in the passenger compartment of every taxicab. Every taxicab company must provide the Administrator with a copy this summary prior to posting them in the taxis. A summary of the meter rate in a form approved by the Administrator must be placed in a manner to be visible from the outside of every taxicab. If the Administrator approves a change of rate schedule upon proper filing by the taxi company, the taximeter, rate card, and rates posted must be converted for every taxicab within 30 days. The rates posted must match those used in the taximeter of any taxicab in service.

**16.40.300 Wheelchair Accessible Taxicabs.**

- A.** At least 20 percent of every taxi company fleet must be wheelchair accessible.
- B.** Notwithstanding Subsection 16.40.300 A., companies that participate in the Portland Accessible Cab Association Agreement (PACA) are required to have only 10 percent of their fleet wheelchair accessible.
- C.** The percentages required under this Section are calculated with respect to taxicab vehicles that are permitted by the City of Portland and not to the entire taxicab fleet if some percentage of the fleet operates outside the City. The percentages apply only to vehicles being used exclusively as taxicabs and not as specially attended transportation vehicles in conjunction with any other agency, private or government contract.
- D.** Taxi companies that participate in the PACA are required to provide wheelchair accessible taxi service within a reasonable time. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.

**16.40.310 Taximeter Requirements.**

- A.** Every taxicab must be equipped with a taximeter in accurate operating condition, with a lighted face that can easily be read at all times by the passenger.

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- B.** Every taximeter must be inspected by a certified taximeter installer and certified at installation, at change in rate, and within 1 year of the last inspection. A certificate of inspection must be issued by a qualified taximeter repair service upon each inspection. A copy of the certificate of inspection must remain in the taxicab.
- C.** Certificates of inspection must include:
  - 1.** The identifying number of the taximeter;
  - 2.** The make, model and license number of the taxicab in which the taximeter is installed;
  - 3.** The name of the taxicab company;
  - 4.** The date of inspection;
  - 5.** A statement that the taximeter has been inspected and approved as operating within the limits of accuracy as specified by Subsection 16.40.310 E., as well as on the basis of rates on file with the Administrator under Section 16.40.290; and
  - 6.** The signature of the individual making the certification.
- D.** Taxi companies must keep on file copies of all certificates of inspection until the taximeter is recalibrated and the certificate is no longer accurate.
- E.** Taximeters must operate within the following limits of accuracy: Plus or minus 50 feet in 1 mile and 1 second in 1 minute of waiting time.
- F.** Certificates of inspection may be examined or a taximeter re-inspected by any police officer or the Administrator at any time during normal business hours.
- G.** All taximeters must be approved by the National Type Evaluation Program (NTEP) as evidenced by a "Certificate of Conformance" issued by an authorized inspector. All taximeters must have an active NTEP Certificate of Conformance number.

#### **16.40.320 Required Taxicab Equipment.**

Every taxicab must be equipped with a top light, have seat belts for every passenger and have signage in a visible location within the taxicab that says: YOU ARE ON CAMERA. IT IS A FELONY IN OREGON TO ASSAULT A TAXICAB DRIVER.

**16.40.330 Identification of Taxicab Vehicles.**

- A.** Every taxicab must prominently display on both sides of the vehicle the following information:

  - 1. the full name of the taxicab company;
  - 2. the company-assigned taxi number;
  - 3. the telephone number of that company where service can be requested; and
  - 4. the word "taxi", "cab" or "taxicab".
- B.** Every taxicab must be painted in the colors of its company. No two taxicab companies may have the same colors.
- C.** Only vehicles with City-issued taxiplates may be equipped with a top light or taximeter, and only those vehicles may use the words "taxi", "cab" or "taxicab" anywhere on the vehicle, unless the company's legally registered name at the time this ordinance passes contains the word "cab".

**16.40.340 Driver Conduct Requirements and Prohibitions.**

- A.** No permitted driver shall:

  - 1. Allow another person to use his/her driver's permit;
  - 2. Drive or allow another person to drive a for-hire transportation vehicle without a valid driver's license;
  - 3. Operate any for-hire transportation vehicle while consuming, or while under the influence of alcohol, or in a careless or reckless manner or in a manner contrary to the laws of this City or the State of Oregon;
  - 4. Operate any for-hire transportation vehicle while consuming, or while under the influence of illegal drugs;
  - 5. Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs;
  - 6. Use a for-hire transportation vehicle in the commission of any crime;



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7. Use profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
  8. Smoke any substance or use tobacco in any form inside a permitted vehicle, unless it is a pedicab;
  9. Allow any passenger to smoke any substance or use tobacco in any form inside a permitted vehicle, unless it is a pedicab;
  10. Defraud a passenger in any way;
  11. Be discourteous to a passenger;
  12. Refuse to issue a fully completed receipt for a fare paid if one is requested; or
  13. Drive passengers to their destination by any other than the most direct and safe route, unless requested to do so by the passenger.
- B.** In addition to the prohibitions in Subsection 16.40.340 A. above, no taxicab driver shall:
1. Charge a fare higher than that authorized by Chapter 16.40 for passenger transportation; or
  2. Refuse to transport to his requested destination any passenger of proper demeanor who requests services or is assigned by a taxicab service company when the taxicab is not already in service, and who is able to demonstrate the ability to pay the fare.
- C.** The Administrator has the authority to investigate any and all complaints concerning possible violations of Chapter 16.40 or administrative rules adopted hereunder and to fine accordingly if a violation is found.

**16.40.350 Pedicab Regulations.**

Unless the context clearly requires otherwise or unless the regulations and requirements are more stringent than those found in Sections 16.40.080, 16.40.180 or 16.40.360, pedicab drivers, companies, and vehicles are subject to the regulations and requirements found in this Chapter. Pedicab drivers, vehicles and companies are specifically exempted from the insurance requirements found in Section 16.40.410.

**16.40.360      Pedicab Driver and Vehicle Requirements and Prohibitions.**

- A.**    Pedicab vehicles are required to satisfy the following conditions when operating between dusk and dawn:
  - 1.**     Make use of working battery-powered lights;
  - 2.**     Be equipped with one headlight capable of projecting a beam of light for a distance of at least 500 feet; and
  - 3.**     Be equipped with two red taillights mounted on the right and left area of the pedicab's rear.
- B.**    No pedicab may be operated on a public sidewalk, unless it is allowed to do so pursuant to either city, county or state bicycle and tricycle traffic laws.
- C.**    No pedicab may use any public street, public property or right-of-way as a waiting area unless such area is a legal motor vehicle parking area or unless it is allowed to do so as a bicycle or tricycle pursuant to city, county or state traffic laws
- D.**    All pedicab drivers must have a valid driver's license or government-issued photo identification in their possession while in control of any pedicab.
- E.**    No pedicab driver may exceed the pedicab manufacturer's limits on the amount of weight the pedicab may safely carry.
- F.**    No bicycle or tricycle may operate as a pedicab by pulling any kind of cart, trailer or other enclosed seating contraption behind the bicycle or tricycle.
- G.**    Every pedicab must be:
  - 1.**     Kept clean;
  - 2.**     Kept in good appearance and good repair; and
  - 3.**     Kept in a safe condition.

**16.40.370      Maximum Hours For Drivers.**

- A.**    No taxi or LPT driver is allowed to drive or be on duty (in any combination thereof) for more than 14 hours in any given 24-hour period.

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- B.** Each taxi and LPT company must maintain hours of service records for its drivers for a period of at least 1 year from the date of the driver's last for-hire service.
- C.** Both drivers and companies are subject to penalties for any violation of Section 16.40.370.

**16.40.380 For-Hire Vehicle Requirements and Prohibitions.**

- A.** All private for-hire transportation vehicles must be:
  - 1.** Kept clean;
  - 2.** Kept in good appearance and good repair;
  - 3.** Properly equipped, including but not limited to carrying a standard first aid kit and a fire extinguisher;
  - 4.** Kept in a safe condition; and
  - 5.** Equipped with all pollution control equipment originally installed by the manufacturer.
- B.** The use of tobacco products are prohibited in any for-hire transportation vehicle. Signs detailing this prohibition must be displayed in each taxi, shuttle and SAT vehicle in a form and manner as described in administrative rule.
- C.** The Administrator has the authority to demand that a for-hire vehicle be made available for inspection within 48 hours notice. Authorized City personnel have the authority to inspect any for-hire vehicle at any time if the vehicle:
  - 1.** is within the City limits;
  - 2.** does not have a passenger inside; and
  - 3.** is parked in the public right of way or on public property.
- D.** If the Administrator determines that the vehicle violates any provision of Section 16.40.380 A., the Administrator may issue a civil penalty and set a deadline of not less than 48 hours in which the vehicle must be in compliance. If the vehicle is not in compliance at the time of the deadline, the Administrator may suspend the vehicle permit until the violations are corrected.

**16.40.390 Identification of SAT Vehicles.**

All Specially Attended Transportation vehicles must prominently display on the outside of the vehicle, on both sides, the full name and telephone number of the permittee, and the words "RESERVED, NOT FOR-HIRE" on both rear doors or rear windows. All required signage must be in lettering at least 3 inches in height with proportional width and must be clearly visible at all times.

**16.40.410 LPT and Taxi Insurance Requirements.**

**A.** Coverages and Limits: All for-hire transportation company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:

- 1.** Commercial Business Insurance. Company permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1,000,000 per Occurrence and \$2,000,000 Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Advertising Injury, and Contractual Liability in the course of the permit holder's work under a for-hire transportation company permit.
- 2.** Vehicle Insurance. All for-hire company permit holders, regardless of whether the company holds title to a vehicle or not, must provide the City with a copy of a valid Commercial Auto Liability policy reflecting a Combined Single Limit of not less than 500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a for-hire transportation vehicle. The Commercial Auto Liability policy must comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.
- 3.** Worker's Compensation and Employers Liability Insurance. The company permit holder must secure and maintain a Workers Compensation and Employers Liability policy where required by state law.

**B.** Additional Policy Conditions: Policies required under Subsections 16.40.410 A.1. and/or 16.40.410 A.2. must also contain, include, provide for or comply with the following:

- 1.** The Commercial General Liability and Commercial Auto Liability coverage must name the City and its officers, agents and employees as additional insureds as respects to claims, in the course of the permit holder's work as a for-hire transportation company, covered by such policies;

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2. Policy coverages must be primary and non-contributory, and any insurance coverage maintained by the City must be considered excess.
  3. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
  4. The insurance policy must allow for written notice to the Administrator 30 days before any policy is canceled;
  5. The insurance policy must allow for written notice to the Administrator 30 days before a policy will expire or be reduced in coverage;
  6. All insurance companies issuing policies under this Section must carry at least an A.M. Best Company rating of A-, VIII or better; and
  7. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.
- C.** Permit Holder's Insurance Obligations. All company permit holders must comply with the following obligations with respect to insurance reporting, updating and filing:
1. The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
  2. The permit holder must file a certificate of liability with the Administrator that evidences insurance coverage and terms that are in compliance with the requirements of this Section. The certificate of liability must be on a standard ACORD form or its equivalent.
  3. The permit holder must file with the Bureau a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents and employees as additional insureds.
  4. The permit holder must keep a copy of the vehicle's proof of insurance in every for-hire vehicle.
- D.** Independent Contractors/Owner-Operators. If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverages and limits

and conditions as outlined in Subsections 16.40.410 A. - C. The same certificate of liability and additional insured endorsement requirements will apply.

- E.** Alternative to Insurance Requirements. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.410 A. – C., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney’s Office before such alternative insurance may become effective.

**16.40.420 Pedicab Insurance Requirements.**

- A.** Coverages and Limits: All pedicab transportation company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:
- 1.** Commercial Business Insurance. Company permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$500,000 per Occurrence and \$1,000,000 Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Advertising Injury, and Contractual Liability in the course of the permit holder’s work under a for-hire transportation company permit.
  - 2.** Worker’s Compensation and Employers Liability Insurance. The company permit holder must secure and maintain a Workers Compensation and Employers Liability policy where required by state law.
- B.** Additional Policy Conditions. Policies required under Subsection 16.40.420 A.1. must also contain, include, provide for or comply with the following:
- 1.** The Commercial General Liability coverage must name the City and its officers, agents and employees as additional insureds as respects to claims, in the course of the permit holder’s work as a for-hire transportation company, covered by such policies;
  - 2.** Policy coverages must be primary and non-contributory, and any insurance coverage maintained by the City must be considered excess;
  - 3.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit’s term;

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4. The insurance policy must allow for written notice to the Administrator 30 days before any policy is canceled;
  5. The insurance policy must allow for written notice to the Administrator 30 days before a policy will expire or be reduced in coverage;
  6. All insurance companies issuing policies under this Section must carry at least an A.M. Best Company rating of A-, VIII or better; and
  7. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.
- C.** Permit Holder's Insurance Obligations. All pedicab company permit holders must comply with the following obligations with respect to insurance reporting, updating and filing:
1. The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
  2. The permit holder must file a certificate of liability with the Administrator that evidences insurance coverage and terms that are in compliance with the requirements of this Section. The certificate of liability must be on a standard ACORD form or its equivalent.
  3. The permit holder must file with the Administrator a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents and employees as additional insureds.
- D.** Alternative to Insurance Requirements. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.420 A. – C., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

**16.40.430 Financial and Operating Restrictions and Reporting.**  
(Amended by Ordinance No. 185723, effective November 7, 2012.)

- A.** For the purposes of investigating citizen complaints and to aid in enforcement of this Chapter, the Administrator may require a for-hire transportation company to report financial and operating data, in such form and at such times as the



Administrator requires. The company must compile the necessary data and submit reports to the Administrator as requested and within the timeframe demanded subject to the requirements of this Section, but in no event must the company be forced to submit this information without at least 72 hours prior notice by the Administrator.

- B.** Except as otherwise required by law, information submitted to the Administrator under this Section can only be used within the City government. Such information may not be released to the public except in aggregate form.
- C.** Notwithstanding the provisions of Subsection 16.40.430 B., information submitted under this Section may become a matter of public record as necessary to initiate, prosecute and defend an enforcement action.
- D.** All permitted taxi companies must submit to the Director, or his or her designee, a comprehensive accounting of all current payments required from drivers to the taxi company as of October 1, 2012;
- E.** Any payments or fees charged by taxi companies to drivers may not be raised or modified without the review and approval of the Director, or his or her designee, after receiving written application from the taxi company.
- F.** The Director or his or her designee will review the application in accordance with the criteria established in Administrative Rule.

**16.40.440 Reports to the Administrator.**

- A.** For-hire transportation companies must report any of the following events to the Administrator within 24 hours of it becoming known by any company officer or principal managing employee:
  - 1.** The arrest or conviction for any criminal offense of any officer or principal managing employee of the company involving the operation of that company;
  - 2.** Any accident required to be reported to the State of Oregon involving a company vehicle;
  - 3.** The filing of any lawsuit against or on behalf of the for-hire company related to the operation of the company;
  - 4.** The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and

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5. Any information required to be disclosed by Subsection 16.40.440 B that comes to the attention of a for-hire transportation company's management.
- B.** Every for-hire transportation driver must report any of the following events to the Administrator and to the driver's for-hire transportation company within 24 hours of its occurrence:
1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
  2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or any related offense;
  3. Any vehicle accident required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and
  4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**16.40.450 Limousine, Executive Sedan and Taxi Logs Required.**

- A.** Limousine, executive sedan and taxi transportation providers must maintain a log in either electronic or written form in which a record of every trip is kept.
- B.** Limousine and Executive Sedan Requirements. The following information is required for each trip:
1. customer name;
  2. passenger name if different than customer name;
  3. date and time of initial reservation;
  4. date and start and end times of trip;
  5. initial and destination addresses; and
  6. the fare amount paid.
- C.** Taxi Requirements. The following information is required:

1. date and time of initial reservation; and
  2. initial and destination addresses.
- D.** The logs must be kept in a form approved by the Administrator.
- E.** The company must retain these logs for not less than 1 year after the date of the driver's last entry.
- F.** The logs must be made available to the Administrator or other designated City staff upon request.
- G.** Except as otherwise required by law, information submitted to the Administrator under this Section can only be used within the City government. Such information may not be released to the public except in aggregate form.

**16.40.460 Limousine and Executive Sedan Transportation Must Be Prearranged; Exceptions.**

(Amended by Ordinance No. 186385, effective December 18, 2013.)

- A.** All limousine and executive sedan service must be provided on a prearranged basis. "Prearranged" is defined in administrative rules.
- B.** Notwithstanding Subsection 16.40.460 A., limousine and executive sedan transportation providers may operate "on demand" at the Portland International Airport if permitted to do so by the Port of Portland.
- C.** Notwithstanding Subsection 16.40.460 A., limousine and executive sedan transportation providers may operate "on demand" provided that the limousine or executive sedan company has a written contract with TriMet, the Port of Portland, a major hotel, or an airline company, in which case the limousine or executive sedan company is considered "on call" for such service requests.
- D.** If a limousine or executive sedan company wishes to be considered "on demand" as provided in Subsection 16.40.460 C., the company must comply with the following conditions:
1. file with the Administrator all such contracts indicating the contracting party's name along with the beginning and ending contracted dates, and a minimum fee of \$50.00 to the airport from the downtown is required;

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2. provide the Administrator with a brief description of the service provided under the contract including the specific basis for reimbursement and schedule of fees/fares;
  3. provide the Administrator with notarized signatures from all contracting parties stating that the contract is currently effective and listing the end date.; and
  4. pay to the Bureau an “on demand” license fee of \$2,500 for the first vehicle and \$1,000 for each additional vehicle used to service the contract, valid for a period of 12 months from the date of the license’s issuance; and
  5. transportation provided by a third party company as part of the Contract must be prearranged, in compliance with Subsection 16.40.460 A.
- E.** If a civil penalty is issued to a limousine or executive sedan company or driver because service was provided without the requisite prearranged reservation, it is no defense to assert that a valid and current contract existed at the time of the penalty but was simply not filed with the City. Limousine and executive sedan companies must file all contracts with the City prior to the acceptance of any fare “on demand”. A failure to file a contract with the City is prima facie evidence that “on demand” service does not exist with that contracting party.
- F.** If a limousine or executive sedan service provider is in a marked hotel zone or loading/unloading zone, it is a rebuttable presumption that it is providing for-hire transportation services that require a reservation.
- G.** Hotels are liable for a civil penalty of \$500 per occurrence for every instance in which a hotel employee, agent or independent contractor allows a hotel guest to obtain limousine or executive sedan transportation services without the required 60-minute reservation. This Subsection does not apply if the limousine or executive sedan service provider has complied with the conditions found in Subsections 16.40.460 C. and D.

#### **16.40.470 Maximum Fares for Shuttles; No Charge for Luggage.**

(Amended by Ordinance No. 186385, effective December 18, 2013.)

- A.** Maximum flat rates apply for shuttles that provide for-hire transportation service between the airport and Portland’s Downtown Core and/or the AMTRAK station (in either direction), whether paid by the passenger or by a third party. The maximum rates are prescribed in administrative rules.

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- B.** On routes in which the maximum rates apply, shuttle operators may not charge any fee for luggage or any other allowed item that the passenger carries on board.
- C.** Rates charged for shuttle services must be at least 35 percent lower, per passenger, than the prevailing taxicab rates for the same route.

**16.40.480 Minimum Fares for Limousine and Executive Sedans.**

(Amended by Ordinance No. 186385, effective December 18, 2013.)

- A.** Minimum flat rates apply for limousine and executive sedans that provide for-hire transportation service between the airport and Portland's Downtown Core and/or the AMTRAK station (in either direction), whether paid by the passenger or by a third party. The minimum rates are prescribed in administrative rules.
- B.** Rates charged for limousine and executive sedan services must be at least 35 percent higher than the prevailing taxicab rates for the same route.

**16.40.490 Safety Fund.**

- A.** The For-Hire Transportation Safety Fund (Safety Fund) is designed to provide adequate funding to ensure the safety of both the riding public and the for-hire transportation drivers.
- B.** The Bureau administers the Safety Fund. The Bureau has the authority to determine appropriate expenditures of the Safety Fund for driver, passenger and vehicle safety improvements for the industries regulated by Chapter 16.40.
- C.** The Safety Fund is funded by revenues generated by permit, decal and taxiplate fees.
- D.** The Bureau will disperse Safety Fund revenues only by grant, with the grant process outlined in administrative rule. Utilization of digital security camera system grants by taxicab companies is restricted to the cost of purchase of digital security camera systems plus an amount sufficient to subsidize installation of the cameras as determined by the Board.

**16.40.500 Compliance with Federal, State and Local Laws.**

Any for-hire transportation company, driver or vehicle that is not in compliance with all federal, state or local laws relating to "for-hire transportation" services is likewise not in compliance with Chapter 16.40, and is subject to penalties, suspension or revocation.

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#### **16.40.510 Prior Board Orders of No Effect.**

Any Board Order, Board Rule or Board Regulation in effect prior to the passage of this ordinance has no legal effect and is hereby repealed.

#### **16.40.520 Administrative Rule Authority and Process.**

- A.** The Director may implement procedures, forms and written policies for administering the provisions of Chapter 16.40.
- B.** The Board may adopt administrative rules for administering the provisions of Chapter 16.40 under the authority granted to it in Section 16.40.050.
- C.** Before a rule is adopted, the Director must first provide notice of the proposed rule to the public in a manner reasonably calculated to accomplish such notice. The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.
- D.** In addition to the general notice required in Subsection 16.40.520 C., the Director must also announce the proposed rule at a regularly-scheduled Board meeting (the “Announcement Meeting”) prior to the meeting in which public testimony will take place (the “Testimony Meeting”). At the Announcement Meeting, the Director will provide a copy of the proposed rule to anyone in attendance that so requests, and the Director will announce the date and time of the Testimony Meeting. The Testimony Meeting must take place no less than 14 days or more than 75 days from the Announcement Meeting.
- E.** At the Testimony Meeting, the Board will receive oral and written testimony concerning the proposed rule. Upon completion of the public testimony, the Director may then choose, at the Director’s sole discretion, to either:
  - 1.** move that the Board adopt the proposed rule as originally proposed;
  - 2.** move that the Board adopt a slightly modified version of the originally propose rule;
  - 3.** move that a substantially modified version of the originally proposed rule be considered at a later Board Meeting and with additional public testimony; or
  - 4.** withdraw the proposed rule altogether and allow no further vote on it.

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- F.** If no Board member seconds the Director's motion under Subsections 16.40.520 E.1. - E.3. above, then the proposed rule does not take effect. Only the Director can make the motion to adopt a proposed rule.
- G.** If a Board member seconds the Director's motion to adopt the proposed rule under Subsections 16.40.520 E.1. or E.2., the Board will then consider and discuss the proposed rule, taking into account any public testimony received. Upon completion of the Board's discussion, the Director will then call for a vote on the proposed rule. If a majority of the Board votes to adopt the rule, it is thereby adopted.
- H.** If a Board member seconds the Director's motion under Subsection 16.40.520 E.3., then additional public review must be conducted, but no additional public notice is required if an announcement is made at the Testimony Meeting of a future hearing for a date, time and place certain at which the substantially modified rule will be discussed. After the additional testimony is received at the future hearing date, the proposed rule will be subject to the discussion, testimony and voting procedures found Subsections 16.40.520 E. - G.
- I.** Unless otherwise stated, all rules are effective upon adoption by the Board. All rules adopted by the Board will be filed in the Bureau's office. Copies of all current rules will be made available to the public upon request.
- J.** Notwithstanding Subsections 16.40.520 C. and D., the Director may adopt an interim rule without prior public notice or Board action upon a finding that a failure to act promptly will likely result in prejudice to the public interest or the interest of the affected parties. If the Director adopts a rule under this Subsection, the Director must state the specific reasons for such prejudice. Any interim rule adopted pursuant to this Subsection is effective for a period of not longer than 120 days.
- K.** Administrative Rules adopted by the Board have the same force and effect as any other provision of Chapter 16.40. To the extent that any administrative rule conflicts with the provisions of Chapter 16.40, Chapter 16.40 will control and prevail.

**16.40.530 Civil Penalties.**

- A.** Any civil penalty assessed must be paid in full within the time ordered and under the terms and conditions specified. If either the payment is not made or the required conditions are not met, the penalty will become a suspension, which will take effect immediately upon the deadline given for payment of the civil penalty. The suspension will remain in effect until the penalty is paid in full and/or the conditions required are met.



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- B.** Unless a specific civil penalty amount is prescribed by any Section of this Chapter, penalties for specific code and administrative rule violations are found in the Civil Penalty Table in Section 16.40.540. Any violation of a code Section that is not found in the Civil Penalty Table and which is not specifically prescribed by a code Section, but which places an obligation or requirement on a driver or company, will result in a penalty of \$100 for the 1st violation, \$500 for the 2nd violation and \$1,000 for 3rd violation.

#### **16.40.540 Civil Penalty Table.**

(Amended by Ordinance No. 185498, effective August 10, 2012.)

- A.** The following table outlines the penalties that will be assessed for a violation of the specific code Sections listed. In addition to the civil penalty, and the suspension and revocation provisions in Section 16.40.550, any second offense is grounds for suspension of the permit and any third or subsequent offense is grounds for revocation of the permit.

| <b>Code Section</b> | <b>Requirement</b>         | <b>1st Offense</b> | <b>2nd Offense</b> | <b>Subsequent Offenses</b> |
|---------------------|----------------------------|--------------------|--------------------|----------------------------|
| 16.40.070 D.        | Fuel Surcharge Sticker     | \$50               | \$100              | \$500                      |
| 16.40.080 A.        | Pedicab Driver Permit      | \$500              | \$1,000            | \$2,500                    |
| 16.40.090 A.        | LPT and Taxi Driver Permit | \$1,000            | \$2,500            | \$5,000                    |
| 16.40.100 E.        | Business License           | \$250              | \$500              | \$1,000                    |
| 16.40.130 A.        | LPT Company Permit         | \$1,500            | \$2,500            | \$5,000                    |
| 16.40.150 A.        | Taxi Company Permit        | \$1,500            | \$2,500            | \$5,000                    |
| 16.40.180 A.        | Pedicab Decal              | \$250              | \$500              | \$1,000                    |
| 16.40.190 A.        | LPT Decal                  | \$1,250            | \$2,500            | \$5,000                    |
| 16.40.190 B.        | Taxiplate                  | \$1,250            | \$2,500            | \$5,000                    |
| 16.40.210 C.        | Taxi Conditions            | \$1,250            | \$2,500            | \$5,000                    |
| 16.40.220 C. - E.   | Decal/Taxiplate            | \$1,250            | \$2,500            | \$5,000                    |
| 16.40.220 F.        | Substitute Vehicle         | \$1,250            | \$2,500            | \$5,000                    |
| 16.40.240 A.        | Decal/Taxiplate Interest   | \$1,250            | \$2,500            | \$5,000                    |
| 16.40.270           | Minimum Standards          | \$500              | \$1,000            | \$2,000                    |
| 16.40.280           | Security Camera            | \$1,250            | \$2,500            | \$5,000                    |

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|                   |                          |         |            |            |
|-------------------|--------------------------|---------|------------|------------|
| 16.40.290 A.      | Taxi Fare                | \$1,500 | \$2,500    | \$5,000    |
| 16.40.290 D. - F. | Fares                    | \$500   | \$1,000    | \$2,500    |
| 16.40.300 A.      | Wheelchair               | \$500   | \$1,000    | \$2,500    |
| 16.40.310         | Taximeter                | \$1,250 | \$2,500    | \$5,000    |
| 16.40.320         | Required Equipment       | \$1,250 | \$2,500    | \$5,000    |
| 16.40.330         | Identification           | \$1,250 | \$2,500    | \$5,000    |
| 16.40.340         | Driver Conduct           | \$1,250 | \$2,500    | \$5,000    |
| 16.40.360         | Pedicab Requirements     | \$200   | \$500      | Suspension |
| 16.40.370         | Maximum Hours            | \$1,250 | \$2,500    | \$5,000    |
| 16.40.380 A.-B.   | Vehicle Requirements     | \$1,250 | \$2,500    | \$5,000    |
| 16.40.380 C.      | Vehicle Inspection       | \$1,250 | \$2,500    | \$5,000    |
| 16.40.390         | SAT ID                   | \$500   | \$1,000    | \$2,500    |
| 16.40.410 A.-E.   | Insurance                | \$1,250 | \$2,500    | \$5,000    |
| 16.40.420 A.-E.   | Pedicab Insurance        | \$1,000 | Suspension | Revocation |
| 16.40.430         | Financial Data           | \$250   | \$500      | \$1,000    |
| 16.40.440         | Reports to Administrator | \$1,250 | \$2,500    | \$5,000    |
| 16.40.450 A.      | Logs Required            | \$500   | \$1,000    | \$2,500    |
| 16.40.450 B. - E. | Log Entries              | \$500   | \$1,000    | \$2,500    |
| 16.40.450 F.      | Log Availability         | \$500   | \$1,000    | \$2,500    |
| 16.40.460         | Pearranged               | \$500   | \$1,000    | \$2,500    |
| 16.40.470         | Maximum Fares            | \$500   | \$1,000    | \$2,500    |
| 16.40.480         | Minimum Fares            | \$500   | \$1,000    | \$2,500    |

- B.** Offenses are measured by a period of 36 months. Offenses for the same violation that occur more than 36 months apart from each other are not considered “subsequent” offenses for purposes of them being the “second”, “third”, etc, offense.
- C.** Nothing in this Section prohibits the Bureau from suspending or revoking any permit, decal or taxiplate after a third offense for the same violation.

**16.40.550 Company and Driver Permit Suspension and Revocation.**

- A.** Suspension. Any permit, decal or taxiplate issued under Chapter 16.40 may be suspended by the Administrator if the Administrator finds reasonable grounds to believe that any of the following apply:

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1. A temporary suspension is necessary to protect the public safety;
  2. The permittee's insurance is not current; or
  3. The permittee has failed to fully pay a civil penalty when due and the permittee did not file a timely appeal.
- B.** Revocation. Any permit, decal or taxiplate issued under Chapter 16.40 may be revoked by the Administrator if the Administrator finds reasonable grounds to believe that any of the following apply:
1. The revocation is necessary to protect the public safety;
  2. The permittee did not comply with the terms and conditions of a temporary suspension;
  3. The permittee is found operating as a for-hire company or driver while on suspension;
  4. A taxi driver permittee has fraudulently altered the calibration of the driver's taximeter;
  5. The permittee provides either the City, an insurance agent or an insurance carrier with materially false information regarding vehicle insurance; or
  6. The permittee has incurred a total of five penalties and/or temporary suspensions during any consecutive twelve-month period.
- C.** Simultaneous Revocation. In the event that a for-hire transportation company permit is revoked, all vehicle decals and/or taxiplates assigned to that company are simultaneously revoked and void.
- D.** Notice Requirements for Suspensions. If the Administrator has reasonable grounds to impose a suspension based on any factor found in Subsection 16.40.550 A., the Administrator will send a "Notice of Proposed Suspension" to the permittee by both regular and certified mail (return receipt requested) at the address listed in the permittee's application form. The written notice must include the following:
1. the Administrator's findings concerning the alleged violation;

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2. notice that alleged violator has 10 days from the date of the letter in which to file a written response to the Administrator if the permittee denies that any violation has occurred;
  3. the terms, conditions and timeframe of the proposed suspension;
  4. notice that a failure to comply with the terms and conditions may result in a revocation of the permit; and
  5. the permittee's appeal rights.
- E.** Notice Requirements for Revocations. If the Administrator has reasonable grounds to revoke a permit based on any factor found in Subsection 16.40.550 B., the Administrator will send a "Notice of Proposed Revocation" to the permittee by both regular and certified mail (return receipt requested) at the address listed in the permittee's application form. The written notice must include the following:
1. the Administrator's findings concerning the alleged violation;
  2. notice that alleged violator has 10 days from the date of the letter in which to file a written response to the Administrator if the permittee denies that any violation has occurred; and
  3. the permittee's appeal rights.
- F.** Actual Notice Presumed. Actual notice of the proposed suspension or revocation is presumed after 5 days of mailing the notices described in Subsections 16.40.550 D. and E. above.
- G.** Effective Date of Suspensions and Revocations. Suspensions and revocations are effective as provided in Subsections 16.40.550 D. and E., except that they are effective immediately if the Administrator finds reasonable grounds to believe that:
1. A permittee is not covered by liability insurance as required by Sections 16.40.410 or 16.40.420; or,
  2. Continued operation by the permittee would cause, or is likely to cause, danger to the public health or safety.
- H.** Suspension Length. If the suspension resulted from the failure to pay a civil penalty or due to an ongoing code violation, the suspension continues until the penalty is paid or the violation is corrected. If no correction or payment is made within 60 days from the date that the suspension became effective, the suspension becomes a

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revocation. In all other cases, the suspension will be for a specific number of days and will end automatically with no further required action from the City or permittee.

- I.** Right to a Stay. Suspensions and revocations are stayed if a timely appeal is filed, unless the grounds for suspension or revocation relate to public safety issues, in which case there is no right to a stay.
- J.** Renewal Not Allowed After Revocation or During Suspensions. Permits, decals and taxiplates that have been revoked during their term are not renewable. Permits, decals and taxiplates that are in suspended status at the time of renewal are not renewable unless the suspension is for a specific number of days. Drivers and companies whose permits, decals or taxiplates were not renewable due to a prior revocation or suspension are required to successfully complete the initial application process to obtain another permit, decal or taxiplate.

#### **16.40.560 Criminal Penalties.**

(Amended by Ordinance No. 185498, effective August 10, 2012.)

- A.** It is unlawful to tamper with a taximeter or to conduct any fraudulent scheme with the intent to charge any person a fare greater than that allowed by Chapter 16.40.
- B.** Any violation of Subsection 16.40.560 A. is punishable upon conviction by a fine of not more than \$1,000 or imprisonment for not more than 6 months or both.
- C.** In addition to the civil penalties listed in Section 16.40.540, any violation of Subsections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., or 16.40.190 B., is punishable, upon conviction, by imprisonment for not more than 6 months.
- D.** Vehicles operated for-hire in violation of Subsections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., or 16.40.190 B. are subject to vehicle towing and impoundment.

#### **16.40.570 General Appeals.**

- A.** Civil Penalties. Any person or entity assessed a civil penalty may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- B.** Permit/Decal/Taxiplate Denials, Suspensions and Revocations; Exception.
  - 1.** Any person or entity whose permit, decal or taxiplate application is denied, or whose permit, decal or taxiplate is suspended or revoked, may appeal that

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decision to the Code Hearings Officer under the provisions of Chapter 22.10.

2. If the suspension is due to a failure to timely pay a civil penalty when due, then the underlying reasons for the civil penalty may not be appealed to the Code Hearings Officer. In that situation, the person or entity may only appeal to the Code Hearings Officer to determine if the Bureau properly followed the notice requirements found in Section 16.40.550.
- C. **Limit on Number of LPT Vehicles.** If the number of LPT vehicles for a particular LPT industry is capped by administrative rule, then any LPT company whose application to the Board for more LPT vehicles is denied may appeal that decision to the Code Hearings Officer pursuant to the provisions of Chapter 22.10, but only for the purpose of determining if the Bureau and the Board followed the appropriate procedures. The Code Hearings Officer may not review any factual determinations made by the Bureau or Board.
- D. **Stays.** If a timely appeal is made pursuant to this Section, the action appealed from is stayed pending the outcome of the appeal. This includes any civil penalty payment, suspension or revocation.

**16.40.580 Appeals Regarding Taxicab Limits.**

- A. Any taxicab company aggrieved by a decision of the Board pursuant to Section 16.40.210 may appeal such action to the City Council by filing a written notice of appeal to the Bureau within 10 days of the Board's decision. The Bureau will then forward that request to the City Auditor within 5 business days.
- B. Within 60 days of receiving the Bureau's notice, the City Auditor will:
  1. set the time for the appeal to be heard by the City Council;
  2. place the hearing of the appeal upon the calendar of the Council; and
  3. notify the appealing taxi company and the Administrator of the time set no less than 10 days prior to that time.
- C. The appealing taxi company may appear personally via a company representative and/or by counsel and present such facts and arguments as may tend to support the appeal.
- D. The Bureau will provide Council with a staff report outlining the Board's decision and the reasons therefore. The Director or his/her designee must be present at the

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hearing, representing the Board, to answer any questions that Council may have regarding the Board's decision.

- E.** The Council will uphold the Board's decision, reverse it, or modify it to allow more taxicabs with any conditions that the Council deems appropriate. If no Council action is taken within 60 days, the appeal is deemed denied. The Council's decision may not be appealed to the Code Hearings Officer.

#### **16.40.590 Fee Table.**

(Amended by Ordinance No. 185723, effective November 7, 2012.)

- A.** The following table outlines the fee costs associated with this Chapter.

| PERMIT and APPLICATION FEES                     |                                |                   |         |             |
|-------------------------------------------------|--------------------------------|-------------------|---------|-------------|
| PERMIT TYPE                                     | APPLICATION<br>(nonrefundable) | INITIAL<br>PERMIT | RENEWAL | REPLACEMENT |
| Taxi/LPT Driver                                 | \$100                          | \$100             | \$100   | \$25        |
| Pedicab Driver                                  | \$25                           | \$25              | \$25    | \$10        |
| LPT Company                                     | \$250                          | \$500             | \$500   | \$75        |
| Taxi Company<br><25 permitted<br>vehicles       | \$250                          | \$1,250           | \$500   | \$75        |
| Taxi Company<br>25-50 permitted<br>vehicles     | \$250                          | \$1,250           | \$1,000 | \$75        |
| Taxi Company<br>50-100<br>permitted<br>vehicles | \$250                          | \$1,250           | \$2,000 | \$75        |
| Taxi Company<br>>100 permitted<br>vehicles      | \$250                          | \$1,250           | \$3,000 | \$75        |
| Pedicab<br>Company                              | \$100                          | \$125             | \$125   | \$75        |
| Taxi Vehicle                                    | N/A                            | \$225             | \$600   | \$75        |
| LPT Vehicle                                     | N/A                            | \$225             | \$180   | \$75        |
| Pedicab                                         | N/A                            | \$25              | \$25    | \$10        |



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| GENERAL FEES                                   |       |  |  |
|------------------------------------------------|-------|--|--|
| Moving Decals or Taxiplates to Another Vehicle | \$150 |  |  |
| Temporary Decals During Vehicle Repair         | \$25  |  |  |

- B.** Fees are rounded up to a full monthly rate when being prorated for any particular decal, taxiplate or permit, regardless of what date of the month the fee is actually paid on.
- C.** For the purposes of this Fee Table Schedule, pedicabs are not considered to be LPT vehicles and are treated separately.

**16.40.600 Currently Permitted Companies, Vehicles and Drivers Grandfathered; Renewal Process.**

- A.** All companies, vehicles and drivers that are currently permitted by the City on the date that this ordinance passes do not need to reapply for new permits upon passage of the ordinance, but must otherwise adhere to all the requirements as found in this Chapter.
- B.** As of January 1, 2010, all previously permitted companies, vehicles and drivers must comply with all provisions of this Chapter, regardless of their permit, decal or taxiplate expiration date. All companies, vehicles and drivers are required to obtain new permits, decals and taxiplates by January 1, 2010.
- C.** To achieve the goal of staggered renewal dates, the Board may by administrative rule require that the initial permit term of some permittees be for less than the 12 month term required under this Chapter. The fees associated with any permit terms that are less than the 12 month requirement will be prorated as necessary to reflect the shorter permit duration.
- D.** Notwithstanding 16.40.600 A., all drivers that are currently permitted by the City on the date this ordinance passes must satisfy the customer service, knowledge and skills tests outlined in 16.40.090 F. – G. no later than December 31, 2010.

**16.40.610 Severability.**

If a court of law finds any provision of this Chapter invalid or unenforceable as to any person, business or circumstance, then that provision is considered severed from this Chapter. The severed provision has no effect on the remainder of the Chapter or its application to other persons, businesses and circumstances.

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**16.40.620 Horse-Drawn Carriage Driver Permits Required – Application Process and Requirements.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** Permit Required. No person may operate a horse-drawn carriage without a valid, current horse-drawn carriage driver's permit issued under Chapter 16.40, except that no permit issued pursuant to this chapter is required of a person who is operating a horse-drawn carriage as an entry in a parade or otherwise permitted special event, where the horse-drawn carriage entry is specifically noted and approved in said special event permit, and where the horse-drawn carriage rides are not being offered on-demand or by reservation to members of the general public.
- B.** Application Documents Required. The failure to submit any required application documents as listed below is grounds for denial of the permit. It is the applicant's responsibility to make certain that the information and forms required have been completed in full, and that there are no errors or omissions. Applicants for a horse-drawn carriage driver's permit must submit to the Administrator the items listed below:
1. A completed application on a form provided by the Administrator;
  2. Proof of current residence address;
  3. Legal proof that the applicant is at least 18 years of age;
  4. A copy of the applicant's current motor vehicle driver's license, if any;
  5. A copy of the applicant's non-Oregon driving record, if any, for any year in which the applicant was not a resident of Oregon during the last 10 years, regardless of the jurisdiction;
  6. Disclosure of all applicable criminal history and driving and motor vehicle record history, as listed on the application form;
  7. Certification of a horse-drawn driver training program approved by the Administrator;
  8. Confirmation that the driver will be employed for a horse-drawn carriage company with current and valid horse-drawn carriage company and vehicle permits.

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9. If necessary, any information requested by the Administrator that reasonably relates to the application or is a clarification of information provided.
- C.** Photographs. The applicant will be photographed by the Bureau after submission of the driver permit application. The photograph then becomes a part of the applicant's submittal package.
- D.** Fees Required. The applicant for a horse-drawn carriage driver's permit must submit an initial permit fee of \$25, and \$25 per year renewal fee.
- E.** Disqualifying Factors. The following disqualifying factors are grounds for denial of a horse-drawn carriage driver's permit:
1. The applicant has a felony conviction of any kind within the 10 years preceding the application and permit processing;
  2. The applicant has a felony charge pending;
  3. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
  4. The applicant has a felony charge pending involving physical harm or attempted physical harm to a person;
  5. The applicant has been convicted of any criminal offense involving animal cruelty or neglect, regardless of when the conviction occurred;
  6. During the 5-year period preceding the application and permit processing, the applicant has been convicted of a criminal offense involving:
    - a. any misdemeanor involving theft, identity theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
    - b. any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
  7. During the 5-year period preceding the application and permit processing, the applicant had 10 or more traffic infractions as defined in ORS 801.557; or three or more serious traffic violations as defined in ORS 801.477; or three or more motor vehicle accidents required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, three or more

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of any combination of serious traffic violations or motor vehicle accidents as provided above;

8. During the 10-year period preceding the application and permit processing, the applicant had five or more serious traffic violations as defined in ORS 801.477; or the applicant's driving privileges were limited, suspended, or revoked by any governing jurisdiction as a result of a driving-related incident;
  9. The applicant has more than two traffic infractions or violations of any kind within the previous 12 months from the date of the application;
  10. The applicant has a current Oregon Department of Motor Vehicles license restriction, suspension or revocation;
  11. The applicant is less than 18 years old;
  12. Upon review of the applicants criminal and motor vehicle background check, and other information deemed pertinent to the application, the administrator determines that information contained in the application is false or incomplete; or
  13. Review of the applicant's traffic and criminal record, and other information the supervisor deems pertinent, is reasonable grounds for the determination that the public safety would not be served by the issuance of a driver's permit to the applicant.
- F.** Driver Safety and Customer Service Training Requirements. The applicant must provide documentation of successful completion of Bureau-approved horse-drawn carriage driver training prior to issuance of a horse-drawn driver's permit.
- G.** Driver Knowledge and Skills Testing Requirements. The applicant must successfully complete each of the following tests as administered by the Bureau or its designee before a permit can be issued:
1. Basic carriage horse care;
  2. Demonstrate ability to operate and control a horse-drawn carriage;
  3. Relevant City Code provisions and Administrative Rules.

**16.40.630 Horse-Drawn Carriage Company Permits Required – Application Process and Requirements.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** Permit Required. No person or entity may operate a for-hire horse-drawn carriage company without a valid, current horse-drawn carriage company permit issued by the City under Chapter 16.40.
- B.** Each horse-drawn carriage company permit application must satisfy the requirements of Section 16.40.130 LPT Company Permits Required.
- C.** Applicants must provide the physical location (address) of each stable or other facility used to house the carriage horses. Each facility must be available for inspection during normal hours of operation by the Administrator or designee.
- D.** Applicants for a horse-drawn carriage company permit must obtain certification for each carriage horse to be used in the operation of the permitted carriages. Application requirements for carriage horse certification are:
  - 1.** A description of the horse's name, age, breed, gender;
  - 2.** A photograph and physical description of the horse, to include color, markings or other identifying marks, such as brands or tattoos, or any other identifiers, such as microchips;
  - 3.** Certification of examination (Health Certificate) by an equine veterinarian within thirty day days prior to the application for a permit that the horse is able to perform the work described (in the horse-drawn carriage company application) without undue stress or effort.
  - 4.** Additional veterinary certification requirements are provided in Administrative Rule.
- E.** Insurance Certificate. All horse-drawn carriage applicants must provide the Bureau with an insurance certificate of liability and an additional insured endorsement indicating that the requirements of Section 16.40.650 have been satisfied.
- F.** Applicants must provide to the Administrator a description of the types, dates and time range, length and location of horse-drawn carriage rides offered; and
- G.** Applicants must provide to the Administrator a schedule of rates and charges. An updated schedule must be provided to the Administrator when the rates are changed during the course of the permit.

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- H.** Horse-drawn carriage company permit fees are: \$100 nonrefundable application fee, to be paid at the time of permit application; \$125 for initial one year permit, and \$125 per year annual permit renewal.

#### **16.40.640 Horse-Drawn Carriage Permit and Plate Required – Application Process and Requirements.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** Permit and Decal or Plate Required for Horse-Drawn Carriages. No horse-drawn carriage may be used as a for-hire transportation vehicle without a valid and current permit and a valid and current, unobstructed plate issued by the City under Chapter 16.40. Applicants for a carriage vehicle permit and carriage plate must be the owner of the carriage. Carriage permits will only be issued to an owner who has obtained a horse-drawn carriage company permit.
- B.** Application Form. The applicant for a horse-drawn carriage permit must complete a “Horse-Drawn Carriage Application” in the form required by the Administrator, which includes, but is not limited to, the following required information:
  - 1.** Carriage make, model and manufacturer;
  - 2.** Seating capacity and weight limits;
  - 3.** A photograph of each carriage to be registered;
  - 4.** If necessary, any information that reasonably relates to the application or is a clarification of information provided to the Administrator.
- C.** Safety Inspection. The Board has the authority, by Administrative Rule, to require that a horse-drawn carriage operator demonstrate by inspection that all safety standards are met prior to a permit plate or decal being issued.
- D.** Horse-Drawn Carriage Condition. No horse-drawn carriage will be issued a plate or decal if the Administrator determines that the carriage is not clean and in good repair, with all required equipment in sound operating condition.
- E.** Horse-Drawn Carriage Equipment: Specific equipment requirements are provided by Administrative Rule.
- F.** Each horse-drawn carriage shall be made available for inspection at the request of the Administrator or his designee.

- G.** Fees. Horse-drawn carriage companies must pay a \$25 initial and annual renewal fee for each horse-drawn carriage vehicle permit and plate.

**16.40.650 Horse-Drawn Carriage Insurance Requirements.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** Coverage and Limits: All horse-drawn carriage company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:
- 1.** Commercial Business Insurance. Company permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1,000,000 per Occurrence and \$2,000,000 Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Advertising Injury, and Contractual Liability in the course of the permit holder's work under a for-hire horse-drawn carriage company permit.
  - 2.** Worker's Compensation and Employers Liability Insurance. The company permit holder must secure and maintain a Workers Compensation and Employers Liability policy where required by state law.
- B.** Additional Policy Conditions. Additional insurance policy requirements are provided in Administrative Rule.
- C.** Permit Holder's Insurance Obligations. All horse-drawn carriage company permit holders must comply with the following obligations with respect to insurance reporting, updating and filing:
- 1.** The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
  - 2.** The permit holder must file a certificate of liability with the Administrator that evidences insurance coverage and terms that are in compliance with the requirements of this Section. The certificate of liability must be on a standard ACORD form or its equivalent.
  - 3.** The permit holder must file with the Administrator a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents and employees as additional insureds.



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- D.** Alternative to Insurance Requirements. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.650 A. through C., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

**16.40.660 Horse-Drawn Carriage Temperature, Time and Place Restrictions.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** No horse-drawn carriage may operate between the hours of 6 a.m. and 10 a.m. or between the hours of 3 p.m. and 6 p.m. except on Saturdays, Sundays and City holidays, unless an exemption from this restriction is granted by the Administrator.
- B.** No horse-drawn carriage may operate when the outdoor temperature is greater than 90 degrees Fahrenheit.
- C.** No horse-drawn carriage may operate when the outdoor temperature/humidity exceeds the Carriage Operators of North America (CONA) standards.
- D.** No horse-drawn carriage may operate in the presence of weather conditions that make horse-drawn carriage travel unsafe.
- E.** Should any condition or combination of conditions in Subsections 16.40.660 B. through D. occur, the horse-drawn carriage driver will remove the horse from the street to a safe location, provide appropriate rest and shade or shelter, and will return the horse to its stable or usual boarding facility, by the least-strenuous and shortest safe route possible.
- F.** No horse-drawn carriage may operate on a street that does not have a posted speed limit of 35 mph or less.
- G.** No horse-drawn carriage may operate along a street with MAX or street car tracks. Upon written request, permission may be granted by the Administrator, to allow brief access or crossing of streets with MAX or streetcar tracks in order to provide access to particular locations. The Administrator may provide a list of excepted circumstances and locations in Administrative Rule.
- H.** The Administrator or his designee, who observes a horse-drawn carriage operating in adverse weather or other dangerous conditions creating a threat to the health and safety of the horse, passengers, or to the general public, may order the ride

discontinued and the horse returned to its boarding facility by the least-strenuous and shortest safe route possible.

**16.40.670      Operation of Horse-Drawn Carriages: Requirements and Prohibitions.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.**     The company and carriage permit holder is responsible to ensure that all drivers operating have a current and valid City horse-drawn carriage driver permit, and that all drivers operate in compliance with the requirements of this Chapter. Penalties may be issued to both company and driver for violations of operating requirements.
- B.**     Each horse-drawn carriage must maintain unobstructed the City horse-drawn carriage permit plate in the location and manner prescribed in Administrative rule.
- C.**     Each horse-drawn carriage driver must carry his horse-drawn carriage driver permit when operating a horse-drawn carriage, and present the permit for inspection when requested by the Administrator or his designee.
- D.**     Each horse-drawn carriage and horse-drawn carriage operator shall comply with all other requirements of State, federal and local law.
- E.**     No horse-drawn carriage driver shall permit other persons to operate the carriage under his control at any time under any circumstances.
- F.**     No driver shall operate a horse-drawn carriage at a weight or capacity in excess of the manufacturer's recommendation for that carriage;
- G.**     No driver shall operate a horse-drawn carriage when the combined weight of the carriage and passengers exceeds the weight of the horse;
- H.**     Horse-drawn carriages and equipment must be available for inspection immediately upon request by the Administrator or his designee.
- I.**     A copy of the Health Certificate for the working carriage horse, as described in Subsection 16.40.630 D., shall be in the custody of the company owner at all times. The driver will keep a copy of this Certificate in any operating carriage, and make said Certificate immediately available for inspection upon request by the Administrator or his designee.
- J.**     No horse-drawn carriage driver shall leave a horse untethered or unattended except when confined to a stable or other safe enclosure.

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- K.** Each driver operating a horse-drawn carriage shall maintain the horse at a speed no faster than a walk or slow trot.
- L.** Waste catchers must be in place and functioning properly at all times. It shall be the responsibility of the horse-drawn carriage operator to clean up any spillage.
- M.** The operator of a horse-drawn carriage must comply with the orders of the Administrator or his designee, or any police officer, parking enforcement officer, or animal control officer regarding the operation of the carriage. Failure to comply with these directions is grounds for revocation of the horse-drawn carriage driver's permit and the horse-drawn carriage vehicle and company permits.

#### **16.40.680 Care of Carriage Horses.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** Horse-drawn carriage rides must not be initiated nor continued when the ambient temperature is greater than 90 degrees Fahrenheit, or when the combination of temperature and humidity exceeds current Carriage Operators of North America (CONA) standards.
- B.** When the temperature exceeds 90 degrees Fahrenheit, or the combination of temperature and humidity exceeds current CONA standards, the carriage driver will end the ride and return the horse to the home boarding facility or pasture by the least-strenuous and shortest safe route possible, providing rest and shelter as required.
- C.** When the temperature is between 84 and 90 degrees Fahrenheit, no carriage ride will be initiated if the local weather forecast predicts temperatures to rise over 90 degrees Fahrenheit during the time for which the ride is scheduled, or within the time allowed for the trip back to the boarding facility.
- D.** When conducting horse-drawn carriage rides when the temperature is between 78 and 90 degrees Fahrenheit, the driver will monitor respiratory rate, heart rate and temperature of the horse every hour. Horses exceeding the following resting parameters should immediately undergo cooling measures, then be brought to the stable for rest, and not worked for the remainder of that day:
  - 1.** Respiratory rate > 36 breaths per minute after 1 minute;
  - 2.** Temperature > 103 degrees;
  - 3.** Heart rate > 52 beats per minute after 1 minute recovery time.

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- E.** Horses must be provided with a blanket for dryness and warmth when appropriate.
- F.** Owners, operators and drivers of a horse-drawn carriage will monitor the condition of each horse and will not allow a horse to work when there are signs of exhaustion, dehydration, sickness, disease, injury or severe stress.
- G.** No stallions, no mares with unweaned foals, and no pregnant mares at gestation greater than 9 months shall be used as carriage horses.
- H.** The towing weight of the horse-drawn carriage may not exceed the weight of the horse.
- I.** Tie ropes used around the neck or attaching to the halter shall be carried on all horse-drawn carriages. No horse shall be tied using the bridle, bit or reins.
- J.** No animal shall work pulling a horse-drawn carriage for more than 5 hours in a 24 hour period, nor more than 5 days in any given week.
- K.** Each horse will be given at least a 10 minute rest period at the end of each hour of work. The horse must be provided ready access to clean drinking water during each break, and must be allowed at reasonable intervals to consume food and water during the workday.
- L.** Stables or other boarding facilities must be sanitary. Stables and stalls must be in good repair, well-ventilated, and free of hazards and debris.
- M.** Horses must be turned out for at least one hour per day. Adequate turn-out facilities include dry paddocks, runs, or pastures of dimensions equal to or greater than 12 feet by 24 feet.

**16.40.690 Horse-Drawn Carriage Regulations.**

(Added by Ordinance No. 184361, effective February 11, 2011.) Unless the context clearly requires otherwise or unless the regulations and requirements are more stringent than those found in Sections 16.40.620 through 16.40.700, horse-drawn carriage drivers, companies, and vehicles are subject to the regulations and requirements found in this Chapter.

**16.40.700 Horse-Drawn Carriage Penalties.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** For violation of the regulations and requirements in Sections 16.40.620 through 16.40.690, the penalties are \$250 for the first occurrence, \$500 for the second occurrence, and \$1,000 and permit suspension for the third occurrence.

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- B.** Three or more violations within one year are grounds for permanent revocation of horse-drawn carriage driver, vehicle and company permits.

**16.40.710 Paid Passenger Referrals Prohibited.**

(Added by Ordinance No. 185720, effective November 7, 2012.)

- A.** All private for-hire transportation drivers are prohibited from providing payment to hotel staff, dispatchers, or any other person for referral of a passenger or passengers. The penalties for violation of Subsection 16.40.710 A. are as follows: \$1,500 for the first offense; \$2,000 and 10-day driver permit suspension for the second offense; and \$2,500 and driver permit revocation for the third offense.
- B.** It is prohibited for any person to solicit or accept payment for referral of a passenger to a motor vehicle for hire, or for any person or business, firm, association or corporation to act in concert with or on behalf of another person or persons to solicit or accept payments for the referral of passengers to a motor vehicle for hire. This prohibition does not include payment for legitimate advertising placement, such as placement of flyers or posters, or legitimate commissions provided by tour companies that do not operate on demand. Advertising or commission payments exempted herein must be documented, and said documentation must be provided to the Administrator when requested. The penalties for violation of Subsection 16.40.710 B. are as follows: \$1,500 for the first offense; \$2,500 for the second offense; and \$3,500 for the third and each subsequent offense.
- C.** It is prohibited for any person to solicit or accept gifts and/or gratuities or anything of value from any holder of a City of Portland company, vehicle or driver permit, except as authorized in this Chapter, in return for any dispatch call, assignment, vehicle or shift. The penalties for violation of Subsection 16.40.710 C. are as follows: \$1,500 for the first offense; \$2,500 for the second offense; and \$3,500 for the third and each subsequent offense.
- D.** If a limousine, executive sedan, taxicab, shuttle or other for-hire vehicle is in a marked hotel zone or loading/unloading zone, it is a rebuttable presumption that it is parked there to provide private for-hire transportation services that require a log book entry. Taxis, shuttles, executive sedans and limousines parked in a hotel zone must provide properly documented log book entry when requested by the Administrator. The penalties for violation of Subsection 16.40.710 D. are as follows: \$500 for the first offense; \$1,000 for the second offense; \$2,500 and suspension for the third and subsequent offenses.
- E.** Other than for drop off, for-hire vehicles may not park in the hotel zone without a reservation or request for service. Per Section 16.40.460 limousine and executive sedan service must be prearranged. The penalties for violation of Subsection

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16.40.710 E. are as follows: \$500 for the first offense; \$1,000 for the second offense; and \$2,500 and suspension for the third and subsequent offenses.

- F.** Taxicabs may not park in the hotel zone or loading/unloading zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatched call/request for service must be documented in the required log format, and available for review by any authorized enforcement officer inspecting logs in the field. The penalties for violation of Subsection 16.40.710 F. are as follows: \$500 for the first offense; \$1,000 for the second offense; and \$1,000 and driver permit suspension for the third offense.

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**Chapter 16.48**

**TAXICAB REGULATIONS**

(Chapter added by Ordinance No. 139316; Replaced by Ordinance No. 147243;  
Repealed by Ordinance No. 165189; Reinstated by Ordinance No. 165522,  
and repealed by Ordinance No. 165947, effective October 28, 1992.)



**Chapter 16.50**

**MASS TRANSIT**

**Sections:**

- 16.50.001 Purpose.
- 16.50.100 Designation of Transit Lanes.
- 16.50.110 Designation of the Transit Mall and Auxiliary Vehicular Lanes.
- 16.50.200 Prohibited Use of Transit Lanes, Transit Mall and Auxiliary Vehicular Lanes.
- 16.50.300 Vehicles Allowed In Transit Lanes, Auxiliary Vehicular Lanes and on the Transit Mall.
- 16.50.400 Vehicles Allowed in Non Transit Mall Transit Lanes During Certain Hours.
- 16.50.410 Vehicles Allowed on the Transit Mall and Auxiliary Vehicular Lanes by Permit.
- 16.50.500 Regulation and Permit Procedure.

**16.50.001 Purpose.**

(Amended by Ordinance No. 182921, effective June 17, 2009.) This section describes how mass transit lanes, the Transit Mall and Auxiliary Vehicular Lanes are designated, the regulations that apply, and which vehicles may use them.

**16.50.100 Designation of Transit Lanes.**

(Amended by Ordinance No. 182921, effective June 17, 2009.) Designation of transit lanes, excluding the Transit Mall and Auxiliary Vehicular Lanes separately designated herein will be made by the City Traffic Engineer upon advice of the City Engineer and the Tri-County Metropolitan Transportation District of Oregon (TriMet). Designation will be shown by official signs or markings. Signs or markings will distinguish whether the transit lane may be used by:

- A. Bus only;
- B. Light rail vehicle only;
- C. Trolley or streetcar vehicle; or
- D. Carpool vehicle only; or some combination of the above.

**16.50.110 Designation of the Transit Mall and Auxiliary Vehicular Lanes.**

(Added by Ordinance No. 182921, effective June 17, 2009.) The Transit Mall is hereby designated to be that portion of 5th Avenue and 6th Avenue between NW Irving Street and SW Jackson Street including NW Irving Street between NW 5th Avenue and NW 6th

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Avenue, and SW Morrison and Yamhill Streets between SW 4th Avenue and SW Broadway specifically designated with official signs or marking for the use of transit vehicles. The automobile lanes on 5th Avenue, 6th Avenue, NW Irving Street, SW Morrison Street and SW Yamhill Street adjacent the Transit Mall are hereby designated as Auxiliary Vehicular Lanes for purposes of this Section.

#### **16.50.200 Prohibited Use of Transit Lanes, Transit Mall and Auxiliary Vehicular Lanes.** (Amended by Ordinance No. 182921, effective June 17, 2009.)

- A.** Except as otherwise provided for in this Section, no vehicle may enter upon, park on, or use an officially designated transit lane, or the Transit Mall.
- B.** Restrictions on transit lane use will vary depending on whether the lane is designated for light rail, motor bus, trolley, or carpool use.
- C.** Except as otherwise provided for in this Section, no vehicle may stop or park on Auxiliary Vehicular Lanes except vehicles acting in compliance with law, or at the direction of a police officer or a control device or Multnomah County prisoner transfer vehicles actively transferring people.
- D.** Except vehicles may cross the Transit mall to ingress or egress the following driveways provided that the vehicles shall obey all applicable traffic control devices:
  - 1.** The driveway located on the west side of SW 5th Avenue immediately south of SW Jefferson Street.
  - 2.** The first two driveways located on the west side of SW 5th Avenue immediately north of SW College Street.
  - 3.** The driveway located on the west side of SW 5th Avenue immediately south of SW Harrison Street.

#### **16.50.300 Vehicles Allowed In Transit Lanes, Auxiliary Vehicular Lanes and on the Transit Mall.**

(Amended by Ordinance Nos. 182921 and 183979, effective August 13, 2010.) The following vehicles may enter upon, stop or park in a transit lane or the Transit Mall:

- A.** A vehicle owned or operated by the Tri-County Metropolitan Transportation District of Oregon.

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- B.** A vehicle so allowed by the terms of a maintenance contract with the City of Portland or TriMet or City Transportation maintenance crews engaged in maintenance.
- C.** A police, fire, ambulance, or outpatient vehicle, if performing emergency services.
- D.** A vehicle and equipment engaged in emergency response:
  - 1.** Towing;
  - 2.** Snow removal; or
  - 3.** Street, sewer, utility, bus or fire alarm repair.
- E.** Street Car.

**16.50.400 Vehicles Allowed in Non Transit Mall Transit Lanes During Certain Hours.**  
(Amended by Ordinance Nos. 173627, 182389 and 182921, effective June 17, 2009.)

- A.** A vehicle may enter upon and park in a transit lane if the lane is closed by a street closure permit from the City Engineer per Title 17 and if the vehicle is specifically authorized to do so by the street closure permit.
- B.** A vehicle with a travel lane parking permit (16.20.550) or an angle loading permit (16.20.540) may park in a transit lane if authorized to do so by the permit.
- C.** A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use except during the following hours: 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, after giving notification as required by regulations governing the Special Traffic Control District (17.23.050).
- D.** A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use between the hours of 7 a.m. to 9 a.m. and/or 4 p.m. to 6 p.m., Monday through Friday, when specifically allowed during this time by a permit from the City Traffic Engineer. The City Traffic Engineer will notify Tri-Met and the City Engineer before issuing such a permit.
- E.** A vehicle requiring direct access to properties facing a transit lane for ingress/egress or special loading may enter upon and use (but not park in) the transit lane(s) between 7 p.m. and 6 a.m. A permit from the City Traffic Engineer is required for this access between 6 a.m. and 7 p.m.

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- F.** A taxicab, for hire vehicle, delivery vehicle, maintenance vehicle, or garbage truck may enter certain transit lanes during times established by the Bureau of Transportation's Administrative Rules.

#### **16.50.410 Vehicles Allowed on the Transit Mall and Auxiliary Vehicular Lanes by Permit.**

(Added by Ordinance No. 182921; Amended by Ordinance No. 183979, effective August 13, 2010.)

- A.** A public utility or construction vehicle engaged on or adjacent to the Transit Mall may enter upon, park and use the Transit Mall and/or the Auxiliary Vehicular Lanes if the Transit Mall and/or Auxiliary Vehicular Lanes are closed by permit from the City Engineer per Title 17, or TriMet access permit, and the vehicle is specifically authorized to do so by the permit.
- B.** Except in the case of emergency and as otherwise provided for herein, the City Engineer shall not issue permits for the use of Auxiliary Vehicular Lanes between the hours of 6:00 AM and 7:00 PM Monday through Friday. The City Engineer may issue permits for Saturday and/or Sunday, but permits shall not be short term closures as required for operational safety of the service provider and shall not interrupt TriMet service.
  - 1.** "Emergency" shall mean any unscheduled repair of existing facilities which must be accomplished immediately to protect the life, health and well being of the public, or to protect public or private property. Under this definition, "emergency" work shall encompass only immediately required repairs and shall not include extensive replacement or upgrading of the facility.
- C.** The City Engineer may issue permits for the use of Auxiliary Vehicular Lane on SW 6th Avenue between SW Taylor and SW Morrison Streets to accommodate events permitted and authorized by Pioneer Courthouse Square, Inc. as may be deemed appropriate in the judgment of the City Engineer.
- D.** All permits shall include a traffic control plan approved by the City Engineer and Tri-County Metropolitan Transportation District of Oregon (TriMet).

#### **16.50.500 Regulation and Permit Procedure.**

- A.** The Traffic Engineer must notify the Tri-County Metropolitan Transportation District of Oregon of any rule, regulation or permit proposed to be issued under this chapter. The rule, regulation or permit will become effective on a date agreed upon by both parties. In the event of disagreement between Tri-Met and the Traffic

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Engineer, the City Council will determine whether the rule be adopted or the permit issued based upon the amount of interference to mass transit operations.

- B.** No limitation or prohibition of use herein applies to vehicles on a street intersecting or crossing a transit lane unless it is specifically designated as a transit lane.

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**Chapter 16.60**

**MOTOR VEHICLE FUELS**

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

**Sections:**

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

**16.60.010 Definitions.**

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

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

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



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### **VEHICLES AND TRAFFIC**

#### **16.60.020 Biofuel Requirements.**

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

##### **A.**

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

##### **B.**

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

##### **C.**

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

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

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

- E.** Biodiesel produced from a feedstock of palm oil may not be used to satisfy the requirements of this Chapter.
- F.** The Bureau of Development Services shall study and monitor biodiesel production, use and sales in Oregon and in the City of Portland. When the production of biodiesel from Oregon grown feedstock and used cooking oil reaches a level of at least two million five hundred thousand gallons on an annualized basis for at least three months, the Bureau of Development Services shall notify all fuel distributors, resellers, retailers, nonretail dealers and wholesale-purchaser consumers that:

  - 1.** The production of biodiesel from Oregon grown feedstock and used cooking oil has reached the level described above; and
  - 2.** That three months from the date of the notice, all biodiesel used for the purposes of satisfying the requirements of this Chapter shall contain a minimum of 50% (by volume) of biodiesel produced from used cooking oil and/or feedstock from the Genera Brassica, Camelina, Helianthus or Carthamus.
- G.** Fuel retailers shall be required to conspicuously place signage denoting the type of biofuel mixture available for sale by the fuel retailer in accordance with the labeling guidelines or rules established by the Oregon Department of Agriculture. For example, B5 fuel shall be labeled “B5 Biodiesel Blend.”

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

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

**16.60.030 Exemptions.**

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

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

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

#### **16.60.040 Enforcement and Notice of Violation.**

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

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

#### **16.60.050 Penalties.**

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

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

#### **16.60.060 Disclosure.**

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

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**16.60.070 Additional Regulations.**

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

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

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**Chapter 16.65**

**FUNERAL PROCESSIONS**

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

**Sections:**

16.65.010 Funeral Processions.

**16.65.010 Funeral Processions.**

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

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

**Chapter 16.70**

**MISCELLANEOUS REGULATIONS**

**Sections:**

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

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

#### **16.70.001 Purpose.**

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

#### **16.70.200 Pedestrians.**

##### **16.70.210 Must Use Crosswalks.**

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

##### **16.70.220 Must Cross at Right Angles.**

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

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

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

##### **16.70.240 Bridge Railings.**

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

#### **16.70.300 Bicycles.**

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

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



**16.70.320      Operating Rules.**

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

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

**16.70.330      Impounding Bicycles.**

- A.**     A bicycle left on a street or other public property for more than 72 hours may be impounded.
- B.**     A bicycle may be immediately impounded if:

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

#### **16.70.340 Renting Bicycles.**

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

#### **16.70.400 Other Transportation.**

#### **16.70.410 Roller Skates and Skateboards.**

(Replaced by Ordinance No. 185596, effective September 5, 2012.)

- A. No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any sidewalk within the area bounded by and including SW Jefferson, Naito Parkway, NW Hoyt and 13th Avenue. The middle and bisecting sidewalks in the Park Blocks are considered sidewalks for the purposes of this Subsection.
- B. No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, roadway or sidewalk on
  1. SW 5th or 6th Avenues between SW Lincoln and Burnside; and on
  2. NW 5th or 6th Avenues between Burnside and Union Station.
- C. No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, roadway or sidewalk between the hours of 10 p.m. and 7 a.m. on

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1. SW Fairview Boulevard between SW Knights Boulevard and SW Kingston Avenue;
  2. SW Kingston Avenue between SW Tichner Drive and the Washington Park entrance;
  3. SW Tichner Drive between SW Kingston Avenue and SW Marconi Avenue;
  4. SW Marconi Avenue;
  5. SW Park Place between SW Marconi Avenue and SW Wright Avenue;
  6. SW Lafayette Place;
  7. SW Hampshire Street between SW Lafayette Place and SW Champlain Drive;
  8. SW Champlain Drive between SW Hampshire Street and SW Rutland Terrace;
  9. SW Rutland Terrace; and
  10. West Burnside Street from Skyline Boulevard to SW Vista Avenue.
- D.** No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, roadway or sidewalk while attached in any manner to any motor vehicle on the roadway. In addition, a person shall not knowingly drive a motor vehicle that is towing a person riding same.
- E.** All persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power must while on a public street, traveling at less than the speed limit of the roadway shall yield to vehicles approaching from the rear by moving to the right curb or shoulder of the street.
- F.** During limited visibility conditions and between the hours of sunset and sunrise, all persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power must be equipped with and use lighting equipment that shows a white light visible from a distance of at least 500 feet to the front of the device.

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- G.** During limited visibility conditions and between the hours of sunset and sunrise, all persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power must be equipped with and use lighting equipment that has a red reflector or lighting device or material of such size or characteristic and so mounted, carried or worn as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.
- H.** The penalty for failing to follow the rules of Subsections A. - G. shall be a minimum fine of \$115.
- I.** All persons under 16 years of age shall wear protective headgear when using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, sidewalk, or bridge. The penalty for failure to wear protective headgear as required in this subsection shall be a maximum fine of \$25.
- J.** Except for those provisions by their very nature can have no application, this subsection adopts the Oregon Motor Vehicle Code's rules of the road for vehicle drivers to regulate the use of roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon a public highway in the City. Riders of such devices are subject to the provisions applicable to, and have the same rights and duties provided any driver of a vehicle by the Oregon Vehicle Code concerning operating on highways except when otherwise specifically provided in this Code.

  - 1.** The penalty for failing to follow the rules of the road incorporated by Subsection J. shall be a fine of \$250.

    - a.** First time offenders of this Code are eligible to participate in Share the Road or similar program in lieu of the fine.
- K.** This Section does not apply to bicycles as defined by Section 16.90.025 of this Code.

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

- A.** On railroad tracks located in NW 12th Avenue between West Burnside and NW Hoyt Streets, and on railroad tracks located on NW Flanders Street, between NW 12th Avenue and NW Front Avenue, it is unlawful for any person to direct, cause, or permit switching movements of freight cars between the hours of 6 a.m. and 7 p.m.

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- B.** No person may direct, cause, or permit any railroad equipment to be left or parked on the main line tracks of these streets.

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

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

**16.70.500 Traffic Regulations.**

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

(Amended by Ordinance No. 165987, November 12, 1992.)

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

**16.70.520 Hitching Onto Vehicle.**

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

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

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

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#### **16.70.550 Vendor Traffic Regulations.**

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

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

#### **16.70.560 Traffic Regulations in Parks.**

(Amended by Ordinance No. 165594, effective July 8, 1992.)

- A.** Except as otherwise provided in this Section, the provisions of this Title regulating street traffic and parking apply to driving or parking a vehicle in a City park or golf course.
- B.** With approval of the Commissioner In Charge, the Superintendent of Parks may restrict or prohibit traffic or types of traffic and parking in City parks and golf courses. Signs giving notice of any restriction or prohibition imposed under this Subsection shall be posted and maintained by the Superintendent in a conspicuous manner and place to inform the public. It is unlawful for any person to violate any restriction or prohibition imposed under this Subsection after notice thereof has been posted.
- C.** The Bureau of Police has authority to enforce the provisions of this Section.
- D.** The provisions of this Section do not apply to City authorized vehicles used in park or golf course service.

#### **16.70.570 Inoperative Electric Traffic Control Signals.**

An intersection with inoperative electric traffic control signals shall be treated as an uncontrolled intersection, unless other official traffic control devices have been erected at

the intersection. This Section does not apply to freeway ramp metering signals operated by the Oregon Department of Transportation.

**16.70.600 Over Dimensional Vehicles.**

**16.70.610 General Prohibitions.**

- A.** It is unlawful for any person or owner to drive, move, or to cause or permit to be driven or moved on any street in the City any vehicle or combination of vehicles that:
- 1.** Exceeds the weight or size limitations set forth in the Oregon Revised Statutes (ORS), Chapter 818;
  - 2.** Is not constructed or equipped as required by ORS 818;
  - 3.** Is dragging upon or over the surface of a street any log, pole, piling, or other thing;
  - 4.** Does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the street;
  - 5.** Is so constructed or loaded so as to allow its contents to drop, sift, leak, or otherwise escape therefrom; or
  - 6.** Violates any other provisions of this Title.
- B.** Operation of any vehicle or combination of vehicles in violation of the provisions of this Chapter is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed pursuant to ORS 818.

**16.70.620 Exemptions.**

- A.** The provisions of this Chapter governing size and weight do not apply to:
- 1.** Any vehicle, combination of vehicles, article, machine, or other equipment in use by the Federal Government, the State of Oregon, or any county or city while in the immediate vicinity of and involved with the construction, maintenance, or repair of public highways;



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2. Any vehicle in use by a mass transit district for the purposes authorized under ORS 267.010 to ORS 267.390, provided the size or weight of the vehicle is approved by the City for that route; or
  3. Any vehicle, combination of vehicles, article, machine, or other equipment operated under a permit issued by the Traffic Engineer and in compliance with the conditions and restrictions thereof.
- B. None of the size limits described in ORS 818, except the maximum limit of allowable extension beyond the last axle of a combination of vehicles, apply to agricultural equipment hauled, towed, or moved upon any street if the movement is incidental to the farming operations of the owner of the agricultural equipment.

#### **16.70.630 Permits.**

Under authority granted in Section 16.10.200, the Traffic Engineer may grant written permits for the operation over City streets, or sections thereof, of any vehicle or combination of vehicles, including any load thereon, having:

- A. A gross weight;
- B. A length;
- C. A width;
- D. A height; or
- E. A maximum number of vehicles in combination; in excess of that authorized in ORS 818 or administratively imposed weight or size limits designated in accordance to 16.70.690.

#### **16.70.640 Limits of Authority to Issue Variance Permit.**

A permit may not be issued for any vehicle or load that can readily or reasonably be dismantled or disassembled to reduce weight or width. This does not apply to any vehicle, combination of vehicles, load, article, property, machine, or thing that is:

- A. Used in the immediate vicinity of construction, maintenance, or repair of public highways; and
- B. Of a length in excess of that permitted in ORS 818.

**16.70.650      Requirements, Conditions and Procedures for Issuance of Variance Permit;  
Duration; Cancellation.**

(Amended by Ordinance Nos. 176361 and 181217, effective September 14, 2007.)

- A.**     In issuing a permit, the Traffic Engineer may:
- 1.**     Grant a permit that is valid for a single trip, a number of trips or an amount of time not to exceed one year.
  - 2.**     Establish seasonal or other time limitations on a permit.
  - 3.**     Require the applicant to furnish public liability or automobile insurance and property damage insurance as follows:
    - a.**     General Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage; or
    - b.**     Automobile Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage, including coverage for owned, hired or nonowned vehicles, as applicable; and
    - c.**     The City of Portland, and its agents, officers, and employees are Additional Insured, but only with respect to operations occurring within the scope of the permit.
    - d.**     There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without 30-days written notice from the Contractor or its insurer(s) to the City.
    - e.**     As evidence of the insurance coverage required, the applicant shall furnish acceptable insurance certificates to the City prior to issuance of any permit. The certificate will specify that the City is additional insured and will include the 30-day cancellation clause. Insuring companies or entities are subject to City acceptance. The applicant shall be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance.
  - 4.**     Require the applicant to furnish indemnity insurance or an indemnity bond in an amount fixed by the Traffic Engineer to:

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

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

**16.70.660 Permit Must Be Carried and Displayed.**

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

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#### **16.70.670 Movement of Building or Other Structure Excluded.**

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

#### **16.70.680 Liability for Damage to Streets or Other Public Property.**

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

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

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

#### **16.70.700 Traffic Congestion Thoroughfares.**

##### **16.70.701 Purpose.**

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

##### **16.70.720 Posting Signs.**

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

thoroughfare and to cause signs, as described in this Chapter, to be posted notifying of that designation.

**16.70.730 Signs.**

The signs referred to in Section 16.70.720 will notify drivers that they are entering a traffic congestion thoroughfare; that repeated passage of a motor vehicle through or across the traffic congestion thoroughfare is a violation of City Code Section 16.70.740; and that for a subsequent violation, the vehicle will be towed.

**16.70.740 Acts Prohibited.**

Between the hours of 9 p.m. and 5 a.m. of the following morning, no vehicle may pass along or across a traffic congestion thoroughfare, designated as such by signs as described in Section 16.70.730, more than two times.

**16.70.750 Penalty.**

(Amended by Ordinance Nos. 165987 and 176394, effective April 17, 2002.) Violation of this Chapter is an infraction punishable by a fine not to exceed \$150.

- A. Except as provided below, violation of this Chapter is an infraction punishable by a fine not to exceed \$150.
- B. Violation of Sections 16.20.470, 16.70.510 A, 16.70.210, 16.70.220 and 16.10.060, is punishable by a fine of not more than \$500, or by imprisonment not exceeding 10 days or both.

**16.70.760 Subsequent Violation.**

If a vehicle passes along or across a traffic congestion thoroughfare as designated by signs in violation of Section 16.70.740, any single subsequent drive-through of that traffic congestion thoroughfare by that vehicle within the same 9 p.m. to 5 a.m. time period constitutes a separate violation of Section 16.70.740, punishable as provided in section 16.70.750; and the vehicle may be towed and taken to a storage area designated by the City and may be held for not more than 24 hours, all at the expense of the owner or person entitled to possession.

**16.70.770 Notice of Towing For Subsequent Violations.**

Upon issuing a citation for a violation of Section 16.70.740, the officer will give the person to whom the citation is issued a written notice which will state:

NOTICE

You have been cited for violation of Code Section 16.70.740 for repeated passage of a motor vehicle on or across a traffic congestion thoroughfare.

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If the vehicle you are driving is again driven along or across this traffic congestion thoroughfare before 5 a.m. this morning, this vehicle may be impounded and towed in accordance with City Code Section 16.70.760.

Chief of the Bureau of Police

#### **16.70.780 Exemptions.**

This Section does not apply to:

- A.** Any publicly owned vehicle of any city, county, public district, state, or federal agency;
- B.** Any vehicle licensed for public transportation; or
- C.** Any other vehicle granted an exemption by the Chief of Police because passage of the vehicle along or across the traffic congestion thoroughfare is necessary for commercial or medical reasons.

#### **16.70.800 Visibility.**

(Amended by Ordinance Nos. 165987, 173369 and 183397, effective January 8, 2010.)

- A.** It is the responsibility of the owner or occupant of any property to prevent any vegetation or street tree on the property or the abutting public right-of-way from partially or wholly obstructing the visibility of traffic control devices, the visibility of or for drivers, bicyclists, or pedestrians, or in any way presents a safety hazard.
- B.** The person who owns or occupies said property is liable to any person who is injured or otherwise suffers damage by reason of the failure to remove or prune such vegetation as required by Title 16 or any other Title of the City Code. Furthermore, said person is liable to the City of Portland for any judgement or expense incurred or paid by the City, by reason of said person's failure to satisfy the obligations imposed by this or any other Title of the City Code.
- C.** Any street tree removal or pruning required by this Title must be done in accordance with the provisions of Title 20.
- D.** Vegetation, including trees, in green street or other public stormwater management facilities, shall be trimmed only by the City or under the authorization of the Bureau of Environmental Services (BES).
- E.** Any vegetation or street tree not removed or pruned as required in this Title is hereby declared to be a public nuisance and may be summarily abated as provided in Title 29.



- F.** Whenever the provisions of this section conflict with those of any other section of this code, including but not limited to Titles 16, 17, 18, 20, and 33, the stricter provisions shall govern.

**16.70.810 Street Obstructions and Dangerous Conditions.**

(Added by Ordinance No. 176585, effective July 5, 2002.) No person, whether acting as private citizen, principal, employee or agent shall:

- A.** Between the hours of sunset and sunrise, place or allow to remain on any street any obstruction, other than a lawfully parked vehicle or any permitted structure, unless a clearly displayed warning light or lights are:
- 1.** plainly visible for 200 feet in either direction parallel to the street and at least 25 feet in all other directions, and
  - 2.** placed on the edge or side of the obstruction nearest the center of the street.
- B.** At any time, create a dangerous condition on any street without erecting and maintaining a distinctly visible barricade which provides a clear indication of the danger and directs people safely around it; and/or
- C.** Remove such a barricade from any street while the danger continues.

**16.70.900 Reckless Driving.**

(Added by Ordinance No. 173097, effective by February 10, 1999.)

- A.** A driver of a vehicle commits the crime of reckless driving within the City of Portland if the driver commits two or more of the following violations in a single series of acts in such a way as to endanger the safety of persons or property:
- 1.** Unlawful or unsignaled lane change;
  - 2.** Unsafe passing on the left or right;
  - 3.** Passing in a no-passing zone;
  - 4.** Following too close;
  - 5.** Illegal backing;
  - 6.** Unlawful stop or deceleration;

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7. Failure to signal;
  8. Violation of maximum speed limit in an urban area; or
  9. Taking other actions that a reasonable driver would know endanger the safety of persons or property in a congested urban driving environment such as the City of Portland.
- B.** Violation of this law shall constitute a Class A Misdemeanor as prescribed in State law.

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**16.90.001      Generally.**

The following words and phrases when used in this Title shall, for the purpose of this Title, have the meanings respectively ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning. Definitions of words and phrases in the Oregon Revised Statutes may be applied unless defined differently in this Title or in those instances where the context clearly indicates a different meaning.

**16.90.005      Abandoned Vehicle.**

(Amended by Ordinance No. 179141, effective March 23, 2005.) A vehicle that remains in violation for more than 24 hours and one or more of the following conditions exist:

- A.      The vehicle does not have a lawfully affixed, unexpired registration plate, or fails to display current registration.
- B.      The vehicle appears to be inoperative or disabled.
- C.      The vehicle appears to be wrecked, partially dismantled or junked.

**16.90.010      Accessory Recreational Vehicle.**

See Recreational Vehicle.

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#### **16.90.015 Alley.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) A facility primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular movement.

#### **16.90.020 Angle Loading.**

When a vehicle is parked at an angle to traffic flow for the purpose of loading/unloading and extends into the public right-of-way anywhere outside of a legal parking area.

#### **16.90.025 Bicycle.**

A type of vehicle that:

- A.** Is designed to be operated on the ground on wheels;
- B.** Has a seat or saddle for use of the rider;
- C.** Is designed to travel with not more than three wheels in contact with the ground;
- D.** Is propelled exclusively by human power; and
- E.** Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter.

#### **16.90.030 Bicycle Boulevard.**

(Replaced by Ordinance No. 177028, effective December 14, 2002.) A roadway with low vehicle traffic volumes where the movement of bicycles is given priority.

#### **16.90.032 Bicycle Lane.**

(Added by Ordinance No. 177028, effective December 14, 2002.) The part of the street designated by official signs or markings for the movement of persons riding bicycles except as otherwise specifically provided by law.

#### **16.90.034 Bikeway, Shoulder.**

(Added by Ordinance No. 177028, effective December 14, 2002.) A street upon which the paved shoulder, separated by a four-inch stripe and no bicycle lane markings, is used for the movement of persons riding bicycles. Auto parking is also allowed on shoulders marked in this manner.

#### **16.90.035 Bicycle Path.**

(Repealed by Ordinance No. 177028, effective December 14, 2002.)

**16.90.036 Bikeway, Extra Width Curb Lane.**

(Added by Ordinance No. 177028, effective December 14, 2002.) A wider than normal curbside travel lane provided to give extra room for the movement of persons riding bicycles where there is insufficient space for a bicycle lane or shoulder bikeway.

**16.90.038 Bikeway, Off-Street Path.**

(Added by Ordinance No. 177028, effective December 14, 2002.) An off-street path for the movement of persons riding bicycles that is physically separated from motorized vehicular traffic by an open space or barrier and either within a street right-of-way, but not in the roadway, or within an independent right-of-way or dedicated easement.

**16.90.040 Bikeway, Signed Connection.**

(Replaced by Ordinance No 177028, effective December 14, 2002.) A bikeway upon which signing is placed to direct bicyclists to a destination or another bikeway.

**16.90.045 Block Face.**

The area between the line separating a public right-of-way from private property and the center line of a street or highway, and between the midpoint of two intersections.

**16.90.050 Bureau of Transportation System Management.**

(Repealed by Ordinance No. 182389, effective January 2, 2009.)

**16.90.055 Carpool Vehicle.**

- A.** Any vehicle that is designed by its manufacturer to seat three or more people and is utilized to transport on a regular basis, three or more people including the driver, from a point of origin to a destination.
- B.** For the purpose of this Title of the City Code, carpool vehicle specifically means any vehicle described in A. above, which displays a carpool permit issued by the Tri-County Metropolitan Transportation District of Oregon.

**16.90.060 Central City Plan District.**

The Central City Plan District is defined in Title 33 of this code. For purposes of this Title, however, regulations that apply to the Central City Plan District apply to the whole street (up to the property line or extension of a property line to the corner of a property line across an intersection) of the streets whose center lines serve as boundaries to the Central City Plan District.

**16.90.065 City Recognized Holidays.**

City recognized holidays are:

- A.** New Year's Day;



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- B.** Martin Luther King Jr.'s Birthday;
- C.** President's Day;
- D.** Memorial Day;
- E.** Fourth of July;
- F.** Labor Day;
- G.** Veteran's Day;
- H.** Thanksgiving Day; and
- I.** Christmas Day.

A day begins at 12:00:00 a.m. and ends at 11:59:59 p.m.

#### **16.90.070 Compact Car.**

Any vehicle which will fit within the space lines of a space designated for compact cars by official signs or markings.

#### **16.90.075 Conduct Business.**

The act of selling or attempting to sell services, or edible or nonedible items for immediate delivery.

#### **16.90.080 Construction Zone.**

The space adjacent to the curb and in immediate proximity to the premises where construction, alteration, remodeling, repairing, or similar work is in progress, and designated by official parking meter or sign hoods, signs, or markings.

#### **16.90.085 Crosswalk.**

Any portion of a roadway at an inter-section or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway that conform in design to the standards established for crosswalks under ORS 810.200. Whenever marked cross- walks have been indicated, such cross- walks and no other shall be deemed lawful across such roadway at that intersection. Where no marked crosswalk exists, a crosswalk is that portion of the roadway described in the following:

- A.** Where sidewalks, shoulders or a combination thereof exists, a crosswalk is the portion of a roadway at an intersection, not more than 20 feet in width as measured

from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:

1. The connections of the lateral lines of the sidewalks, shoulders, or a combination thereof on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or
  2. The prolongation of the lateral lines of a sidewalk, shoulder, or both, to the sidewalk or shoulder on the opposite side of the street, if the prolongation would meet such sidewalk or shoulder.
- B.** If there is neither sidewalk nor shoulder, a crosswalk is the portion of the roadway at an intersection, measuring not less than 6 feet in width, that would be included within the prolongation of the lateral lines of the sidewalk, shoulder or both on the opposite side of the street or highway if there were a sidewalk.

**16.90.090 Curb.**

Any raised margin defining the space in the street devoted to vehicular traffic.

**16.90.095 Curb Line.**

The curb line separates a street or highway into the area dedicated to vehicle traffic (roadway) and the area dedicated to pedestrian and nonmotor vehicle traffic (planting strip, sidewalk, etc.).

**16.90.097 Disabled Person Permit/Placard.**

(Added by Ordinance No. 186575, effective July 1, 2014.) Any official State-issued disabled person registration plate, placard, permit or decal, including: Regular, Program, Family, Motorcycle, Golf Cart or any other placard not issued specifically for “Wheelchair Only”.

**16.90.100 Driver.**

The rider, driver, or leader of any animal or vehicle that is not self-propelled and the operator of any vehicle that is self-propelled.

**16.90.105 Driveway.**

- A.** A road or access, whether improved or unimproved, extending from a public right-of-way onto private or public lands or structures for the purpose of gaining vehicular access to such areas and reasonably designated at the property line so as to be an obvious opening for access. For purposes of enforcement, a driveway:
1. Extends from one curb return to the other;

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2. If winged, includes the wings; or
3. If the street is unimproved, the driveway area falls between the projections of the edges of an improved driveway or the most established tire ruts of an unimproved driveway.

**B.** Such road or access will be enforced as a driveway unless closed by a structure or permanent closure device.

#### **16.90.110 Drop Box.**

A container in which trash or any other refuse material is temporarily stored or collected. For the purposes of Title 16, a drop box will be considered a vehicle in terms of parking provisions and restrictions.

#### **16.90.115 Emergency Vehicles.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) Vehicles of Portland Fire & Rescue, police vehicles, emergency vehicles of municipal departments, and ambulances while being used for emergency purposes and displaying lights as required by the Oregon Revised Statutes.

#### **16.90.120 Fire Station.**

Any building used for the purpose of housing fire apparatus of the City.

#### **16.90.125 Fog Line or Edge Line.**

The official 4-inch wide marking that defines the lateral lines of a roadway.

#### **16.90.130 Gross Vehicle Weight Rating.**

The value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle or the registration weight, whichever is greater.

#### **16.90.135 Guest.**

As used in a regulated parking zone sign, means a patron or visitor to the adjacent hotel.

#### **16.90.140 Handicap Access Ramp.**

An inclination, ramp-like structure, or any other such device designed to serve and provide ease of access from the sidewalk to the roadway or from the street to adjacent property for individuals using a mobility aid. If winged, it includes the winged area of the structure.

#### **16.90.145 Hotel.**

Any structure intended or designed for transient occupancy and which offers more than 25 percent of its rooms for dwelling, lodging or sleeping purposes for less than a 30 day period.

**16.90.150      Improper Use.**

Improper use occurs when a permit holder violates the provisions described on the permit application.

**16.90.155      Intersection.**

The area of a roadway created when two or more public roadways join together at any angle, as described in one of the following:

- A.** If the roadways have curbs, the intersection is the area embraced within the prolongation or connection of the lateral curb lines.
- B.** If the roadways do not have curbs, the intersection is the area embraced within the prolongation or connection of the lateral boundary lines of the roadways.
- C.** The junction of an alley with a roadway does not constitute an intersection.
- D.** Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersection highway is a separate intersection. In the event the intersection highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways is a separate intersection.

**16.90.160      Light Rail Transit System.**

A commuter transit mode consisting of steel-wheeled rail vehicles, powered electrically through overhead lines, operating predominately on exclusive right-of-way that need not be grade separated.

**16.90.165      Light Rail Vehicle.**

A component car in a light rail transit system.

**16.90.170      Load/Unload.**

To load or unload a vehicle means to be actively engaged in removing merchandise from or putting merchandise in a vehicle.

**16.90.175      Local Authorities.**

Every county, municipality, and other local board or body having authority to adopt local police regulations under the constitution and laws of this State.

**16.90.180      Long-Term Parking Meter.**

A parking meter with a designated time limit of more than 4 hours.

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#### **16.90.185 Mobile Construction Trailer.**

A trailer that is used temporarily in conjunction with a construction site for office and other related purposes.

#### **16.90.190 Motor Bus.**

Every motor vehicle designed or used for carrying passengers and their personal baggage for compensation. The term “motor bus” does not mean or include taxicabs designed or constructed to accommodate and transport not more than five passengers, exclusive of the driver, and fitted with taximeters or using or having some other device, method, or system to indicate and determine the passenger fare paid for distance traveled.

#### **16.90.195 Motor Home.**

See Recreational Vehicle.

#### **16.90.200 Motor Vehicle.**

Every inanimate vehicle which is self-propelled.

#### **16.90.205 Municipal Terminal.**

Any property owned or operated by the Port of Portland for the provision of port services.

#### **16.90.210 Official.**

By authority of or recognized by law or code.

#### **16.90.215 Official Vehicle.**

Any government vehicle so identified by public registration plates.

#### **16.90.220 Official/Reserved Zone.**

(Amended by Ordinance No. 179141, effective March 23, 2005.) Any space adjacent to the curb or edge of the roadway, or on City of Portland owned or operated property, which is exclusively reserved for those vehicles which have been assigned the use of such space through official permits or other means of designation.

#### **16.90.225 Operator.**

Any person who is in actual physical control of a vehicle.

#### **16.90.230 Parade.**

Any group of persons and/or vehicles moving on a street or streets of the City under permit as herein provided in accordance with a plan or common purpose for a celebration, display, exhibition, show, or advertisement, whether for public, semi-public, or private purposes, but does not include funeral processions or advertising vehicles operating under the provisions of Title 7.

**16.90.235      Park, Parking, or Parked.**

The stopping or standing of any vehicle upon any street or highway within the City, whether such vehicle is occupied or not. It does not mean stopping or halting temporarily for less than 30 seconds to load/unload passengers, or in obedience to traffic regulations, signs, signals, or officers.

**16.90.240      Parking Lane.**

The area between the curb and not more than 8 feet from the curb or curb line or as shown by official street markings. The parking lane is generally intended for vehicle parking. Parking regulations may apply to the parking lane area according to the provisions of Title 16 of the Portland City Code.

**16.90.245      Parking Meter.**

(Amended by Ordinance Nos. 176394 and 179141, effective March 23, 2005.) A device placed at or near the curb adjacent to the street area, or on City of Portland owned or operated property authorized by the City and designed to register the duration of the parking time and the limit thereof, upon payment by a U.S. coin or a payment card. Parking meter includes a pay station.

**16.90.247      Payment Card.**

(Added by Ordinance No. 176394, effective April 17, 2002.) A valid credit, debit or stored value card.

**16.90.249      Space Reservation Device.**

(Added by Ordinance No. 176394; amended by 179141, effective March 23, 2005.) A hood that is secured over a parking meter or a marker that is placed near the curb of the parking space, which contains administrative information on permit holder and regulations.

**16.90.250      Pedestrian.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) A person afoot; a person operating a pushcart; a person riding on or pulling a coaster wagon, sled, scooter, tricycle, bicycle with wheels less than 14 inches in diameter, or a similar non-motorized vehicle; or on roller skates, skateboard, wheelchair, or a baby in a carriage.

**16.90.255      Pedestrian Way.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) A facility intended for pedestrian movement.

**16.90.260      Permanently Exhibit.**

To display affixed to a vehicle so that the sign may not be removed from the vehicle without mechanical tools.

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#### **16.90.265 Person.**

A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

#### **16.90.270 Planting Strip.**

The area between the curb or edge of the roadway and an improved sidewalk.

#### **16.90.275 Private Road.**

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

#### **16.90.280 Public Right-of-Way.**

(Repealed by Ordinance No. 177028, effective December 14, 2002.)

#### **16.90.285 Rail Vehicles.**

Any steel-wheeled vehicle(s) propelled on fixed steel rails, including, but not limited to: trolleys; light rail vehicles; and diesel- powered trains.

#### **16.90.290 Recreational Vehicle.**

A vehicle which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

- A.** Motor Home. A motor vehicle designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck.
- B.** Accessory Recreational Vehicle. A nonmotor vehicle designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is not on the back of a pick-up or truck. Accessory recreational vehicle also includes vehicles designed for off-road use such as off-road vehicles, dune buggies, and recreational boats.

#### **16.90.295 Regulated Parking Zone.**

(Amended by Ordinance No. 179141, effective March 23, 2005.) A space adjacent to a curb or curb line, designated by official signs or markings, where special regulations for parking or stopping a vehicle apply in addition to the general parking regulations that apply to all parking areas in the public right-of-way, or on City of Portland owned or operated property.

**16.90.300      Repair (a vehicle).**

To perform work on the motor, mechanical, or body parts of a vehicle.

**16.90.302      Right-of-Way.**

(Added by Ordinance No. 177028, effective December 14, 2002.)

- A.**     The area between property lines of a street, easement, tract or other area dedicated to the movement of vehicles, pedestrians and/or goods.
- B.**     A public right-of-way is dedicated or deeded to the public for public use and under the control of a public agency.
- C.**     A private right-of-way is in private ownership, for use by the owner and those having express or implied permission from the owner, but not by others.

**16.90.305      Roadway.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) The portion of a street or highway improved for vehicle movement, including any parking lane. On an improved street, the area between the curbs or edge lines of a street.

**16.90.310      School Bus.**

A motor bus owned or operated by authority of any lawfully recognized school district.

**16.90.315      Service (a vehicle).**

To perform routine maintenance such as replacing fluids or charging batteries. It does not include repairs to motor or body parts.

**16.90.320      Short-Term Parking Meter.**

A parking meter with a designated time limit of 4 hours or less.

**16.90.325      Shoulder.**

The portion of a public street or highway without curbs, whether paved or unpaved, contiguous to the roadway that is primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

**16.90.330      Sidewalk.**

The portion of the street between the curb or lateral lines of the roadway and the adjacent property lines, intended for use by pedestrians. An improved sidewalk is a pedestrian walkway with permanent surfacing in the sidewalk area of a street or highway.

**16.90.335      Skateboard.**

A board of any material, natural or synthetic, with wheels affixed to the underside, designed to be ridden by a person.



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#### **16.90.340 Sled.**

Vehicles that do not move exclusively on revolving wheels in contact with the surface of the road or on fixed rails.

#### **16.90.345 Stop, Stopping, or Stopped.**

Any halting, even momentarily, of a vehicle, whether occupied or not, except to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

#### **16.90.350 Street or Highway.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) The entire width of a right-of-way when any portion thereof is intended for motor vehicle movement or motor vehicle access to abutting property.

#### **16.90.351 Storage Container.**

(Added by Ordinance No. 179141, effective March 23, 2005.) A Storage Container in which any material is temporarily stored or collected. For the purposes of Title 16, a storage container will be considered a vehicle in terms of parking provisions and restrictions.

#### **16.90.355 Taxicab.**

Any motor vehicle which carries passengers for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof, and which is duly licensed by the City of Portland as a taxicab.

#### **16.90.360 Tire.**

The band of material used on the circumference of a wheel, on the outer face of a track or on a runner of a sled, which forms the tread that comes in contact with the surface of the road, or, if no band is used, then it means the tread or runner of a sled.

#### **16.90.365 Traffic.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) Pedestrians, ridden or herded animals, and vehicles, either singly or together, while using any street or highway for purposes of movement or parking.

#### **16.90.370 Traffic Congestion Thoroughfare.**

Any portion of a street or highway within the City affected by traffic congestion caused in whole or in part by the repeated driving of the same motor vehicles along or across that portion of the thoroughfare.

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**16.90.375 Traffic Control Device.**

- A. All signs, signals, markings, and devices consistent with this Title placed or operated by direction of the City Traffic Engineer for the purpose of guiding, directing, warning, or regulating traffic or parking.
- B. Any device that remotely controls by electrical, electronic, sound, or light signal the operation of any device identified in subsection (A) of this definition.

**16.90.380 Traffic Control Signal.**

Any device, whether manually, electrically, or mechanically operated, by which traffic is directed. An electric traffic control signal is considered inoperative when none of the signal control indications are illuminated.

**16.90.385 Traffic Hazard.**

(Amended by Ordinance No. 179141, effective March 23, 2005.) Any object, including vehicles, that impede the safe movement of vehicles in the public right-of-way or, on City of Portland owned or operated property.

**16.90.390 Traffic Lane.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) An area of a street or highway, designated by official signs or markings, as dedicated to the movement of one vehicle at a time.

**16.90.392 Transit Mall and Auxiliary Vehicular Lanes.**

(Added by Ordinance No. 182921, effective June 17, 2009.) The Transit Mall and Auxiliary Vehicular Lanes shall be designated in Section 16.50.110. An emergency is defined in Subsection 17.23.020 E.

**16.90.395 Tri-Met Bus.**

A motor bus owned or operated by the Tri-Metropolitan Transit District of Oregon.

**16.90.400 Trolley or Streetcar.**

(Amended by Ordinance No. 175564, effective May 9, 2001.) An electric or diesel powered, steel wheeled rail vehicle, operating on steel rails, used to transport passengers.

**16.90.405 Truck.**

(Amended by Ordinance No. 179141, effective March 23, 2005.) Every motor vehicle designed, used or maintained primarily for the transportation of property, goods or providing a service, tow truck with passenger plates, step vans, vehicle length or width or height greater than original manufacturer's vehicle dimensions, and meeting the description as defined by DMV registration as a truck, van or pickup.

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#### **16.90.410 Truck Trailer.**

A vehicle which is not a recreational vehicle or utility trailer, is more than 16 feet in length, and is designed to be pulled by a motor vehicle.

#### **16.90.415 Uncontrolled Intersection.**

Any intersection with no official traffic control device to designate vehicular right-of-way.

#### **16.90.420 Utility Trailer.**

A vehicle which is used to carry property, refuse, or special equipment, is 16 feet or less in length and is designed to be pulled by a motor vehicle. Boat trailers are included as utility trailers no matter what their length.

#### **16.90.421 Valid Receipt.**

(Added by Ordinance No. 179141, effective March 23, 2005.) A parking meter receipt dispensed from a City of Portland Parking Meter device indicating the valid date, time purchased, expiration time, watermark, or any other identifications showing validity of receipt. The receipt issued is valid only in the designated meter district where purchased.

#### **16.90.425 Vehicle.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) Every device in, upon, or by which any person or property is or may be transported or drawn upon any street or highway. Bicycle is more specifically defined in Section 16.90.025.

#### **16.90.430 Vehicle Alarm System.**

Any device, equipment, assembly, or system designed, arranged, or intended to sound an alarm horn, siren, klaxon, or other sound emitting device to signal an entry or attempted entry into, or tampering with, a vehicle.

#### **16.90.435 Vendor.**

Any person who conducts business in the public right-of-way or any other public property.

#### **16.90.440 Way.**

(Added by Ordinance No. 177028, effective December 14, 2002.) A facility for the movement of pedestrians, vehicles or goods, the specific user or users being determined by modifying words, such as road, bicycle, pedestrian, etc. Path and lane are synonyms for way, and likewise may be given a more specific meaning through use of a specified user or specific definition. See: Roadway, Pedestrian Way, Traffic Lane, Bicycle Path, et. al.

#### **16.90.445 Wheelchair User Disabled Permit/Placard.**

(Added by Ordinance No. 186575, effective July 1, 2014.) Any official State-issued disabled person registration plate, placard, permit or decal specifically for the use of a wheelchair or similar low-powered, motorized or mechanically propelled vehicle designed specifically for use by a person with a physical disability.

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- 17.103.030 Authority of Director to Adopt Rules.
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- 17.103.050 Enforcement and Penalties.
- 17.103.060 Severability.





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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.**

(Amended by Ordinance No. 186716, effective August 15, 2014.) 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 60 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

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5. Contact information for sidewalk repair.
- 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

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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.

- C.** Following adoption of the assessing ordinance, the City Auditor shall mail a final assessment notice to the owners of the affected property as shown on the last available assessment roll in the office of the county assessor. The notice shall be deemed given upon deposit in the U.S. mail. The notice shall contain the following information:
1. The legal description and site address of the property;
  2. The final assessment amount;
  3. A statement that the final assessment is recorded in the Docket of City Liens, and is a lien which has first priority against the property as provided by state statute;
  4. The manner and deadline for paying the final assessment in full or requesting to pay the final assessment in installments if authorized by Code;
  5. The interest, penalties and collections costs which shall be charged if the final assessment is not paid or an installment payment contract is not filed before the deadline contained in the notice; and
  6. A statement that delinquent final assessments may be collected by foreclosure and property sale.
- D.** The City Auditor shall maintain a Docket of City Liens containing final assessments on property. Any unpaid final assessment shall be recorded in the City lien docket, and it shall be binding upon the property owner and all subsequent property owners of the property or any segregated part of it. The docket shall stand thereafter as a lien docket the same as ad valorem property taxes assessed in favor of the City against each lot or parcel of land until paid, for the following:
1. The amount of the unpaid final assessments docketed, with accrued interest at the rate determined by the City Council, or in the case of an installment contract, at the rate set forth in the contract; and
  2. Any additional interest, penalties, or billing charges imposed by the City with respect to any installments of final assessments which are not paid when due.

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- E.** All unpaid final assessments together with accrued and unpaid interest and penalties and billing charges are a lien on each lot or parcel of land respectively, in favor of the City and the lien shall have first priority over all other liens and encumbrances whatsoever.
- F.** The City shall enforce assessment liens and installment payment contracts under this Chapter in the same manner as other City assessments as set forth in Title 5.

**Chapter 17.32**

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

(Chapter replaced by Ordinance No. 186659;  
effective July 18, 2014.)

**Sections:**

|           |                                            |
|-----------|--------------------------------------------|
| 17.32.010 | Purpose.                                   |
| 17.32.020 | Definitions.                               |
| 17.32.030 | Permit Required.                           |
| 17.32.040 | Types of Permits and Reviews               |
| 17.32.050 | Work Allowed and Required Under Permit.    |
| 17.32.060 | Permit-Related Records.                    |
| 17.32.070 | Maintenance of Sewer and Drainage Systems. |
| 17.32.080 | Use and Access Permits                     |
| 17.32.090 | Connection Permits.                        |
| 17.32.100 | Public Works Permits                       |
| 17.32.110 | Permit and Review Fees.                    |
| 17.32.120 | Reimbursements for Work.                   |
| 17.32.130 | Inspections.                               |
| 17.32.140 | Enforcement.                               |
| 17.32.150 | Compliance Cases and Appeals.              |
| 17.32.160 | Conflict.                                  |
| 17.32.170 | Severability.                              |

**17.32.010 Purpose.**

This Chapter regulates access and connection to, and the use, construction, modification, maintenance, repair or removal of, components of the City sewer, storm sewer and drainage systems and their easements. This Chapter operates in conjunction with Chapter 17.38 to regulate the collection, conveyance and disposal of sanitary and stormwater discharges from public and private properties. This Chapter is administered by the Director of the Bureau of Environmental Services (BES).

**17.32.020 Definitions.**

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.



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- 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. “City Storm Sewer and Drainage System”** means a City conveyance or system of conveyances, including pipes, pumps, drainage ditches, constructed channels, groundwater-related disposal systems, underground injection control devices, stormwater management facilities, or storm drains, that is designed or used to collect and transport stormwater. “City storm sewer and drainage systems” does not include natural streams, creeks, ponds, lakes, a combined sewer, or part of a Publicly Owned Treatment Works, as defined in 40 CFR 122.2
- D. “Combined Sewer”** means a sewer designed to convey both sanitary sewage and stormwater.
- E. “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.
- F. “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.
- G. “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.
- H. “Conveyance”** means the transport of sanitary sewage, stormwater, wastewater or other discharge from one point to another point.

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- I.**     **“Director”** means the Director of the Bureau of Environmental Services or the Director’s designee.
- J.**     **“Discharge Point”** means the connection point or destination for a discharge leaving a site.
- K.**     **“Drainage”** means the flow of waters across public and private properties.
- L.**     **“Drainage Improvements”** means management facilities or modifications to storm sewers, drainage systems or drainage patterns to address safety issues, increase capacity, or improve water flows or quality.
- M.**     **“Green Street”** means a vegetated stormwater management facility located within the planting strip or other portion of public or private rights-of-way.
- N.**     **“Groundwater Discharge”** means a discharge pumped or directed from the ground. Groundwater-related discharges include but not limited to, subsurface water from site remediation and investigations, well development, Brownfield development, discharges from footing and foundation drains, and subsurface water associated with construction or property management dewatering activities.
- O.**     **“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.
- P.**     **“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.
- Q.**     **“Route of Conveyance”** means the BES-approved path of conveyance from a property or private stormwater system to the approved discharge point.
- R.**     **“Route of Service”** means the BES-approved path of connection of a building sewer or private stormwater conveyance to a City sewer, storm sewer or drainage system.
- S.**     **“Stormwater”** means water that originates as precipitation on a particular site, basin, or watershed. Also referred to as runoff.
- T.**     **“Wye”** means a connection joint or pipe between a public sewer and more than one sewer service lateral, building sewer, or common private sewer system.

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**17.32.030 Permit Required.**

- A.** It is unlawful for any person to take the following actions without first obtaining authorization from the Director and approval from the BES Chief Engineer via permit, contract or other legal agreement and paying applicable fees:
- 1.** Access any City sewer or drainage system component;
  - 2.** Encroach into a City sewer easement;
  - 3.** Dig up, break into, excavate, disturb, dig under, or undermine any public street or City sewer easement for the purpose of laying or working upon any City or private sewer or drainage improvement of any kind;
  - 4.** Make connection with, obstruct or interfere with the City sewer, storm sewer or drainage system;
  - 5.** Cut, break, connect, modify or remove any component of the City sewer or drainage system;
  - 6.** Direct water, from any source, on private property to run onto any City sidewalk, street, easement or right of way.
- B.** In the case of the need for emergency repair to a City sewer, storm sewer or drainage system component to protect public health, safety or the environment, the person making the repair may commence work without first obtaining a permit provided that:
- 1.** The person immediately notifies the City of the need for repair;
  - 2.** Any emergency repair work is limited to what is needed to remove the emergency situation as deemed necessary by BES Chief Engineer;
  - 3.** The work is performed in compliance with standard City construction specifications, the Sewer and Drainage Facilities Design Manual, and the Stormwater Management Manual; and
  - 4.** The person making repairs files an application for a BES permit within three business days of the emergency and complies with all permit conditions and pays all applicable fees.
- C.** Repair of nonconforming sewers located in public right-of-way or a City easement is prohibited unless the BES Chief Engineer determines that it is in the public interest to allow the nonconforming system to remain.

- D.** The Portland Bureau of Transportation may require a permit and approval from the BES Chief Engineer to construct and attach drainage improvements to the City sewer, storm sewer and drainage system as needed to provide stormwater drainage for public streets.
- E.** Except as otherwise allowed by the Director, it is unlawful for any person to allow or cause a connection that will result in the discharge of sanitary sewage into a City storm sewer and drainage system.
- F.** Except as otherwise allowed by the Director, it is unlawful for any person to allow or cause a connection that will result in the discharge of storm drainage, collected groundwater or other water to a public sewer designated by the BES Chief Engineer to be used solely for sanitary sewage.

**17.32.040      Types of Permits and Reviews.**

The Director has established a permitting system to review, approve and enforce proposals to access, use, connect, modify, repair or remove components of the City sewer, storm sewer and drainage system. BES administrative rules identify application submittal requirements, permit issuance decision-making, inspection, bond, and warranty requirements. In general, the Director authorizes the following permits, reviews, and authorizations:

- A.** Access and system use permits for limited use of sewer systems for monitoring, sampling or other non-structural activity;
- B.** Encroachment reviews for City sewer and drainage systems and their easements, including both temporary staging and permanent structural modifications;
- C.** Connection permits for new laterals or permanent routing of any discharges to the City sewer, storm sewer or drainage system;
- D.** Public works permits for construction, modification, repair or removal of a component to the City sewer, storm sewer or drainage system; and
- E.** Pre-issuance reviews on projects in the vicinity of City sewer, storm sewer and drainage systems that are required to obtain other City permits or authorizations to conduct work.
- F.** Authorization the activities described in Section 17.32.030 through a binding contract or other legally binding agreement or a BES discharge permit or authorization.

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- G.** The BES Chief Engineer may refuse to issue a permit if:
- 1.** In the judgment of the BES Chief Engineer, the proposed work or activity is not suitable in the circumstances or will not be consistent with or protective of existing or proposed public sewer, storm sewer or drainage improvements or activities in the immediate vicinity;
  - 2.** The application is not modified as the BES Chief Engineer deems necessary;
  - 3.** The City Engineer has not issued a street opening permit if the public sewer or drainage improvement or proposed work or activity is occurring or will occur within a public right-of-way or area to be designated as a public right-of-way;
  - 4.** The application is to repair, replace or upgrade an existing private sewer or drainage system that is nonconforming; or
  - 5.** The requirements of any previously issued permit have not been met including the payment of delinquent fees or City charges.

#### **17.32.050 Work Allowed and Required Under Permit.**

- A.** Upon receipt of the completed application, proper and satisfactory bond, and payment of all applicable fees, the BES 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 BES Chief Engineer.
- B.** All persons doing work under a permit must comply with all the conditions of the permit as specified by the Director and perform work to the standards set by the BES Chief Engineer. The BES Chief Engineer may establish standards for particular types or classes of work to be performed by persons permitted to work on BES facilities in streets, easements, or other public property. Such conditions may include:
- 1.** Full payment of permit fees.
  - 2.** Specifics about the kind of work and the time in which the same is to be completed.
  - 3.** Such other requirements as the BES Chief Engineer finds appropriate in the public interest.

- C. The BES Chief Engineer may refuse to accept work that is not in full compliance with the plans, specifications, permit or other contract documents. If the work is refused, it will not be accepted unless it is brought into full compliance.
1. All work must comply with the following design and construction standards;
- a. Sanitary, wastewater or other discharges to the sanitary or combined system must comply with the Sewer and Drainage Facilities Design Manual.
- b. Stormwater, groundwater discharge or other waters discharged to the City's storm sewer and drainage system must comply with the Stormwater Management Manual and Chapter 17.38.
- D. All components of the City sewer, storm sewer and drainage system must be located within public rights-of-way, including easements. The width of public rights-of-way must be adequate to allow reasonable access for inspection, maintenance, repair and replacement, using standard construction methods. The minimum width for City sewer, storm sewer or drainage easements located outside of the public right-of-way is 15 feet. The Director may require enlargement of an easement as necessary to address topographic conditions, the design of the improvement, or other relevant factors.
- E. It is unlawful for any person who obtains a permit to fail or refuse to immediately remove all surplus sand, earth, rubbish, and other material from public streets and other public areas. All public streets, easements, and other public properties must be repaired or replaced to a condition satisfactory to the City Engineer, or the BES chief Engineer for sewer, storm sewer and drainage easements, at the permittee's own expense for the period of two years from the date of the completion of the work, as acknowledged in writing by the City.

**17.32.060 Permit-Related Records.**

BES will keep a record of permitted activities and improvements made under permit, permits issued under this Chapter, permit conditions, and the dates of acceptance of improvements. Any plans, specifications, survey notes, or other original documents as required by the BES Chief Engineer that were prepared for or produced during permit application or the design of, construction of, or connection to of a public sewer or drainage improvement, become the property of the City and must be delivered to the BES Chief Engineer before acceptance of the improvement by the BES Chief Engineer. The permittee must provide copies of any sampling data or other information obtained as a result of accessing the City sewer, storm sewer and drainage system.

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#### **17.32.070 Maintenance of Sewer and Drainage Systems.**

Sewer system maintenance obligations including inspection, rehabilitation, routine cleaning and repair are based on ownership of the system:

- 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 17.32.070 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 BES Chief Engineer may grant or deny a permit to repair, upgrade, or replace the system as provided by Section 17.32.030. Such a system may only remain in the public right-of-way at the discretion of the BES 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 17.32.070 B.1. or B.3. will be maintained by the City as explained below in this Section unless otherwise specified by written agreement with the City.
  - 1. Limits of City Maintenance Responsibility.** The City maintains City sewer and drainage improvements that are located in City rights-of-way and that are described as part of the City public sewer, storm sewer and drainage system. However, the City only maintains sewer laterals as follows:
    - a.** For a City-paved street with curbs, the City will maintain a lateral from the sewer main to the street-side curb face nearest the property being served. If there is more than one curb, as with stormwater facilities, the City will maintain to the street-side curb face closest to the property line. Otherwise, the City will maintain only the wye or tee connection for sewer laterals.



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- b.** For a City-paved street without curbs, the City will maintain a lateral from the sewer main to the edge of the City paved street area.
  - c.** Under Subsections 17.32.070 B.1.a. and b., when the sewer main is located in the right-of-way between the property line and the street-side curb face closest to the property line, the City will maintain only the wye or tee connection for the lateral.
  - d.** For an unpaved street, the City will maintain those portions of any sewer lateral within an area of right-of-way up to 28 feet wide and centered on the centerline of the City right-of-way, as determined by the City, as follows:
    - (1)** When the sewer main is within the 28-foot maintenance area, the City will maintain the lateral to the limit of the maintenance area;
    - (2)** When the sewer main is outside the 28-foot maintenance area and at least a portion of the sewer service lateral lies within the maintenance area, the City will maintain the lateral to the limit of the maintenance area; and
    - (3)** When the sewer main is outside the 28-foot maintenance area and no portion of the sewer service lateral lies within the maintenance area, the City will maintain only the wye or tee connection for the lateral.
  - e.** In City sewer, storm sewer and drainage system easements, the City will maintain public sewer mains and only the wye or tee connections for sewer service laterals.
  - f.** Those portions of a sewer service lateral not addressed by Subsections 17.32.070 B.1. a. through d. are the responsibility of the property owner receiving service through the lateral.
- 2.** Acceptance of Systems with Unclear Ownership. The Chief Engineer may agree to conduct future maintenance of a sewer or drainage system located in a public right-of-way or City utility easement where the ownership is unclear if, in the judgment of the BES Chief Engineer, the public will benefit thereby and:
  - a.** The system conveys only domestic sanitary or stormwater flows from residential property; or



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- 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.
- 3.** Acceptance of Systems from Other Agencies., utilities or Individuals. The BES Chief Engineer may accept sewer, storm sewer and drainage systems from other public or private utilities, public agencies, non-profit groups or other persons as the BES Chief Engineer deems appropriate. This acceptance may include full ownership or only assumption of maintenance responsibilities.
- 4.** Adoption of Private Systems in the Public Right-of-Way. The BES Chief Engineer may agree to take ownership of a private sewer system or drainage improvement in the City right-of-way as provided by administrative rule. At the discretion of the BES 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;
  - 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.
- 5.** A system accepted under Subsection 17.32.070 B.1. or adopted under Subsection 17.32.070 B.2. will be added to the City maintenance roles as of the date of acknowledgment by the BES Chief Engineer.

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6. 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 will 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.
7. Any private piping, collection or conveyance structures needed to provide service to or used to transport discharges to the City's sewer, storm sewer or drainage system, will be the sole responsibility of the property owners(s) served by such systems. System installation, maintenance and repair will occur at the expense of the applicable property owner(s).
8. Volunteer Maintenance. Property owners adjacent to City green street or other drainage improvement are not responsible for routine maintenance of the facilities but may voluntarily perform the following tasks with BES approval:
  - a. Trash and debris removal (not including sediment);
  - b. Weed removal;
  - c. Leaf pick up and removal;
  - d. Removal of dead plantings;
  - e. Watering of vegetation; and
  - f. Clearing inlets and outlets to allow stormwater to freely enter and exit the facility

**C. Nuisance Abatement.**

1. The BES Chief Engineer may determine that a sewer or drainage improvement 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;
  - b. Is so deteriorated that its flows infiltrate or threaten to infiltrate any public utility or impact or threaten to impact the support structures of any street or public utilities;

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- c. Violates City operation, maintenance or construction standards or rules, or
  - d. Otherwise creates a public health or safety hazard.
2. Summary abatement of the nuisance is authorized when the BES Chief Engineer determines it is necessary to take immediate action to meet the purposes of this Title.
3. Notice to the responsible party before summary abatement is not required. Following summary abatement, the BES Chief Engineer will notify all owners identified in this Chapter or Chapter 25.09 as having maintenance or repair responsibilities. An error in the name of the property owner or address listed in the county assessment and taxation records does not affect the sufficiency of the notice.
4. The City will bill each property that the City determines caused or contributed to the nuisance to recover the costs of abatement. If the amount due is not paid in full within 30 days of the date of notice, the City may place a lien against the property.

See Figure 13 for an example visual representation of ownership situations.

**17.32.080 Use and Access Permits.**

- A.** Access to or use of the City sewer, storm sewer and drainage system requires the written approval of the Director and payment of all applicable fees. Public agencies or BES discharge permittees may be eligible for multi-use or programmatic permits. Structural modification of the City sewer, storm sewer and drainage systems requires a public works permit under Section 17.32.100.
- B.** Drainage System Modifications. Modifications of any public or private stormwater management systems require the written approval of the Director.

**17.32.090 Connection Permits.**

Connecting to a City sewer, storm sewer or drainage system, requires the written permission of the Director and payment of all applicable fees. A permit application must include the purpose of the work; the name of the street or proposed or existing easement or right of way where work is proposed; the location of potentially affected components of the City sewer, storm sewer and drainage system; the location of the building or lot to be connected by the work (if any); and the location and the area to be drained.

- A.** If the application is for a permit is to connect a commercial or industrial occupancy it must also include:

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1. A description of the business, a plat of the property, plans and specifications for any special installations;
  2. A description of the character and quantity of waters and wastes to be discharged through the connection;
  3. A proposed schedule for work; and
  4. Any further information required by the BES Chief Engineer.
- B.** If the application is for a permit to connect properties outside the City limits, connection approval will be at the sole discretion of the BES Chief Engineer. No connection from property outside the City limits or within a neighboring jurisdiction will be permitted which, in the opinion of the BES Chief Engineer, may overload or otherwise compromise any component of the City sewer, storm sewer or drainage system. Connection of properties outside the City's boundaries is subject to the requirements and limitations of the City's adopted urban services policy.
1. Application for a permit to connect must 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 must be paid and any permits that may be required for street or highway opening and use must be obtained.
  2. Any person connecting a property outside the City limits to the City sewer, storm sewer or drainage system must enter into a maintenance agreement as may be required by the Director.
  3. Flows from outside the City limits may be required to meet the standards in the stormwater management Manual or the Sewer Drainage Facilities Design Manual, as determined by the BES Chief Engineer based on the needs of the City sewer, storm sewer and drainage system.
- C.** All permitted work must meet the following general sewer and drainage system construction standards, if applicable:
1. All discharges must be routed to the City sewer, storm sewer and drainage system by gravity service when possible, unless otherwise approved by the BES Chief Engineer.

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2. If separate City storm and sanitary sewers are available, separate connection must be made to the City's sewer, storm sewer and drainage system from the private property:
    - a. Sanitary sewage from private property must be separately conveyed to the property line and connected through individual laterals for discharge to the City separate sanitary or combined sewer.
    - b. Drainage from private property, whether from the roof of a building, the surface of a structure, footings of a structure or any other surface, groundwater discharge or other drainage must be conveyed separately from sanitary sewage to City systems via an approvable route of conveyance or discharge point to the City storm sewer and drainage system;
    - c. If separate storm and sanitary sewers are not available, but a combined sewer is available, the BES Chief Engineer may require or allow:
      - (1) Separate connections for the separate sewage lines from the property to the City's combined sewer;
      - (2) Joining of the separate lines at the curb line closest to the property line or edge of an easement for single discharge into the City's combined sewer; or
      - (3) Onsite infiltration of surface, groundwater discharge or other drainage to minimize or eliminate the need for offsite discharge.
  3. All discharges must be connected via an approved route of service or route of conveyance to a discharge point approved by the BES Chief Engineer.
- D.** The BES Chief Engineer may require that a property owner modify or abandon an existing sewer connection when a new or renovated public sewer becomes available. The BES Chief Engineer may dictate a new route of service or route of conveyance and new approved connection point to the City sewer, storm sewer and drainage system for sewage, wastewater or other drainage discharges. A new connection may be:
1. Required or provided by BES as part of an infrastructure replacement project that addresses issues such as but not limited to pipe stability,

capacity expansion, water quality improvement, or reduction of inflow or infiltration into existing laterals.

2. Require for a property with a private sewer, storm sewer and drainage system located in City right-of-way to obtain a City encroachment permit;
3. Required in order to remove an illegal connection that is subject to an enforcement action.

**17.32.100 Public Works Permits.**

**A.** The construction, modification, repair or removal of a component of the City sewer, storm sewer and drainage system requires a public works permit prior to beginning work. All applicants must complete a public works application form that provides:

1. A description of the proposed work and the applicable public improvements.
2. Locations and names of proposed streets where work is proposed, location of any off-street improvements, and the name of a new proposed plat development, if any.
3. Any other information the BES chief Engineer deems appropriate.

A permit will be issued by the City after the sewer or drainage improvement plans and/or description of proposed work have been approved by the BES Chief Engineer.

**B.** Prior to City issuance of a permit, the applicant must provide a performance bond, cash, or other financial guarantee in an amount not to exceed the City's estimate for construction and engineering.

**C.** The BES Chief Engineer will only issue a permit for the construction of a public sewer or drainage improvement in advance of plat recording of a subdivision or planned unit development after:

1. The sewer or drainage improvement plans have been approved;
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 has given written assurances that subdivision or planned unit development approval conditions have been or will be met;
  4. All applicable easements outside the subdivision or planned unit development have been obtained, and
  5. The applicant has complied with Section 17.32.050 of this Code.
  6. The issuance of a BES public works 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.
- D.** Persons wishing to utilize City design services must include payment of a deposit in an amount to be determined by the Director with the permit application. All deposits must be made before any City design work begins. BES will retain the deposit as compensation for the preparation of design and plans or for review efforts if:
1. A permit application or issued public works 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.
  3. If a public works 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 will be applied to the cost of the permit fee for such improvements.
- E.** In addition to the standard permit conditions of Section 17.32.050, public works permits must meet the following standard conditions:
1. The resulting public improvement must be located in a public easement or public right of way and will come under City control upon plat and easement recording with the County.
  2. The permittee shall hold the City of Portland harmless in writing against any liability that may arise from or in connection with the permitted activity prior to any dedication of rights-of-way or recording of easements. The permittee must assume 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.

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3. The permittee must, at the permittee's own expense, maintain any permitted City sewer or drainage improvement for a period of 24 months following the issuance of a letter of permit completion by the City Engineer. The warranty period ensures that workmanship and materials are not defective and that the improvement is operating properly. BES may extend the warranty period for any repairs, alterations or rehabilitations that needed to occur during the original warranty period.
4. Any drainage improvements made on private property and private or shared private/public facility systems allowed in a City right-of-way or easement will remain the maintenance responsibility of the private property owner as a condition of the approved permit and associated maintenance agreement unless accepted as a City maintenance responsibility by the Director.
5. All plats and easements must be recorded with the County prior to final acceptance of the public sewer or drainage improvements.

**F. Acceptance of Improvements.**

1. Notice of Construction Completion. During the course of construction, and before issuance of a letter of permit completion from the BES Chief Engineer or a certificate of completion from the Bureau of Transportation for joint projects, the BES Chief Engineer will inspect the sewer or drainage improvement and to determine if the improvements were constructed in compliance with the plans, specifications and conditions of the permit and if they meet City standards for quality of workmanship. The BES Chief Engineer will check the improvement for alignment and conformance with the established grade. Once this acceptance is garnered, the maintenance and warranty period will commence.
2. Certificate of Completion of the Maintenance and Warranty Period. All of the work required during the warranty period must be completed to the satisfaction of the Chief Engineer prior to completion certificate issuance and issuance of a warranty completion certificate accepting the improvement.
3. In the event the BES Chief Engineer does not accept a public sewer or drainage improvement within one year after completion of the warranty period, the permittee must 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.



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#### **17.32.110 Permit and Review Fees.**

Permit and review fees are described on the BES annual rate ordinance required by Chapter 17.36. BES may withhold issuance of any permit until applicable connection charges and review fees are paid in full. Multi-tiered permit fees may be applicable.

- A.** Access, Use and Encroachment Reviews and Permits. Sewer access, use and encroachment permit review fees will recover the cost of BES reviews including all applicable overhead and inspection charges.
- B.** Connection Permits. Connection permit review fees will recover the cost of all City reviews including all applicable overhead charges for review and inspection. Overhead rates are set annually by the Director.
- C.** Public Works Permits. Public works permit review fees 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. Public works permit and review fees recover the costs for all projects completing work whether performed by contract in the name of the City, by private contract between a permittee and a contractor, or directly by the permittee.
- D.** All fees must be paid prior to receiving a permit and commencing work.
- E.** BES may withhold a portion of permit fees and charges to cover costs associated with opening and reviewing a permit. Canceled connection, use, encroachment, proximity review and standard public works permits are generally not eligible for refund unless meeting the criteria set by the Director. Complex public works permits are eligible for refund of the applicable portions of the public works permit deposit not already spent on City design or review services.

#### **17.32.120 Reimbursements for Work.**

- A.** Backflow Device Reimbursement. A property owner may submit an application for partial reimbursement of the cost for installation of a sewer backflow device on a combined sewer line. To be eligible, the building or structure must be connected to the City combined sewer system and be in an area vulnerable to sewer backups, as determined by the BES Chief Engineer. All backflow devices installed pursuant to this Section will be owned by the building owner, who must assume the costs of maintenance, repair and replacement.
  - 1.** Backflow devices must be installed per Title 25, Plumbing Regulations.
  - 2.** As of July 1, 1996, if the reimbursement is approved, the building owner must pay the first \$100 of the cost of such installation, and the City pays

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the next \$1,500 of such costs. The building owner must pay any amount in excess of \$1,600. Payment to the property owner of the City's share of the expense is made upon the Bureau of Development Services' final inspection and the owner's submittal of the plumber's billing for the work.

3. City participation in the cost of installation does not guarantee or in any manner warrant any backflow device, nor does the City give any warranty that the device will prevent future flooding. The City does not assume any responsibility for damages incurred as a result of flooding subsequent to installation of any backflow device. The owner may look to a warranty or guarantee from the manufacturer of the backflow device or the installation contractor.

**B. Sewer and Drainage System Extensions.**

1. **Payment for Extension.** When a City sewer or drainage improvement is extended past or to properties, all property owners benefiting from the extension will be assessed a share of the anticipated cost of the extension based on either Local Improvement Districts as described in Chapter 17.08; or other charges as specified in Section 17.36.040.
2. **Reimbursement for Extension.** The property owner or developer paying for a sewer or drainage system extension that will serve unserved properties will be reimbursed by the City for part of the cost of such extension:
  - a. The amount of reimbursement for a sewer extension is limited to the amount of revenue that would be received from the line and branch charge established in Section 17.36.040 if, upon acceptance of the sewer by the City, all properties adjacent to and capable of receiving gravity service were to connect. The reimbursement will not exceed the cost of an equal length of 8-inch-diameter sewer line, as determined by the BES Chief Engineer.
  - b. The amount of reimbursement for a drainage improvement extension is limited to the cost to manage the drainage basin area drained to new facilities that will be accepted by the City for long term maintenance.
  - c. The reimbursement for any project will not exceed 50 percent of the amount budgeted by the City in any fiscal year, unless otherwise approved by the Director. The total reimbursement in any fiscal year must not exceed the amount budgeted for that

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purpose in that year; however funds may be committed against the next year's budgeted amount.

**17.32.130      Inspections.**

- 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 surveying, 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.

**17.32.140      Enforcement.**

- 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 for actions in Section 17.32.030, 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 or prohibited access to 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 termination, withholding of permits, withholding of final inspection, 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.

**17.32.150 Compliance Cases and Appeals.**

- 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 or a final inspection.
  - 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.** Refusal to accept an improvement into the public maintenance system.
  - d.** Refusal to grant permits for modification of a public improvement.
  - e.** Specification of the required route of service to connect with a public improvement.
  - f.** 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.

**17.32.160 Conflict.**

This Chapter supersedes all ordinances or elements thereof to the extent that they are inconsistent with or conflict with any part of this Chapter.

**17.32.170 Severability.**

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.



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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, 185397 and 186659, effective July 18, 2014.)

- A. Authority.** The Director may require drainage reserves or tracts over seeps, springs, wetlands 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 are adopted by administrative rule. Placement 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.

- 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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- 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.
- B.** The quality of stormwater leaving the site after development shall be equal to or better than the quality of stormwater leaving the site before development, as much as is practicable, based on the following criteria:
  - 1.** Stormwater management facilities required for development shall be designed, installed and maintained in accordance with the Stormwater Management Manual, which is based on achieving at least 70% removal of the Total Suspended Solids (TSS) from the flow entering the facility for the design storm specified in the Stormwater Management Manual.
  - 2.** Land use activities of particular concern as pollution sources shall be required to implement additional pollution controls including but not limited to, those management practices specified in the Stormwater Management Manual.
  - 3.** Development in a watershed that drains to streams with established Total Maximum Daily Load limitations, as provided under the Federal Clean Water Act, Oregon Law, Administrative Rules and other legal mechanisms shall assure that stormwater management facilities meet the requirements for pollutants of concern, as stated in the Stormwater Management Manual.
  - 4.** Stormwater discharge which is not practicable to fully treat to the standards of this Section and the Stormwater Management Manual, shall be either:
    - a.** Managed in an offsite facility or
    - b.** Given the option of 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

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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, 185397 and 186659, effective July 18, 2014.) 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

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.
  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.

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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.

- 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

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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.

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**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.

**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.



**FIGURE 6 - Chapter 17.102**

(Replaced by Ordinance No. 186600  
effective July 1, 2014.)

**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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| <b>Curbside Collection Service Rates and Charges</b>                                                                         |                                     |                               |                           |                        |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------|---------------------------|------------------------|
| <b>Service Level</b>                                                                                                         | <b>Monthly Rate Curbside Pickup</b> | <b>Per Unit or Per Pickup</b> | <b>Non-Curb Surcharge</b> | <b>Excess Distance</b> |
| <b>Standard Service - Service includes weekly collection of composting &amp; recycling, every-other-week garbage</b>         |                                     |                               |                           |                        |
| 20-gallon Can*                                                                                                               | 24.75                               |                               | 1.70                      | 0.55                   |
| 32-gallon Can*                                                                                                               | 28.55                               |                               | 1.70                      | 0.55                   |
| 20-gallon Rollcart                                                                                                           | 24.75                               |                               |                           |                        |
| 35-gallon Rollcart                                                                                                           | 29.35                               |                               |                           |                        |
| 60-gallon Rollcart                                                                                                           | 35.90                               |                               |                           |                        |
| 90-gallon Rollcart                                                                                                           | 42.80                               |                               |                           |                        |
| 1.0 Cubic Yard Container                                                                                                     | 85.65                               |                               |                           |                        |
| 1.5 Cubic Yard Container                                                                                                     | 118.25                              |                               |                           |                        |
| 2.0 Cubic Yard Container                                                                                                     | 150.75                              |                               |                           |                        |
| <b>Every-four-weeks Service - Service includes weekly collection of composting &amp; recycling, every-four-weeks garbage</b> |                                     |                               |                           |                        |
| 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<br>Curbside Pickup | Per Unit<br>or<br>Per Pickup | Non-Curb<br>Surcharge | Excess<br>Distance |
|------------------------------------------------------------------------------------------|---------------------------------|------------------------------|-----------------------|--------------------|
| <b>Terrain Differential</b>                                                              |                                 |                              |                       |                    |
| Standard Service (Single Container)                                                      | 4.20                            |                              |                       |                    |
| Standard Service<br>(Multiple Containers)                                                | 4.35                            |                              |                       |                    |
| Every-four-weeks Service                                                                 | 2.60                            |                              |                       |                    |
| Recycling Only Service                                                                   | 1.60                            |                              |                       |                    |
| Compost & Recycling Only                                                                 | 2.75                            |                              |                       |                    |
| 32-Gallon Can On-Call Service                                                            | 0.75                            |                              |                       |                    |
| Yard Debris On-Call                                                                      | 0.50                            |                              |                       |                    |
| <b>Special Services</b>                                                                  |                                 |                              |                       |                    |
| Recycling Only, Weekly Collection                                                        | 8.65                            |                              |                       |                    |
| Composting & Recycling Only, Weekly Collection                                           | 18.20                           |                              |                       |                    |
| On Call Garbage (32-Gallon Can or Bag)                                                   |                                 | 9.15                         | 0.85                  | 0.30               |
| On Call Yard Debris Collection ( <i>32 gallon Can, Bag or Bundle--Yard Debris Only</i> ) |                                 | 7.05                         |                       |                    |
| Yard Debris, Extra Can, Bag or Bundle--<br><i>Yard Debris Only</i>                       |                                 | 3.75                         |                       |                    |
| Garbage, Extra Can or Bag                                                                |                                 | 5.00                         | 0.85                  | 0.30               |
| Courtesy Callback (Garbage or Composting)                                                |                                 | 7.95                         |                       |                    |
| Rollcart Delivery**                                                                      |                                 | 11.25                        |                       |                    |
| Extra Composting Rollcart                                                                | 11.35                           |                              |                       |                    |
| Extra Recycling Rollcart                                                                 | 3.30                            |                              |                       |                    |

\*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<br>Curbside Pickup | Per Unit<br>or<br>Per Pickup | Non-Curb<br>Surcharge | Excess<br>Distance |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------|-----------------------|--------------------|
| <b>Multiple Cans/Rollcarts- Service includes weekly collection of composting &amp; recycling, every-other-week garbage</b> |                                 |                              |                       |                    |
| 32-Gallon Cans, Two*                                                                                                       | 38.85                           |                              | 3.40                  | 1.10               |
| 32-Gallon Cans, Three*                                                                                                     | 44.90                           |                              | 5.10                  | 1.65               |
| 32-Gallon Cans, Four*                                                                                                      | 49.40                           |                              | 6.80                  | 2.20               |
| 20-Gallon Rollcart, Two                                                                                                    | 30.95                           |                              |                       |                    |
| 20-Gallon Rollcart, Three                                                                                                  | 38.35                           |                              |                       |                    |
| 20-Gallon Rollcart, Four                                                                                                   | 44.15                           |                              |                       |                    |
| 35-Gallon Rollcart, Two                                                                                                    | 38.85                           |                              |                       |                    |
| 35-Gallon Rollcart, Three                                                                                                  | 46.75                           |                              |                       |                    |
| 35-Gallon Rollcart, Four                                                                                                   | 54.65                           |                              |                       |                    |
| 60-Gallon Rollcart, Two                                                                                                    | 47.75                           |                              |                       |                    |
| 60-Gallon Rollcart, Three                                                                                                  | 57.75                           |                              |                       |                    |
| 60-Gallon Rollcart, Four                                                                                                   | 68.25                           |                              |                       |                    |
| 90-Gallon Rollcart, Two                                                                                                    | 56.50                           |                              |                       |                    |
| 90-Gallon Rollcart, Three                                                                                                  | 69.05                           |                              |                       |                    |
| 90-Gallon Rollcart, Four                                                                                                   | 83.15                           |                              |                       |                    |
| <b>Clean-Up Containers</b>                                                                                                 |                                 |                              |                       |                    |
| One 1.0 Cubic Yard                                                                                                         |                                 | 82.95                        |                       |                    |
| One 1.5 Cubic Yard                                                                                                         |                                 | 91.15                        |                       |                    |
| One 2.0 Cubic Yard                                                                                                         |                                 | 99.20                        |                       |                    |

\*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**

| <b>Weekly Composting &amp; Recycling, Every-Other-Week Garbage</b>                                                                                                                                                                                                               |               |                 |                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------|------------------|
| <b>Collection for:</b>                                                                                                                                                                                                                                                           | <b>Duplex</b> | <b>Tri-Plex</b> | <b>Four-Plex</b> |
| <b>Single Container Service, where rollcart / container is shared by residents of 2, 3 or 4 units</b>                                                                                                                                                                            |               |                 |                  |
| One shared 60-Gallon Rollcart                                                                                                                                                                                                                                                    | 39.50         | 46.50           | N / A            |
| One shared 90-Gallon Rollcart                                                                                                                                                                                                                                                    | 43.60         | 50.60           | 57.60            |
| One shared 1.0 Cubic Yard Container                                                                                                                                                                                                                                              | 66.35         | 73.35           | 80.35            |
| One shared 1.5 Cubic Yard Container                                                                                                                                                                                                                                              | 83.15         | 90.15           | 97.15            |
| One shared 2.0 Cubic Yard Container                                                                                                                                                                                                                                              | 99.85         | 106.85          | 113.85           |
| <b>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.</b> |               |                 |                  |
| Two 32-Gallon Cans*                                                                                                                                                                                                                                                              | 39.55         | 46.55           | N / A            |
| Three 32-Gallon Cans*                                                                                                                                                                                                                                                            | 43.50         | 50.50           | 57.50            |
| Four 32-Gallon Cans*                                                                                                                                                                                                                                                             | 47.45         | 54.45           | 61.45            |
| Two 20-Gallon Rollcarts                                                                                                                                                                                                                                                          | 37.95         | N / A           | N / A            |
| Three 20-Gallon Rollcarts                                                                                                                                                                                                                                                        | 41.10         | 48.10           | N / A            |
| Four 20-Gallon Rollcarts                                                                                                                                                                                                                                                         | 44.30         | 51.30           | 58.30            |
| Two 35-Gallon Rollcarts                                                                                                                                                                                                                                                          | 41.10         | 48.10           | 55.10            |
| Three 35-Gallon Rollcarts                                                                                                                                                                                                                                                        | 45.85         | 52.85           | 59.85            |
| Four 35-Gallon Rollcarts                                                                                                                                                                                                                                                         | 50.55         | 57.55           | 64.55            |
| Two 60-Gallon Rollcarts                                                                                                                                                                                                                                                          | 47.40         | 54.40           | 61.40            |
| Three 60-Gallon Rollcarts                                                                                                                                                                                                                                                        | 55.30         | 62.30           | 69.30            |
| Four 60-Gallon Rollcarts                                                                                                                                                                                                                                                         | 63.15         | 70.15           | 77.15            |
| Two 90-Gallon Rollcarts                                                                                                                                                                                                                                                          | 55.60         | 62.60           | 69.60            |
| Three 90-Gallon Rollcarts                                                                                                                                                                                                                                                        | 67.60         | 74.60           | 81.60            |
| Four 90 Gallon Rollcarts                                                                                                                                                                                                                                                         | 79.60         | 86.60           | 93.60            |

--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 \$7.00 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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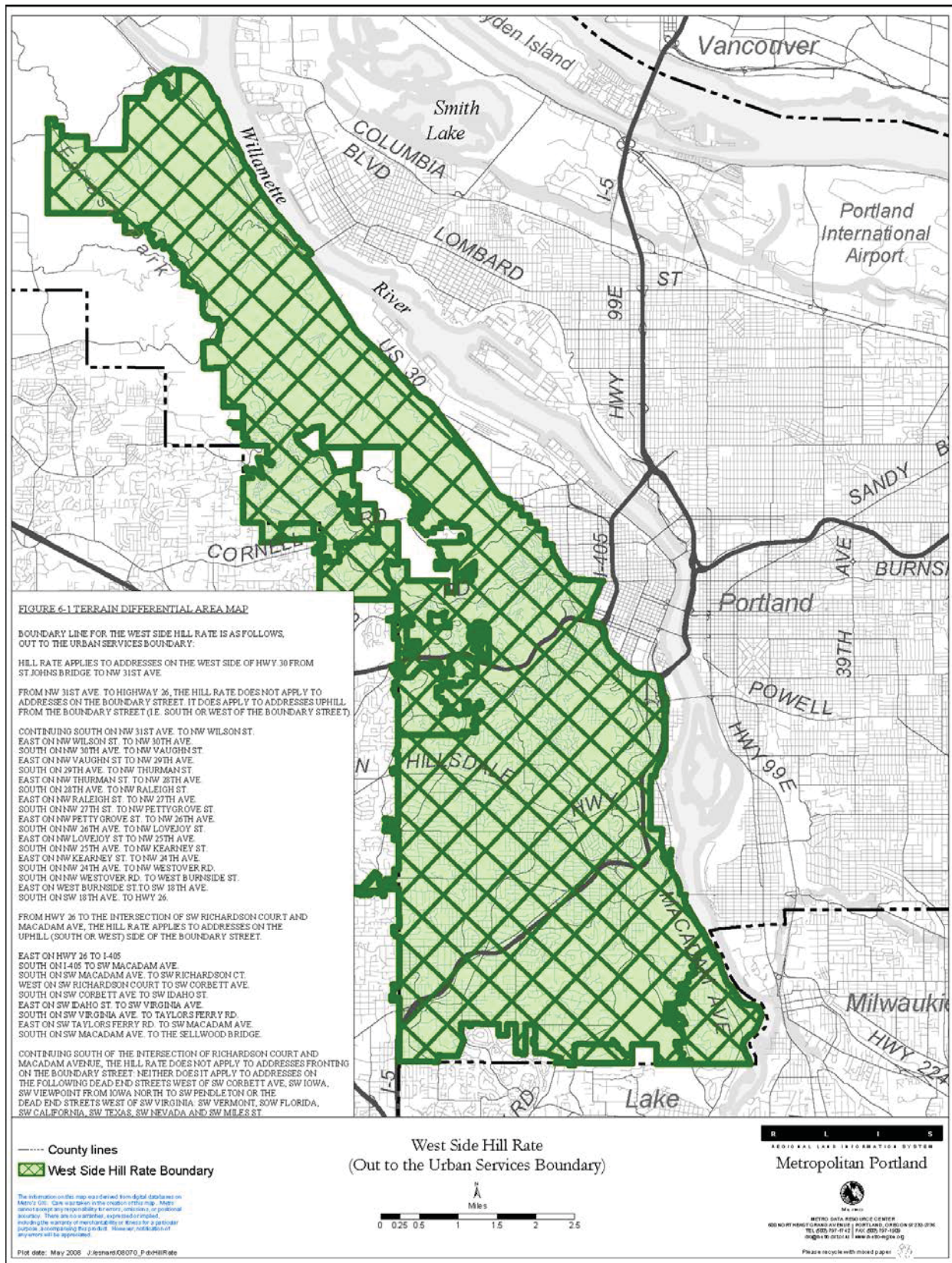
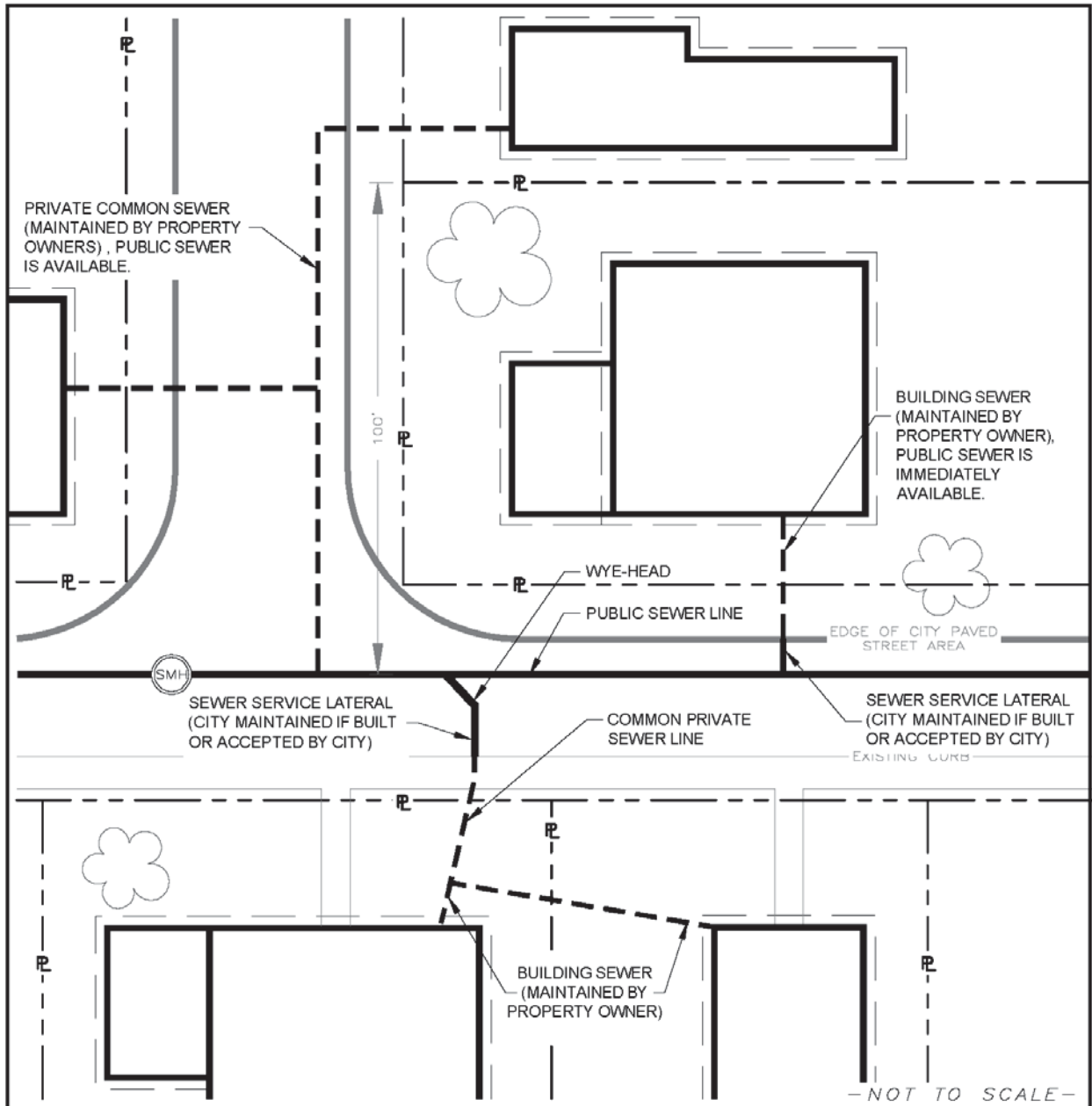


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**Figure 13 (Section 17.32.055 and 17.33.020)**

(Replaced by Ordinance No. 186659,  
effective July 18, 2014.)



**Legend**

- PUBLIC SEWER
- - -** PRIVATE SEWER



## **TITLE 19 HARBORS**

### **Chapter 19.04**

#### **DEFINITIONS**

|           |                              |
|-----------|------------------------------|
| 19.04.010 | Anchorage.                   |
| 19.04.020 | Aquatic Event.               |
| 19.04.030 | Authorized Emergency Vessel. |
| 19.04.035 | Berth.                       |
| 19.04.040 | City.                        |
| 19.04.050 | Dead Ship.                   |
| 19.04.060 | Dock.                        |
| 19.04.065 | Harbor Line.                 |
| 19.04.070 | Harbor Master.               |
| 19.04.080 | Master.                      |
| 19.04.100 | Motorboat.                   |
| 19.04.110 | Obstruction.                 |
| 19.04.120 | Oil.                         |
| 19.04.130 | Owner.                       |
| 19.04.150 | Person.                      |
| 19.04.155 | Slip.                        |
| 19.04.160 | Special Area.                |
| 19.04.170 | Towboat.                     |
| 19.04.180 | Vessel.                      |
| 19.04.190 | Watercraft.                  |

### **Chapter 19.08**

#### **ENFORCEMENT**

|           |              |
|-----------|--------------|
| 19.08.010 | Enforcement. |
|-----------|--------------|

### **Chapter 19.10**

#### **PENALTIES AND RIGHT OF APPEAL**

|           |                  |
|-----------|------------------|
| 19.10.010 | Penalties.       |
| 19.10.020 | Right of Appeal. |

### **Chapter 19.12**

#### **HARBOR MASTER**

|           |                   |
|-----------|-------------------|
| 19.12.010 | Duties.           |
| 19.12.020 | Powers.           |
| 19.12.030 | Right to Inspect. |
| 19.12.040 | Aid.              |



## **Chapter 19.16**

## **RULES AND REGULATIONS**

|           |                                                                 |
|-----------|-----------------------------------------------------------------|
| 19.16.005 | Navigation Rules.                                               |
| 19.16.010 | Wharves to be Inspected - Signs Erected.                        |
| 19.16.015 | Unsafe Docks or Waterfront Structures.                          |
| 19.16.020 | Decayed Docks Breaking Loose.                                   |
| 19.16.025 | Notification of Arrival of Ocean Going Vessels.                 |
| 19.16.035 | Vessels Changing Docks.                                         |
| 19.16.040 | Notice of Change of Berth for Ocean Going Vessels.              |
| 19.16.045 | Berthing Ships.                                                 |
| 19.16.055 | Permits for Construction Work.                                  |
| 19.16.060 | Municipal Boat Landings.                                        |
| 19.16.070 | Vessels Are Not to be Blocked.                                  |
| 19.16.075 | Rafts Not to Block Slips or Channels.                           |
| 19.16.080 | River Obstructions                                              |
| 19.16.085 | Removal of Refuse.                                              |
| 19.16.090 | Buoys Required on Wrecks.                                       |
| 19.16.095 | Menace to Navigation.                                           |
| 19.16.100 | Hot Work on Vessels.                                            |
| 19.16.105 | Length of Tows.                                                 |
| 19.16.110 | Property Found or Salvaged Within the Port.                     |
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(Title replaced by Ordinance No.166293,  
effective March 3, 1993.)

**Chapter 19.04**

**DEFINITIONS**

**Sections:**

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| 19.04.010 | Anchorage.                   |
| 19.04.020 | Aquatic Event.               |
| 19.04.030 | Authorized Emergency Vessel. |
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| 19.04.080 | Master.                      |
| 19.04.100 | Motorboat.                   |
| 19.04.110 | Obstruction.                 |
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| 19.04.170 | Towboat.                     |
| 19.04.180 | Vessel.                      |
| 19.04.190 | Watercraft.                  |

**19.04.010 Anchorage.**

“Anchorage” means any designated location where vessels or watercraft may anchor or moor.

**19.04.020 Aquatic Event.**

“Aquatic event” means an organized water event conducted pursuant to a predetermined schedule or plan which shall have been approved by an appropriate governmental unit(s) prior to a commencement of such event.

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#### **19.04.030 Authorized Emergency Vessel.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) “Authorized emergency vessel” means any patrol vessel or watercraft owned and operated by the Bureau of Police and Portland Fire & Rescue of the City, the Sheriff of Multnomah County, the State of Oregon the government of the United States of America, or any other unit having jurisdictions.

#### **19.04.035 Berth.**

A place where a ship lies at anchor or at a wharf.

#### **19.04.040 City.**

“City” means Portland.

#### **19.04.050 Dead Ship.**

“Dead ship” means any vessel or watercraft, the present movement of which is dependent entirely upon other vessels or watercraft.

#### **19.04.060 Dock.**

“Dock” means any building or structure used to load cargo onto or unload cargo from vessels, barges, and rafts.

#### **19.04.065 Harbor Line:**

A Line usually established by the Corps of Engineers or Port of Portland to define the limit within which development may occur.

#### **19.04.070 Harbor Master.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) “Harbor Master” means that person assigned by the Chief of Portland Fire & Rescue to carry out the duties of Harbor Master. The Chief of Portland Fire & Rescue may assign as many officers as necessary to act as assistants to the Harbor Master in the discharge of his/her duties or to act as Harbor Master during the absence of the appointed Harbor Master.

#### **19.04.080 Master.**

“Master” means the captain, skipper, pilot, operator, or any person having charge of any vessel.

#### **19.04.100 Motorboat.**

“Motorboat” means any watercraft 65 feet in length or less which is subject to the ORS 830.005 regulations set out herein. Motorboat classification OAR 250-10-140. All motorboats shall be classified according to their length, as follows:

- A.** Motorboats under 16’ in length - Class “A”

- B.** Motorboats 16' in length, but less than 26' -Class "1"
- C.** Motorboats 26' in length, but less than 40' - Class "2"
- D.** Motorboats 40' in length, but less than 65' - Class "3"

**19.04.110 Obstruction.**

"Obstruction" means any vessel, watercraft, or any floating matter of any description which cannot comply with the pilot rules and which may in any way blockade, interfere with or endanger any vessel or impede navigation or which cannot comply with the United States Coast Guard "Rules of the Road: International - Inland" Commandant Instruction M16672.2 series. These rules are hereby made a part of this Title. Copies are available at Group Portland, United States Coast Guard. "Obstruction" also includes cribs or piles, shingle bolts, ties, booms of logs or lumber, rafts of logs or lumber, when they are floating loose and not under control, or when they are under control but obstructing any navigable channel.

**19.04.120 Oil.**

"Oil" means any substance in liquid or other form, of animal, mineral, or vegetable origin or any compound, distillation or mixture thereof which may prove hazardous or detrimental in any way.

**19.04.130 Owner.**

"Owner" means the legal or equitable owner of a vessel or watercraft, or the agent or employee of such owner or any other person lawfully in actual physical possession of a vessel or watercraft.

**19.04.150 Person.**

"Person" means any natural person, firm, copartnership, association, or corporation, whether he/she or it is acting for him/herself or itself or as the clerk, servant, employee, or agent of another; and the singular number includes the plural, and the plural the singular.

**19.04.155 Slip.**

A ship's or boat's berth between two piers.

**19.04.160 Special Area.**

"Special area" means that water space designated by special marker buoys or other such indicators for the conduct of activities in accordance with official approval by any appropriate governmental unit or agency, other than normal navigation of vessels and watercraft.

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**HARBORS**

**19.04.170      Towboat.**

“Towboat” means a vessel or watercraft normally and regularly engaged in pushing or towing other vessels, watercraft, log and lumber rafts and booms, and like objects.

**19.04.180      Vessel.**

“Vessel” means any contrivance at least 110 feet or more in length overall, used or capable of being used as a means of transportation on water.

**19.04.190      Watercraft.**

“Watercraft” means any contrivance less than 110 feet in length overall, used or capable of being used as a means of transportation on water.

**Chapter 19.08**

**ENFORCEMENT**

**19.08.010     Enforcement.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) All sworn personnel of Portland Fire & Rescue are empowered to arrest or issue citations to any person for violation of any of the provisions of Title 19 and Chapter 830, Oregon Revised Statutes, pertaining to small watercraft.



**TITLE 19  
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**Chapter 19.10**

**PENALTIES AND RIGHT OF APPEAL**

**Sections:**

- 19.10.010 Penalties.
- 19.10.020 Right of Appeal.

**19.10.010 Penalties.**

Any person violating any provision or failing to comply with any requirement of this Code, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment for a period of not more than six 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.

**19.10.020 Right of Appeal.**

Any person, company, or corporation, who feels any order of the Harbor Master, pertaining to the manner of erection, maintaining or operating of any building, mill, warehouse, shipyard, dock, plant, boat, vessel, watercraft, or structure fixed or floating is unreasonable or arbitrary, shall have the right of appeal to the Fire Code Board of Appeals, as provided for by Title 31, of the Code of the City of Portland.

**Chapter 19.12**

**HARBOR MASTER**

**Sections:**

- 19.12.010 Duties.
- 19.12.020 Powers.
- 19.12.030 Right to Inspect.
- 19.12.040 Aid.

**19.12.010 Duties.**

- A.** It shall be the duty of the Harbor Master to inspect the harbor frequently and report any violation of this Title or any other title or any law respecting the use of wharves, docks, landings, vessels, watercraft, or harbor to the proper authorities of the City, County of Multnomah, the United States, or the State of Oregon, as the case may be to be acted upon as provided by law in cases where he/she is not empowered by this Title to act.
- B.** The Harbor Master, to assure good coordination and develop cooperation, good management and control in the administration of his/her office, shall develop a working liaison with the Captain of the Port United States Coast Guard, Director Port of Portland, Chief Navigation Branch Portland Dist., US Army Corps of Engineers, Director of the Oregon State Marine Board, Director of the Oregon Division of State Lands, and the Sheriff of Multnomah County.

**19.12.020 Powers.**

Whenever the Harbor Master finds it necessary for safe navigation or safety of the Port or harbor, he may order the Master or other person in charge of any vessel or watercraft to change its position or to change the position of the rigging, cargo, booms, or other equipment, or to do any other act necessary to remove obstruction to safe navigation. If the Master or other person in charge of the vessel fails or refuses to comply with the order of the Harbor Master, then the Harbor Master or his/her authorized representatives may remove the obstruction to navigation; and any expense resulting therefrom may be recovered by an action by law, if necessary.

**19.12.030 Right to Inspect.**

To the full extent permitted by law, the Harbor Master or any duly authorized assistants, when engaged in fire prevention, and/or harbor inspection work, is authorized and directed, at any and all reasonable times, to enter and examine any building, mill warehouse,

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### **HARBORS**

shipyard, dock, plant, boat, vessel, watercraft, or structure, either fixed or floating, in the performance of their duties.

#### **19.12.040 Aid.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) The Harbor Master shall have full power to arrest any person or persons who violate any of the provisions of this Title, and he/she shall have the right to call on the Chief of the Bureau of Police and/or the Chief of Portland Fire & Rescue who shall aid him/her in the execution of his/her duties.

**Chapter 19.16**

**RULES AND REGULATIONS**

**Sections:**

|           |                                                                 |
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| 19.16.005 | Navigation Rules.                                               |
| 19.16.010 | Wharves to be Inspected - Signs Erected.                        |
| 19.16.015 | Unsafe Docks or Waterfront Structures.                          |
| 19.16.020 | Decayed Docks Breaking Loose.                                   |
| 19.16.025 | Notification of Arrival of Ocean Going Vessels.                 |
| 19.16.035 | Vessels Changing Docks.                                         |
| 19.16.040 | Notice of Change of Berth for Ocean Going Vessels.              |
| 19.16.045 | Berthing Ships.                                                 |
| 19.16.055 | Permits for Construction Work.                                  |
| 19.16.060 | Municipal Boat Landings.                                        |
| 19.16.070 | Vessels Are Not to be Blocked.                                  |
| 19.16.075 | Rafts Not to Block Slips or Channels.                           |
| 19.16.080 | River Obstructions                                              |
| 19.16.085 | Removal of Refuse.                                              |
| 19.16.090 | Buoys Required on Wrecks.                                       |
| 19.16.095 | Menace to Navigation.                                           |
| 19.16.100 | Hot Work on Vessels.                                            |
| 19.16.105 | Length of Tows.                                                 |
| 19.16.110 | Property Found or Salvaged within the Port.                     |
| 19.16.115 | Permits for Aquatic Events.                                     |
| 19.16.120 | Dead Animals and Refuse.                                        |
| 19.16.130 | Check to be Kept of Employees Handling Bulk or Dangerous Cargo. |
| 19.16.135 | Flammable and/or Combustible Liquid Storage on Docks.           |
| 19.16.140 | Oil Vessel Transfer Equipment.                                  |
| 19.16.145 | Oil on Waters of the Harbor.                                    |
| 19.16.150 | Mooring Hazardous Vessels.                                      |
| 19.16.155 | Hazardous Materials.                                            |
| 19.16.170 | Precautions in Mooring.                                         |
| 19.16.175 | Vessels at Berth.                                               |
| 19.16.180 | Watchmen on Ocean Going Vessels.                                |
| 19.16.185 | Mooring of Vessels.                                             |
| 19.16.190 | Street Ends.                                                    |
| 19.16.195 | Equipment and Use of Docks.                                     |
| 19.16.200 | Passenger Docks to be Fenced.                                   |
| 19.16.205 | Respiration Protection Required.                                |
| 19.16.210 | Drinking Water and Toilets to be Provided.                      |
| 19.16.215 | Making Unnecessary Noise Prohibited.                            |

## **TITLE 19**

### **HARBORS**

- 19.16.220 Garbage Not to be Dumped.
- 19.16.225 Handling Loose Materials.
- 19.16.235 Care and Use of Boats.
- 19.16.240 Safety Measures to be Observed.
- 19.16.245 Vending Prohibited.
- 19.16.250 Floating Dwellings.
- 19.16.253 Canoe Houses and Small Boat Storage.
- 19.16.255 Ballast Logs.
- 19.16.265 Heating Combustible Matter.
- 19.16.270 Lines Not to Cross Channel.
- 19.16.275 Restrictions of Towage.
- 19.16.280 Speed of Vessels.
- 19.16.290 Connections for Potable Water.
- 19.16.295 Pipe Lines to be Installed.
- 19.16.300 Signal Lights.
- 19.16.305 Closing and Lighting Docks and Wharves.
- 19.16.310 Lights and Gangways on Vessels at Wharves.
- 19.16.315 Safety Nets on Vessels.
- 19.16.320 Safeguarding Hawsers or Ropes from Rats.
- 19.16.325 Precautions on Vessels at Night.
- 19.16.330 Conditions of Vessels at Docks or Wharves.
- 19.16.335 Removal of Vessels from Docks or Wharves.
- 19.16.345 Rules Governing Operation of Canoes, Sailboats, and Motorboats.
- 19.16.355 Protection of Water Mains.
- 19.16.360 Derrick Booms near Bridges.
- 19.16.365 Interfering with Dumping Snow.
- 19.16.370 Recovery of Bodies or Evidence from River.
- 19.16.375 Protection of Bridges.
- 19.16.380 Damage to City Property.
- 19.16.385 Dead Ships Moored Permit Required.
- 19.16.400 Boats and Boating.
- 19.16.435 Standard Whistle Signal for Fire in Port.
- 19.16.500 Duckworth Dock Moorage.
- 19.16.515 Exclusions.

#### **19.16.005 Navigation Rules.**

Except as otherwise specified vessels shall be subject to United States "Navigation Rules" Commandant Instruction M16672.2 Series Rules available at United States Coast Guard and are hereby made part of this Title.

**19.16.010 Wharves to be Inspected - Signs Erected.**

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

- A.** The Harbor Master in coordination with the Director of the Bureau of Development Services shall cause to be inspected, not less than every 5 years, all docks, sheds, warehouses, or other structures within the harbor limits, which shall extend out over water or unfilled land. After the inspection, a safe loading limit, in pounds, shall be posted at the entrance to the building, and no loading shall be over this limit at any time.
- B.** Whenever the Director of the Bureau of Development Services and/or Harbor Master, as officers of the City, finds that any such structure is becoming dangerous due to decay, rot, faulty design, or any other condition, he/she may limit the load, and the load limit shall be posted at the entrance to the structure; and if found unsafe, he/she may order the structure closed until repaired or removed. The Harbor Master or his/her assistants shall enforce these orders when so notified by the Director of the Bureau of Development Services.
- C.** They do not assume the responsibility for the safe manner and use of any structure, or damages from any loading, except where the structures are owned in whole or in part by the City.

**19.16.015 Unsafe Docks or Waterfront Structures.**

(Amended by Ordinance No. 176955, effective October 9, 2002.) Whenever the Harbor Master, in his/her judgement finds that any dock or waterfront structure has become unsafe or dangerous so as to render the same or any portion thereof unsafe to life or property, he/she shall ask the Director of the Bureau of Development Services to make a survey of the property; if he/she declares the same to be unsafe to life or property, the Harbor Master shall order the same barricaded with proper fencing, and danger signs posted by day and red lights by night, which shall remain intact until necessary repairs thereto as the engineers report are practicable shall be made. If the repairs are not practicable, the Harbor Master shall order the removal of the dock or waterfront structure. If the owner, agent, or lessee of the property shall fail to comply promptly with the order of the Director of the Bureau of Development Services, the Harbor Master shall prohibit the use of the unsafe portion of the dock or waterfront structure for any purpose whatsoever, and shall erect or cause to be erected the necessary barricade, signs, and lights; and if the dock or waterfront structure is to be removed or razed the Director of the Bureau of Development Services shall, with the Harbor Master, remove or have removed any and all of the unsafe portions of the dock or waterfront structure, and all of the expense therefrom shall be paid by and recoverable from the owner, agent, or lessee of any such dock or waterfront structure. Nothing contained herein shall prevent a condemnation as otherwise provided, nor shall the provisions herein contained relieve the owner, agent, or lessee from the duty of periodically inspecting the property and promptly proceeding thereafter to make all repairs that are practicable.

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### **19.16.020      Decayed Docks Breaking Loose.**

It is unlawful for the owner, agent, or lessee in charge of any dock or waterfront structure to allow the whole or any part thereof to fall into or remain adrift in the waters of the City or to float away from the dock. All fender piling or other portions thereof that shall break loose shall be removed at once by the owner, agent, or lessee of any dock; and upon failure to do so, the same shall be removed by the Harbor Master and the expense thereof shall be paid by and recoverable from the owner, agent, or lessee of the property by the City. In the event that any part of a dock or waterfront structure caves in, collapses, or is damaged in any way in excess of \$1,000, the owner, agent, or lessee in charge shall notify the Harbor Master within 72 hours.

### **19.16.025      Notification of Arrival of Ocean Going Vessels.**

- A.**    The local agent, owner or person in charge of any facility where an ocean-going vessel ties up shall immediately report to the Harbor Master the name and local agent for the vessel.
- B.**    It is unlawful for any such person to neglect or refuse to give this report.
- C.**    The foregoing shall not apply to any vessel whose movements are limited to the inland waters of the Willamette and Columbia Rivers or any of their tributaries.
- D.**    Reports to the Merchant Exchange may be allowed in place of the above requirement by the Harbor Master.

### **19.16.035      Vessels Changing Docks.**

Every vessel, unless propelled by its engine, moving from one dock to another or from one place to another when necessary to pass through the draw of any bridge or when moving from a dock or wharf to a dock or wharf within the City shall, in order to prevent the obstruction of travel, have the services of a tug or tugs.

### **19.16.040      Notice of Change of Berth of Ocean Going Vessel.**

- A.**    The local agent, owner or person in charge of any place where any ocean-going vessel is tied up in the Portland Harbor shall notify the Harbor Master when such vessel leaves the place where it is tied up and shall state the destination to which the vessel is moving.
- B.**    The notice shall be given no later than four hours after making the move.
- C.**    It is unlawful for any such person to neglect or refuse to give this report.

- D.** Reports to the Merchant Exchange may be allowed in place of the above requirement by the Harbor Master.

**19.16.045 Berthing Ships.**

- A.** No vessel may moor or berth next to City property without the Harbor Master's prior approval.
- B.** The Harbor Master may assign space for mooring and berthing of any vessel next to any City property.
- C.** The person or owner in control of any vessel berthed pursuant to this Section shall be liable for all charges and expenses including water charges by the Bureau of Water Works and other special costs incurred or provided in connection with berthing, shall be liable for any other expenses connected with the ship during the period of being berthed at the seawall, and also shall be liable for any damages resulting from the berthing or continuance of mooring of the vessel.

**19.16.055 Permits for Construction Work.**

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

- A.** No person shall construct or repair or wreck any old work or drive or remove any piling within the harbor zone within the City of Portland or remove any earth or other material from the river banks or bed shoreward of or adjacent to the harbor line without first securing a permit from the Bureau of Development Services. After the permit has been issued and before such work has been started, the permit holder must notify the Harbor Master. It shall be the duty of the Harbor Master to stop any such work until a permit shall be secured, if so requested by the Director of the Bureau of Development Services.
- B.** Nothing in the above Section shall relieve any person, company, or corporation from securing such other permits as may be required by any other agency such as, U.S. Army Corps of Engineers or the Port of Portland, State Marine Board, and Division of State Lands.

**19.16.060 Municipal Boat Landings.**

(Amended by Ordinance No. 169986, effective May 10, 1996.)

- A.** As used in this Section, the following words and terms have the meanings indicated unless the context clearly requires otherwise:



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1. **“PP&R”** shall mean the City of Portland, Bureau of Parks and Recreation. Where appropriate, the term “PP&R” also refers to the staff and employees of Portland Parks and Recreation.
  2. **“Facility”** shall mean PP&R floats, piers, mooring buoys, and boat landings.
  3. **“Commercial vessel”** shall mean a vessel which is used, rigged, or licensed for any commercial use or purpose, and shall include watercraft operated within the terms of a concession lease or agreement with PP&R.
  4. **“Length”** shall mean the overall length of a watercraft.
  5. **“Night”** shall mean any period of time between 3 PM and 9 AM.
  6. **“Docking Season”** shall mean the period of time between May 1 and September 30.
  7. **“Director”** refers to the Director of PP&R also known as the Superintendent of Parks.
- B.** The operator of recreational watercraft may use a municipal boat landing for recreational purposes only. It is unlawful to use a municipal boat landing for any purpose other than recreation without prior written permission of the Director of Parks.
- C.** No person shall moor or berth a watercraft of any type in a PP&R owned or operated park or marine area except in designated marine park areas and at designated facilities.
- D.** It is unlawful to moor a watercraft at a municipal boat landing for a period exceeding 24 hours or while the parks is closed, without prior written permission of the Director. The Harbor Master may permit a craft to be moored at a municipal boat landing for more than 24 hours only when the craft is inoperable and reasonable additional time is needed to repair it.
- E.** Use of any PP&R marine facility shall be on a first come, first served basis unless otherwise permitted by PP&R. Reserving or retaining space to moor or berth a watercraft at any facility, by means of a dinghy or any method other than occupying the space by the watercraft to be moored or obtaining a permit through the PP&R Reservation Center, shall not be permitted.

- F.** Open flames or live coals, or devices containing or using open flames, live coals, or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, shall not be permitted on PP&R marine facilities.
- G.** No swimming, diving, or sunbathing is permitted on or within 50 feet of PP&R marine facilities and municipal boat landings.
- H.** The mooring of any craft in violation of this section may result in eviction from moorage, in addition to any other penalty prescribed by law.
- I.** The Director is authorized to issue any rules and establish any fees with the Director deems necessary to operate and maintain all municipal Boat Landings and Marine Facilities.
- J.** Enforcement of the provisions in the Section shall be conducted by either the Director of Parks, the Harbor Master, the Chief of Police, the Multnomah County Sheriff, or their appointed designees.
- K.** Use of docks governed by this Section is also subject to all applicable provisions of law, including, without limitation, the provisions of Chapters 20.08, Parks & Recreation - Permits and 20.12 Parks & Recreation - Prohibited Conduct, of this Code.
- L.** The City of Portland, its officers, and employees are not liable for any personal injury or property damage resulting from maintenance or use of a municipal boat landing.

**19.16.070 Vessels Are Not To Be Blocked.**

No master, owner or person in charge of any vessels, or watercraft shall block or hinder in any way the entrance or exit to any Fire Boat station on either the land or water side.

**19.16.075 Rafts Not to Block Slips or Channels.**

Rafts or barges must not be more than one deep when moored alongside of any vessel while at any berth. No rafts, barges, or other floating objects shall be moored in such a way that the navigation of any vessel or watercraft shall be endangered or hindered. All barges, rafts, or other floating objects while so moored shall have a white light displayed on the offshore side.

**19.16.080 River Obstructions.**

- A.** By certified mail, return receipt requested, the Harbor Master shall notify the owner, agent, or person in charge of any wreck, uncontrolled vessel, obstructing

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material or structure that is in violation of this chapter. In the Harbor Master's discretion, this notice may be posted on the wreck, vessel, material or structure.

- B.** The notice shall state the time within which the violation is to cease.
- C.** If the violation is not terminated within the time specified, the Harbor Master may remove the wreck, vessel, obstruction or material together with its tackle and cargo.
- D.** After removal, the Harbor Master shall notify the owner, agent, consignee or person in charge of the wreck, vessel or material of the cost of removing it and specify a date on which the cost shall be paid to the City.
- E.** If the cost of removal is not paid within the time specified, the wreck, vessel or material shall be sold and the proceeds disposed of in accordance with City Code Section 5.36.015.

### **19.16.085 Removal of Refuse.**

- A.** No refuse shall remain on the deck of a vessel overnight or after the cargo has been worked. All refuse must be removed daily onto the dock or a barge. Under no circumstances shall combustible materials be allowed to accumulate at any loading terminal, dock or yard.
- B.** All barges or lighters must be with sideboards, bins and covers to prevent the escape of noxious odors.

### **19.16.090 Buoys Required on Wrecks.**

- A.** If any vessel, watercraft or barge is wrecked or sinks or loses any part of its cargo in the waters of the port, the owner, agent or person in charge of the vessel, watercraft or barge shall immediately notify the Harbor Master of the nature of the obstruction, the location and the cause of the obstruction.
- B.** The owner, agent or person in charge of the vessel, watercraft or barge shall immediately place a marker or buoy on the obstruction. The marker or buoy shall display two red flags by day and two red lights by night. The flags shall be one above the other, not less than three feet apart. Each flag shall be not less than 18" by 18" in size.
- C.** If an obstruction constitutes a navigational hazard in any way, the owner, agent or person in charge shall notify the United States Coast Guard Captain of the Port and the owner, agent or person in charge shall mark the obstruction as ordered by the Captain of the Port.

**19.16.095 Menace to Navigation.**

- A.** All refuse and debris in the waters of the port are declared to be public nuisances and menaces to navigation.
- B.** It is unlawful for any person to throw or place or permit to be thrown or placed any such refuse or debris in the waters of the port or at a location where the refuse or debris may get into the waters of the port by high water or other means.
- C.** Any such menace to navigation is subject to seizure by the Harbor Master without warrant or notice and is subject to summary destruction and abatement if this can be done without a breach of the peace or doing any unnecessary injury to other property.

**19.16.100 Hot Work on Vessels.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) A Hot Work permit shall be obtained before beginning any welding or burning operations in or on any vessel, in or abutting the Portland harbor.

- A.** Scope: This regulation applies to all operations involving the use of oxygen/fuel gas mixtures, electric arc welding, or other spark or fire producing operations on marine vessels regardless of the size of the vessel and regardless of whether or not the vessel is at anchor, moored, in drydock, or ashore.
- B.** General Definition for this Section: For the purpose of this regulation the following words have the meanings set forth below:
  - 1. Adjacent Spaces** - Those spaces in all directions from the subject space, including all points of contact, corners, diagonals, decks, tank tops, and bulkheads.
  - 2. Bureau** - The City's Portland Fire & Rescue.
  - 3. Competent Person** - The holder of a valid Certificate issued by the National Fire Protection Association, or other recognized source attesting that the holder has successfully completed a course of training as a Competent Person and has been officially registered with the U.S. Department of Labor (OSHA) as a designated Competent Person by their respective employer.
  - 4. Confined Space** - A compartment of small size and limited access such as a double bottom tank, cofferdam, or other such similar type space which by

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its small size and confined nature can readily create or aggravate a hazardous exposure.

5. **Fire Watch** - A person designated by the supervisor of the welding operation to watch for signs of fire. Such persons shall be familiar with Fire Department Permit Conditions, the area where the hot work is to take place, and procedures for sounding an alarm in the event of fire. In addition, this person shall be trained in the proper use of the extinguishing equipment provided and instructed in the specific hazards anticipated.
6. **Designated Piers** - Those piers or berths designated by the Portland Harbor Master and by virtue of their construction, location, fire protection and fire hydrant availability, are suitable to permit certain repairs to vessels alongside.
7. **Enclosed Space** - Any space other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.
8. **Gangway** - A ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks, and brows. A gangway shall have a walking surface not less than 20 inches wide, be of adequate strength, maintained in good repair, and safely secured. Each side of such gangway, and turntable if used, shall have a railing with a minimum height of 33 inches, with a mid rail. Rails, if constructed with rope or chain, shall be kept taut at all times.
9. **Hazardous Materials** - Any material which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant or otherwise harmful is like to cause injury.
10. **Hot Work** - Per NFPA 306, paragraph 1-05; any construction alteration, repair, or shipbreaking operation involving riveting operation welding, burning, or similar fire-producing operations. Grinding, drilling, abrasive blasting, or similar spark producing operations shall be considered hot work unless deemed otherwise by a Certified Marine Chemist.
11. **Marine Chemist** - The holder of a valid Certificate issued by the National Fire Protection Association in accordance with the "Rules for the Certification of Marine Chemist."
12. **Powder Actuated Fastening Tool** - A tool or machine which drives a stud, pin, bolt or any type of fastener by means of an explosive charge.

13. **Ship Repair** - The repair of any vessel including, but not limited to, alterations, modifications, conversions, installations, cleaning, painting, and maintenance work, and for the purposes of this code includes shipbuilding and shipbreaking.
  14. **Shipyard** - An operating facility, engaged in ship repair, doing business in the City of Portland or adjacent Columbia/Willamette River Port facilities, meeting the requirements of the Building and Fire Codes.
  15. **Vessel** - Every description of watercraft or other artificial contrivance used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.
- C. Hot Work Permits: Hot Works Permits for Hot Work on Marine Vessels shall be divided into three categories.
1. Level I - Those permits for hot work operations which are minor in nature. (See below for further definitions.)
  2. Level II - Those permits for hot work operations which are moderate in nature. (See below for further definition.)
  3. Level III - Those permits which involve major hot work operations. (See below for further definition.)
- D. Level I Hot Work:
1. Definition: Level I hot work is work which involves repairs or modifications which by nature do not involve any cutting or welding on or near hazardous areas of the vessels.
  2. Level I hot work must:
    - a. Not involve work on hazardous areas or compartments of the vessel. Such hazardous areas include, but are not limited to: Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping). Compartments which are insulated with combustible or flammable insulation, including insulation which has a fire resistive barrier installed over the surface: Engine rooms, fire rooms and boiler rooms, auxiliary machinery rooms. Cargo or storage areas which contain or have contained hazardous materials

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(including flammable liquids and gases or combustible liquids). Work on surfaces directly adjacent to those compartments listed above (i.e.: Those opposite sides of an insulated space which might expose the insulation to heat).

### **3. Violation of Condition:**

- a.** No welding or cutting shall be done on a dock or ship within the City's harbor without first obtaining a hot work permit authorized by Portland Fire & Rescue.
- b.** If welding or cutting is done on a dock or ship within the City's harbor without first obtaining the permit or permits required by this Chapter, the welding or cutting shall cease immediately and not begin again until the Fire Marshal or Harbor Master has inspected the worksite, the inspection fee has been paid and the Fire Marshal or Harbor Master has issued a permit for welding or cutting. The person(s) must also obtain any Coast Guard or other required permits for the hot work, prior to the commencement of such work.

### **4. Examples of Level I hot work include work on:**

- a.** Standing rigging
- b.** Replacement of cleats and pad eyes
- c.** Work involving deck machinery
- d.** Similar repairs or modifications

### **5. Requirements:**

- a.** Permits Required:
  - (1)** A U.S. Coast Guard Hot Work Permit.
  - (2)** A "Hot Work Permit for Vessels," authorized by Portland Fire & Rescue shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.
- b.** Violation of Conditions:

- (1) Violation of any of the following permit conditions shall be cause for immediate revocation of the “Hot Work Permit For Vessels.” Permits which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit. In the event that a fire occurs as a result of violation of these permit conditions, the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder shall pay such costs.
- c. Authorized Locations: Level I hot work may be performed at the vessel’s normal berth. Exception: Level I hot work shall not be performed at fuel terminals, passenger terminals, grain terminals, or terminals or piers at which the use is primarily residential or recreational in nature, unless authorized by the U.S. Coast Guard, Harbor Master, and a NFPA certified Marine Chemist.
- d. Vessel’s Fire Protection Systems: During hot work operations all of the vessel’s fire protection systems shall remain in service.
- e. Gangways Required: At least one gangway shall be provided for access to the vessel.
- f. Prohibited Activity: The following activities are prohibited during hot work operations, unless specifically approved by a Marine Chemist.
  - (1) All hot work operations shall be discontinued during discharge, loading, or transfer of fuel oils or other flammable or combustible substance.
  - (2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. Monitoring of such areas shall be carried out by a Competent Person.
- g. Inspection Required:
  - (1) Prior to the commencement of hot work operations, an inspection shall be made of the area in which the work is to occur to assure that:



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- (a) The work to be performed does not involve an area of the vessel prohibited for Level I hot work.
- (b) Prohibited activity is not taking place elsewhere on the vessel.
- (c) The area is safe for the hot work to take place. Such inspection shall be made by the Competent Person and the person in charge of the repairs or modifications. Such inspections shall include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.

### **h.** Fire Watches:

- (1) Whenever hot work operations are taking place, a responsible individual shall be appointed as fire watch and shall be on duty continuously during such operations.
- (2) Such persons shall have no other duties other than to watch for fire. Fire watches shall be equipped with, or have immediate access to emergency fire protection equipment (charged fire extinguishers and/or fire hoses). Fire watches shall remain on duty for not less than 30 minutes after hot work operations are completed.
- (3) Persons performing hot work may not serve as their own fire watch.
- (4) Persons appointed as fire watch may be a member of the vessel's crew or other person designated by the individual in charge of the work.
- (5) As determined by a responsible, trained supervisor, the number and location of fire watch personnel shall be based on all existing conditions and potential fire hazards.
- (6) Fire watches are to be readily identifiable.
- (7) Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.

**i. Fire Extinguishing Devices Required:**

- (1)** Portable fire extinguisher of sufficient size and number, as identified on Hot Work Permit, shall be kept in readiness at the location where the hot work is being done. Extinguishers may be 4A, 60BC, Dry Chemical; 1A 10/12 BC CO<sup>2</sup> or, 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting may not be used for this purpose.
- (2)** A fire hose of not less than 1-1/2 inch diameter, with nozzle attached, shall be laid out and suitably charged in the vicinity of hot work operations. Such hose shall be of sufficient length to reach the compartment or space being worked on or protected.

**j. Ventilation:** Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor shall be installed prior to performing any work below deck or inside a confined or enclosed space.

**k. Other precautions Against Fire:**

- (1)** Flammable or combustible liquids may not be stored within 50 feet of hot work operations.
- (2)** Combustible materials shall not be located within 25 feet of hot work operations. (Including the opposite side of surfaces on which welding or cutting is being performed.)
- (3)** Hot work shall not be done in or near compartments or spaces where flammable liquids or vapors, lints, or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.

**E. Level II Hot Work**

- 1.** Definition: Level II hot work includes that work which is moderate in nature or any hot work on or near areas of the vessel which are hazardous in nature.

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- 2.** Such hazardous areas include:
  - a.** Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping).
  - b.** Compartments which are insulated with combustible or flammable insulation.
  - c.** Engine rooms, fire rooms, boiler rooms, and auxiliary machinery rooms.
  - d.** Cargo or storage areas which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids).
  - e.** Work on surfaces directly adjacent to those compartments listed above (i.e., the opposite side of an insulated space, which might expose the insulation to heat). Level II hot work must be completed within 30 calendar days.
- 3.** Examples of Level II hot work include:
  - a.** Removal or replacement of major components of the vessel's propulsion system.
  - b.** Removal or replacement of major components or sections of any shipboard piping systems.
  - c.** Replacement of deck houses or other major structural components.
  - d.** Replacement of hull or deck plating.
  - e.** Work is less than 30 days in duration.
- 4.** Requirements:
  - a.** Permits Required:
    - (1)** A U.S. Coast Guard Hot Work Permit.
    - (2)** A "Hot Work Permit for Vessels," authorized by the Harbor Master shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.

- b.** Violation of Conditions:
  - (1)** Violation of any of the following permit conditions shall be cause for immediate revocation of the “Hot Work Permit For Vessels.” Permits which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit.
  - (2)** In the event that a fire occurs as result of a violation of these permit conditions, the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder shall pay such costs.
- c.** Authorized Locations:
  - (1)** Level II hot work may only be performed at designated Port facility piers or at shipyards.
  - (2)** Crane service must be immediately available whenever work is being performed. Such cranes must be capable of lifting not less than 10,000 pounds with a boom of sufficient length to reach the middle of the ship on the largest vessel at the pier.
- d.** Vessel’s Fire Protection System: During hot work operations all of the vessel’s fire protection systems shall remain in service.
- e.** Gangways Required: Two gangways shall be provided for access to the vessel, unless physical limitations dictate otherwise.
- f.** Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:
  - (1)** All hot work operations shall be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.
  - (2)** Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere of less than 10 percent of the lower explosive limit for the particular material being applied as

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determined by a Marine Chemist. Monitoring of such areas shall be carried out by a Competent Person.

- g.** Shipyard Personnel Required: Depending on the exact nature of the work, Level II hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both prior to commencement. Full-time safety persons shall meet the requirements for Competent Persons.
- h.** Marine Chemist Certificate Required:
  - (1)** No person shall engage in hot work or the use of powder actuated fastening tools in or on the spaces listed below until a certificate setting forth that such work can be done safely is issued. Such certificates shall be valid only if they are issued by a Marine Chemist certified by the National Fire Protection Association (NFPA).
  - (2)** A Marine Chemist Certificate shall be required prior to Hot Work operations on any vessel:
    - (a)** Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.
    - (b)** Within or on the boundaries of fuel tanks.
    - (c)** On pipe lines, heating coils, pumps, fittings or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.
    - (d)** Within the boundaries of engine rooms, fire rooms and boiler rooms.
    - (e)** Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.
    - (f)** Marine Chemist Certificate shall be issued in strict accordance with the requirements of NFPA 306 Standard for the "Control of Gas Hazards on Vessels."

**i. Inspection Required:**

- (1)** Prior to the commencement of hot work operations, an inspection shall be made of the area in which the work is to occur to assure that:
  - (a)** The work to be performed is not prohibited for Level II hot work.
  - (b)** Prohibited activity is not taking place elsewhere on the vessel, unless approved by a Certified Marine Chemist. (See section entitled “Prohibited Activity” above.)
  - (c)** The area is safe for the hot work to take place and Hot Work Permit Conditions are being complied with:
    - (i)** Regular inspections shall be made by a Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.
    - (ii)** The types and amounts of fuel oils and other flammable or combustible liquid in all cargo, bunker, deep, settler and double bottom tanks shall be determined. Such determination shall include associated piping systems. Such information shall be readily available to Portland Fire & Rescue in the event of a fire or inspection by the Harbor Master.
    - (iii)** Such inspection shall be made by the Competent Person or Certified Marine Chemist. Such inspection shall include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.

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- j.** Fire Watches: Whenever hot work operations are taking place, a responsible individual shall be appointed as fire watch and shall be on duty continuously during hot work operations.
- (1)** Such persons shall have no other duties other than to watch for fire.
  - (2)** Fire watches shall be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).
  - (3)** Fire watches shall remain on duty for not less than 30 minutes after hot work operations are completed or breaks taken.
  - (4)** Persons engaged in Hot Work operations may not serve as their own fire watch.
  - (5)** Persons appointed as fire watch may be a member of the vessel's crew or other person designated by the individual in charge of the work.
  - (6)** As determined by a responsible, trained supervisor, the number and location of fire watch personnel shall be based on all existing conditions and potential fire hazards.
  - (7)** Fire watches are to be readily identifiable.
  - (8)** If during any Hot Work operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch shall be maintained on all sides of the bulkhead or deck.
  - (9)** Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.
- k.** Fire Extinguishing Devices Required:
- (1)** Portable fire extinguishers of sufficient size and number as identified on the Hot Works Permit shall be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC Dry Chemical; 1A 10/12 BC CO<sup>2</sup>, or 2A

pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.

- (2) Fire hose(s) of not less than 1-1/2 inch in diameter, with nozzle attached, shall be stretched out and suitably charged prior to the commencement of Hot Work operations. One such hose shall be stretched to the area where the Hot Work is to occur. Hose(s) shall be tested prior to commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed or breaks taken.
  - (3) In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Harbor Master or his designated representative.
  - (4) Designated emergency "Red Head" fire boxes shall be supplied and available. Each fire box shall be equipped with two (2) 100' lengths of 1-1/2" fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes shall be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel's charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on shall be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes shall be used for emergency use only.
  - (5) In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches shall be equipped with CO<sup>2</sup>, other acceptable portable extinguisher(s). Fire hose(s) strung out shall remain dry, but in a state of readiness in the event portable extinguishers are not effective.
- I. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor shall be



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installed prior to performing any work below deck or inside a confined space.

**m.** Removal of Materials:

- (1)** Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel or decks if hot work operations are to be performed at any location aboard the vessel during the repair process:
  - (a)** Refrigerant gases (including gases within the system).
  - (b)** Compressed gas cylinders except those needed for hot work.
  - (c)** Drums of flammable and combustible liquids.
  - (d)** Explosives.

**n.** Other Precautions Against Fire:

- (1)** Unless approved by a Certified Marine Chemist, solid combustible materials shall not be located within 25 feet of hot work operations (including the opposite of surfaces on which welding or cutting is being performed).
- (2)** Hot Work shall not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.
- (3)** Where floor (deck) openings or cracks cannot be closed, precautions shall be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions shall be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.)

**F.** Level III Hot Work:

- 1.** Definition: Level III hot work is that work which is major in nature or work which is moderate in nature and which will require more than 30 days to complete or work which will place the vessel's fire protection systems out of service.
- 2.** Requirements:
  - a.** Permits Required:
    - (1)** A U.S. Coast Guard Hot Work Permit.
    - (2)** A "Hot Work Permit for Vessels," authorized by the Harbor Master shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.
  - b.** Violation of Conditions:
    - (1)** Violation of any of the following permit conditions shall be cause for immediate revocation of the "Hot Work Permit for Vessels." Permits which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit.
    - (2)** In the event that a fire occurs as result of a violation of these permit conditions the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder shall pay such costs.
  - c.** Authorized Locations: Level III repairs may only be performed in a shipyard.
  - d.** Vessel's Fire Protection System: Whenever hot work operations are to occur, the vessel's fire protection systems shall remain in service or other steps shall be taken to provide a level of fire protection equivalent to the protection provided by the vessel's system. Before beginning the work, the ship's superintendent or designated person shall obtain the Harbor Master's approval of alternate measures.
  - e.** Gangways Required: Not less than two gangways shall be provided for access to the vessel.

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- f.** Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:

  - (1)** All hot work operations shall be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.
  - (2)** Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the explosive limit for the particular material being applied as determined by a marine chemist. Monitoring of such areas shall be carried out by a Competent Person.
- g.** Special Personnel Required: Level III hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both prior to commencement. Full-time safety persons shall meet the requirements for Competent Person.
- h.** Marine Chemist Certificate Required:

  - (1)** No person shall engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries, or pipe lines until a certificate is issued setting forth that such work can be done safely. Such certificates shall be valid only if they are issued by a Marine Chemist certified by the National Fire Protection Association (NFPA).
  - (2)** A Marine Chemist Certificate shall be required prior to Hot Work operations on any vessel:

    - (a)** Within or on the boundaries of cargo tanks which have been used to carry combustibles or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.
    - (b)** Within or on the boundaries of fuel tanks.
    - (c)** On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.

- (d) Within the boundaries of engine rooms, fire rooms and boiler rooms.
      - (e) Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.
    - (3) Marine Chemist Certificates shall be issued in strict accordance with the requirements of NFPA 306, "Control of Gas Hazards on Vessels."
  - i. Inspection Required:
    - (1) Prior to the commencement of hot work operations, an inspection shall be made of the area in which the work is to occur to assure that:
      - (a) Prohibited activity is not taking place elsewhere on the vessel.
      - (b) The area is safe for the hot work to take place and Hot Work Permit conditions are being complied with.
    - (2) Regular inspections shall be made by a Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.
    - (3) The types and amounts of fuel oils and other flammable or combustible liquids in all cargo, bunker, deep, settler and double bottom tanks shall be determined. Such determination shall include associated piping systems. Such information shall be readily available to Portland Fire & Rescue in the event of a fire or inspection by the Harbor Master.
    - (4) Such inspection shall be made by the Competent Person or a Certified Marine Chemist.

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- (5) Such inspections shall include the opposite sides of bulkheads and decks on which welding or cutting operations are to be performed.

### **j. Fire Watches:**

- (1) Whenever Hot Work operations are taking place, a responsible individual shall be appointed as fire watch and shall be on duty continuously during hot work operations.
- (2) Such persons shall have no other duties other than to watch for fire.
- (3) Fire watches shall be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).
- (4) Fire watches shall remain on duty for not less than 30 minutes after hot work operations are completed or breaks or lunch taken.
- (5) Persons engaged in Hot Work operations may not serve as their own fire watch.
- (6) Persons appointed as fire watch may be a member of the vessel's crew or other persons designated by the individual in charge of the work.
- (7) As determined by a responsible, trained supervisor, the number and location of fire watch personnel shall be based on all existing conditions and potential fire hazards.
- (8) If during any Hot Work operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch shall be maintained on all sides of the bulkhead or deck exposed to heat.
- (9) All Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if Fire Watch is in a remote or confined area or tank.

### **k. Fire Extinguishing Devices Required:**

- (1) Portable fire extinguishers of sufficient size and number as identified on the Hot Work Permit shall be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC dry chemical; 1A 10/12 BC CO<sup>2</sup> or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.
  - (2) Hose(s) shall be tested prior to commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed or lunch or breaks taken.
  - (3) In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Harbor Master or his designated representative.
  - (4) Designated emergency "Red Head" fire boxes shall be supplied and available. Each fire box shall be equipped with two (2) 100' lengths of 1-1/2" fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes shall be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel's charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on shall be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes shall be used for emergency use only.
  - (5) In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches shall be equipped with CO<sup>2</sup>, or other acceptable portable extinguisher(s). Fire hose(s) strung out shall remain dry, but in a state of readiness in the event portable extinguishers are not effective.
- I. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor shall be

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installed prior to performing any work below deck or inside an enclosed space.

**m. Removal of Materials:**

- (1)** Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel and/or dock if hot work operations are to be performed at any location aboard the vessel during the repair process:
  - (a)** Refrigerant gases (including gases within the system).
  - (b)** Compressed gas cylinders except those needed for hot work.
  - (c)** Drums of flammable and combustible liquids.
  - (d)** Explosives and pyrotechnics.

**n. Other Precautions Against Fire:**

- (1)** Unless approved by a Certified Marine Chemist, combustible materials shall not be located within 25 feet of hot work operations, including all sides of surfaces on which welding or cutting is performed.
- (2)** Hot work shall not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.
- (3)** Where floor (deck) openings or cracks cannot be closed, precautions shall be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions shall be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.).

### **19.16.105 Length of Tows.**

No towboat shall tow any raft or boom of logs or piling which shall exceed 1,500 feet in length from bow of towboat to stern of tow. No such tow shall exceed 120 feet in width.

When freshet stage of water in the Willamette River exceeds 10 feet, no tow shall exceed 60 feet in width. The Harbor Master may allow larger tows than hereby specified if it is necessary and cannot be made smaller, but a patrol boat or some other craft must accompany the tow.

**19.16.110 Property Found or Salvaged within the Port.**

- A.** All articles found floating in the Columbia or Willamette River within Oregon jurisdiction or on any of their sloughs within the Harbor Master's jurisdiction shall be reported in writing to the Harbor Master within 72 hours after the article is found. The Harbor Master shall investigate the report, and, if possible, notify the owner, in writing, that the article has been found and request the owner to submit proof of his/her claim to the article.
- B.** If no claim is made to the article within 90 days after notice to the owner, the Harbor Master shall destroy the article, if it has an estimated value of less than \$100, or is a menace to life or property. If the article has an estimated value of \$100 or more, and is not a menace to life or property, the Harbor Master shall sell the article by bid or public auction, after giving notice of the finding and sale once each week for two consecutive weeks in the Daily Journal of Commerce. The notice shall state the general description of the article found and the date, time, and place of sale.
- C.** If no person appears and establishes ownership of the article prior to the sale, the City shall be owner of the proceeds of the sale.
- D.** Upon the sale, in accordance with this section, the interest in the article of the owner and any other person or corporation shall terminate.

**19.16.115 Permits for Aquatic Events.**

Any person, firm, corporation, or organization intending to sponsor or otherwise conduct an aquatic event shall make application for a permit therefor to the United States Coast Guard, not less than 30 days prior to the opening of the aquatic event. A copy of any approved permit shall be given to the Harbor Master. He/she may add any other conditions as he/she may deem appropriate.

**19.16.120 Dead Animals and Refuse.**

It is unlawful to throw, place, or leave any dead animal or putrefying matter into or on any part of the harbor or to place or deposit any rubbish, refuse matter, or article of any offensive character likely to create a nuisance upon any wharf, of any wharf road, or street leading to a wharf, except at the places and in the manner determined by the Office of the Harbor Master.



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### **19.16.130 Check To Be Kept of Employees Handling Bulk or Dangerous Cargo.**

Whenever any bulk or dangerous cargo is being worked in the hold of any vessel or other floating craft, the foreman or person in charge of any such work shall keep an accurate check or count of all persons at all times while so engaged or employed, and a count must be made of all persons entering and leaving the holds of any vessel or watercraft while such cargo is being worked.

### **19.16.135 Flammable and/or Combustible Liquid Storage on Docks.**

- A.** Storage of flammable or combustible liquids in excess of Uniform Fire Code exempt amounts shall not be permitted on docks, without prior approval of the Harbor Master.
- B.** Storage of flammable and/or combustible liquids on docks in quantities requiring placarding by DOT shall be stored by designated areas.  
Exception: Locations approved by the Harbor Master, prior to storage.
- C.** Exempt amounts of flammable or combustible liquids may be stored on docks if stored in approved safety cans, flammable liquid cabinets, or in unopened Department of Transportation (DOT) containers.
- D.** Flammable liquids or gases and combustible liquids shall not be dispensed in the hold of ships. Exchanging of fuel cylinders of tanks for equipment shall not be permitted in the holds of ships. When fueling of lift trucks or other equipment used in the holds of ships becomes necessary, the lift truck or equipment shall be lifted out of the ship to the dock and fueling shall be done on the dock. The fueling area on the dock shall be approved prior to fueling, by the Harbor Master. Any additional fire safety equipment deemed necessary by the Harbor Master shall be in place before any fueling or refueling is started. After fueling or refueling and before the lift truck or equipment is lifted back into the ship, the equipment shall be started and checked for leaks in the fuel system. The equipment shall then be shut down, lifted back into the hold of the ship and then restarted and work resumed. Except for emergency fueling of cars of 5 gallons or less.
- E.** The transfer of flammable liquids in moorages for water craft is prohibited except at duly authorized fuel docks.

### **19.16.140 Oil Vessel Transfer Equipment.**

When transferring oil or other hazardous materials cargoes, all vessels, transfer facilities, barges and other watercraft shall do so in complete compliance with procedures set forth in approved Codes of Federal Regulations.

**19.16.145 Oil on Waters of the Harbor.**

- A.** No person shall pump, cast, discharge, or allow any petroleum or other oil of whatever nature to flow into or upon any tributary, sewer, drain, ditch, or waters which flow into any navigable water within and abutting the corporate limits of the City of Portland or water which flows into the river.
- B.** No vessel or watercraft of any nature whatsoever shall pump her bilges containing any oil matter into the waters of the harbor, but they must pump the same into barges or lighters equipped for handling such oil cargo, or with a siphon discharge, and any such pumping shall be a violation of this Chapter if any oil matter shall get into the waters of the harbor. Notice shall be given to the Harbor Master by the owners, agent, or employees of the lighters or barges prior to the pumping or siphoning, and immediately upon completion of the operations.
- C.** No industrial plant garage, service station, oil station, or other oil using plant shall have any direct lead from any oily drain into any sewer, drain, ditch, or other discharge without first running through a sump; and the sump shall be kept skimmed at all times and in case any sump overflows the responsible party shall be held the guilty person.
- D.** Whenever any vessel or other watercraft is drydocked, beached, or hauled out on any ship way, and oil of any kind is leaking, all due precautions must be taken to keep such oil from flowing out into the waters of the harbor; and oils must be skimmed into barrels or other containers or absorbed by quantities of hay, straw, dry shavings, or other approved buoyant absorbent. No chemical cleaner can be used for oil on the water. Oil must be removed to some place other than where it may again enter the waters of the harbor.
- E.** Any person, contractor, firm, or corporation who shall allow any petroleum product or other oil substance to get into such waters in any way must take immediate means to recover as much of the oil substance as possible by absorbing same into hay, straw, dry shavings, or approved buoyant absorbent which can be removed from the water and disposed of. Sinking same with sand, gravel, or chemical compounds will not be allowed and the use of same will subject the party doing so to arrest.

**19.16.150 Mooring Hazardous Vessels.**

No vessel or watercraft classed as an oil carrier or tanker, or constructed to carry a part cargo of oil, or carrying explosives or other dangerous or flammable cargo shall be made fast in any manner that cannot easily be cast off or cut without unnecessary delay, and there shall be sufficient water under the keel of any such vessel to float it at all times.

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### **19.16.155 Hazardous Materials.**

- A.** No vessel or watercraft may transport, load, unload, or use on board any hazardous material as cargo within the jurisdiction of the Harbor Master, except in accordance with the regulations of the U.S. Department of Transportation (DOT) and U.S. Coast Guard.
- B.** No hazardous materials shall be received, handled, or stored at any dock or other facility within the Harbor Master's jurisdiction not previously approved by the Harbor Master, and the U.S. Coast Guard. All hazardous materials at these facilities shall be handled, stored, loaded, and unloaded in compliance with requirements of the Portland Fire Code, National Fire Protection Association, and the U.S. Coast Guard.
- C.** All hazardous materials shall be properly packaged, marked, labeled, and containers placarded in accordance with DOT specifications, or International Maritime Dangerous Goods Code specifications as permitted by the DOT.
- D.** The Harbor Master may limit the scope of activity, and/or specify fire safety provisions, in addition to this Code, should he/she deem such conditions are necessary to provide reasonable public safety in the handling or storage of hazardous materials.
- E.** Permission from the Harbor Master to handle the following hazardous materials must be requested at least one week prior to the cargo arriving into the harbor. (These are identified by the DOT classification.)
  - 1.** Explosives 1.1, 1.2, 1.3, 1.4.
  - 2.** Blasting agents 1.5.
  - 3.** Poison gases 2.3
  - 4.** Poison liquids with inhalation hazards 6.1
  - 5.** Cryogenics 2.1, 2.2
  - 6.** Pyrophoric 4.2
  - 7.** Dangerous when wet 4.3
  - 8.** Ammonium nitrate and ammonium nitrate mixtures 5.1

9. Oxidizers 5.1 and organic peroxides 5.2
  10. Etiological materials 6.2
  11. Radioactive 7.
  12. Flammable solids 5.2
- F.** The Harbor Master must be notified at least 72 hours prior to arrival into the harbor of any other hazardous materials, except for the following:
1. Motor vehicles.
  2. Hay/straw.
  3. New wet batteries.
  4. ORM/D (consumer commodities).

**19.16.170 Precautions in Mooring.**

All vessels when making fast to any dock or sea wall shall do so in a safe way with suitable lines and fastenings to be furnished by the vessel. Whenever any vessel, by reason of the manner in which the same is made fast to any dock or sea wall, shall be unsafe or dangerous or a menace to itself or to any other adjoining dock, it shall be the duty of the master of such vessel or other person in charge to make such change as may be necessary to correct such condition; and if the master or other person shall fail in such duty, the change shall be made by the Harbor Master and all expenses thereby incurred shall be paid by and recoverable from such vessel or the master thereof to the City.

**19.16.175 Vessels at Berth.**

Except when fastened parallel to the channel, any vessel lying at berth allowing a portion to extend beyond the line of the dock, does so at its own risk and may be held responsible for any damage that may result by reason of the projection into the stream.

**19.16.180 Watchmen on Ocean Going Vessels.**

It is unlawful for the owner, agent or master of any ocean going vessel to allow the same to remain anchored or moored or made fast to or lie at any pier, unless there is adequate security provided, as approved by the Harbor Master.

**19.16.185 Mooring of Vessels.**

- A.** It is unlawful for any person or corporation to moor, tie up, secure or anchor more than two abreast any vessels or watercraft more than 35 feet in breadth along any

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dock or shoreline running parallel to the Willamette River, without first securing written permission from the Harbor Master.

- B.** It is unlawful for any person or corporation to moor tie-up or anchor any vessel or watercraft, except at an approved moorage or site approved by the Harbor Master. This section is not meant to regulate normal recreational or commercial water craft or vessels for short periods of time, of less than 30 days duration. The Harbor Master may extend this time, as necessary, for unusual circumstances, at his/her discretion.

### **19.16.190 Street Ends.**

- A.** No goods, lumber, logs, boats, vehicles, or other articles shall be placed, piled, moored, tied, dumped, deposited, or allowed to remain on, or to obstruct any street end in any manner; and all such articles shall be removed at once when so ordered by any member of the police or fire department.
- B.** No sign shall be placed across or on any street end without written permission of the Harbor Master. No shack or other small building shall be allowed along the harbor unless of standard construction and unless a permit shall have been secured from the Harbor Master. The area from the property line to the curb line shall be kept clear for pedestrian traffic at all times unless closed by the City Council. No combustible building or other fire hazard shall be allowed under bridge approaches.

### **19.16.195 Equipment and Use of Docks.**

- A.** All docks where seagoing vessels are to be secured must be equipped with proper cleats, kevels, bollards, mooring posts, or similar devices for the ready and safe securing of such vessels as may be moored alongside; and all such fastenings must be kept clear at all times. No cargo or goods or articles of any kind shall be unloaded, loaded, or piled near such fastenings which might preclude quick access to them and no fastenings shall be made to any other part of any structure at any time which may endanger such structure in any way. All dock openings must have fences or barricades when not in use.
- B.** It is unlawful for any ocean going vessel, while made fast to any dock or wharf within the confined limits of the City to turn its propeller over in excess of 15 turns per minute (approximately one quarter full speed) without first having obtained permission from the Office of the Harbor Master and owner of the dock or wharf.

### **19.16.200 Passenger Docks To be Fenced.**

No passenger carrying vessel shall be allowed to load or discharge any passengers at any dock within the City unless the proper gangways, manropes, and life nets are in place and

an adequate fence or rope rail is in place at the edge of the dock. Exception: Life nets may be removed at the Harbor Master's discretion.

**19.16.205      Respiration Protection Required.**

Any stevedoring company or any person engaged in working sulfur or any cargo of poisonous compounds or other commodity whereby any person working in or around such cargo may be overcome by dust or fumes or gases from such cargo, shall have at hand for immediate use suitable respiration protection equipment approved by NIOSH.

**19.16.210      Drinking Water and Toilets To Be Provided.**

- A.** All docks or other places where vessels are moored and cargo is worked or repairs are made shall have at least one toilet and at least one drinking fountain for the accommodation of all employees and other persons having business at such dock or other place.
- B.** If any vessel shall be working any persons or gangs at any dock or other location within the port for any purpose whatsoever, and if there are not proper toilet facilities available, or if the facilities become out of order for any cause, said vessel shall have at least one toilet on board that shall be conveniently accessible and available at all times for the use of the persons so engaged in the ship's operations. All toilets shall be kept clean sanitary, and in good working order.

**19.16.215      Making Unnecessary Noise Prohibited.**

It is unlawful for the master or any person in charge of any vessel of any kind lying at any dock or while navigating in the harbor, to cause any whistle, siren, foghorn, bell, or any other kind of sound producing apparatus to be blown or sounded for any purpose other than required by law or by the U.S. Coast Guard "Rules of the Road: International - Inland" Commandant Instruction M16672.2 series. These rules are hereby made a part of this Title. Copies are available at Group Portland, United States Coast Guard. No such apparatus shall be tested or adjusted within the port without written permission of the Harbor Master. However, boilers and tanks may be blown out through an underwater exhaust between the hours of 7 a.m. and 10 p.m. of any day. This section shall not prevent the routine testing of any sound producing apparatus in connection with actual getting under way.

**19.16.220      Garbage Not To Be Dumped.**

- A.** No vessel or other watercraft shall dump garbage, dunnage, refuse, straw, or other packing material into the waters or upon the banks of any stream, tributary, or waters within or abutting the corporate limits of the City of Portland, but they shall keep them on board until after leaving the harbor or dispose of same on shore through an approved garbage disposal service.

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- B.** If at any time any communicable disease peculiar to animals is found to exist in any country or state from which cargo was received, no waste material in any manner whatsoever shall be discharged.
- C.** All garbage while onboard ship shall be stored in covered leak-proof containers. Any garbage discharged while in port must be to an approved facility.

### **19.16.225 Handling Loose Materials.**

- A.** It is unlawful for any person, firm, or corporation to throw, dump, deposit, unload, load, wash, flush, or by any other means allow any coal, clean water ballast, ashes, sand, gravel, rock, sawdust, ground fuel, dirt, earth, dust, chaff, vegetable, animal, or fish parts, slabs, planks, timbers, dunnage, paper, metal, or loose products, or dredgings of any kind, or any other unauthorized material into or upon the banks of any stream, tributary, or waters within or abutting the corporate limits of the City of Portland, by high water or other means.
- B.** When such materials are being handled from ship, barge, or other floating object to shore, or from one floating object to another, a sufficient tarpaulin, plate, platform, or other kind of jumper shall be placed, stretched, or spread so as to prevent effectually any such material from falling into the waters of the port, except where the loose materials are being handled by a pipe, hose, tube, tight bucket, or other object, so that no part thereof is allowed to get into the waters of the port.
- C.** No plant along the banks of the navigable waters within or abutting the corporate limits of the City of Portland shall allow any washing, screenings, or plant refuse of any kind whatsoever to get into the river if any such material will prove obnoxious or tend to fill in or obstruct the free flow of the river.
- D.** All concerns engaged in the removal of refuse of any kind on the river shall have suitable barges or boats with fixed bins, barricades, or fences so that no part of any such refuse shall fall overboard while handling or mooring same. In the event any such material gets into the waters of the port, the materials must be removed at once.

### **19.16.235 Care and Use of Boats.**

It is unlawful for any person to operate any vessel in the harbor in such a manner as to jeopardize the same or to endanger life or property. When any power craft of less than 15 tons net burden is proceeding in such a manner that it is endangering any canoe, rowboat, skiff, or other watercraft, it shall be the duty of the person in charge of such power craft to reduce the speed, stop, or reverse as the case may be, to remove the danger to such watercraft or to refrain from willfully frightening the occupants thereof.



**19.16.240 Safety Measures To Be Observed.**

All contractors doing any construction work along the waterfront shall take all necessary precautions for the safety of their workers.

**19.16.245 Vending Prohibited.**

It is unlawful for any vendors of any kind to go upon any ship or dock face while a ship is working cargo or while the winches or any of the gear is being operated for any purpose. No vending of any kind shall be allowed at any dock where the owners thereof shall have posted suitable signs prohibiting such vending.

**19.16.250 Floating Dwellings.**

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

- A.** It is unlawful for Any person to place or maintain any houseboat, scow, dwelling, housescow, boathouse, or any other kind of a floating dwelling on the river except at such places as shall be designated by the Harbor Master as proper moorages.
- B.** All such dwellings shall be connected with running water from the City's mains and shall have at least one toilet of the flush type on board, and if the dwelling shall go on ground, a proper closed drain shall be established to running water.
- C.** No such dwelling shall be maintained at any location without permission first having been obtained from the property owner.
- D.** All persons so occupying any floating dwelling shall have written permission from the Harbor Master and the permission shall designate the location of the dwelling. The Harbor Master shall grant written permission if after investigation he/she shall find that all of the above provisions have been complied with and finds that any floating dwelling will not be a menace to the surrounding property or the public health of the community.
- E.** He shall have the power to move any such dwelling at any time it shall become necessary, or at the request of the property owner, or for the safety of the dwelling or the public at large.
- F.** Also, there shall be no dwelling established along the waterfront or any property in the City limits from the shore line of the river to the nearest paralleling street curb which will not meet the building specifications and have the permission of the Bureau of Development Services for any such buildings, and they must have running City water connected into the building and have at least one flush type toilet connected to an approved sewer.



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- G.** The owner of every floating dwelling shall at all times have at least one 50-foot length of garden hose and a spray nozzle connected to City water service.
- H.** All such dwellings and buildings must be constructed so as to meet all the requirements of the building, plumbing, Title 28 Floating Structures, electrical, and fire regulations and shall be subject to inspection by proper authority at any time.

### **19.16.253 Canoe Houses and Small Boat Storage**

- A.** No club association, person, firm, or corporation shall operate or maintain any canoe houses or small boat storage without first having obtained from the Harbor Master a permit for moorage. The permit shall be required if moorage space is rented to more than three individuals per year by any person, firm, corporation, club, or association. The permit may be revoked at any time if the Harbor Master finds conditions at any moorage are unsafe or a menace to the public health [or morals of the community], or where existence of the moorage in any location creates conditions adversely affecting navigation or maneuvering of vessels, or where navigation or maneuvering may create a hazard to life and property at the moorage.
- B.** All moorages must have running water piped to them with a service line of sufficient size as to supply adequately all houses in the moorage.
- C.** All walks, steps, gangways, and ramps shall be maintained in good condition at all times, equipped with at least one handrail or safety rail and have sufficient lights distributed as to make them safe at all times at night with lights turned on and burning during the hours of darkness every night. Electric power lines must be strung so that they will in no way endanger persons passing in and out of any such moorage.
- D.** All moorages shall maintain sufficient covered standard garbage cans to take proper care of all garbage for such moorage and garbage shall not be allowed to accumulate for over 7 calendar days without being disposed of as provided by law. No garbage, waste, or other surplus materials shall be dumped or thrown into any of the waters within or abutting the corporate limits of the City of Portland, by any person at any moorage.

### **19.16.255 Ballast Logs.**

All ballast logs, fending off floats, or camels when used by vessels at docks shall be properly fastened by chains, wire cable, or ropes in such a manner that they cannot float through their fastenings if disturbed by the displacement of water caused by any passing vessel or other cause; and all such floats shall have at least one preventer cable attached to it on end with the other end securely fastened to the ship or dock.

**19.16.265 Heating Combustible Matter.**

It is unlawful to heat any combustible matter, such as pitch, tar, resin, oil, or other flammable compounds on board any vessel lying at a dock or in the stream in the port, except in places as shall be designated by the Harbor Master.

**19.16.270 Lines Not To Cross Channel.**

No person shall run any rope, cable, or any other obstruction across any channel or fairway within the harbor without first obtaining permission from the Harbor Master. If so ordered by him/her, they shall maintain a proper patrol during such time to warn all approaching watercraft of such danger and also shall place red flags out by day and red lanterns by night, or other signals as ordered.

**19.16.275 Restrictions of Towage.**

- A.** The Harbor Master is authorized to stipulate the number and size and arrangement of any barges, rafts, or other objects which shall be allowed to be towed through the harbor by any certain power boat or towboat; and no master, owner, agent, or person in charge of any towboat shall tow in the Portland harbor unless the towboat has sufficient power to safely handle the object in tow and to keep it from obstructing any channel or fairway. If at any time such tow shall obstruct navigation, or if the Harbor Master finds that said towboat does not have sufficient power to safely handle the tow, the Harbor Master shall order same promptly removed or secured, and the expense thereof shall be recoverable by the City.
- B.** It is unlawful for any person, firm, or corporation to enter the City limits with any vessel, barge, boat, scow, or other floating object that has been wrecked, damaged, or that may be in any unsafe and liable to sink due to such condition, or cause any above-named dangerous object to be towed into the harbor, where it may become submerged and an unsafe object to navigation, life, and property of the community, without first obtaining permission in writing from the Harbor Master.
- C.** Any uncommissioned vessel or other large tow which is difficult to control or which in any way endangers the bridges crossing the Willamette River, will not be allowed to pass through any of the drawbridges crossing the Willamette River, unless it is equipped with an anchor of sufficient size, ready to drop, to hold the vessel or tow in any stage of water, and sufficient number of capable workers to handle such vessel shall be on board. Any such vessel or other large tow not so equipped may be ordered tied up by the Harbor Master until the requirements of this Section have been complied with.

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- D.** In the event the object being towed gets out of control and damages public or private property or sinks and becomes a menace to navigation, the agent or responsible party making this tow shall remove the sunken object at the earliest possible time.
- E.** Any uncommissioned vessel passing through the bridges crossing the Willamette River within the City limits must have the services of a local pilot, provided, however, that if the Harbor Master shall, in his/her discretion, determine that the services of a local pilot are not necessary under prevailing conditions, this requirement may be waived.

### **19.16.280 Speed of Vessels.**

- A.** All vessels and other watercraft during foggy or smoky weather, mist, falling snow, heavy rain, or other obscuring weather, shall proceed at a moderate speed, having due regard to the existing conditions and circumstances.
- B.** All vessels and watercraft must keep clear of seaplanes while they are taking off or landing within any district set aside for that purpose.
- C.** All motorboats shall proceed with caution while in the harbor and not try out for speed if other small boats are in the vicinity in numbers, except during permitted regattas, races, or demonstrations.
- D.** All vessels when passing dredges, drydocks, vessels under repair, diving, or grappling operations, or other submarine work, shall slow down to not more than 6 statute miles per hour. While passing over the mooring lines of any such activity, the propellers or other propelling machinery shall be stopped; and if their draft permits, the vessel shall keep on the outside of the buoys marking the ends of the mooring lines of floating plant that may be working within the channel area.
- E.** No vessel shall be operated in the port at any speed whereby any damage may be done to the property of another or life may be endangered thereby by the suction of waves, swells, or wake caused by such speed.

### **19.16.290 Obstructing Public Docks.**

It is unlawful for any person to moor, tie up, or dock any vessel or other watercraft so that any portion of such vessel or watercraft shall overlap or obstruct in any manner the free and easy entrance to or departure from any public dock or fireboat slip at any time.

### **19.16.295 Connections for Potable Water.**

All docks or other such places, moorings, and dolphins where ocean going vessels will be moored for working cargo or repairs shall have connections for potable water installed in accordance with Title 25 of the Administration Code of the City of Portland.

**19.16.300 Signal Lights.**

All ocean going vessels and other watercraft shall comply with the applicable rules and regulations prescribed by the federal government, and in addition all vessels under 150 feet registered length, barges, scows, or other watercraft, when at anchor within the port, shall carry forward where it can best be seen, but at a height not exceed 20 feet nor less than 8 feet above the deck, a white light showing a clear, uniform, and unbroken light visible all around the horizon at a distance of at least 1 mile. When at a dock, all vessels, log rafts, booms, or other floating craft that may have been made fast anywhere in the harbor, and any part thereof extending out past the harbor line, shall display from sunset to sunrise at the extreme corners on the upstream and downstream ends, or within 25 feet thereof, a white, and no other colored, light that may be seen at least a distance of 1 mile, except on tankers or other vessels that may be carrying any hazardous cargo on which the federal law requires an unbroken red light, provided that regular fixed deck lights in proper placement may be used in place of portable lights on cargo vessels, and preferred on tankers and vessels carrying hazardous cargo. No vessel or other watercraft shall display at any place within the City limits any colored lights that may be confused as navigation lights, signal lights, etc., except when actually under way or during a parade, or for a temporary display for a short time only. Whenever any such lights are to be displayed, notice must be given the Office of the Harbor Master, which Office shall notify the local pilot's office. All signal or navigation lights must be maintained from sunset to sunrise.

**19.16.305 Closing and Lighting Docks and Wharves.**

Every owner, lessee, or occupant of a dock or wharf within the City shall close and keep closed by sufficient gates barricades, or hatches all slips and runways used as passageways between a dock or wharf and a ship, when such slips and runways are not in actual service, and shall keep every dock and wharf sufficiently lighted at night when a vessel is made fast thereto.

**19.16.310 Lights and Gangways on Vessels at Wharves.**

Every vessel lying alongside a wharf, or vessel lying alongside a vessel berthed at a wharf shall, from sunset until sunrise, be provided with the proper lights, and shall be provided continuously with the appliances in the way of gangways and manropes as may, in the opinion of the Harbor Master or in fact, be necessary for the convenience and safety of person passing to and from the vessel. Every gangway fixed for the purpose of giving the crew or other persons access to the ship after dark, shall be brightly illuminated by the best available means as long as such gangway is in use.

**19.16.315 Safety Nets on Vessels.**

Every ocean going vessel lying at a berth and secured, except river boats, shall have safety nets suspended below any landing stage or gangplank as will prevent any person from falling into the water in the event any person slips off the landing. The nets must extend at least 5 feet past each side of all gangways. Safety nets may be regular cargo nets,

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taraulins, sailcloth, canvas, or any other material that is pliable and of sufficient strength to hold the body of an adult person who may fall from the gangway.

EXCEPTION: This regulation may be waived by the Harbor Master.

### **19.16.320      Safeguarding Hawsers or Ropes from Rats.**

Every hawser or rope by which any ocean going vessel is made fast to any dock, dolphin, or shore shall be equipped with at least one metal disc or rat guard of size or position as shall be approved by the Harbor Master and in no instance shall a guard be allowed with less than 18 inches of metal from the center of the guard to the outside rim. Every metal disc shall, if not affixed to the hawser or rope to the satisfaction of the Harbor Master, be removed to a position on the hawser or rope as pointed out by the Harbor Master. Vessels while berthed at a dock must be fended off from the dock a sufficient distance so that rats cannot jump from the vessel to the dock; provided that when river conditions may prevent the loading or discharging of any vessel when fended off the proper distance, the Harbor Master may grant permission for the removal of the fending off floats to facilitate the loading or discharging of such vessel; but when the vessel is not loading or discharging cargo, the same shall be immediately fended off the required distance if conditions so permit.

### **19.16.325      Precautions on Vessels at Night.**

All openings in the ship's sides shall be closed at sundown, and all cargo skids and nets shall be unrigged at sundown, except during times as they are actually in use, when they shall be brightly illuminated. In case gangways are not lifted from the ship or dock at night, both ends of the gangway shall be lighted and a person constantly on watch at the head of the gangway on the vessel.

### **19.16.330      Conditions of Vessels at Docks and Wharves.**

The master or person having the charge or command of any vessel coming to or laying alongside any wharf or vessel berthed at a wharf shall, both before and during the time a vessel is moored or stationed at the wharf, or alongside any vessel berthed at a wharf, have the anchors stowed, and all other projections stowed within the rail of the vessel.

### **19.16.335      Removal of Vessels from Docks or Wharves.**

In order to facilitate the removal of vessels from their berths at any wharf or place of mooring or for other reasons, the Harbor Master may direct the master or person in charge of any vessel to slack away hawsers, cables, or other fastenings of any ship and to stow booms or other rigging. Every vessel while backing out of any slip shall have at least one member of the crew on the lookout astern on the upper deck, such person to be in full view of the pilothouse to warn the master, or the person in charge of such vessel, of the proximity of any obstruction to navigation or the approach of another vessel. Every vessel shall continue to back a sufficient distance beyond the face of any pier to avoid any danger of accident or collision with any other vessel backing out from the same or any other slip.

Every vessel backing out from a slip shall proceed slowly, using extreme care for the prevention of accidents.

**19.16.345 Rules Governing Operation of Canoes, Sailboats, and Motorboats.**

It is unlawful for any person operating any motorboat to tow any canoe while such canoe is occupied by any person, and it is unlawful for any person operating or occupying any canoe, sailboat, motorboat, or rowboat to make fast to any log raft being towed through the harbor. No person operating any canoe, rowboat, or motorboat shall pass between the stern of any towboat and the raft in tow thereof.

**19.16.355 Protection of Water Mains.**

- A. It is unlawful for any person to drive any piling or to dredge or dig within 200' of the submerged water mains of the City of Portland in the Willamette River, without first obtaining written permission to do so from the Harbor Master. Before giving any such permission, the Harbor Master shall consult with the Engineering staff of the Portland Bureau of Water Works. The existing City water mains are located as follows:
- A 30-inch water main from the foot of SW Spokane Street to the foot of SE Spokane Street.
  - A 36-inch water main from the foot of SW Caruthers Street to the foot of SE Stephens Street.
  - A 24-inch water main from the foot of SW Mill Street to the projected foot of SE Stephens Street.
  - A 30-inch water main from the foot of SW Clay Street to the foot of SE Clay Street.
  - A 60-inch water main from the foot of SW Miles Place to the foot of SE Lambert Street.
  - A 36-inch water main from the foot of St. Johns Bridge to the foot of N. Pittsburgh Street (approx. 500 feet upstream of the center line of the St. Johns Bridge).
- The location of the City's water mains are indicated by large targets on which there is printed "Pipe Crossing City of Portland."
- B. Nothing in the above Section shall relieve any person, company, or corporation from securing such other permits as may be required by any other agency such as, U.S. Army Corps of Engineers or the Port of Portland, and Division of State Lands.

**19.16.360 Derrick Booms Near Bridges.**

(Amended by Ordinance No. 180917, effective May 26, 2007.)

- A. Any person operating or having control upon the navigable waters within the City limits any watercraft having moveable derrick booms or other adjustable contrivances shall, before passing through or under any bridge, lower the boom or other adjustable contrivance sufficiently so that the draw or lift of any bridge shall



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not have to be opened or raised on account of such derrick boom or other adjustable contrivance. It is unlawful for any person having control of any watercraft equipped with moveable derrick boom or other adjustable contrivance to signal for the opening of any draw or the raising of any bridge lift, where, by lowering the derrick boom or other adjustable contrivance, the craft would be able to pass under the bridge without opening the draw or raising the lift.

- B.** No watercraft shall be anchored or moored within 50 feet of any such bridge or bridge approach without obtaining a permit therefor as provided by ordinance; provided, however, that this Section shall not apply to cargo carrying vessels which comply with the regulations of the United States Government for protection against fire while taking on or discharging cargo. All watercraft to which this Section applies shall be kept free from oily rags, oily wood, wastepaper, and all other things which constitute a fire hazard. Every such watercraft shall be equipped with approved fire extinguishers in good working condition as required by ORS 488.090.
- C.** All machinery, apparatus, devices, and instruments for furnishing power, light, heat, or protection against fire or for extinguishing fire, shall comply with all of the regulations of the Government of the United States of America, the State, and the City. To the full extent permitted by law, authorized personnel of Portland Fire & Rescue, Bureau of Police, or other City bureaus or departments shall have the right at all reasonable hours to inspect watercraft to determine conformity with the provisions of this Section.

### **19.16.365 Interfering with Dumping Snow.**

It is unlawful for any person to moor or maintain any vessel or other watercraft at any street end or along or adjacent to any bridge in such position as to interfere with the dumping of snow into the harbor from a bridge or street end when snow is being removed from streets.

### **19.16.370 Recovery of Bodies or Evidence from River.**

- A.** Whenever it appears to the Harbor Master that any automobile, boat, or other thing has sunk within the Portland harbor, and he shall have reason to believe that a human body may be contained therein, he/she hereby is authorized to use such means for the removal or recovery of same as may appear reasonable and necessary.
- B.** Whenever any gun or other thing has been thrown into or has entered the waters within the City and the same appears to be necessary evidence in any investigation, criminal or civil, he/she hereby is authorized to use such means as may be needed to recover same.

**19.16.375 Protection of Bridges.**

It is unlawful to fasten any watercraft or floating timber to any bridge, or part thereof, or to moor any watercraft or floating timber underneath any bridge or bridge approach within or abutting the corporate limits of the City of Portland.

**19.16.380 Damage of City Property.**

Any person causing any damage to or injuring any dock, pier, gangway, float, barge, trestle, roadway, building, fence, or other structure which is the property of or under the supervision of the City, the damage being caused by the use thereof, by accident or otherwise, shall be liable to the City for the full amount of the damage. The Harbor Master shall be notified of any such damages with 48 hours of such occurrence.

**19.16.385 Dead Ships Moored Permit Required.**

No dead ship shall be moored or anchored within the harbor except upon written approval of the Harbor Master who shall have been given at least 5 days prior notice of the entry of the dead ship or ships into the harbor.

**19.16.400 Boats and Boating.**

ORS Chapter 830 is adopted herein, incorporated by reference, and made a part of this Title. Except as otherwise specified, all boats on any navigable waters within or abutting the corporate limits of the City of Portland shall be subject to the provisions of Chapter 830, Oregon Revised Statutes (Boats and Boating).

**19.16.435 Standard Whistle Signal for Fire in Port.**

In the event of fire occurring on board any vessel or watercraft in the Portland harbor, except those under way, it may sound five prolonged blasts of whistle or siren as an alarm indicating fire on board or at the dock to which it is moored. The signal may be repeated at intervals to attract attention and is not a substitute for, but may be used in addition to, other means of reporting a fire. The words “prolonged blast” used in this Section shall mean a blast of 4 to 6 seconds duration.

**19.16.500 Duckworth Dock Moorage.**

(Added by Ordinance No. 186748, effective August 6, 2014.)

A. As used in this Section and Section 19.16.515 the following words and terms have the meanings indicated unless the context clearly requires otherwise:

1. “PBOT” means the City of Portland Bureau of Transportation. Where appropriate, the term “PBOT” also refers to the staff and employees of the Portland Bureau of Transportation.
2. “Dock” means the PBOT float, piers, and gangway that are part of the Kevin J. Duckworth Memorial Dock installed on the east bank of the Willamette



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River and attached to the Eastbank Esplanade near and upriver (south) of the Steel Bridge.

3. “Commercial vessel” means a vessel which is used, rigged, or licensed for any commercial use or purpose, and shall include watercraft operated within the terms of a concession lease or agreement with the City of Portland.
  4. “Night” means any period of time between one hour after sunset until one hour before sunrise.
  5. “Director” means the Director of the Portland Bureau of Transportation.
- B.** The operator of recreational watercraft may use the Dock for recreational purposes only. It is unlawful to use the Dock for any purpose other than recreation without prior written permission of the Director.
- C.** It is unlawful to moor a watercraft at the Duckworth Dock during the night, except as described in this Section, without prior written permission of the Director. The Harbor Master may permit a craft to be moored at the Duckworth Dock for more than 24 hours only when the craft is inoperable and reasonable additional time is needed to repair it. Mooring of boats will be allowed for a period of up to 72 hours from Friday at noon to Monday at noon from the full weekend prior to the Memorial Day holiday weekend through the full weekend after the Labor Day weekend. During the rest of year mooring of boats will be allowed as a day-use only with no overnight mooring.
- D.** Recreational boats may moor on both sides of the dock, with the exception of the 100-foot outside and upstream portion of the dock designated for commercial vessels (tour boats, water taxis, etc.). Commercial vessels must obtain a permit through the Portland Parks & Recreation Reservation Center, which is allowed to issue commercial permits on PBOT’s behalf.
- E.** Use of the Dock shall be on a first come, first served basis unless otherwise permitted by the Director. Reserving or retaining space to moor a watercraft, by means of a dinghy or any method other than occupying the space by the watercraft to be moored or obtaining a permit is prohibited.
- F.** The mooring of any craft in violation of this Section may result in eviction from moorage, in addition to any other penalty prescribed by law.
- G.** The Director is authorized to issue administrative rules and establish moorage fees which the Director deems necessary to operate and maintain the Dock.

- H.** The provisions of this Section may be enforced by the Director or his or her appointed designees, the Portland Park Bureau Rangers, the Harbor Master, the Portland Police Bureau and its officers, and, the Multnomah County Sheriff's Office and its deputies.
- I.** The Director is authorized to designate persons in charge of the Dock. The designation shall be in writing, and any person and law enforcement agency so designated shall be a "person in charge" as that term is defined in ORS 164.205(5) until the designation is removed by the Director. The Director shall maintain a list of all persons who have been designated as a "person in charge" of the Dock. Upon request, the Director shall provide a copy of the list to the District Attorney of Multnomah County.
- J.** The City of Portland, its officers, employees, and agents are not liable for any personal injury or property damage resulting from maintenance or use of the Dock.

**19.16.515 Exclusions.**

(Added by Ordinance No. 186748, effective August 6, 2014.)

- A.** In addition to other remedies provided for violation of this Code, or of any of the laws of the State of Oregon, any Peace Officer as that term is defined under ORS 133.005 may exclude any person who violates any applicable provision of law at the Duckworth Dock from the Dock in accordance with the provisions of this Section. Nothing in this Section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law, shall be subject to exclusion as provided by this Section.
- B.** For purposes of this Section, "applicable provision of law" includes any applicable provision of this Code, of any City ordinance, or of any rule or regulation promulgated by the Director or the Council under this Title, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, any applicable County ordinance or regulation. For purposes of this Section, "applicable" means relating to the person's conduct at the Dock.
- C.** An exclusion issued under the provisions of this Section shall be for 30 days. If the person to be excluded has been excluded from the Dock at any time within two years before the date of the present exclusion, the exclusion shall be for 90 days. If the person to be excluded has been excluded from the Dock on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.

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- D.** Before issuing exclusion under this Section, a Peace Officer shall first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no warning shall be required if the person is to be excluded for engaging in conduct that:
- 1.** Is classified as a felony or as a misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:
    - a.** Chapter 162 - Offenses Against the State and Public Justice;
    - b.** Chapter 163 - Offenses Against Persons;
    - c.** Chapter 164 - Offenses Against Property, except for ORS 164.805, Offensive Littering;
    - d.** Chapter 165 - Offenses Involving Fraud or Deception;
    - e.** Chapter 166 - Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
    - f.** Chapter 167 - Offenses Against Public Health, Decency and Animals; Chapter 475 - Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or
  - 2.** Has resulted in injury to any person or damage to any property; or
  - 3.** Constitutes a violation of any of the following provisions of this Code:
    - a.** Section 14A.40.030 - Indecent Exposure;
    - b.** Section 14A.40.040 - Loitering to Solicit Prostitution;
    - c.** Section 14A.40.050 - Unlawful Prostitution Procurement Activities;
    - d.** Section 14A.60.010 - Possession of a Loaded Firearm in a Public Place;
    - e.** Section 14A.60.020 - Discharge of a Firearm;
    - f.** Section 14A.60.030 - Tear Gas and Stun Guns;

- g. Section 14A.60.040 - Explosives and Bottle Bombs; or
- Is conduct for which the person previously has been warned or excluded for committing on the Dock.
- A notice shall be given to any person excluded from the Dock under this section. The notice shall specify the date, length and place of the exclusion, shall state the provision of law the person has violated and shall contain a brief description of the offending conduct. The notice shall inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal. The notice shall be signed by the issuing party. Warnings of consequences for failure to appeal shall be prominently displayed on the notice.
- Upon receiving such notice of exclusion, a person may appeal to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code. The Code Hearings Officer shall uphold the exclusion if, upon the Code Hearings Officer's de novo review, the preponderance of evidence admissible under the provisions of Section 19.16.512 of this Code convinces the Code Hearings Officer that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law.
- At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the Director for a waiver of some or all of the terms of the exclusion for good reason. If the Director grants a waiver under this subsection, the Director shall promptly notify the Portland Police Bureau's Records Manager and the designated Person in Charge of such action. In exercising discretion under this Subsection, the Director shall consider the seriousness of the offense for which the person has been excluded, the particular need of the person to be on the Dock during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any waiver associated with that event), and any other criterion the Director determines to be relevant to the determination of whether or not to grant a waiver. Notwithstanding the granting of a waiver under this Subsection, the exclusion will continue to be counted for purposes of calculating the appropriate length of exclusions under Section 19.16.515 C. The decision of the Director to grant or deny, in whole or in part, a waiver under this Subsection is committed to the sole discretion of the Director, and is not subject to appeal or review.
- An appeal of the exclusion is timely filed under Subsection 19.16.515 F., the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective from the date of the appeal.

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immediately upon the issuance of the Hearings Officer's decision, unless the Hearings Officer specifies a later effective date.

- I.** If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion under Subsection 19.16.515 C. If the predicate exclusion is set aside, the term of the subsequent exclusion shall be reduced, as if the predicate exclusion had not been issued. If multiple exclusions issued to a single person for the Dock are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.
- J.** No person shall enter or remain on the Dock at any time during which there is in effect a notice of exclusion issued under this Section excluding that person from the Dock.

**TITLE 30**  
**AFFORDABLE HOUSING**

(Title added by Ordinance No. 172844,  
effective November 4, 1998)

**Chapter 30.01**

**AFFORDABLE  
HOUSING PRESERVATION**

**Sections:**

- 30.01.010 Policy.
- 30.01.020 Intent.
- 30.01.030 Definitions.
- 30.01.040 Title 30.01 Responsibilities.
- 30.01.050 Federal Preservation Projects - City Notice and Preservation Opportunities.
- 30.01.060 Federal Preservation Projects - Tenant Provisions.
- 30.01.070 Federal Preservation Projects - Civil Fines.
- 30.01.080 Local Preservation Projects - Tenant and City Notice Provisions.
- 30.01.090 City Subsidy Properties - Long-Term Affordability Requirements.
- 30.01.095 Partial and Full Exemptions of System Development Charges for Affordable Housing Developments.
- 30.01.100 Compliance and Enforcement.
- 30.01.110 No Restriction of Powers of Eminent Domain; Severability.

**30.01.010 Policy.**

It is the policy of the City of Portland that publicly assisted rental housing affordable to low and moderate income persons and households should be preserved as a long-term resource to the maximum extent practicable, and that tenants of such properties should receive protections to facilitate securing new housing should the affordable units be converted to market rate units or otherwise be lost as a resource for low and moderate income housing.

**30.01.020 Intent.**

The intent of this Title is to protect the availability of publicly assisted affordable housing for low and moderate income households by: providing for notice to the City and tenants when transitions from current assistance programs and/or affordable housing uses are planned; providing purchase opportunities for the City to attempt to preserve the affordable housing while respecting ownership interests of building owners; providing tenant relocation assistance when the affordable housing is converted; and, ensuring long term

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### **AFFORDABLE HOUSING**

affordability in future projects that the City assists with public financing designed to create or preserve affordable housing.

#### **30.01.030 Definitions.**

(Amended by Ordinance No. 186028, effective May 15, 2013.)

- A. “Affordable housing.”** The term “affordable housing”, “affordable rental housing” or “housing affordable to rental households” means that the rent is structured so that the targeted tenant population pays no more than 30 percent of their gross household income for rent and utilities. The targeted tenant populations referred to in this section include households up to 80 percent of area median family income.
- B. “PHB.”** The City of Portland’s Portland Housing Bureau.
- C. “City Subsidy.”** Locally controlled public funds administered by the Portland Development Commission, the Portland Housing Bureau, or other City bureau or agency, allocated for the purpose of creating or preserving affordable rental housing to households below 80 percent of median family income. City subsidies may be provided to developers through direct financial assistance such as low interest or deferred loans, grants, equity gap investments, credit enhancements or loan guarantees, or other mechanisms.
- D. “City Subsidy Projects.”** Privately owned properties of five or more units which receive a City subsidy after the effective date of Title 30.01 through programs designed to create or preserve rental housing affordable at or below 80 percent of area median family income.
- E. “Commercial Market Compatible Offer.”** A fair market value purchase offer made by the City or its designee which is consistent with the terms and conditions which would be made by a buyer on the open market such that a seller negotiating with the City on such terms would not experience any significant disadvantage as compared to a market rate transaction with a private party.
- F. “Fair Market Value.”** The amount of money in cash that real property would bring in the open market if it were offered for sale by one who desired, but was not obligated to sell, and was bought by one willing but not obliged to buy. It is the actual value of the property on the date when a City offer pursuant to Title 30.01.050 is made. As may be further refined by PHB through its Administrative Procedures developed in reference to the Uniform Standards of Professional Appraisal Practice, the Oregon Uniform Trial Instructions, and relevant case law, fair market value is based on the best and highest use of the property, which may be greater than the use being made of the property by the current owner. However,

fair market value does not include speculative value, or possible value based on future expenditures and improvements, or potential changes in applicable zoning regulations or laws, which are not reasonably probable. Fair market value includes assessment of environmental, structural or mechanical information derived from inspections or other due diligence activities.

- G. “Federal Preservation Projects.”** Properties having project-based rental assistance contracts for some or all of the units (such as Section 8 and Project Rental Assistance Contracts) including those developed under a variety of HUD mortgage assistance and interest rate reduction programs. Federal preservation projects include properties with loans, contracts, or insurance under the following federal subsidy programs: section 221(d)(4) with project-based Section 8; Section 202; Section 236(J)(1); Section 221(D)(3) BMIR; Section 221(D)(3) MIR; Section 811; Project based Section 8 contracts administered through HUD, Oregon Housing and Community Services, or the Housing Authority of Portland; Project Rental Assistance Contracts (PRAC); LIHPRHA capital grant program; and Section 241(f) preservation grant. An updated list of all known Federal Preservation Projects will be maintained and available upon request to the public.
- H. “HUD.”** The United States Department of Housing and Urban Development
- I. “Involuntary Displacement.”** Tenants of Federal Preservation Projects are considered to be involuntarily displaced if:
1. They are served a notice to vacate the property for reasons other than just cause as defined herein; or
  2. They are not offered a one year lease under their tenant based voucher by the property owner; or
  3. They are offered a one year lease under their tenant based voucher, but are required to pay as rent and utilities an amount greater than the tenant contribution to rent (and utilities) in effect under the project-based Section 8 contract, and they then choose to move from the property rather than enter into a lease under the voucher. This form of displacement is referred to as “economic displacement.”
- J. “Just Cause Eviction.”** Evictions for serious or repeated violations of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State or local law, or other good cause (ORS 90.400).
- K. “Local Preservation Projects.”** Properties with 10 or more rental units which received financial assistance (from the programs listed below), to create or preserve



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housing serving households below 80 percent of median family income since January 1, 1988 and through the effective date of Title 30.01, which have affordability restrictions that are still in force as of the effective date of Title 30.01. Financial assistance programs include subsidies from the City of Portland through the Portland Development Commission (Rental Housing Development Loan Program, Investor Rehabilitation Loan Program, Rental Rehabilitation Loan Program, or Downtown Housing Preservation Program), and/or from the State of Oregon Housing and Community Services Department (Housing Development Grant Program, Oregon Affordable Housing Tax Credit Program, and the former Oregon Lenders Tax Credit Program, Risk Sharing Bond program, Elderly and Disabled Bond Program), and/or which have received bond financing issued by the Housing Authority of Portland or the Portland Development Commission. An updated list of all known Local Preservation Projects will be maintained and available upon request to the public.

- L. “Low Income.”** Low income individuals, households or tenants are those with a gross household income below 50 percent of the area median family income.
- M. “MFI.”** Median family income for the Portland Metropolitan Statistical Area as defined by HUD as adjusted for inflation and published periodically.
- N. “Moderate Income.”** Moderate income individuals, households or tenants are those with a gross household income below 80 percent of the area median family income.
- O. “Opt Out.”** An owner’s non-renewal of an available project-based Section 8 contract in a Federal Preservation Project. Owners may consider “opting out” when they contemplate conversion to open market rental housing, other housing or commercial uses, or a sale of the property.
- P. “PDC.”** Portland Development Commission
- Q. “Preservation Process.”** The requirements contained in 30.01.050 - 30.01.070 for Federal Preservation Projects and in 30.01.080 for Local Preservation Projects respectively.
- R. “Qualifying Household.”** A household legally residing in a federal preservation project with a gross household income at or below 50 percent of median family income.

#### **30.01.040 Title 30.01 Responsibilities.**

(Amended by Ordinance No. 186028, effective May 15, 2013.) The Portland Housing Bureau will have primary responsibility for implementation of Title 30.01. This

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responsibility will include the development and administration of operating procedures, and taking any and all City actions referenced herein as may be necessary for implementation of the requirements of this Title. The Portland Development Commission will work with the Portland Housing Bureau to implement property acquisition responsibilities described in this Title. The Portland Development Commission is also expected to develop strategies to implement the 60-year affordability requirements in 30.01.090.

**30.01.050 Federal Preservation Projects - City Notice and Preservation Opportunities.**  
(Replaced by Ordinance No. 174180; amended by Ordinance No. 186028, effective May 15, 2013.)

- A.** Owners of Federal Preservation Projects must provide the City and each building tenant with a one year's notice of a pending HUD Section 8 contract expiration. In order to facilitate the owner's knowledge of the City's interest in notification, PHB shall provide written confirmation of the City's interest in the property to each Section 8 property within the City of which PHB is aware.
- B.** Owners of Federal Preservation Projects who have decided to "opt out" must provide to the City a notice of 210 days of intent to do so if the owner is opting out of a long-term contract, and 150 days if the owner is opting out of a one-year extension to a long-term contract. The notice shall specify:
  - 1.** whether the owner intends to withdraw the property from the Section 8 program;
  - 2.** whether the owner intends to convert the participating property to a nonparticipating use; and
  - 3.** whether the owner is involved in negotiations with HUD or the Housing and Community Services Department regarding an extension of an expiring contract.
- C.** Owners of Federal Preservation Projects who have decided to "opt out" must consent to reasonable inspection of the property and inspection of the owner reports on file with HUD or the State of Oregon Housing and Community Services Department. These inspections are designed to facilitate the City's ability to assess the fair market value of the property and evaluate status of the tenants, viability of transfer and/or continuation of a Section 8 agreement with HUD and other pertinent information.
- D.** To the extent allowed by HUD, owners of Federal Preservation Projects must maintain an available HUD Section 8 contract in good standing during the notice

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periods identified in this chapter as well as any condemnation proceeding commenced under ORS Chapter 35.

- E.** Owners of Federal Preservation Projects must refrain from taking any action, other than notifying HUD of the owner's intention to not renew the contract, that would preclude the City or its designee from succeeding to the contract or negotiating with the owner for purchase of the property during the notice periods identified in this Chapter as well as any condemnation proceeding commenced under ORS Chapter 35.
- F.** In addition to any other times, during the notice periods identified in this Chapter, the City may pursue preservation of the Project through negotiation for purchase or through condemnation under ORS Chapter 35.

**30.01.060 Federal Preservation Projects - Tenant Provisions.**

(Replaced by Ordinance No. 174180; amended by Ordinance No. 186028, effective May 15, 2013.)

- A.** Owners of Federal Preservation Projects who have decided to "opt out" must provide to each affected building tenant a notice of 210 days of intent to do so if the owner is opting out of a long-term contract, and 150 days if the owner is opting out of a one-year extension to a long-term contract. The notice shall specify:

  - 1.** whether the owner intends to withdraw the property from the Section 8 program;
  - 2.** whether the owner intends to convert the participating property to a nonparticipating use; and
  - 3.** whether the owner is involved in negotiations with HUD or the State of Oregon Housing and Community Services Department regarding an extension of an expiring contract
- B.** Owners of Federal Preservation Projects who have decided to "opt out" may not disturb any tenancy other than for cause defined in the contract, for a period of 180 days after expiration of the contract, if the City has paid or arranged to pay to the owner on the first day of each month, the monthly subsidy that the owner was receiving under the contract.
- C.** PHB shall identify and make available adequate financial resources for tenant relocation assistance for all tenants who experience involuntary displacement from Federal Preservation Properties. PHB shall request voluntary contributions to a

tenant relocation fund. from owners of Federal Preservation Projects who have decided to “opt out.”

**30.01.070 Federal Preservation Projects - Civil Fines.**

(Replaced by Ordinance No.174180; amended by Ordinance No. 186028, effective May 15, 2013.)

- A.** An owner who fails to comply with any of the requirements specified in PCC 30.01.050 A.-E., tenant notice requirements in 30.01.060 A., or PHB procedures implementing those specified provisions of this Chapter, shall pay a civil fine. The fine shall be calculated in relation to the costs and damages caused by the owner’s failure to comply, up to full replacement costs of each project-based Section 8 housing unit lost. Such civil fines shall be payable into a housing replacement fund to be established and managed by the City. If the civil fine is not received within the timeframes specified in the Administrative Procedures developed by PHB, the City may commence enforcement proceedings.
- B.** Any civil fines received shall be used only for creating replacement housing serving households at or below 50 percent MFI.

**30.01.080 Local Preservation Projects - Tenant and City Notice Provisions.**

(Amended by Ordinance No. 186028, effective May 15, 2013.)

- A.** When the owner of a Local Preservation Project takes action which will make the affordable housing no longer affordable, whether the affordability requirements which were established under prior agreement with the City, PDC or State have expired or are still in effect, the owner must provide a notice of 90 days to the City. The notice shall meet standards developed by PHB. During the 90-day notification period, the owner may not sell or contract to sell the property, but may engage in discussions with other interested parties. Within this period, the City or its designee may make an offer to purchase or attempt to coordinate a purchase by an owner committed to maintaining affordability.
- B.** Owners of Local Preservation Projects who have decided to take action described in 30.01.080 A., must provide a notice of 90 days to tenants. This shall be in addition to the City notice to be provided to the City under 30.01.080 A. During this notice period the Owner may not initiate a no-cause eviction. The notice must meet standards developed by PHB.

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**30.01.090 City Subsidy Properties - Long-Term Affordability Requirements.**

(Amended by Ordinance No. 186028, effective May 15, 2013.)

- A.** Properties that in the future request and receive a City subsidy from PDC, PHB or other City bureau or agency for the purpose of creating or preserving rental housing affordable to households below 80 percent of median family income, will be subject to a minimum of 60 year affordability contract requirements developed by PHB consistent with the implementing charge in 30.01.090 B.
- B.** All City Bureaus and agencies administering affordable rental housing subsidy programs will be responsible for implementing this section. As the primary agency charged by the City to negotiate and confer affordable housing subsidies, PHB will develop implementing strategies consistent with the 60 year affordability principles contained in this section, the Administrative Procedures Implementing Title 30.01 and the approved 1998/99 Consolidated Plan, Principle III (Ordinance No. 172259).

**30.01.095 Partial and Full Exemptions of System Development Charges for Affordable Housing Developments.**

(Added by Ordinance No. 183448; Amended by Ordinance Nos. 186712 and 186744, effective September 5, 2014.)

- A.** The purpose of this Section is to reduce the costs of developing permanent affordable housing by exempting system development charges for qualified affordable housing developments. This section advances a Council-recognized public policy goal to provide for a diversity of housing types to meet the needs of the citizens of the City.
- B.** The City will exempt qualified affordable housing developments from paying all or part of system development charges required by Code. The Applicant must apply for exemptions under this Section prior to the date the City issues the permit on the new development. Where new development consists of only part of one or more of the uses described in this section, only that portion of the development that qualifies under this Section is eligible for an exemption. The balance of the new development that does not qualify for any exemption under this Section is subject to system development charges to the full extent authorized by Code or general ordinance. The Applicant has the burden to prove entitlement to exemptions so requested.
- C.** To obtain the exemption, the applicant must present to the City, at the time of Application, documentation from Portland Housing Bureau that the development qualifies for the exemption pursuant to this Chapter. Applicant must also pay an

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administration fee per unit on rental and/or owner-occupied units as determined by the Portland Housing Bureau.

- D.** The City shall calculate exemptions in the manner authorized for calculating system development charges for rented and owner-occupied residential properties. Non-residential properties or the non-residential portion of mixed-use developments are not eligible for exemptions provided by this Section.
- E.** The City shall require the recording of real property covenants in the deed records for properties receiving exemptions under this Section in order to ensure compliance, or to provide remedies for failure to restrict units, or both. Deed restrictions may be used by the Portland Housing Bureau in order to restrict sale prices and rents charged for exempt units, or to provide remedies for failure to restrict units, or both.
- F.** Applicants shall meet the following affordable housing qualifications to be exempt from paying all or a portion of system development charges:
  - 1.** Affordability.
    - a.** For purposes of this Section, "affordable" for rental housing means that the rent and expenses associated with occupancy such as utilities or fees, does not exceed 30 percent of the gross household income at the level of the rent restrictions.
    - b.** "Affordable" for ownership units means affordable to households earning at or below 100 percent of area median income and shall be sold to persons or households whose incomes are at or below 100 percent of area median family income for a family of four as determined annually for the Portland Metropolitan Area by the U.S. Department of Housing and Urban Development as adjusted upward for a household of more than four persons.
  - 2.** Rental Units:
    - a.** The units receiving an exemption shall be affordable to households earning 60 percent or less of area median family income at time of occupancy and shall be leased, rented or made available on a continuous basis to persons or households whose incomes are 60 percent or less of area median family income, as adjusted by household size and as determined by the U.S. Department of Housing and Urban Development for the Portland Metropolitan

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Area, except as provided for below. Such units shall remain affordable for a period of 60 years.

**b.** Effective July 1, 2014, developments of new buildings in Old Town/Chinatown shall be eligible for exemption subject to the following conditions:

- (1)** Units must be located in the Old Town/Chinatown Action Plan Focus Area;
- (2)** Financial need must be verified through project pro forma underwriting conducted by the Portland Development Commission;
- (3)** All units shall remain affordable for a period of not less than 10 years, to persons or households whose incomes are 100 percent or less of median family income, as adjusted by household size and as determined by the U.S. Department of Housing and Urban Development for the Portland Metropolitan Area, and for not less than 5 years thereafter shall continue to remain affordable to persons or households whose incomes are 120 percent or less of median family income, as so described; and
- (4)** The exemption granted by this Subsection shall not be available to developments for which a building permit application is filed on or after July 1, 2019, or after permit applications have been filed for development of 500 qualifying units, in the aggregate, whichever occurs first.

**3. Owner-Occupied Units.**

- a.** The units receiving an exemption shall be affordable to households earning at or below 100 percent of area median income and shall be sold to persons or households whose incomes are at or below 100 percent of area median family income for a family of four as determined annually for the Portland Metropolitan Area by the U.S. Department of Housing and Urban Development adjusted upward for a household larger than four persons; and
- b.** The units fall within the price limit as provided by Subsection 3.102.090 D.



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4. Pursuant to Section 30.01.040, the Portland Housing Bureau is responsible for enforcing property covenants and other agreements with applicants that are conditions of receiving exemptions provided by this Section. Portland Housing Bureau may adopt, amend and appeal administrative rules, establish procedures, and prepare forms for implementation, administration and compliance monitoring consistent with the provisions of this Section.
  - a. In addition to specific covenants and agreements required by the City as a condition of approval of an exemption application, qualified rental developments must adhere to the 60-year affordability requirements for rental housing developments, including qualifying requirements related to rents and occupancy.
  - b. In addition to specific covenants and agreements required by the City as a condition of approval of an exemption application, a qualifying ownership project must comply with applicable recapture or retention covenants.
  - c. In the event that an applicant violates the covenants, agreements or other requirements that were established by the City as a condition of approval of an exemption application, the City shall terminate the exemption and make due and payable all previously exempt portions of system development charges at rates in effect on the date of the submittal of a complete exemption application, plus accrued interest calculated based on the interim interest rate in effect on the date of the termination of the exemption as set by general ordinance pursuant to Section 17.12.140, and a processing fee of \$250.
  - d. For rental properties, if the exemption terminates within five years of initial building permit issuance, additional charges will be due and owing. These charges include a processing fee of \$250, and accrued interest from the date of the issuance of the building permit to the date of the termination of the exemption. The reinstated system development charges shall be determined based on rates in effect on the date of the submittal of a complete building permit application. Accrued interest shall be calculated based on the interim interest rate in effect on the date of the termination of the exemption as set by general ordinance pursuant to Section 17.12.140. The City may collect reinstated system development charges, processing fees, carrying charges and the actual costs of collections by recording a property lien pursuant to Title 22.



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- e. For owner occupied units, if the units is not sold to a qualifying household, additional charges will be due and owing prior to change of ownership. These charges include a processing fee of \$250, and accrued interest from the date of the issuance of the building permit to the date of the termination of the exemption. The reinstated system development charges shall be determined based on rates in effect on the date of the submittal of a complete building permit application. Accrued interest shall be calculated based on the interim interest rate in effect on the date of the termination of the exemption as set by general ordinance pursuant to Section 17.12.140. The City may collect reinstated system development charges, processing fees, carrying charges and the actual costs of collections by recording a property lien pursuant to Title 22.

**30.01.100 Compliance and Enforcement.**

(Amended by Ordinance No. 186028, effective May 15, 2013.)

- A. PHB shall develop and implement procedures to enforce the provisions of this code. Such procedures should include, where feasible, record notice of the applicability of this code to affected properties, filing a lien to enforce the provisions of this code, and developing civil penalties or other enforcement provisions necessary or appropriate to enforce this code.
- B. The City Attorney's Office may enforce the provisions of this code on behalf of the City in any court of competent jurisdiction or City administrative body.

**30.01.110 No Restriction of Powers of Eminent Domain; Severability.**

- A. This Chapter shall not be construed to restrict the City's existing authority to exercise powers of eminent domain through condemnation as outlined in state law.
- B. If any part or provision of this Chapter, or application thereof to any person or circumstance, is held invalid, the remainder of this Chapter and the application of the provision or part thereof, to other persons not similarly situated or to other circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable.