

UPDATE INFORMATION SHEET

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

Vols. I & II – Portland City Code

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

**Retain this sheet. It will be replaced with each mailing.
Please contact us should you have any questions 503-823-4082.**

Update Packet Enclosed	June 30, 2015
Previous Update Packet	March 31, 2015

CODE OF THE CITY OF PORTLAND, OREGON
Insertion Guide for Code Revisions
Office of the City Auditor 503-823-4082
2nd Quarter 2015 (June 30, 2015)

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**COUNCIL ORGANIZATION AND
PROCEDURE**

(Chapter replaced by Ordinance No. 160414,
effective February 16, 1988.)

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3.02.010 Council Meetings.

(Amended by Ordinance Nos. 166314, 170834, 177787 and 182541, effective February 18, 2009.) A regular meeting of the City Council shall be held once a week and will generally be held each Wednesday, commencing at 9:30 a.m., and, as necessary, recessed sessions will be held each Wednesday at 2:00 p.m. and the following Thursday at 2:00 p.m. in the Council Chambers. City Council may hold its recessed session in the evening of either day beginning at 6:00 p.m. upon motion adopted by the Council at least 2 weeks prior to the meeting date. When either day falls on a legal holiday the meeting shall be held on the next succeeding business day at the same hour unless otherwise directed by Council during a regularly scheduled session not less than two weeks prior to the meeting. Any recessed session may, upon motion adopted by the Council, be held at a place other than the Council Chamber, but the place shall be within the City limits.

3.02.020 Special Meetings.

(Amended by Ordinance No. 185877, effective March 1, 2013.) Special meetings of the Council may be held at any time upon a request signed by three members of the Council. A written notice of the time and place of the meeting shall be delivered by the Auditor to each member of the Council at his or her office in the City Hall, not later than 24 hours preceding the meeting. The Auditor shall also post on the City's website and distribute electronically to interested persons a notice of the meeting containing a summary of matters anticipated to be considered, not later than 24 hours preceding the meeting. The Mayor, the President of the Council or any three members of the Council may call an emergency special meeting of the Council under any of the following conditions:

TITLE 3 ADMINISTRATION

- A.** A disaster which has occurred or is imminent;
- B.** An emergency affecting or tending to affect the public health or safety;
- C.** War or hostile enemy action;
- D.** A civil defense alert on the immediate possibility of enemy action;
- E.** An emergency declared by the Governor;
- F.** An emergency declared by the President of the United States. The requirements contained in this Section for the agenda and for publication and notice of special meetings shall not apply, but the person or persons calling the emergency special meeting shall notify every other available Council member and the City Auditor or Deputy Auditor, and notification to the media and other interested persons is required. The minutes for the meeting shall describe the emergency justifying less than 24 hours notice. The notice must be appropriate to the circumstances. At an emergency special meeting only matters connected with the emergency shall be considered. No emergency special meeting shall be held without the presence of the Auditor, Deputy Auditor or Auditor's designee who shall act as the clerk of the meeting according to appropriate provisions of the Charter and shall keep a full and complete record of the proceedings. An emergency special meeting shall be deemed to be in session upon the presence of a quorum, and consideration of any ordinance or resolution at an emergency special meeting shall be governed by the appropriate Sections of the Charter. No ordinance or resolution shall be considered at the emergency special meeting unless it is in writing and unless an original copy has been filed with the Auditor before action thereon. An emergency special meeting may be held at a place other than the Council Chambers but shall be open to the public and all provisions of the Charter relating to legislative acts of the Council shall apply to any ordinance passed by the Council at the emergency special meeting.

3.02.025 Attendance by Electronic Communication.

Members of the City Council may attend and be present at public meetings by means of telephone or other electronic communication allowing voice transmission provided that all the conditions in Subsections A. – D. are fulfilled.

- A.** An emergency exists such that failure to allow participation of City Council members by electronic communication would jeopardize the public interest, health, safety or welfare.
- B.** Prior to commencement of the meeting, the Auditor or designate shall make reasonable efforts to notify all City Council members who are expected to be

unable to be physically present at the location of the meeting in order to give them an opportunity to participate by electronic communication.

- C.** At the commencement of the meeting, the Council shall make a record of the circumstances constituting the emergency which requires use of electronic communication and a record of the nature and extent of the attempts made to give each physically absent Council member an opportunity to participate by electronic communication. After making this record, the Council shall give an opportunity to all those physically present at the meeting to state on the record any objection they have to conducting the meeting by electronic communication.
- D.** Except for an executive session, the Council shall make available at least one place where the public entitled to attend the meeting can listen to the communication at the time it occurs by speakers or other devices. The place provided may be a place where no members of the Council are present. All other requirements of state law and City Code concerning the conduct of meetings by electronic communication shall be met.

3.02.030 Entry of Documents on Agenda.

(Amended by Ordinance Nos. 165402, 166314, 170834, 177787, 182515 and 185877, effective March 1, 2013.)

- A.** Notice and Filing of Documents. The City Auditor shall post on the City's website and distribute electronically to interested persons, 24 hours before each meeting, a summary of matters to come before the Council at the next meeting. The summary shall be known as the Portland City Council Agenda. Documents for inclusion on the Agenda shall be filed in the Office of the City Auditor before 5:00 p.m. each Thursday preceding the Council meeting except when otherwise required due to the date of a legal holiday. In this event, the Auditor shall give notice to all bureaus of the revised time for filing agenda items.
- B.** The Order of Business on the Council Agenda. Items of Council business shall be heard in the following order:

 - 1.** Communications from the public or governmental jurisdictions other than City.
 - 2.** Time Certain matters.
 - 3.** Consent Agenda.

 - a.** Reports of City Officers;
 - b.** Reports from Committees or Commissions;

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- c.** Matters submitted by Order of Council, a Committee of Council or by two or more Council members;
- d.** Items introduced by and identified as such from:
 - (1)** The Mayor;
 - (2)** The Commissioners, in order of position. Beginning January 1 of every year, items introduced by the Commissioner in Position No. 1 shall be placed first, followed by the Commissioner in Position No. 2, then the Commissioner in Position No. 3, then the Commissioner in Position No. 4. The order of placement shall be modified on the first day of each subsequent calendar quarter so that items introduced by the Commissioner whose Position number was first in order in the previous calendar quarter are placed last in order; and
 - (3)** The City Auditor.

The provisions of Section 3.02.036 shall apply to matters on the Consent Agenda.

- 4.** Regular Agenda. The business of the Council on the Regular Agenda shall be presented in the same order as items B.3.a.-d. above.

C. Schedule of Council items.

- 1.** The Auditor's Office has the discretion to schedule items in a manner making the best use of Council time including consolidating all of the Council's business into one session. Generally, business items including purchases, contracts, personnel actions, budgetary matters, franchises, claims, nuisances, street vacations, local improvements, permits and similar actions will be presented at the Wednesday 9:30 a.m. meeting.
- 2.** Appeals and hearings of land use matters which require notification under the Planning and Zoning Code will generally be scheduled at the recessed meeting. on Wednesday unless otherwise announced.
- 3.** Any item of business which is expected to require considerable testimony and/or Council discussion may be filed for consideration at the Wednesday or Thursday sessions and may be the only item to be heard, if the Auditor so determines.

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4. The Auditor may shift matters listed for presentation on Thursday to the following Wednesday if, due to items being withdrawn, there are insufficient items to merit holding a Thursday session. Notice shall be placed on the council Chamber door stating the reschedule date and time.
5. Matters not appearing on the Agenda may be considered by the Council under suspension of rules at any session.
6. The Auditor shall prepare a supplementary Agenda which shall be designated and known as the Four-Fifths Agenda, which shall contain a summary of matters filed in his or her office not later than 5:00 p.m. on the preceding Tuesday for consideration at either the following Wednesday or Thursday session. All documents filed with the Auditor intended for the Four-Fifths Agenda shall be initialed by four members of the Council or their representatives, as designated in Section 3.02.040 D.2.
7. Matters ordered by the Council to be considered at a special time other than the listed sessions shall be considered at the special time as directed by the Council. Council members may direct that special items be listed for meetings other than those specified above.

3.02.035 Ordinance Wording.

A. Ordinance exhibits.

1. If the directive portion of an ordinance refers to an exhibit, unless the ordinance directs otherwise, the following language is understood to follow; to wit “said exhibit is by this reference incorporated as if set out verbatim.”
2. Unless the ordinance directs otherwise, the Auditor shall determine when a copy of an exhibit is to be provided with a copy of the ordinance.

B. Appropriation designation. The budget ordinance makes the annual appropriation and defines the level of accounting control. When the directive section of an ordinance includes a reference to an appropriation, the ordinance shall control the appropriation at the same accounting level in the original budget ordinances. These appropriations are subject to the limitations on specific appropriations or types of expenditure stated in the budget ordinance. The designation of an appropriation in an ordinance by subaccount below the level of control may be adjusted administratively without an amending ordinance provided there is no change in the appropriation at the level of control, unless the ordinance directs otherwise.

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3.02.036 Consent Agenda.

(Amended by Ordinance Nos. 166314 and 17787, effective August 13, 2003.)

- A.** Those who file documents for inclusion on the Council Agenda shall clearly designate such items as “Consent” or “Regular” Agenda. The Council Agenda shall clearly distinguish Consent from Regular Agenda items. The Auditor shall make an appropriate designation if none is assigned.
- B.** The Consent Agenda may include any matter for Council consideration except:
 - 1.** Appeals of land use decisions or other land use matters requiring a hearing under City Charter or State law;
 - 2.** Any matter which will increase an appropriation unit’s budget; or
 - 3.** Any matter requested to be placed on the regular agenda at the time of filing with the Auditor.
- C.** The Consent Agenda shall be positioned in the Council Agenda in accordance with Section 3.02.030.
- D.** An item designated for the Consent Agenda may be removed from the Consent Agenda by a Council member or any individual prior to Council vote on the Consent Agenda. The request may be in either written or verbal form. When removed, items shall be considered individually at the end of the Consent Agenda at the same Council meeting. A request to pull an item from Consent shall be made to the City Auditor prior to the beginning of the Council meeting, or presented verbally at the Council meeting.
- E.** At any meeting at which there is a Consent Agenda, the ayes and nays shall be taken upon the passage of all items on the Consent Agenda by a single Council vote. It shall not be necessary that there be a reading of the titles or the effect of the items on a Consent Agenda. Items on a Consent Agenda shall not be subject to amendment or debate. Consideration of the Consent Agenda requires at least four Council members to be present and voting. Action on the Consent Agenda shall require a unanimous vote of all Council members present.

3.02.037 Time Certain Agenda.

(Amended by Ordinance Nos. 177787 and 184046, effective September 10, 2010.)

- A.** Any Council member, the City Auditor, City Attorney, City Purchasing Agent, Hearings Officer, City Planning and Sustainability Commission, and any other

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City appointed board or commission filing an item with the City Auditor for City Council consideration may designate the item as “time certain.”

- B.** A request for time certain designation shall be made in writing to the City Auditor at least 4 days prior to the filing deadline for the regular Council agenda items; or by verbal request by the City Council or member thereof at any time prior to City Council action on a particular item. The request shall include an estimate of time to be devoted to the particular item.
- C.** The City Auditor shall schedule the item for hearing before the City Council and inform the office requesting the time certain designation.
- D.** The Council Agenda shall clearly distinguish time certain items from all other items.

3.02.040 Rules of the Council.

(Amended by Ordinance Nos. 162784, 165402, 166075, 166314, 170834, 177787, 178617, 180371 and 182515, effective February 4, 2009.)

- A.** Suspension and Repeal of Rules - Robert’s Rules of Order.
 - 1.** These rules are a combination of some provisions from the City of Portland Charter and of the Council Rules. These rules are adopted pursuant to Charter Section 2-111.
 - 2.** Non Charter provisions adopted under this section may be suspended or repealed as provided by Section 3.02.040 I.8. The Charter provision may not be suspended or repealed except by a vote of the people.
 - 3.** “Robert’s Rules of Order Newly Revised” shall be considered authority in deciding any questions arising on points of order not covered by these rules.
- B.** Quorum Requirement.
 - 1.** Three members of the Council shall constitute a quorum. A quorum shall be required to conduct official City business except that less than a quorum may:
 - a.** Adjourn or recess the meeting; and
 - b.** Compel the attendance of the other members.

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2. In the event a quorum is not present, the members present shall adjourn to some fixed time.
3. The City Auditor is authorized to indicate for the record when a Council meeting has been cancelled for lack of a quorum, and at that time shall identify for the record the date and time when any items scheduled for the cancelled agenda shall be considered. Notice of the rescheduled date and time shall be placed on the Council Chamber door.

C. Presiding Officer.

1. The Mayor shall preside over all meetings, except in the Mayor's absence the President of the Council shall preside.
2. When a quorum is present, but the Mayor and President of the Council are absent, the following procedures shall be used:
 - a. The member present who most recently served as President of the Council shall serve as President pro tempore; or,
 - b. The duties of President pro tempore shall be assumed by the Council member holding the position with the lowest number if no member present has served formerly as President of the Council.

D. Council Agenda.

1. Ordinances, resolutions and reports shall be introduced by the Council, a committee of the Council, a member of the Council or the City Auditor.
2. A matter placed on the Four-Fifths agenda shall be approved for placement on the agenda by at least four Council members each of whom will be present when the matter is considered.
3. Time certain items shall be placed on the agenda as provided by Section 3.02.037 and shall be considered as close to the designated time as possible.
4. Items on the regular agenda shall be considered in the numerical order listed except the order of the agenda may be changed by a majority vote of the Council.
5. All questions relating to the priority of business shall be decided without debate by a majority vote.

6. Postponement of Land Use Hearings.

- a.** A request to postpone the scheduled date of a quasi-judicial land use hearing before Council must be made in writing and filed with the City Auditor at least seven (7) days before the scheduled hearing date. The Council will not consider or grant any request to postpone such a hearing that is filed less than seven (7) days before the scheduled hearing date unless:
 - (1)** The applicant and appellant all agree in writing to a postponement, or
 - (2)** The Council finds circumstances exist that justify the late filing of a written request for a postponement and that failing to postpone the hearing will result in substantial prejudice to a party's interests.
- b.** The exception in Section 3.2.040 D.6.a. is available only when the applicant and appellant are different persons or entities.
- c.** The Council makes the final determination as to whether the person requesting the postponement under Section 3.02.040 D.6.a.(2) has adequately shown that circumstances exist justifying a postponement. Persons relying on this exception to request a postponement should be prepared to proceed with a scheduled appeal hearing in the event the Council denies the request for a postponement.
- d.** Guidelines.
 - (1)** Examples of circumstances that potentially qualify as circumstances justifying a postponement less than seven days before the scheduled hearing date Section 3.02.040 D.6.a.(2) include:
 - (a)** Death of a family member;
 - (b)** Illness or hospitalization of the person requesting the postponement, the applicant or the appellant, or a member of such person's family;
 - (c)** Unavailability of a key witness or consultant;

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- (d)** Unavoidable scheduling conflict not known in advance (such as a conflicting court date or hearing date before another hearings body).

E. Preparation of Council Agenda.

1. The Auditor shall prepare the agenda.
2. The asterisk symbol, *, shall precede the Agenda number of each emergency ordinance. Ordinances passed to second reading and continued matters shall specify the Agenda number under which the item was most recently listed.
3. The Commissioner in charge shall report on matters in their assigned bureau and shall:
 - a. Prepare a report in writing which states the facts and a recommendation;
 - b. Sign the report, however, the report may be signed by an authorized administrative assistant.
4. A request from the public to address Council shall be in writing, and be in a form which states:
 - a. the nature of the request;
 - b. the reason for the request; and
 - c. the requester's name, address and phone number.

The Clerk will notify the requester of the date it will be considered by Council; the request will normally be placed at the beginning of the Regular Agenda at the Wednesday morning session. The requester will be given three minutes to testify but may also submit written materials before or at the meeting. Only five communication requests will be placed on the Agenda per week. Requesters are limited to one oral communication to Council per calendar month under this section. Once a requestor has presented an oral communication to the Council under this section, the Clerk shall not schedule that person for another oral communication to Council in the same calendar month.

- 5.** Matters being placed on the agenda shall be:

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- a.** Signed by a Commissioner or the City Auditor or a designee for whom an authorization has been filed with the City Auditor. When the matter is not signed by the Commissioner in Charge or the Auditor, then notice of such action shall be given to all members of Council at least one week prior to the hearing of the matter.
- b.** Approved by the City Attorney in the case of contracts, amendments to contracts, easements, Code changes, Charter amendments and Comprehensive Plan amendments.

F. Duties of the Presiding Officer.

1. The presiding officer shall:

- a.** Preserve order and decorum;
- b.** Name who is to speak first when two or more members address the presiding officer at the same time;
- c.** Limit discussion by Council members so that no member speaks more than once on an agenda item until every other member choosing to speak has spoken unless the requested speech is necessary for others to understand the issue being considered; and,
- d.** Decide all questions by Order subject to an appeal to the Council as a whole by any two members.

2. The presiding officer may:

- a.** Speak to points of order before other members speak; and,
- b.** Set limits for public testimony.

G. Readings, Public Testimony and Council Debate.

1. Non Emergency Ordinance.

- a.** A non-emergency ordinance shall have two public readings of its title or the effect of the ordinance.
- b.** Except as provided in the Charter for ordinances approving a franchise, at least five days shall elapse between the introduction and final passage of an ordinance, and no ordinance shall be amended within five days of its final passage.

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- 2.** Emergency Ordinance.
 - a.** An emergency ordinance shall have one public reading of its title or the effect of the ordinance.
 - b.** An emergency ordinance may be enacted upon the date of its introduction provided that:
 - (1)** It contains a statement that an emergency exists; and,
 - (2)** It specifies with distinctness the facts or reasons constituting the emergency.
- 3.** Resolutions.
 - a.** A resolution shall have one public reading of its title or the effect of the resolution.
- 4.** Procedures for Ordinances and Resolutions.
 - a.** The Commissioner in charge shall have the privilege to speak first on the matter under consideration.
 - b.** Public testimony shall be limited to the first reading of any type of ordinance unless otherwise stated on the record by the Presiding Officer at the end of the public testimony on the first reading.
- 5.** Reports.
 - a.** The presiding officer shall determine whether public testimony shall be received and the amount of time which shall be allotted to each person.
- 6.** Public testimony will be allowed on the first reading of an item for three minutes per person unless time limits have been otherwise specified.
- 7.** Council members shall confine themselves to the question in debate, shall avoid personalities and shall address the presiding officer before speaking.
- 8.** A Council member called to order by the presiding officer shall immediately cease speaking unless permitted to explain by the presiding officer. The member may ask the Council to rule on the question of being

able to continue with speech, but there shall be no debate. Three affirmative votes shall be required to overrule the presiding officer.

H. Motions.

1. All motions shall be distinctly worded, and the individual vote on each motion shall be recorded.
2. No motion shall be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone to a date certain;
 - d. To refer;
 - e. To amend; or,
 - f. To postpone indefinitely.
3. Motions set forth in Section 3.02.040 H.2. shall have the following priority; Section 3.02.040 H.2.a. shall have the highest priority and Section 3.02.040 H.2.f. the lowest. A demand for a roll call shall not abrogate the right to make any of the motions in accordance with the priorities.
4. No motion shall be considered unless it is seconded and once a motion is seconded:
 - a. It shall be stated by the presiding officer before debate; and,
 - b. It shall be reduced to writing if requested by a Council member.
5. A motion may be withdrawn by the mover at any time before an amendment is made to it or if no amendment is made, before a vote is taken on it.
6. A Council member may have a motion divided which contains several elements, but the mover shall have the right to designate upon which element the vote shall first be taken.

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7. A motion to call the previous question shall preclude all amendments and debate on the main question until it is decided.
 8. A motion to lay a matter on the table shall be decided without debate. A matter on the table may be considered at any regular, recessed, or special meeting of the Council except that Four-Fifths agenda items require a vote as provided in Section 3.02.040 I.7.
 9. The presiding officer shall allow sufficient time for an amendment before ordering the roll to be called. No amendments shall be considered during the roll call, but a Council Member may explain succinctly the reasons for the vote.
 10. The minutes shall include all motions.
- I. The Required Vote.**
1. Non Emergency Ordinances.
 - a. An Ordinance Involving a Fee Matter. An ordinance involving a fee matter is an ordinance which approves, approves with conditions or denies a request for which a fee has been paid. Three affirmative votes shall be required to pass an ordinance involving a fee matter. In the event there is a tie vote, the matter shall be continued to the next regular agenda or to such other times as the Council may direct.
 - b. An Ordinance Not Involving a Fee Matter. Three affirmative votes shall be required to pass a non-emergency ordinance which does not involve a fee matter. In the event there is a tie vote, the matter shall fail.
 2. Emergency Ordinances. The unanimous vote of all members present and no less than four members shall be required to pass an emergency ordinance.
 3. Resolutions. Three affirmative votes shall be required to pass a resolution.
 4. Land Use Planning Orders. Three affirmative votes shall be required to deny or affirm an appeal of a quasi-judicial matter before the Council and to adopt the findings, conclusion and order.

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5. Consent Agenda. The unanimous vote of all members of the Council present and no less than four members shall be required to approve the matters on the consent calendar.
 6. Reports. Three affirmative votes shall be required if approval or acceptance of a report is requested. No vote shall be required on reports of an informative nature which request no Council action; they will be placed on file or filed for no further consideration.
 7. Four-Fifths Calendar.
 - a. Three affirmative votes shall be required to pass a matter on the Four-Fifths Calendar.
 - b. A Four-Fifths matter laid on the table may not be taken up at the same meeting without a Four-Fifths vote, but it may be taken up at a subsequent meeting by a majority vote.
 8. Suspension of Rules. Four affirmative votes shall be required to suspend or rescind a rule contained in this Chapter, however, rules in this Chapter which also appear in the Charter shall not be suspended or rescinded.
 9. Exceptions. The requirement of three affirmative votes shall not apply to a motion to adjourn or recess or to compel the attendance of absent members. It shall require an affirmative vote of a majority of the Council Members present.
 10. Ordinance Granting Franchise. Four affirmative votes shall be required to pass an ordinance granting a franchise.
 11. Recordation of Vote. The minutes shall include the results of all votes.
 12. Order of Voting. In all roll call votes, the Mayor shall vote last. The roll call for Commissioners' votes shall be in order of position. Beginning January 1 of every year, the Commissioner in Position No. 1 shall vote first, followed by the Commissioner in Position No. 2, then the Commissioner in Position No. 3, then the Commissioner in Position No. 4. The roll call order shall be modified on the first day of each subsequent calendar quarter so that the Commissioner whose position number was first in the roll call order in the previous calendar quarter shall vote last.
- J. Reconsideration.**

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1. It shall be in order for any member who voted with the prevailing side to move for reconsideration. Any member may second the motion. No motion shall be made more than once.
2. No motion for reconsideration shall be made after the ordinance, resolution or act has gone out of the possession of the Council. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the Council.
3. The prevailing side in a motion to remove the emergency clause from an emergency ordinance is the side which prevented the emergency ordinance from being enacted.

K. Effective Date.

1. The following ordinances shall take effect immediately upon the passage or at any specified date less than thirty days after passage.
 - a. Ordinances making appropriations and the annual tax levy;
 - b. Ordinances relative to local improvements and assessments; and
 - c. Emergency ordinances.
2. A non-emergency ordinance except as provided in Section 3.02.040 K.1.a. and b. and the Charter for an ordinance granting a franchise shall take effect thirty days after passage unless a later date is fixed on the ordinance in which event it shall take effect at the later date. The filing of a referendum petition shall suspend the effective date of the ordinance.
3. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

L. Objection to Ordinance.

1. At any time within ten days after the passage of any ordinance which does not take effect immediately, any member of the Council may file, in writing, objections to the ordinance, which shall be considered and voted by the Council at its next regular meeting.
2. If a majority vote to sustain the objections, the ordinance shall be deemed repealed and shall not take effect unless again passed in the same manner as a new ordinance.

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M. Appointments.

1. The Mayor shall make all appointments to Committees unless otherwise ordered by the Council or otherwise provided by Charter or Code.
2. The member first named shall act as chairperson.

N. Adjournment.

1. A motion to adjourn shall require an affirmative vote of a majority of the Council Members present and shall be decided without debate.
2. When a motion to adjourn has been put to a vote, and it has failed, it shall not be considered again until some other business has been considered.

3.02.050 Authority to Adopt Rules, Procedures and Forms.

(Added by Ordinance No. 177787, effective August 13, 2003.) The Auditor is authorized to adopt rules, procedures, and forms to implement the provisions of Chapter 3.02.

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Chapter 3.04

SUBPOENA POWERS

Section:

3.04.010 Power Granted by Charter - Witness Duties and Rights.

3.04.010 Power Granted by Charter - Witness Duties and Rights.

For the purpose of compelling the attendance of witnesses or the production of books, documents or other evidence as authorized by the Charter, the Mayor, or the Auditor when directed by the Council or by a committee duly authorized thereto, may cause a subpoena to be issued under his hand and the seal of the City and may cause the subpoena to be served by a police officer. The manner of service and the witness fees and mileage to be paid shall be the same as are now or as may be prescribed by State law for witnesses in the Circuit Court of the State for Multnomah County. It is unlawful for any person so subpoenaed and served to neglect or refuse to attend at the proper time and place and to bring with him or her such book or books document or documents, or other objects mentioned in the subpoena, or, having done so, to refuse or neglect to answer such questions as may be applicable to the matter under investigation or to exhibit such portions of such book or books, document or documents, or other thing as may pertain thereto; provided, that such witness shall not be required to answer any question or to act in violation of his rights under the constitutions of the State or of the United States.

Chapter 3.05

**CITY AUDITOR'S AUDIT
SERVICES DIVISION**

(Chapter replaced by Ordinance No. 170381,
effective August 16, 1996.)

Sections:

- 3.05.010 Independence.
- 3.05.020 Scope of Audits.
- 3.05.030 Annual Audit Plan.
- 3.05.035 Special Audits.
- 3.05.040 Access to Records and Property.
- 3.05.045 Confidential Information.
- 3.05.050 Bureau Response.
- 3.05.060 Audit Reports.
- 3.05.065 Report of Irregularities.
- 3.05.070 Contract Auditors, Consultants and Experts.
- 3.05.080 External Quality Control Review.

3.05.010 Independence.

- A.** The Audit Services Division is hereby created within the City Auditor's Office, answerable directly to the City Auditor in accordance with City Charter.
- B.** The Audit Services Division will adhere to generally accepted government auditing standards in conducting its work and will be considered independent as defined by those standards.
- C.** If the Audit Services Division conducts an audit of an activity for which the City Auditor is or was responsible, the audit scope will state that the auditors are not organizationally independent with regard to the entity being audited.

3.05.020 Scope of Audits.

- A.** The Auditor shall conduct financial and performance audits of all bureaus, offices, boards, activities, functions and agencies of the City of Portland to independently determine whether:
 - 1.** Activities and programs being implemented have been authorized by City Charter or Code, state law or applicable federal law or regulations;

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2. Activities and programs are being conducted in a manner contemplated to accomplish the objectives intended by City Charter or Code, state law or applicable federal law or regulations;
 3. The activities or programs efficiently and effectively serve the purpose intended by City Charter, Code, state law or applicable federal law or regulations;
 4. Activities and programs are being conducted and funds expended in compliance with applicable laws;
 5. Revenues are being properly collected, deposited and accounted for;
 6. Resources, including funds, property and personnel, are adequately safeguarded, controlled and used in a faithful, effective and efficient manner;
 7. Financial and other reports are being provided that disclose fairly and fully all information that is required by law, that is necessary to ascertain the nature and scope of programs and activities and that is necessary to establish a proper basis for evaluating the programs and activities;
 8. There are adequate operating and administrative procedures and practices, systems or accounting internal control systems and internal management controls which have been established by management; or
 9. Indications of fraud, abuse or illegal acts are identified for further investigation.
- B.** Audits shall be conducted in accordance with Government Auditing Standards for financial and performance audits issued by the Comptroller General of the United States.

3.05.030 Annual Audit Plan.

- A.** By the beginning of each fiscal year, the Auditor shall submit an annual audit plan to Council for review and comment. The plan shall include the bureaus, offices, boards, activities, functions and agencies scheduled for audit during the year. This plan may be amended during the year after review with Council members affected by the change. Additionally, the Auditor may spontaneously initiate and conduct any other audit deemed necessary to undertake.

- B.** In accordance with independence provisions of generally accepted government auditing standards, the authority for selection of audit areas shall reside solely with the City Auditor.

3.05.035 Special Audits.

- A.** Council members may request that the Auditor perform special audits that are not included in the annual audit plan. After consultation with Council members whose work would need to be postponed, special audits may become amendments to the annual audit plan.
- B.** Special audit reports will be handled the same as regular audit reports, except that in personnel matters of a confidential nature, reporting of results may be limited to the Commissioner in Charge and the Mayor.

3.05.040 Access to Records and Property.

All officers and employees of the City of Portland shall furnish the Auditor with requested information and records within their custody regarding powers, duties, activities, organization, property, financial transactions and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the Auditor to inspect all property, equipment and facilities within their custody. If such officers or employees fail to produce the aforementioned information, then the Auditor, subject to Council approval, may, without fee, cause a search to be made and exhibits to be taken from any book, paper or record of any such official or employee, excepting personal information, and every office having the custody of such records shall make a search and forward such requested exhibits to the Auditor.

3.05.045 Confidential Information.

(Added by Ordinance No. 183217, effective October 30, 2009.) The Auditor shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of records for any unlawful or unauthorized disclosure. The Auditor shall maintain the confidentiality of information submitted in confidence and the identity of the provider of such information to the extent allowed by law, except as the Auditor deems necessary to discharge the Auditor's duties or as directed by the District Attorney pursuant to a public records request or by a court of competent jurisdiction.

3.05.050 Bureau Response.

A final draft of each audit report will be forwarded to the audited bureau and the Commissioner in Charge for review and comment before it is released. The bureau must respond in writing specifying agreement with audit findings and recommendations or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to identified problems and a timetable to complete such activities. The response must be forwarded to the Auditor within the time frame specified by the Auditor. The Auditor will include the full text of bureau and Commissioner responses in the report.

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3.05.060 Audit Reports.

- A.** Each audit will result in a written report.
- B.** Reports are to be issued promptly so as to make information available for timely use by Council, management and other interested parties.
- C.** The Auditor will submit each audit report to the Council and will retain a copy in his/her office as a permanent record.
- D.** If appropriate, the audit report shall contain the professional opinion of the Auditor or the contract auditor concerning the financial statements issued by the bureau, board or agency or if the audit is a performance audit, the report will contain the professional conclusions of the audit regarding the management activities audited.
- E.** Audit reports issued by the Auditor shall contain:
 - 1.** A statement of audit objectives and a description of the audit scope and methodology;
 - 2.** A statement that the audit was performed in accordance with generally accepted government auditing standards;
 - 3.** A description of all significant instances of non-compliance and abuse and all instances of illegal acts found during or in connection with the audit;
 - 4.** A full discussion of audit findings and conclusions, including the cause of problem areas and recommendations for necessary or desirable action;
 - 5.** A statement of all significant management controls that were assessed and any significant weaknesses found;
 - 6.** Pertinent views of responsible officials concerning audit findings, conclusions and recommendations;
 - 7.** A listing of any significant issues needing further study and consideration;
 - 8.** A description of noteworthy accomplishments of the audited organization.

3.05.065 Report of Irregularities.

If the Auditor detects apparent violations of law or apparent instances of malfeasance or nonfeasance by an officer or employee or information that indicates derelictions may be

reasonably anticipated, the Auditor shall report the irregularities to the Commissioner in Charge and the Mayor. If the irregularity is criminal in nature, the Auditor shall immediately notify the City Attorney and the District Attorney in addition to those previously cited.

3.05.070 Contract Auditors, Consultants, and Experts.

Within budget limitations, the Audit Services Division may obtain the services of certified public accountants, qualified management consultants, or other professional experts necessary to perform audit services. An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of the governmental unit or its officers. The Auditor's Audit Services Division will coordinate and monitor auditing performed by public accounting or other organizations employed under contract by the City of Portland to assist with audit related activities.

In choosing the outside independent auditors to conduct the City's annual financial statement audit, the Auditor will convene a committee of at least three City bureau managers, including the Auditor or his/her representative to prepare a request for proposal and to screen applicants. The Auditor's selection of a certified public accounting firm for the annual financial audit must be approved by Council. Normally, this contract will be for a three to five year period.

3.05.080 External Quality Control Review.

The Audit Services Division of the City Auditor's Office shall be subject to peer review at least once every three years by a professional, non-partisan objective group utilizing guidelines adopted by the National Association of Local Government Auditors. The review will evaluate compliance with generally accepted government auditing standards. A copy of the written report of any such independent review shall be furnished to each member of the City Council.

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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 December 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.

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

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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.

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 3.10

OFFICE OF CITY ATTORNEY

(Chapter replaced by Ordinance No. 155956,
Effective June 11, 1984.)

Sections:

- 3.10.010 Office of City Attorney.
- 3.10.030 Duties.
- 3.10.040 Chief Deputy City Attorney.
- 3.10.050 Records.
- 3.10.060 Attorney-Client Relationship.
- 3.10.070 Settlements.
- 3.10.080 Outside Counsel Conflicts of Interest.

3.10.010 Office of City Attorney.

(Amended by Ordinance No. 165112, effective February 26, 1992.) The Office of the City Attorney shall consist of the City Attorney and such subordinate employees as the Council may provide. The deputies of the City Attorney shall be appointed by the City Attorney in writing and shall continue in service during the City Attorney's pleasure. In the event of a vacancy in the position of the City Attorney, the deputies shall continue in office with a Chief Deputy serving as acting City Attorney until such time as the Council appoints a new City Attorney.

3.10.020 General Organization.

(Repealed by Ordinance No. 165112, effective February 26, 1992.)

3.10.030 Duties.

(Amended by Ordinance Nos. 156711, 165112 and 181483, effective January 18, 2008.)
The City Attorney shall have the following duties:

- A. Appear for, represent, and defend the City, and its boards, commissions, bureaus, officers, employees and persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal forums and matters. However, other than as required by the Tort Claims Act, the City Attorney shall not represent individuals in their personal capacity and shall not represent individuals who, after investigation by the OMF Risk Management Division, are found by the Bureau to have acted outside the scope of their employment or duties or to have committed malfeasance in office or willful or wanton neglect of duty. If the City Charter specifically authorizes a commission to retain or employ its own special legal counsel, then the City Attorney shall not be responsible for representing such commission on matters assigned by the commission to its special legal counsel;

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- B.** Review and approve as to form all written contracts, bonds, or other legally binding instruments to which the City is a party. It shall be the responsibility of the City officials or employees who prepare such documents to submit the documents to the City Attorney for review;
- C.** Give legal advice and opinions orally and in writing and prepare legal documents and ordinances for the Mayor, any Council member, the City Council, or any board, bureau, committee, commission, or agency of the City;
- D.** Periodically submit to Council reports summarizing the amount, type, and cost of legal services required by the City in the proceeding year and highlighting significant legal cases and trends involving the City;
- E.** Seek to ensure that City employees comply with legal and ethical requirements of public employment by providing advice, direction and opinions
- F.** Seek to prevent legal problems for the City by training, directing and educating City employees about legal issues;
- G.** Institute legal proceedings for the City in any court or tribunal on direction by resolution of the Council, except that the City Attorney may upon approval of the Commissioner In Charge and for good cause shown seek enforcement of any regulation or license requirement including the payment of any fee, penalty, or interest, established by Charter, Code, ordinance, or statute, and collection of any account receivable and may assert a counterclaim, a cross-claim, or a third party claim. The City Attorney may institute appeals on behalf of the City for enforcement of regulations or license requirements including such payments established by Charter, Code, ordinance, or statute, and for collection of any account receivable, and may appeal in any case in which the opposing side first has appealed, as the City Attorney deems advisable. The City Attorney shall institute other appeals on direction by resolution of the Council. The City Attorney may also upon approval of the Commissioner In Charge and for good cause shown file in the appropriate forum a purpose the original or duplicate copies of complaint for interpleader whenever the City shall come into possession of property in which it has no claim and on which multiple claims have been made by other parties.

3.10.040 Chief Deputy City Attorney.

(Amended by Ordinance No. 165112, effective February 26, 1992.) The position of Chief Deputy City Attorney is hereby created and the City Attorney is authorized, from time to time to appoint one or more deputies to such positions and designate one Chief Deputy to be in charge of the Office in the absence of the City Attorney.

3.10.050 Records.

(Amended by Ordinance No. 165112, effective February 26, 1992.) The City Attorney shall have charge and custody of the Office of the City Attorney and of all legal papers pertaining thereto.

3.10.060 Attorney - Client Relationship.

(Amended by Ordinance Nos. 165112 and 181483, effective January 18, 2008.)

- A.** The relationship between the Office of City Attorney and the City shall be an attorney-client relationship, with the City being entitled to all benefits thereof.
- B.** Correspondence between the City Attorney and others in the City and the opinions and advice provided by the City Attorney to the City or to any City department, official, or employee are privileged attorney-client communications.
- C.** In suits, actions, or other proceedings in which the City Attorney, with the concurrence of the OMF Risk Management Division, accepts the defense of a City official, employee, or other person pursuant to the requirements of the Oregon Tort Claims Act, the relationship between the Office of the City Attorney, and the official, employee, or other person shall be an attorney-client relationship, with the official, employee, or other person being entitled to all the benefits thereof regarding the subject matter of the suit, action, or proceeding.

3.10.070 Settlements.

The City Attorney may settle suits, actions, or proceedings as follows:

- A.** As the City Attorney deems advisable, after consultation with the affected bureau, if appropriate, in cases of suits, actions, or proceedings seeking enforcement of any regulation or license requirement including payment of any fee, penalty, or interest, established by the Charter, Code, ordinance, or statute, and collection of any account receivable;
- B.** With the written approval of the Commissioner In Charge, in cases of any other suits, actions, or proceedings except for settlements requiring payment by the City in excess of \$5,000; and
- C.** With the approval by ordinance of the Council in cases of suits, actions, or proceedings requiring payment by the City in excess of \$5,000.

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3.10.080 Outside Counsel Conflicts of Interest.

(Amended by Ordinance No. 165112, effective February 26, 1992.) The City Attorney is authorized to waive on behalf of the City potential conflicts of interest of private legal counsel retained by the City if the City Attorney determines the waiver to be in the City's interest.

3.10.090 Indemnities Fund.

(Repealed by Ordinance No. 165112, effective February 26, 1992.)

Chapter 3.12

BUREAU OF TRANSPORTATION

(Chapter replaced by Ordinance No. 182389,
effective January 2, 2009.)

Section:

3.12.010 Organization.

3.12.010 Organization.

The Bureau of Transportation shall be under the direction and control of the Director of Transportation. The Director shall be responsible for the overall coordination and management of the groups of the Bureau of Transportation to assure the goals of the City Council are met and the mission and goals of the Bureau of Transportation are achieved. This includes responsibility for productivity, responsiveness and effectiveness of the services and programs of the Bureau of Transportation. The Bureau of Transportation shall be charged with the responsibility for the finance, operation, maintenance and improvement of the transportation system and shall be made up of groups under the direction and control of the Director, as set forth in this Chapter. The City Engineer shall be an employee within the Bureau of Transportation. Responsibilities and authorities of the City Engineer provided in this Code shall be performed by a Professional Engineer. The Director of Transportation shall have authority to issue administrative rules and regulations in addition to those specified in the Charter and this Code, as are appropriate to provide for the adequate functioning of the Bureau and to carry out the responsibilities under this Section.

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Chapter 3.13

BUREAU OF ENVIRONMENTAL SERVICES

(Chapter added by Ordinance No. 155385,
effective December 8, 1983.)

Sections:

- 3.13.010 Purpose.
- 3.13.020 Organization.
- 3.13.030 Mission.
- 3.13.040 Administrative Rules and Procedures.
- 3.13.050 Permitting Authority.

3.13.010 Purpose.

(Amended by Ordinance Nos. 163823 and 168321, effective December 30, 1994.) The purpose of this Chapter is to describe the organization, and mission of the Bureau of Environmental Services. This Bureau of Environmental Service, created by Ordinance in 1983, is committed to the proper management, protection, and where practicable enhancement of our natural resources.

3.13.020 Organization.

(Amended by Ordinance Nos. 168321, 174830 and 185397, effective July 6, 2012.) The Bureau is administered by the Commissioner in charge and led by the Director of Environmental Services. The Director works with Group Managers and their staff in pursuit of the mission. The organizational structure of the Bureau shall be determined by the Director after consultation with the Commissioner in charge. The Bureau of Environmental Services is responsible for design, construction, operation and maintenance of the sanitary and storm water collection and transport systems, and watershed management. The Director shall have authority to issue administrative rules and regulations in addition to those specified in the Charter and this Code, as are appropriate to provide for the adequate functioning of the Bureau and to carry out the responsibilities under this Code.

3.13.030 Mission.

(Amended by Ordinance Nos. 168321 and 174830, effective September 22, 2000.) The Bureau of Environmental Services serves the community by protecting public health, water quality and the environment. To achieve this, the Bureau:

- A.** Protects, enhances and restores natural waterways; and

- B.** Provides sewage and stormwater services to accommodate current and future needs.

3.13.040 Administrative Rules and Procedures.

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

- A.** The Director of the Bureau of Environmental Services may adopt, amend and repeal rules, policies, procedures, and forms pertaining to matters within the scope of this Code.
- B.** Any adoption, amendment or repeal of a rule pursuant to this Section requires a public review process which includes a minimum 30-day public comment period and the opportunity for a public hearing. Notice shall be given by publication in a newspaper of general circulation not less than 30 days before adoption. Such notice shall include the location at which copies of the full text of the proposed rules may be obtained and the place and time of a proposed public hearing. The Director is only required to hold the public hearing if requested to do so.
- C.** During the public review process, the Director shall hear testimony or receive written comment concerning the proposed rules and prepare a report of findings and recommendations. The Director shall review findings and recommendations, taking into consideration the comments received during the public review process, and shall either adopt, modify or reject proposals. If a substantial modification is made, the Director may provide additional time for the public review process. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed in the office of the Director and in the Portland Policy Documents repository described in Chapter 1.07.
- D.** Notwithstanding Subsections 3.13.040 B. and C., the Director may adopt an interim rule without prior notice if failure to act promptly would result in a threat to public health and safety or the environment. Any interim rule adopted pursuant to this Paragraph shall be effective for a period of not longer than 180 days.

3.13.050 Permitting Authority.

(Added by Ordinance No. 186902, effective December 26, 2014.) The Director of the Bureau of Environmental Services is authorized to develop and require permits, authorizations, inspections, and other forms of review and approval to implement and assure compliance with those sections of this code that are administered by the Bureau of Environmental Services.

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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.
- 3.15.080 Enterprise Business Solution Division.

3.15.010 Organization.

(Amended by Ordinance Nos. 185807, 186746 and 187060, effective March 25, 2015.)

- 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.

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- 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.

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

3.15.020 Bureau of Internal Business Services.

(Amended by Ordinance No. 187060, effective March 25, 2015.)

- 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 and Risk Management. The Bureau of Internal Business Services provides facilities, fleet, printing and distribution and risk management services for the City; manages and maintains the Portland Oregon TM sign and all associated intellectual property; 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.
 - 2.** Execute real property agreements including, but not limited to, easements, permits, licenses and leases, and amendments or renewals of such real property agreements.
 - 3.** Execute intellectual property license agreements for use of the Portland Oregon TM sign. Develop, adopt and maintain an Acceptable Use policy and fee schedule for licensing of the Portland Oregon TM sign. Maintain, protect, and enforce the City's intellectual property rights in the Portland Oregon TM sign.
 - 4.** 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.
 - 5.** Develop and enforce Rules of Conduct for City Buildings, and require all persons to obey the Rules of Conduct. City buildings, includes all real

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properties placed under the facilities management of the Office of Management and Finance. Any person who fails to comply with the Rules 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 buildings 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

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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.** 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 Section 3.15.020.
- D.** 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.
- E.** 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.

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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.
 3. Provide architectural services including but not limited to architectural design, facilities and space planning, and project management of City capital projects.
- F.** 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.
- G.** 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

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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.

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.

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, 186746 and 187060, effective March 25, 2015.)

- 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, Procurement Services and Grants. The Bureau of Revenue and Financial Services is responsible for treasury and debt management, accounting, procurement, 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 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.
 2. Authorize reports that disclose the fiscal condition of the City to external users including the Comprehensive Annual Financial Report (CAFR), the

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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.
- F. The Procurement Services Division shall be supervised by the Chief Procurement Officer (CPO) who shall report to the BRFS 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.

3.15.050 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.

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- 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

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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.

- 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.

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- 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.
- 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 Nos. 186746 and 187060, effective March 25, 2015.)

- 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 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.

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5. Manage all end user technology support services, including Help Desk and Desktop Support services.
6. Manage citywide Geographic Information Systems.
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.

3.15.080 Enterprise Business Solution Division.

(Added by Ordinance No. 187060, effective March 25, 2015.) The Enterprise Business Solution (EBS) Division shall be supervised by a Manager who shall report to the CAO. EBS 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.

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;
- F.** Monitoring expenditures and revenues for the City and all Bureaus and providing this information to Commissioners and the Chief Administrative Officer when requested;

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- G.** Developing and analyzing financial policy and performance measurement systems and providing this information to Commissioners and the Chief Administrative Officer when requested;
- H.** Providing Council with financial information that informs the City's deliberations on collective bargaining agreements, and assisting the Bureau of Human Resources with the costing of collective bargaining agreements;
- I.** Performing other duties as assigned.

3.16.020 Authority of Council.

The City Budget Director shall be appointed by the Commissioner in Charge of the City Budget Office, but shall serve the entire Council, including providing information and advice and making available for inspection the books and records of the City Budget Office to any Elected Official making a request for the same as soon as practical.

Chapter 3.18

BUREAU OF PERSONNEL

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

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Chapter 3.20

BUREAU OF POLICE

Sections:

3.20.010	General Organization.
3.20.020	Council to Organize and Make Rules and Regulations.
3.20.030	Authority of Chief of Police.
3.20.040	Duties of the Chief of Police
3.20.050	Subordinate Officers.
3.20.070	Fees to be Paid Over to Treasurer.
3.20.080	Policemen Receiving Gifts and Employing Attorneys - Penalty for Violation.
3.20.110	Duties of Police Force.
3.20.120	Council in Emergency to Appoint Temporary Policemen.
3.20.130	Record of Daily Arrests.
3.20.140	Police Review Board.
3.20.150	Fingerprints, Photographs and Records of Identification.
3.20.160	Police Chief to Make Rules and Regulations.
3.20.170	Uniforms.
3.20.180	Appointment and Removal of Police Reserves
3.20.190	Application, Oath of Office, Compensation and Equipment of Police Reserves.
3.20.200	Membership Card and Star of Police Reserves.
3.20.210	Police Reserves Exempt from Civil Service.
3.20.230	Medical Examinations.
3.20.240	Membership.
3.20.360	Fees for Report on Police Records.
3.20.370	Accountability and Disposition of Fees.

3.20.010 General Organization.

(Amended by Ordinance Nos. 136814, 138453 and 159113, effective October 23, 1986.)
The Bureau of Police shall consist of the Chief of Police and such other employees as the Council may provide. The Bureau shall be responsible for the enforcement of law and order. The Chief of Police shall be the Commanding Officer of the police force and shall direct the police work of the City. The Chief of Police shall be directly responsible to the Commissioner In Charge for the proper functioning of the Bureau. For administrative purposes the Bureau shall be made up of the following branches, each of which shall be commanded by a Deputy Chief and have personnel and such duties as may be assigned by the Chief of Police, subject to the approval of the Commissioner In Charge.

- A.** Operations Branch;
- B.** Investigations Branch;

- C. Operations Support Branch;
- D. Administrative Support Branch.

The Deputy Chiefs serve under the command of the Chief.

3.20.020 Council to Organize and Make Rules and Regulations.

The Bureau of Police of the City shall be organized by the Council and the members appointed as provided by the Charter, subject to the civil service rules of the Charter. To that end the Council may make all necessary or convenient rules and regulations for the organization and conduct of the police force, for the care and management of the City prison, for receiving and hearing complaints against any member of the force, for the removal or suspension of any member of the force, and for the forfeiture of all or any portion of the wages that may be due any member of such force on account of misconduct or negligence in the discharge of his duties; all the powers of the City connected with and incident to the appointment, discipline, and government of its police shall be vested in the Council, except as otherwise provided by Charter.

3.20.030 Authority of Chief of Police.

The Chief of Police, after having taken the oath of office, shall thereafter, under the direction of the Commissioner of Finance and Administration, have command and control of the police force of the City.

3.20.040 Duties of the Chief of Police.

(Amended by Ordinance No. 138453; effective July 27, 1974.) The Chief of Police is a peace officer and must execute all processes directed to him by any magistrate of this State in criminal matters. He may make arrests for breach of peace or commission of crime within the limits of the City with or without a warrant as peace officers do under the laws of this State. He must exercise a vigilant control over the peace and quiet of the City. He shall exercise such additional powers as may be conferred upon him by the ordinances of the City to enable him to carry out the objects and purposes of this Charter.

3.20.050 Subordinate Officers.

(Amended by Ordinance Nos. 136814, 138453 and 159113, effective October 23, 1986.) The Deputy Chiefs, Captains and other ranks or grades of police within the Bureau of Police shall possess like power and authority as the Chief of Police with respect to peace officer powers, except as herein provided. The Chief of Police shall have control over the Deputy Chiefs, Captains and all other employees of the Bureau of Police when they are on duty, and shall see that the City ordinances and rules, orders and regulations for the government of the police force are observed and enforced. He/she shall have power to recommend for suspension to the Commissioner In Charge any subordinate officer, member or employee for a violation of the same as prescribed by the Civil Service rules.

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3.20.070 Fees to Be Paid over to Treasurer.

The Chief of Police or any other officer of the police force, when acting under or enforcing any law or statute other than a City ordinance, may collect and receive the same fees and compensation as are allowed to a constable for like services, and if collected he shall pay the same over to the City Treasurer, as provided in the case of fees which may be received by the municipal judge; but no fees shall be taxed against Multnomah County for services rendered by either Chief of Police or municipal judge.

3.20.080 Policemen Receiving Gifts and Employing Attorneys -Penalty for Violation.

No member of the police force shall for his own benefit, under any pretense whatever, receive or share in any present, fee, gift or emolument for public service other than the regular salary and pay, except by the consent of the Council and Chief of Police, publicly given. Nor shall any member share in or receive any gift, fee, or reward from any person who may become bail for any arrested, accused, or convicted person who may become surety for any such, on appeal from or review of the judgment or decision of any court or magistrate, or any fee, gift, or reward in any case from an attorney at law who may prosecute or defend any person arrested or prosecuted for any offense in Multnomah County. Nor shall any member, directly or indirectly, interest himself or interfere in any manner whatever in the employment of any attorney to aid in the defense of any person arrested or accused. For any violation of either of the foregoing provisions the person so offending shall be immediately removed from the police force.

Upon complaint of any person alleging a violation of this Section the Council shall summon the officer accused before it and shall hold a summary hearing with power to subpoena witnesses and to compel the production of all necessary evidence. If it finds that a violation of this Section has been committed by such officer he shall immediately be dismissed from the force and shall be ineligible for reappointment.

3.20.110 Duties of Police Force.

The police force of the City shall at all times of the day and night within the boundaries of the City preserve the public peace, prevent crime, arrest offenders, protect rights of persons and property, guard the public health, preserve order, remove nuisances existing in streets, roads, public places, and highways, report all leaks and other defects in water pipes and sewers, and street lights not burning to the proper authorities, provide a proper force at every fire in order that thereby the firemen and property may be protected, protect strangers and travelers at the steamboat and ship landings and railroad stations, and generally obey and enforce all ordinances of the City Council and criminal laws of the State and of the United States.

3.20.120 Council in Emergency to Appoint Temporary Policemen.

The Council in case of any mob, riot, pestilence, or on days of public demonstration may appoint such temporary policemen as it may deem necessary, who shall have all the powers and perform all the duties of regular policemen. Such appointments shall not continue beyond the emergency.

3.20.130 Record of Daily Arrests.

The Bureau of Police shall keep a daily arrest docket and a municipal court transcript in substantially the following form:

(See Figure 1 at end of Title 3)

The arrest docket may be printed in any size as may be determined by the Chief of Police and shall be a part of the original record of the Bureau of Police and shall be preserved and kept in the custody of the Bureau of Police.

3.20.140 Police Review Board.

(Replaced by Ordinance No. 183657; Amended by Ordinance Nos. 183995 and 186416, effective February 7, 2014.)

A. Purpose. The Police Review Board (“Board”) is an advisory body to the Chief of Police (“Chief”). The Review Board will make recommendations as to findings and proposed officer discipline to the Chief of Police.

B. Powers of the Board:

1. Review incidents and investigations. The Board shall review incidents and investigated complaints of alleged misconduct by non-probationary sworn officers (“officers”) who are employed by the Portland Police Bureau (“Bureau”) in the following cases:

a. The supervising Assistant Chief, the Director of the Independent Police Review Division of the Auditor (“IPR”) or the Captain of the Internal Affairs Division of the Bureau (“IAD”) controverts the findings or proposed discipline of the Reporting Unit (“RU”) manager pursuant to Code Section 3.21.120.

b. Investigations resulting in a recommended sustained finding and the recommended discipline is suspension without pay or greater.

c. The following incidents involving use of force:

(1) All officer involved shootings.

(2) Physical injury caused by an officer that requires hospitalization.

(3) All in custody deaths.

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- (4) Less lethal incidents where the recommended finding is “out of policy”.
- d. All investigations regarding alleged violations of Human Resources Administrative Rules regarding complaints of discrimination resulting in a recommended sustained finding.
 - e. Discretionary cases referred by the Chief, Branch Chief, or the IPR Director.
2. Probationary sworn officers. The Board shall review incidents and investigated complaints of alleged misconduct by Portland Police Bureau probationary officers when referred by the Chief, Branch Chief or the IPR Director. However, nothing in this section prohibits the Bureau from terminating the employment of a probationary officer without following the procedures of this section.
3. Recommendations to Chief. The Board shall make recommendations to the Chief regarding findings and discipline. The Board may make recommendations regarding the adequacy and completeness of an investigation. The Board may also make policy or training recommendations to the Chief. The Board shall make recommendations as to discipline based on discipline guidelines. The guidelines shall be developed by the Bureau in consultation with IPR
4. On September 1, 2010, the Board shall replace the Use of Force and Performance Review Boards set forth in the Bureau’s 2009 Manual of Policy and Procedure. Before September 1, 2010, the Use of Force and Performance Review Board shall review incidents and investigated cases pursuant to the existing Bureau directives.

C. Composition of Board

- 1.** The Board shall be composed of five voting members and eight advisory members. All Board members will be advised of every case presented to the Board. A quorum of four Voting Members, including the Citizen member and the RU Manager or designee, and four Advisory members is required to be present to make recommendations to the Chief.

 - a.** Voting members

 - (1)** One citizen member from a pool of citizen volunteers recommended by the Auditor and confirmed by the City Council.

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- (a)** Citizens shall be appointed for a term of no more than three years. Citizens may serve two full terms plus the remainder of any unexpired vacancy they may be appointed to fill.
- (b)** All citizen members must meet at least the following qualifications to participate on the PRB:
 - (i)** Pass a background check performed by the Bureau.
 - (ii)** Participate in Bureau training to become familiar with police training and policies.
 - (iii)** Sign a confidentiality agreement.
 - (iv)** Participate in ride alongs to maintain sufficient knowledge of police patrol procedures.
- (c)** The Chief or the City Auditor may recommend that City Council remove a citizen member from the pool for the following reasons:
 - (i)** Failure to attend training
 - (ii)** Failure to read case files
 - (iii)** Objective demonstration of disrespectful or unprofessional conduct
 - (iv)** Repeated and excessive unavailability for service when requested.
 - (v)** Breach of confidentiality
 - (vi)** Objective demonstration of bias for or against the police
 - (vii)** Objective demonstration of conflict of interest

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- (2) One peer member of the same rank/classification as the involved officer; peer member will be selected from a pool of Bureau representatives pre-approved by the Chief.
- (3) The Assistant Branch Chief who is the supervisor of the involved officer.
- (4) The Director of IPR (or designee).
- (5) A Commander or Captain who is the supervisor of the involved officer (RU Manager).

b. Advisory members

- (1) The Office of Accountability and Professional Standards manager.
- (2) Representative from Bureau of Human Resources.
- (3) Representative from City Attorney's Office.
- (4) The Internal Affairs Division Manager.
- (5) Review Board Coordinator.
- (6) Representative of Commissioner in Charge of the Bureau ("Commissioner in Charge").
- (7) Representative of the Training Division.
- (8) The Assistant Chief(s) that are not the supervisor of the involved member.

c. Representatives/Individuals that may also be present during the presentation of the case include:

- (1) Bargaining Units
- (2) Involved Member

- 2.** However, when the incident to be reviewed by the board involves the following use of force incidents, one additional citizen member drawn on a rotating basis from the pool of current Citizen Review Committee members, as those members are described in Code Section 3.21.080, and

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one additional peer member shall serve on the Board, for a total of seven voting members. A quorum of six voting members, including two citizen members, and the RU manager or designee, and four Advisory members is required to be present to make recommendations to the Chief.

- a.** All officer involved shootings.
- b.** Physical injury caused by an officer that requires hospitalization.
- c.** All in custody deaths.
- d.** Less lethal incidents where the recommended finding is “out of policy”.

- 3.** Citizen Review Committee members serving on the Board shall be subject to the same qualification and removal standards as other citizen members of the Board.
- 4.** A Citizen Review Committee member who participates in a Board review of an incident cannot participate in a later appeal to the Committee of the same allegation(s).
- 5.** Removal from participation on the Board shall not affect Citizen Review Committee membership.

D. Access to information

- 1.** All members of the Board shall have access to necessary and relevant documents and an equal opportunity to participate in Board deliberations.
 - a.** The Bureau and IPR shall develop a Bureau Directive establishing confidentiality provisions and distribution timeline provisions of Board materials.
- 2.** The RU manager or designee will provide a written recommendation of the findings, reasoning for the recommendation and disposition recommendation.

E. Board Facilitator

- 1.** The Board shall be facilitated by a person who is not employed by the Bureau and who is not a member of the Board.

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- a.** The Bureau and IPR shall develop a Bureau Directive establishing selection criteria and confidentiality provisions for the Facilitator(s).
 - b.** The voting members of the Board shall schedule a meeting to recommend a pool of facilitators based the Bureau Directive for approval of the Commissioner in Charge in accordance with City contract rules.
- 2.** The Board facilitator shall write the statement of recommended findings and discipline and a summary of any training and/or investigation issues or concerns on behalf of the Board and submit the statement to the Chief within two weeks of the Board meeting date.

F. Board Recommendations

- 1.** The Board shall prepare a statement of its recommended findings and proposed discipline, if any, in every case for submission to the Chief. Such statement shall include:
 - a.** The Board's recommended findings and a brief explanation of the Board's rationale for its recommendation, and a record of the Board's vote.
 - b.** In the event that the Board is not unanimous, the statement shall contain a portion detailing the minority's recommendation.
- 2.** The Board facilitator shall write the Board's statement of recommended findings and proposed discipline and a summary of any policy training and/or investigation issues or concerns on behalf of the Board and submit the statement to the Chief.
 - a.** IPR and the Bureau will develop a Bureau Directive setting forth the timeliness provisions of the statement.

G. Appeal of Board Recommendation.

- 1.** As provided in Code Chapter 3.21, once the Board has prepared a statement of proposed findings relating to complaints of alleged misconduct of an officer during an encounter involving a citizen, the complainant or involved officer may have the opportunity to appeal the recommended findings to the Citizen Review Committee.

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2. Until the appeal period allowed by Code Chapter 3.21 has expired, and if an appeal is filed, until there is a final decision by the Citizen Review Committee or Council, the Chief may not issue proposed discipline or make recommendations to the Commissioner in Charge.
3. The Director of IPR, the Chief of Police, or Commissioner in Charge may request an expedited hearing by the Citizen Review Committee of an appeal when deemed necessary due to the nature of the underlying complaint.

H. Action by Chief of Police and Commissioner in Charge. After receiving the Board's statement described above and after the appeal period allowed by Code Chapter 3.21 has expired, or if an appeal is filed, after the Chief receives the Citizen Review Committee or the Council's recommendation in accordance with Code Chapter 3.21:

1. In the following cases, the Chief shall make a recommendation regarding the appropriate findings and level of discipline to the Commissioner in Charge:
 - a. Investigations resulting in a sustained finding and the proposed discipline is suspension without pay or greater.
 - b. The following incidents involving use of force:
 - (1) All officer involved shootings.
 - (2) Physical injury caused by an officer that requires hospitalization.
 - (3) All in custody deaths.
 - (4) Less lethal incidents where the recommended finding "out of policy".
2. In the cases described in Subsection 1 above, the Commissioner in Charge shall make the final decision on findings and discipline, consistent with obligations under state and federal law, Portland City Charter and collective bargaining agreements.
3. In all other cases, unless the Commissioner in Charge exercises authority over the case, the Chief shall make the final decision on proposed findings and discipline, consistent with obligations under state and federal law, Portland City Charter and collective bargaining agreements.

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4. In all cases where the Chief's and Police Commissioner's final discipline is outside of the range recommended by the discipline guide, the Chief and Police Commissioner shall provide an explanation in the final discipline letter of the reason or reasons for imposing discipline outside of the recommended range. The Chief and Police Commissioner shall not be required to disclose information that is confidential or otherwise protected against disclosure. The cumulative report of discipline imposed outside of the recommended range shall be included in the PPB semi-annual report.
- I. Public reports. As often as deemed necessary by the Board, but at least twice each calendar year, the Board shall publish public reports summarizing its statements of findings and a summary of any training and/or investigation issues or concerns. Except as provided otherwise in this Subsection, the reports shall keep confidential and not include involved officers' names, the names of witnesses, or the name of any complainants. The reports shall be written by the Board facilitator. The reports may not be released before a final decision, including discipline if any, is made by the Chief or Commissioner in Charge.
 1. The public reports shall include the following for each case brought before the Board:
 - a. Allegation(s) heard by the Board.
 - b. A factual summary of the case.
 - c. Summary of the Board's discussion.
 - d. Record of the Board's vote, including recommended findings and discipline.
 - e. Training and policy recommendations, including whether the recommendations were accepted by the Chief.
 - f. The final decision of the Chief or Commissioner in Charge.
 2. The public reports shall include the names of involved officers and witnesses in cases of officer involved shootings or in custody deaths where the names of such persons have previously been publicly released in connection with the incident, unless confidentiality or non-disclosure is required by statute, a court order, an administrative order, or a collective bargaining agreement. Where the names have not been previously released, the report may include the names if the public interest requires disclosure or if nondisclosure would undermine the public's confidence.

3.20.150 Fingerprints, Photographs and Records of Identification.

The Chief of Police shall maintain at police headquarters suitable means and appliances for taking and preserving fingerprints, photographs, and descriptions of persons. He shall take or cause to be taken, recorded, and preserved one or more fingerprints and photographs, and a description of each person arrested and booked for the commission of a felony. Of each person arrested and booked for the commission of a misdemeanor or violation of a penal ordinance or Charter provision, he may, but is not required to, take and preserve one or more fingerprints, photographs, and a description. Such prints, photographs, and description shall be made a matter of permanent record when evidence showing previous conviction or convictions of any crime, misdemeanor, or violation of a penal ordinance or Charter provision shall have been obtained.

3.20.160 Police Chief to Make Rules and Regulations.

The Chief of Police shall have authority, subject to the approval of the Commissioner In Charge, to issue such administrative rules and regulations in addition to those embodied in the Charter and this Code, as are necessary to govern the conduct of the members of the Bureau of Police, and to provide for the adequate functioning of the Bureau.

3.20.170 Uniforms.

The following rules shall apply to uniforms for employees appointed to the Bureau of Police who are members of the Fire and Police Disability and Retirement System:

- A. The Chief of Police shall, subject to the approval of the Commissioner In Charge, prescribe specifications for police uniforms and establish rules, regulations and conditions of wearing thereof;
- B. Upon report from the Commissioner In Charge of the Bureau of Police, the Council shall designate which items of the uniform specified by the Chief of Police under subdivision (1) above shall be furnished by the City to those employees required to wear the prescribed uniform in performance of their normal and usual police duties. Each new employee shall be furnished a complete set of designated items of uniform. All other employees shall be furnished designated items of uniform on the basis of replacement when needed as determined by the Chief of Police. Items furnished by the City shall remain property of the City; and the Chief of Police shall establish rules, regulations, and conditions for issuance and control thereof;
- C. The Chief of Police shall have the authority to designate duty assignments which require dress other than the prescribed uniform. For such designated duty, no items of uniform shall be furnished, and those employees affected shall receive an annual cash clothing allowance in lieu of items of uniform furnished by the City. Clothing allowances shall be paid in accordance with Section 5.08.070.

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3.20.180 Appointment and Removal of Police Reserves.

(Amended by Ordinance No. 143623, effective June 13, 1977.) The Chief of Police is authorized, subject to the approval of the Commissioner In Charge, to appoint new members to the police reserve from time to time as need therefore arises and to accept the resignations and discontinue appointments from time to time in accordance with his judgment concerning the public welfare and safety subject to the approval of the Commissioner In Charge; provided that the total number of such reserves at any time shall not exceed 200.

- A.** Within the ranks of the police reserve the Chief of Police shall designate which members of the reserve shall serve as a special duty reserve unit. Members of the special duty reserve unit shall assist the Bureau in performing Sunshine Division, charitable, search and rescue and other non-law enforcement related functions.

3.20.190 Application, Oath of Office, Compensation and Equipment of Police Reserves.

(Amended by Ordinance Nos. 143623 and 164223, effective May 29, 1991.) Each new member of the police reserve shall make an application on a blank form provided by the Chief of Police, giving such data concerning his age, weight, identification, residence, occupation, previous experience in police work, if any, citizenship, and other data as the Chief of Police may find necessary or convenient, including fingerprinting for better identification. Members of such police reserve shall be entitled to no compensation unless specifically authorized and provided by the Council. Upon appointment each member shall take an oath of office similar to the oath required of regular members of the Bureau of Police, and such oath shall be filed with the City Auditor. Regular members of the reserve shall serve during the pleasure of the Chief and shall wear a uniform prescribed by the Chief of Police. They shall perform the duties and take training as directed by the Chief of Police. They shall observe the rules of deportment and conduct applicable to regular police officers. They shall, in the performance of their duties, be subject to the orders of commanding officers of the regular and reserve police force of the City. They shall, at all times, cooperate with regular police officers in the performance of their duties. While on any authorized assignment they shall be covered by the City's self-insurance as authorized under the provisions of the Oregon State Workers' Compensation Act. The insurance shall be in a form approved by the City Attorney. It is unlawful for any person whose appointment has been terminated, to retain possession or refuse to return any badge, identification or equipment issued to such person after demand for the return has been made by the Mayor, Chief of Police or anyone acting under and by the authority of the Mayor or Chief of Police. Members of the special duty police reserve shall be subject to police duty only when special occasion therefor arises. Each member shall provide his own equipment, subject to the approval of the Chief of Police, and shall make such reports as the Chief of Police may require.

3.20.200 Membership Card and Star of Police Reserves.

The Chief of Police is authorized to furnish each member of the police reserve with a membership card signed by the Chief of Police and signed by the member for identification purposes, and shall also furnish each member with a police star.

3.20.210 Police Reserves Exempt from Civil Service.

No member of the police reserve shall be regarded as a City employee or subject to civil service regulations.

3.20.230 Medical Examinations.

(Amended by Ordinance No. 134934, effective July 20, 1972.) Whenever the Chief of Police is in doubt concerning the physical or mental ability of a member of the Bureau of Police to perform full police duties, the Chief shall require that member, upon written notice, to submit to a medical examination. The examination shall be conducted without expense to the member. Unexcused failure to take an examination required by this Section, after reasonable notice, shall be cause for the member's dismissal.

3.20.240 Membership.

(Amended by Ordinance No. 136679, effective July 1, 1973.) The Bureau of Police shall consist of: a Chief of Police and all other full time members of the regular police force, and shall include all members of the women's protective division, and police matrons; and all such members shall be classed and considered as regular members of the Bureau of Police. All members of the Women's Protective Division, and all police matrons, are hereby required to comply with the rules and regulations of the Civil Service Board respecting physical examinations. The present police matrons shall (if they have not already done so) take and file with the City Auditor the oath of office required of members of the Bureau of Police, before they shall have full status as such members.

3.20.250 Badges.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.260 Block Home Applicants, Background Investigation Required.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.270 Maintenance of Property Room.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.280 Receipts for Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.290 Records.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

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3.20.300 Prisoner's Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.310 Evidence Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.320 Miscellaneous Property and Storage Charges.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.330 Storage Charge on Prisoner's Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.340 Storage Charge on Evidence Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.350 Lien and Foreclosure.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.360 Fees for Report on Police Records.

(Amended by Ordinance No. 153909, effective November 22, 1982.) The Bureau of Police shall establish a schedule of fees and procedures for obtaining copies of reports, searching arrest records, accident photographs, fingerprinting, and all similar records services it performs. Except upon court subpoena, reasonable limitations may be placed upon the amount of information made available, the use for which it may be requested, and the persons entitled to receive it. The schedule of fees and procedures established under this Section shall not be effective until approved by the Commissioner In Charge of the Bureau of Police. No fee shall be charged to those agencies (or their representatives) who request such services for official use and who have as a primary organizational responsibility the apprehension, prosecution, or the direct supervision of the parole or probation, of criminal offenders.

3.20.370 Accountability and Disposition of Fees.

(Amended Ordinance No. 153909, effective November 22, 1982.) The Chief of the Bureau of Police shall ensure that a full and complete record of all fees collected under that authority of this Chapter is kept and that all fees so collected are remitted to the City Treasurer as provided by Section 3.08.140. The City Treasurer shall credit the amounts so received to the General Fund.

3.20.380 Conveyances Seized for Drug Transport.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.390 Multnomah County Deputy Sheriffs Authorized the Arrest or Cite for Violations of City Code Provisions.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

Chapter 3.21

**CITY AUDITOR'S
INDEPENDENT POLICE REVIEW DIVISION**

(Chapter replaced by Ordinance No. 175652,
effective July 1, 2001.)

Sections:

- 3.21.010 Purpose.
- 3.21.020 Definitions.
- 3.21.030 Independent Police Review Division.
- 3.21.040 Director Selection.
- 3.21.050 Staff and Delegation.
- 3.21.060 Office Facilities and Administration.
- 3.21.070 Powers and Duties of IPR.
- 3.21.080 Citizen Review Committee.
- 3.21.090 Powers and Duties of the Committee.
- 3.21.100 Council Role.
- 3.21.110 Intake.
- 3.21.120 Handling Complaints.
- 3.21.130 Communications.
- 3.21.140 Filing Requests for Review.
- 3.21.150 Case File Review.
- 3.21.160 Hearing Appeals.
- 3.21.170 Monitoring and Reporting.
- 3.21.180 Increasing Public Access.
- 3.21.190 Response of Chief.
- 3.21.200 Limitation on Power.
- 3.21.210 Subpoenas.
- 3.21.220 Bureau Witnesses.

3.21.010 Purpose.

The City hereby establishes an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to act on complaints against Police Bureau personnel for alleged misconduct, and recommend appropriate changes of Police Bureau policies and procedures toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of community policing services. This office shall be known as the Independent Police Review Division.

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3.21.020 Definitions.

(Amended by Ordinance Nos. 176317, 183657 and 186416, effective February 7, 2014.)
In this Chapter:

- A.** “Appellant” means either:
 - 1.** A person who has filed a complaint with IPR and subsequently requested review of the investigation or
 - 2.** A member about whom a complaint has been filed with IPR and who has subsequently requested review by the Committee of the investigation.
- B.** “Bureau” means the Bureau of Police of the City of Portland, Oregon.
- C.** “Chief” means the Chief of the Bureau.
- D.** "Citizen" or “community member” means any person who is not an employee of the Bureau.
- E.** “Commissioner In Charge” means the Commissioner In Charge of the Bureau.
- F.** “Committee” means the Citizen Review Committee, which is appointed by City Council members to assist IPR in the performance of its duties and responsibilities pursuant to this Chapter.
- G.** “Complaint” means a complaint by a citizen, the Director, a member or other employee of the Bureau of alleged member misconduct.
- H.** "Complainant" means any person who files a complaint against a member of the Portland Bureau.
- I.** "Director" means the director of the Independent Police Review Division or the Director’s designee.
- J.** "Finding" means a conclusion reached after investigation as to whether facts show a violation of Bureau policy.
- K.** "Early Warning System" means the Bureau's method of identifying officers exhibiting a pattern of behavior that signals potential problems for both the Bureau and public, as explained in General Order 345.00.
- L.** “IAD” means the Internal Affairs Division of the Bureau, whose responsibilities and procedures are described in Section 330.00 of the Manual of Rules and Procedures of the Bureau, as amended from time to time.

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- M.** "IPR Investigator" means an investigator of the Independent Police Review Division.
- N.** "IPR" means the Independent Police Review Division.
- O.** "Member" means a sworn employee of the Bureau or a supervisor of sworn employees. An "involved" member is a member about whom a complaint has been submitted to IPR or the Bureau.
- P.** "Misconduct" means conduct by a member which conduct violates Bureau regulations or orders, or other standards of conduct required of City employees.
- Q.** "Request for Review" means a request by an appellant that the Committee review an IAD or IPR investigation of alleged member misconduct.
- R.** "RU (Responsibility Unit) Manager" means a commanding officer or manager of a Bureau division, unit or precinct.
- S.** "Supported by the Evidence." A finding regarding a complaint is supported by the evidence when a reasonable person could make the finding in light of the evidence, whether or not the reviewing body agrees with the finding.
- T.** "Police Review Board" means the board established by Code Section 3.20.140.
- U.** "Policy-related issue" means a topic pertaining to the Police Bureau's hiring and training practices, the Manual of Policies and Procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular officer's conduct.

3.21.030 Independent Police Review Division.

There is established by the City Council the Independent Police Review Division within the Auditor's Office.

3.21.040 Director Selection.

(Amended by Ordinance No. 186416, effective February 7, 2014.) The City Auditor shall select the Director of IPR in accordance with any applicable civil service regulations and other laws. The Director shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems of administration, and public policy, and shall have a working knowledge in criminal justice commensurate to the powers and duties of the office.

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3.21.050 Staff and Delegation.

(Amended by Ordinance No. 186416, effective February 7, 2014.)

- A.** The Director may appoint other personnel necessary to carry out the provisions of this chapter, when in keeping within the adopted budget for the IPR.
- B.** The Director may delegate to a designee any or all duties or responsibilities.

3.21.060 Office Facilities and Administration.

- A.** The City shall provide suitable office facilities for the Director and staff in a location convenient for the public but separate from the Bureau.
- B.** The IPR office shall be located within the City Auditor's office, and be accountable to the City Auditor. The Director shall comply with City purchasing procedures but shall have sole discretion in choosing consultants to assist with investigations.

3.21.070 Powers and Duties of IPR.

(Amended by Ordinance Nos. 176317, 183657, 185076 and 186416, effective February 7, 2014.) The Director's powers and duties are the following:

- A.** Intake. IPR shall receive complaints and select the appropriate manner to address the complaint.
- B.** Report on complaint activities. IPR shall track and report on the disposition of complaints to the public, IAD, the Chief, and the Council and monitor and report measures of activity and performance of IAD and IPR. IPR will also monitor and track trends relating to member history and complaint type as well as frequency, consistency and adequacy of discipline imposed. In performing these duties, IPR shall have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR shall also have direct access to original database sources as permitted by state and federal law.
- C.** Access to Police data and data sources. IPR shall have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR shall also have direct access to original database sources as permitted by state and federal law.
- D.** Initiate, monitor and conduct investigations. IPR is authorized to initiate, monitor and conduct administrative investigations. IPR is authorized to identify complaints or incidents involving members that are of community concern which

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merit additional involvement of the Director and to review evidence and IAD investigation efforts, participate in investigations with IAD investigators, or conduct the investigations in conjunction with or independent of the Bureau. The Bureau shall notify the Director that it intends to conduct an administrative investigation into misconduct before initiating the investigation. IPR will conduct these investigations in accordance with Human Resources Administrative Rules regarding process and investigation of complaints of discrimination.

- E.** Compel review. In accordance with the procedures of Code Section 3.20.140, the Director may compel review by the Police Review Board of any recommended findings of or recommendation for discipline by an RU Manager or Commanding Officer resulting from a Bureau or IPR administrative investigation of a member. The Director may compel review by the Police Review Board on the basis of recommended discipline whether or not discipline was recommended as a result of the investigation.
- F.** Communicate with Complainants. IPR will be the primary contact with the complainant regarding the status and results of the complaint; to assist IAD in communicating with the Member.
- G.** Arrange hearings of appeals. IPR will explain the appeal options to complainants and schedule hearings before the Committee and Council.
- H.** Recommend policy changes. IPR will evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems. Policy change recommendations shall be published for public review.
- I.** Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.
- J.** Access to records. Notwithstanding any other provision of City law, IPR shall have access to and be authorized to examine and copy, without payment of a fee, any bureau records, including records which are confidential by city law, and police databases, subject to any applicable state or federal laws. The Director shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney clients. The Director shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure.
- K.** Adoption of rules. IPR shall adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting

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investigations, and reporting findings, conclusions and recommendations. However, the Director may not levy any fees for the submission or investigation of complaints.

- L.** Review of closed investigations. IPR shall hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. IPR shall issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The Director and the Citizen Review Committee shall address any policy-related or quality of investigation issues that would warrant further review.
- M.** Additional public reports. The Director may issue public reports related to member misconduct trends and Bureau disciplinary practices. Conduct investigative interviews of Bureau employees.
- N.** Conduct investigative interviews of Bureau employees.
- O.** All Bureau employees shall be truthful, professional and courteous in all interactions with IPR. No member shall conceal, impede or interfere with the filing, investigation or adjudication of a complaint.
- P.** The Auditor may work through the City Attorney's Office to hire outside counsel when the Auditor and City Attorney agree that outside legal advice is necessary and advisable.

3.21.080 Citizen Review Committee.

(Amended by Ordinance Nos. 177688, 185076 and 186416, effective February 7, 2014.)

- A.** The Committee shall consist of eleven citizens. Five members shall constitute a quorum of the Committee. Decisions shall be made by a majority of Committee members present and constituting a quorum. However, adoption or amendment of rules of procedures or protocols requires an affirmative vote of six members. The Committee members shall be appointed as follows:
 - 1.** The Director shall solicit applications from the Office of Neighborhood Involvement, the seven Neighborhood Coalition offices, Mayor and commissioners' offices, PPB advisory committees, and the general public.
 - 2.** The City Auditor shall appoint a committee that shall recommend to the Auditor the appropriate number of nominees to fill impending vacancies. The selection committee shall consist of three CRC representatives, either past or not applying for reappointment, two members of the community, and the Director. Three of the selection committee members, including

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one CRC representative and the Director, shall serve as the interview panel.

3. Selection criteria shall include a record of community involvement, passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest. The selection committee will nominate individuals who are neutral, unbiased, and capable of making objective decisions. The Mayor and commissioners may each submit an applicant meeting these qualifications.
4. The Auditor shall recommend nominees to Council for appointment.
5. In the event a majority of the Council fails to appoint a person nominated under the provisions of City Code Section 3.21.080 the Auditor shall initiate the process again within 30 days after the Council action.
6. In selecting Committee members, consideration shall be given to the current composition of the Committee and appointments should be made that will cause the group to best reflect the demographic make-up of the community.

B. The Committee members shall:

1. Participate in orientation and training activities that may include review of Bureau and IPR procedures, participation in Bureau training to become familiar with police training, policies and investigative practices, including Police Review Board process, participate in ride-alongs with officers, to maintain sufficient knowledge of police patrol procedures.
2. Each serve a term of three years, subject to reappointment by Council. Upon expiration of the term, a committee member shall serve until reappointed or replaced.
3. Attend committee meetings or provide an explanation in advance for an absence.
4. Serve staggered terms to better ensure continuity. Four members of the Committee shall be appointed to one year terms in July 2001.
5. Select a chair from among their members. Adopt such operating policies and procedures as necessary to carry out their duties.
6. Sign a confidentiality statement.

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7. Serve on the Police Review Board when the Board reviews use of force cases as defined in Chapter 3.20. Committee members shall serve on the Police Review Board on a rotating basis for no more than two terms of three years.

3.21.090 Powers and Duties of the Committee.

(Amended by Ordinance Nos. 177688 and 185076, effective December 14, 2011.)

A. The Committee's duties and powers are the following:

1. Conduct meetings. To schedule and conduct at least four meetings per year for the purpose of exercising the authority delegated to it in this chapter. Quarterly meetings and hearings conducted pursuant to the Chapter shall be subject to the Oregon Public Meetings Law, ORS 192.610 through 192.710. The number of Committee members required for a quorum shall be five.
2. Gather community concerns. To participate in various community meetings to hear concerns about police services.
3. Recommend policy changes. To evaluate complaint, investigative practices, and other information to make policy recommendations to the Chief of Police, the Director, and the Council to prevent and rectify patterns of problems.
4. Advise on operations. To review methods for handling complaints and advise on criteria for dismissal, mediation, and investigation.
5. Hear appeals. To hold hearings of complainant or member appeals as defined in City Code Section 3.21.160; to recommend referral to a final hearing before Council; to publicly report its findings, conclusions and recommendations.
6. Outreach to public. To advise and assist the Director to disseminate information about IPR and Committee activities to organizations in the community; to present reports to Council.
7. Create other committees. To create special purpose subcommittees or committees including other citizens to address particular short-term issues and needs.

3.21.100 Council Role.

- A. Council shall review applications of nominees to the Committee and vote whether to approve each appointment.
- B. Council shall hear final appeals as specified in 3.21.160.

3.21.110 Intake.

(Amended by Ordinance Nos. 179162 and 186416, effective February 7, 2014.)

- A. The Director shall receive complaints from any source concerning alleged member misconduct. The Director shall make reasonable accommodation when complainants cannot file their complaint at the IPR office. All allegations of use of excessive force shall be subject to a full and completed investigation resulting in findings, unless there is clear and convincing evidence to IPR that the allegation has no basis in fact.
- B. The Director shall develop procedures for handling complaints and appeals involving matters currently in litigation or where a notice of tort claim has been filed. The Director shall not initiate a case where a grievance or other appeal has been filed under a collective bargaining agreement or City personnel rules; or with respect to employee or applicant discrimination complaints.
- C. The Director, when requested, shall protect the confidentiality of complainants, members or witnesses consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Director to carry out his or her duties, or to comply with applicable collective bargaining agreements, or the disclosure of records is directed by the District Attorney. When considering a request for public records, the Director shall consult with appropriate Bureau personnel and obtain approval from the Bureau prior to disclosure of records under the Oregon Public Records Law.

3.21.120 Handling Complaints.

(Amended by Ordinance Nos. 179162, 183657 and 186416, effective February 7, 2014.)
To ensure appropriateness and consistency in handling complaints the Director shall work with the Committee to establish procedures for taking action based upon the characteristics of the complaint.

- A. Mediation. The complainant, the Member who is the subject of the complaint, and Bureau administration must all agree before mediation can be conducted. A complaint that undergoes mediation shall not be investigated. A mediation may be suspended if, in the opinion of the mediator, there is no reasonable likelihood of reaching resolution.

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B. Complaint Types:

- 1.** Complaint Type I: IPR is the intake point for complaints from community members and others regarding the conduct of members during an encounter involving a community member. Type I complaints involve alleged misconduct of a member during an encounter involving a community member.
- 2.** Complaint Type II: A complaint about alleged member misconduct that does not occur during an encounter involving a community member is a Type II complaint. Such a complaint may be initiated by another Bureau employee or supervisor, or may be based on information obtained from another law enforcement agency, an employee of governmental agency acting in an official capacity or a community member. These complaints may be filed with the Bureau or with IPR.
- 3.** Complaint Type III: A complaint may be initiated by the Director at the discretion of the Director that an administrative investigation is warranted. IPR can initiate a complaint whether or not the alleged misconduct occurred during an encounter involving a community member and is not dependent on a community or Bureau member filing a complaint.
 - a.** IPR will initiate and conduct administrative investigations in accordance with Human Resources Administrative Rules regarding process and investigation of complaints of discrimination.
 - b.** If a criminal investigation has been initiated against the involved member, or during the course of an IPR administrative investigation a basis for conducting a criminal investigation arises, IPR shall advise the City Attorney and/or District Attorney prior to initiating or continuing an administrative investigation. IPR shall take all steps necessary to meet constitutional requirements and comply with existing provisions of City labor agreements.
- 4.** Complaint Type IV: When Bureau supervisors generate complaints about poor member performance or other work rule violations. RU managers are responsible for intake and investigation of allegations of Type IV cases.
- 5.** For all complaint types, the Bureau shall notify IPR prior to the termination of any administrative investigation that has not been assigned for recommended findings.

C. Initial Handling and Investigation of Type I Complaints

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1. Once IPR receives a Type I complaint regarding alleged misconduct of a member during an encounter involving a community member, IPR will:
 - a. Gather information about the complaint through an intake interview;
 - b. Assign an IPR/IAD Case Number;
 - c. Make a case handling decision; and
 - d. Send a letter to the complainant summarizing the complaint and the Director's case handling decision.
2. If IPR determines an investigation is appropriate, IPR will identify the complainant's allegations and either:
 - a. Recommend that the Bureau/IAD conduct an investigation

IPR shall gather information from the complainant and forward it to the Bureau/IAD. IPR shall monitor the on-going Bureau investigation. The Director may determine that a Bureau/IAD investigation should also involve IPR personnel. When forwarding the complaint to the Bureau/IAD the Director shall notify the IAD Commander of the extent that IPR personnel must be included in the investigation. Bureau/IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

IPR personnel shall have an opportunity to review and comment on draft reports regarding a Bureau/IAD investigation to ensure accuracy, thoroughness, and fairness. The investigation cannot be closed or sent to the RU manager without IPR's determination that the investigation is complete.

To facilitate review, IAD shall tape record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and shall make those tapes, or accurate copies, available during a review of an IAD investigation.

In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

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- b.** IPR may conduct an independent investigation.
The Director shall have discretion to initiate and conduct an independent investigation of alleged member misconduct. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member.
IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. The Director shall notify the IAD commander that IPR has undertaken an investigation and the reason.
To facilitate review, IPR shall tape record all interviews with witnesses, including members of the Bureau, conducted during an investigation and shall make those tapes, or accurate copies, available during a review of an investigation.
The Director shall provide the IAD commander and the Police Chief with a report on the investigation, and present the IPR investigation to the RU manager for preparation of findings and proposed discipline. At the completion of the investigation and any appeal process the records of the investigation shall be transferred to the IAD offices for retention.
- 3.** Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.
- 4.** Dismissal. If IPR declines to take action on the complaint, IPR will send a dismissal letter to the complainant. IPR will also notify the involved officer(s) and involved commanding officer within 30 calendar days of the dismissal. The Director may dismiss the complaint for the following reasons:
 - a.** the complainant could reasonably be expected to use, or is using, another remedy or channel or tort claim for the grievance stated in the complaint;
 - b.** the complainant delayed too long in filing the complaint to justify present examination;
 - c.** even if all aspects of the complaint were true, no act of misconduct would have occurred;
 - d.** the complaint is trivial, frivolous or not made in good faith;

- e. other complaints must take precedence due to limited public resources;
- f. the complainant withdraws the complaint or fails to complete necessary complaint steps.
- g. it is more likely than not that additional investigation would not lead to a conclusion that the officer engaged in misconduct.
- h. lack of jurisdiction.

D. Initial Handling and Investigation of Type II Complaints

1. If a Type II complaint is filed with IPR, IPR will gather information about the complaint and make a case handling decision. When appropriate, IPR will assign an IPR/IAD case number. Before disposing of a complaint of alleged misconduct or initiating an investigation, IPR shall notify the Bureau in writing how it intends to process the complaint and whether it intends to refer the case to the Bureau/IAD to conduct an investigation or conduct an independent investigation as set forth below. IPR will make an entry regarding the allegations in the Administrative Investigation Management (AIM) or other appropriate database which can be reviewed by the Director.
2. If a Type II complaint is filed within the Bureau, Bureau/IAD staff will create an intake worksheet and assign an IPR/IAD case number for use by IAD. Before disposing of a complaint of alleged misconduct or initiating an investigation, the Bureau/IAD shall notify the Director in writing how it intends to process each complaint and whether it intends to conduct an internal investigation. In addition, the Bureau/IAD will make an entry regarding the allegations in the Administrative Investigation Management (AIM) database or other appropriate database which can be reviewed by the Director.
3. Bureau/IAD Investigation. If the Type II complaint is filed with IPR, IPR shall gather information from the complainant and forward it to the Bureau/IAD. IPR shall monitor the on-going investigation. The Director may determine that a Bureau/IAD investigation should also involve IPR personnel. When forwarding the complaint to the Bureau/IAD, the Director shall notify the Bureau/IAD Commander of the extent that IPR personnel must be included in the investigation. Bureau/IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

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IPR personnel shall have an opportunity to review and comment on draft reports regarding a Bureau/IAD investigation to ensure accuracy, thoroughness, and fairness. The investigation can not be closed or sent to the RU manager without IPR's determination that the investigation is complete.

To facilitate review, IAD shall tape record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and shall make those tapes, or accurate copies, available during a review of an IAD investigation.

In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

4. IPR independent investigation. The Director shall have discretion to initiate and conduct an independent investigation of alleged member misconduct. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member.

IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. The Director shall notify the Bureau/IAD commander that IPR has undertaken an investigation and the reason.

To facilitate review, IPR shall tape record all interviews with witnesses, including members of the Bureau, conducted during an investigation and shall make those tapes, or accurate copies, available during a review of an investigation.

The Director shall provide the IAD commander and the Police Chief with a report on the investigation, and present the IPR investigation to the RU manager for preparation of findings and proposed discipline. At the completion of the investigation the records of the investigation shall be transferred to the IAD offices for retention.

5. Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.

E. Initial Handling and Investigation of Type III Complaints

Upon opening a Type III IPR initiated complaint investigation. IPR staff will create an intake worksheet and assign an IPR/IAD case number. If a Type III case involves alleged member misconduct during an encounter involving a community member, the case will be handled following the same procedures as a

Type I complaint. If a Type III case involves alleged member misconduct that does not occur during an encounter involving a community member, the case will be handled following the same procedures as a Type II complaint.

F. Initial Handling and Investigation of Type IV Complaints

RU managers are responsible for intake and investigation of allegations of Type IV cases. The RU manager will provide the Director a summary of the complaint and a summary of any subsequent investigation of a sworn member. The Director may refer the matter to IAD for further investigation, conduct additional investigation, or controvert the RU manager's recommendations and compel review by the Police Review Board after receiving the completed investigation.

G. Type I, II, III & IV Post-Investigative Case Handling Procedures:

1. Adequacy of investigation. When an investigation of any type of complaint is conducted by IAD or other designated PPB division, after the investigation is complete, IAD will provide the Director with a copy of and provide unrestricted access to the entire investigation file. Upon review of the file, the Director or designee must determine whether or not the investigation is adequate, considering such factors as thoroughness, lack of bias, objectivity, and completeness. If the Director determines that the investigation is not adequate, the investigation shall be returned to the IAD or other designated division within the Bureau explaining the determination and providing direction. Such direction shall include, but not limited to, rewriting portions of the summary, gathering additional evidence, conducting additional interviews, or re-interviewing officers or civilians. The investigation can not be closed or sent to the RU manager without IPR's determination that the investigation is complete. Upon receipt of IPR's determination that the investigation is complete, IAD shall send the investigation to the appropriate RU Manager.
2. Submission of recommended findings or proposed discipline. The RU manager will review the investigation for any type of complaint when the investigation is conducted by IAD, other designated PPB division or IPR and submit recommended findings and proposed discipline to the supervising Assistant Chief. The supervising Assistant Chief will circulate the recommended findings and proposed discipline to the Director and the Captain of IAD. After receipt of the recommended findings and proposed discipline, the supervising Assistant Chief, the Director or the Captain of IAD may controvert the RU Manager's recommended findings and/or proposed discipline.
3. Police Review Board meeting. If the recommended findings and/or proposed discipline are controverted, the Bureau shall schedule a Police

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Review Board meeting on the complaint. As specified in Code Section 3.20.140, the Police Review Board shall also hold a meeting for review of a case if it involves an officer-involved shooting, physical injury caused by an officer that requires hospitalization, an in-custody death, a less lethal incident where the recommended finding is “out of policy” or if the investigation resulted in a recommended sustained finding and the proposed discipline is suspension without pay or greater.

4. Notification and Appeals of Type I and III complaints without Police Review Board meeting. In Type I cases, and Type III cases where the alleged misconduct occurred during an encounter involving a community member, if the recommended findings are not sent to the Police Review Board for a meeting, the Director shall send a letter to the complainant explaining the disposition of the complaint and add any appropriate comment regarding the reasoning behind the decision. IPR will notify the complainant that they have a right to request a review of the Bureau’s recommended findings to the Committee and provide an appeal form. The Bureau will notify the involved member regarding the disposition of the complaint. The Bureau will notify the involved member of the right to request a review of the recommended findings to the Committee. The Bureau will be responsible for providing the member and union representative with the appeal form. A copy of the communications sent by IPR and IAD will be placed into the AIM database or other appropriate database for both IPR and IAD review.
5. Notification and Appeals of Type I and III complaints after Police Review Board hearing. In Type I cases and Type III cases where the alleged misconduct occurred during an encounter with a community member and the recommended findings are sent to the Police Review Board for a meeting, the Director shall send a letter to the complainant explaining the disposition of the complaint and add any appropriate comment regarding the reasoning behind the decision. IPR will notify the complainant that they have a right to request a review of the recommended findings to the Committee and provide an appeal form. The Bureau will notify the involved member regarding the proposed findings of the Police Review Board. The Bureau will notify the involved member of the right to request a review of the recommended findings to the Committee. The Bureau will be responsible for providing the member and union representative with the appeal form. A copy of the communications sent by IPR and IAD will be placed into the AIM database or other appropriate database for both IPR and IAD review.
6. No appeal of Type II and certain Type III complaints. In Type II cases and Type III cases that involve alleged member misconduct that does not

occur during an encounter involving a community member, the recommended findings may not be appealed to the Committee.

7. Nothing in this section prohibits the Bureau from terminating the employment of a probationary officer without following the procedures of this Section.
8. The Police Commissioner and the City Auditor shall be notified and provided with explanatory information in all cases where an administrative investigation exceeds 129 days, and the information posted on the City's website.

3.21.130 Communications.

The IPR shall ensure that the complainant and member complained about are informed of the progress and status of the complaint or appeal. Communication may be accomplished orally or by first class mail.

3.21.140 Filing of requests for review.

(Amended by Ordinance Nos. 183657 and 187136, effective June 19, 2015.)

- A. Any complainant or member who is dissatisfied with an investigation of alleged member misconduct that occurred during an encounter with a community member may request a review.
- B. The request for review must be filed within 14 calendar days of the complainant or member receiving IPR's notification regarding disposition of the case. The Director may adopt rules for permitting late filings. When good cause has been established, the Director may accept late filings. Good cause includes, but is not limited to:
 1. Appellant has limited English language proficiency.
 2. Appellant has physical, mental or educational issues that contributed to an untimely request for review.
- C. A request for review must be filed in writing personally, by mail or email with the IPR Office, or through other arrangements approved by the Director.
- D. The request for review shall include:
 1. The name, address, and telephone number of the appellant;
 2. The approximate date the complaint was filed (if known);

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3. The substance of the complaint;
 4. The reason or reasons the appellant is dissatisfied with the investigation.
- E. The complainant or member may withdraw the request for review at any time.

3.21.150 Case File Review.

(Replaced by Ordinance No. 187136, effective June 19, 2015.)

- A. When the Director receives and accepts a timely request for review, a Case File Review and Appeal Hearing shall be scheduled before the Committee. The Director will notify the CRC Executive Committee upon receipt of a request of review. The Case File Review shall take place prior to the Appeal Hearing either on the same day or on an earlier date.
- B. The Case File Review will be an opportunity for the Committee to assess the completeness and readiness of the investigation for an Appeal Hearing.
- C. During either the Case File Review or Appeal Hearing, the Committee may direct, by majority vote, additional investigation by either IAD and/or IPR.
1. Only Committee members who have read the case file are eligible to vote.
 2. The Committee will have one opportunity to direct additional administrative investigation, all other requests will be at the discretion of either IAD or IPR.
 3. The request for additional investigation may include multiple areas of inquiry.
 4. All additional investigation will be conducted in a timely manner, with the Committee given regular updates.
- D. If the committee agrees no further investigation and consideration of the evidence appears warranted, the committee shall vote on when to hold an Appeal Hearing.

3.21.160 Hearing Appeals.

(Amended by Ordinance No. 185076, effective December 14, 2011.)

- A. An Appeal Hearing shall be conducted after a majority vote of the Committee to hold such a hearing at the case file review or other meeting of the full Committee.
1. At the Appeal Hearing the Committee shall decide by majority vote:

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- a. To recommend further investigation by IAD or IPR; or
 - b. If the finding is supported by the evidence. In a case where the majority of the voting members of the Committee affirms that the Bureau's recommended findings are supported by the evidence, the Director shall close the complaint; or
 - c. If the finding is not supported by the evidence. In a case where a majority of the voting members of the Committee challenges one or more of the Bureau's recommended findings by determining that one or more of the findings is not supported by the evidence, and recommends a different finding, the Director shall formally advise the Bureau in writing of the Committee recommendation.
 - (1) If the Bureau accepts the recommendation, the Bureau shall formally advise the Director in writing, and the Director shall close the case.
 - (2) If the Bureau does not accept the recommendation, the Bureau shall formally advise the Director in writing, and the Director shall schedule the case for a conference hearing.
 - (a) At the conference hearing, if the Committee, by a majority vote, is able to reach an agreement with the Bureau on the recommended findings, the Director shall close the case.
 - (b) If, by majority vote, the Committee can not reach an agreement with the Bureau on the recommended findings, the Committee shall vote whether to present the appeal to City Council.
 - (c) If, by majority vote, the Committee decides to present the appeal to City Council, the Director and the Committee Chair will schedule an appeal hearing before City Council. The Committee shall appoint one of its members to present its recommended findings during the appeal to City Council.
2. In its hearing the Council shall decide:

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- a.** If the finding is supported by the evidence. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint; or
 - b.** If the finding is not supported by the evidence. The Council shall decide what the finding is. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint.
- B.** In reviewing the investigation, the Committee may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Committee may receive any oral or written statements volunteered by the complainant or the member or other officers involved or any other citizen. The complainant or member may appear with counsel. When the Committee's review process develops new information, the Committee may consider the new information when determining if additional investigation is warranted, but the Committee may not incorporate the new information in the evidentiary record the Committee considers when determining if a finding is supported by the evidence.
- C.** In reviewing the investigation, the Council may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, any documents accumulated during the investigation, the recording of the Committee's case file review and appeal hearing, the Committee's Case File review Worksheet, and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Council may receive any oral or written statements volunteered by the complainant or the member about whether or not they believe the finding is or is not supported by the evidence in the record. No new evidence may be introduced in the hearing. The complainant or member may appear with counsel.
- D.** Witnesses.
 - 1.** The Committee and Council may require within its scope of review the investigators and Commander of IAD and the Director to appear and answer questions regarding the investigation and may also require the responsible Bureau Commander to answer questions regarding the basis and the rationale for a particular decision.
 - 2.** Other Witnesses. Other witnesses shall not be required to appear involuntarily before the Committee.
 - 3.** Council may utilize the full powers granted by Section 2-109 of the Charter, including the power to compel the attendance and testimony of

witnesses, administer oaths and to compel the production of documents and other evidence. The power to compel the attendance and testimony of witnesses in accordance with City Code Section 3.21.160 D.3. shall not be delegated by the Council to the Committee.

3.21.170 Monitoring and Reporting.

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

- A.** The Director shall develop a data system to track all complaints received, develop monthly reports to inform IAD and the Chief regarding IAD workload and performance, and inform complainants and members regarding the status of complaints and appeals.
- B.** The Director shall use complaint and OMF Risk Management Division data to support the Bureau's Early Warning System.
- C.** The Director shall work with the Committee to develop recommendations to modify Bureau policies and procedures in order to prevent problems, improve the quality of investigations, and improve police-community relations.
- D.** The Director shall work with the Committee to develop quarterly and annual summary reports for the Chief, Commissioner in Charge, Council and public on IPR and IAD activities, policy recommendations, and Bureau follow-through on recommendations. The report may include analysis of closed files which were not appealed, but it is not the intent that the files be reopened.

3.21.180 Increasing Public Access.

(Amended by Ordinance No. 186416, effective February 7, 2014.)

- A.** The Director shall work with the Committee to make complaint forms available in formats and locations to reach as many community members as possible.
- B.** The Director shall work with the Committee to develop programs to educate the public about IPR and the importance of reporting problems.
- C.** The Director shall work with the Committee to develop programs to educate Bureau personnel on the complaint process, mediation, and IPR activities. Bureau personnel shall be informed that IPR is the primary means for citizens to file complaints.
- D.** IPR, Committee and Bureau shall develop guidelines for situations when a commander or supervisor in a precinct is directly contacted by a complainant with a complaint. In general, they may intervene and attempt to resolve the complaint

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themselves, but they must also inform complainants that they can still file with IPR if they do not achieve satisfaction.

3.21.190 Response of Chief.

(Amended by Ordinance No. 186416, effective February 7, 2014.)

- A.** The Chief, after reviewing a report provided by IPR under City Code Section 3.21.170, shall respond promptly to IPR in writing, but in no event more than 60 days after receipt of the report. The response shall indicate what, if any, policy or procedural changes are to be made within the IAD or the Bureau.
- B.** If the Chief fails to respond within 60 days after receipt of the Committee Report, the Auditor shall place the matter on the Council Calendar, for consideration by City Council, within 15 days thereafter.

3.21.200 Limitation on Power.

The Committee and Director are not authorized to set the level of discipline for any member pursuant to any request for review made under this Chapter. However, this Section shall not be construed to limit the authority granted to City Council by the City Charter, City Code, state statutes, and other applicable law.

3.21.210 Subpoenas.

(Added by Ordinance No. 183657; Amended by Ordinance No. 186416, effective February 7, 2014.) IPR shall have the authority to issue subpoenas for the purpose of compelling witness testimony or the production of documents, photographs, or any other evidence necessary for IPR to fully and thoroughly investigate a complaint or conduct a review.

IPR personnel will not subpoena a sworn Bureau member employed by the Portland Police Bureau, but is authorized to direct Bureau members to cooperate with administrative investigations as described in Sections 3.21.120 and 3.21.220.

Any person who fails to comply with a subpoena will be subject to contempt proceedings as prescribed by State law; provided that such persons shall not be required to answer any question or act in violation of rights under the constitutions of the State or of the United States.

3.21.220 Bureau Witnesses.

(Added by Ordinance No. 186416, effective February 7, 2014.)

- A.** A Bureau employee shall attend investigative interviews conducted by IPR, cooperate with and answer questions asked by IPR during an administrative investigation of a member conducted by IPR. If an employee refuses to attend an investigative interview after being notified to do so by IPR or refuses to answer a question or questions asked by IPR during an investigative interview, the Police

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Chief or Police Commissioner shall direct the employee to attend the interview and answer the question or questions asked.

- B.** All IPR interviews of Bureau employees shall be conducted in conformance with legal requirements and collective bargaining provisions.
- C.** Prior to being interviewed, a Bureau employee will be:
 - 1.** Notified of the time, date, and location of the interview.
 - 2.** Informed of the right to bring a union representative to the interview.
 - 3.** Read a statement, issued under the authority of the Police Chief or Police Commissioner, that the employee is directed to attend the interview, cooperate during the interview and answer all questions fully and truthfully and, if the employee fails to attend the interview, cooperate during the interview or answer any questions fully and truthfully, the employee will be subject to discipline or discharge
 - 4.** Provided with any other information or protections required by any applicable collective bargaining agreement.
- D.** A representative of the Police Bureau shall attend IPR interviews of Bureau employees for the purpose of reading the statement referenced in Subsection C. and to provide any assistance required by IPR.

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Chapter 3.22

Portland Fire & Rescue

(Chapter amended by Ordinance No. 180917,
effective May 26, 2007.)

Sections:

- 3.22.010 General Organization.
- 3.22.020 Organized by Council - Subject to Civil Service.
- 3.22.030 Council Powers.
- 3.22.040 Care of Property by Council.
- 3.22.050 Duties of Chief Engineer.
- 3.22.060 Destroying Buildings to Check Fire.
- 3.22.070 Appointment of Temporary Employees.
- 3.22.080 Assignment of Disabled Members.
- 3.22.090 Rules and Regulations and Administrative Orders.
- 3.22.100 Uniforms.
- 3.22.110 Fire Suppression and/or Prevention Contracts.
- 3.22.120 Renewal Notices.
- 3.22.130 Contract Form to be Approved by City Attorney.
- 3.22.140 Mutual Assistance Agreements.
- 3.22.150 Use of Fire Boats for Pumping Water Out of Boats and Barges.
- 3.22.160 Fees for Pumping Water from Imperiled Vessels.
- 3.22.170 Distribution of Awards Earned by Members of Portland Fire & Rescue.
- 3.22.180 Forested and Wildland Interface Areas Fire Protection Plan.

3.22.010 General Organization.

(Amended by Ordinance Nos. 136677, 149110, 150993, 158149, 160883 and 182105, effective September 12, 2008.) Portland Fire & Rescue shall consist of the Chief Engineer (generally referred to as the Chief of the Bureau) and such other employees as the Council may provide. The mission of Portland Fire & Rescue shall be to safely protect life, property, and the environment by providing excellence in emergency services, training and prevention. Portland Fire & Rescue shall be comprised of the following divisions:

- A.** The Emergency Operations Division, which shall be responsible for the saving of life and property from fire or other disaster, emergency medical services, hazardous materials incidents, conducting a fire loss control program, training and other miscellaneous public services;
- B.** The Fire Prevention Division, which shall be responsible for fire prevention inspections and Code enforcement (Title 31), fire and life safety plans review, fire

and arson investigation, enforcement of harbor regulations (Title 19), and conducting an educational fire prevention program;

- C. The Management Services Division, which shall be responsible for budget and finance, long range capital planning and program development, special projects, manual and automated management information systems, planning and administrative support services, and supplying logistical support which shall include facility and vehicle maintenance, operational supplies and services;
- D. The Training and Safety Division, which shall be responsible for initial training of all newly hired firefighters, on-going training to maintain and improve the skills of all personnel, safety and risk management programs, accident and injury investigation and analysis, researching and developing new technologies and practices, and promoting training and educational opportunities for career development of all Bureau personnel.

3.22.020 Organized by Council - Subject to Civil Service.

(Amended by Ordinance No. 160883, effective June 9, 1988.) Portland Fire & Rescue of the City shall be organized by the Council and the members appointed as provided by the Charter, subject to the Civil Service rules of the Charter, and thereafter, subject to the restrictions contained in the Charter. All the powers of the City connected with and incident to the appointment, discipline, and government of its Portland Fire & Rescue shall be vested in the Commissioner In Charge of Portland Fire & Rescue .

3.22.030 Council Powers.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Council shall have the power and it is hereby made its duty to organize, govern, and conduct a Portland Fire & Rescue for effective service within the City, and to that end may authorize the appointment of a Chief Engineer (Fire Chief) and as many other officers and employees as in its opinion are necessary. It shall have the power to make, or power to delegate authority to the Commissioner In Charge of Portland Fire & Rescue to make, all necessary or convenient rules and regulations for the organization and conduct of the Bureau, for receiving and hearing complaints against any members, and for the removal or suspension of any member of the Bureau. The Civil Service rules prescribed in the Charter shall apply to every officer and member of the Bureau and shall govern the actions of the Council in its organization and government of the Bureau.

3.22.040 Care of Property by Council.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Council shall have the custody and management of all the public property, including the fire alarm telegraph, pertaining to Portland Fire & Rescue. It shall have power and authority, subject to the limitations and appropriations made and expenditures authorized by the Council, to purchase and acquire all necessary apparatus, including fireboats, engines, hose, hose carriages, and all other personal property which the exigencies of an efficient Portland

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Fire & Rescue may require. It shall have power and authority to sell and dispose at public sale under the provisions of the Charter relating to sales of public property of any portion of said personal property whenever the same is not required, or when it may be considered by the Council unfit for service in the Bureau. The proceeds of any such sale shall be paid by the purchaser to the Treasurer of the City, who shall issue a proper receipt therefor, and all such monies shall be credited to the General Fund of the City.

3.22.050 Duties of Chief Engineer.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Chief Engineer (Fire Chief) shall diligently observe the condition of the apparatus and property and workings of the Bureau and make an annual report in writing to the Commissioner In Charge of Portland Fire & Rescue. The Chief Engineer (Fire Chief) shall also make recommendations from time to time with regard to the needs of the Bureau as he may deem proper.

3.22.060 Destroying Buildings to Check Fire.

The Chief Engineer, or, in his absence, any Assistant Chief Engineer, may during a conflagration, cause to be cut down, or otherwise removed, any buildings or structures for the purpose of checking the progress of such conflagration.

3.22.070 Appointment of Temporary Employees.

The Council, in case of any general conflagration or great emergency, may appoint such temporary employees as it may deem necessary and to whom Civil Service rules shall not apply.

3.22.080 Assignments of Disabled Members.

Members and officers of a higher grade who have done faithful service and have been disabled so as to unfit them for serving in the position occupied when so disabled may be assigned to other duties suitable to their physical abilities and shall always have preference in such assignments.

3.22.090 Rules and Regulations and Administrative Orders.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The rules and regulations of Portland Fire & Rescue shall be promulgated by the Chief Engineer, subject to approval by the Commissioner In Charge of the Bureau, and the Chief Engineer shall have authority to issue general and special orders which shall be administrative in nature and shall be in addition to or supplemental to the rules and regulations as promulgated by the Chief Engineer and approved by the Commissioner In Charge. The rules and regulations and the general or special orders shall govern the conduct of the members of Portland Fire & Rescue and shall be designed for the efficient and effective functioning of the Bureau.

3.22.100 Uniforms.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The following rules shall apply to uniforms for employees appointed to Portland Fire & Rescue who are members of the Fire and Police Disability and Retirement System:

- A.** The Chief of the Bureau shall, subject to the approval of the Commissioner In Charge, prescribe specifications for fire uniforms and establish rules, regulations and conditions of wearing thereof.
- B.** Upon report of the Commissioner In Charge of Portland Fire & Rescue, the Council shall designate which items of the uniform specified by the Chief of the Bureau under subdivision A above shall be furnished by the City to those employees required to wear the prescribed uniform in performance of their normal and usual fire duties. Each new employee shall be furnished a complete set of designated items of uniform. All other employees shall be furnished designated items of uniform on the basis of replacement when needed as determined by the Fire Chief. Items furnished by the City shall remain property of the City. The Fire Chief shall establish the rules, regulations and conditions for issuance and control thereof;
- C.** The Chief of the Bureau shall have the authority to designate duty assignments which require dress other than the prescribed uniform. For such designated duty, no items of uniform shall be furnished, and those employees affected shall receive an annual cash clothing allowance in lieu of the items of uniform furnished by the City. Clothing allowances shall be paid in accordance with Section 5.08.070.

3.22.110 Fire Prevention and Suppression Contracts.

(Amended by Ordinance Nos. 132356, 160840, and 160883, effective June 9, 1988.) The Commissioner In Charge of Portland Fire & Rescue and the City Auditor hereby are authorized to enter into contracts under the provisions of the State Rural Fire Protection District Act. Contracts authorized by this Section are subject to the following conditions:

- A.** The City shall provide both fire prevention and fire suppression services and will not provide fire suppression services only.
- B.** Payment for services by individuals and private organizations, having no tax levying authority under State law, shall be in advance, excepting those contracts in excess of \$25,000, which may be paid on a quarterly basis in advance. The Auditor shall execute such contracts only upon receipt of such payment;
- C.** Contracts with political subdivisions of the State shall be entered into only upon certification to the Auditor by the governing body of such political subdivision that there will be assessed upon the taxpayers of such political subdivision an amount not less than:

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1. The contract price.
2. Unpaid balances, if any, owing the City on previous fire prevention and suppression contracts.
3. An estimated amount sufficient to compensate for the delinquencies, based upon previous experience.

The Auditor shall execute such contracts only upon receipt of such certification, unless specially authorized by ordinance. Payment upon such contracts shall be due in equal semi-annual installments on or before January 1 and June 1 of the year in which the contract is in effect;

D. As used in this Section:

1. **“Effective year”** means the fiscal year in which the contract is operative,
2. **“Previous year”** means the fiscal year first preceding the effective year.
3. **“Property owner’s assessed value”** means the assessed value in the previous year of land, improvements and personal property of the individual, organization or political subdivision contracting for City fire prevention and suppression, provided, however, that for political subdivisions, the City Auditor shall decrease such assessed value to adjust for changes in boundaries which become effective during the previous year as the result of annexations to the City. If property or a portion thereof, which is included in the determination of property owner’s assessed valuation, be outside Multnomah County, the assessed value shall be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.
4. **“Assessed value of City property”** means the assessed value, in the previous year, of land, improvements and personal property in the City. The assessed value of those portions of the City lying outside Multnomah County shall be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.
5. **“Cost to City taxpayers”** means the sum, to the nearest dollar, of:
 - a. Portland Fire & Rescue General Fund budget of the previous year,

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- b. A portion of the budget for Fire and Police Disability and Retirement Fund based upon the ratio of the number of firemen to the number of policemen employed on January 1 of the previous year, and;
 - c. Ten percent of the total of a. and b. to allow for payroll taxes and other expenditures outside the Portland Fire & Rescue General Fund budget;
- E. The charge for City fire suppression and fire prevention services by contract authorized under this Section shall be computed by the following formula:

(Cost To City Taxpayers)
Multiplied by
(Property Owner's Assessed Value)
Divided by
(Assessed Value of City Property)
- F. Each application for a fire suppression and/or fire prevention contract under this Section, and for renewal of a previous contract under this Section, shall be forwarded to the Chief of Portland Fire & Rescue. The Chief shall attach thereto his report upon the accessibility, water supply, distance from the City fire equipment, and other conditions pertaining to the area to be protected. The Chief shall then submit the application to the Commissioner In Charge of Portland Fire & Rescue for approval or disapproval before a contract is entered into.

3.22.120 **Renewal Notices.**

(Amended by Ordinance No. 132356, effective April 1, 1971.) On or near February 15 of each year the Auditor shall mail to each individual, organization and political subdivision then under contract with the City for fire suppression and/or fire prevention, letter stating the dollar amount the City will charge for renewal of the contract in the next succeeding fiscal year. This amount will be computed by the formula in Section 3.22.110. The letter, if directed to a political subdivision contracting under Section 3.22.110 B, will also state the amount owed the City and then in arrears, if any, under preceding contracts or the contract then in effect. Such letter shall not operate as a waiver or estoppel of the right of the City to refuse renewal of any contract under Section 3.22.110 B because of delinquencies or other good cause.

3.22.130 Contract Form to be Approved by City Attorney.

All contracts executed in accordance with the provisions of this Chapter shall be approved as to form by the City Attorney.

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3.22.140 Mutual Assistance Agreements.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Mayor and the Commissioner In Charge of Portland Fire & Rescue may enter in agreements with agencies of the federal government and with political subdivisions of a state in which each party agrees to provide mutual assistance, in the form of men and equipment, in combating large fires within the boundaries of the other party or parties to such agreements.

3.22.150 Use of Fire Boats for Pumping Water Out of Boats and Barges.

(Amended by Ordinance No. 160883, effective June 9, 1988.) Upon the approval of the Chief of Portland Fire & Rescue and of the Commissioner In Charge, the fire boats of Portland Fire & Rescue may be used for the purpose of pumping out water from boats and barges which ply the Willamette or Columbia rivers.

3.22.160 Fees for Pumping Water from Imperiled Vessels.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The fees for the emergency pumping services permitted by Section 3.22.150 shall be \$200 per hour. The owner, owner's agent, or master of the vessel requesting the nonfire emergency pumping service shall be advised that the pumping fee shall be \$200 per hour before a fire boat is dispatched to the emergency location. The fire boat officer, on arrival, shall obtain written agreement from the owner, owner's agent or master of the vessel in peril to pay the City \$200 per hour for salvage pumping before beginning operations. When the service of the fire boat is completed, the Chief of Portland Fire & Rescue shall certify to the Commissioner In Charge the exact time employed by the fire boat, and the Commissioner shall thereupon make a final charge for such service and require payment of such charge by the applicant. In the event salvage efforts fail, and if so recommended by the Chief Engineer (Fire Chief), the Commissioner In Charge of Portland Fire & Rescue may reduce or omit the pumping fee.

3.22.170 Distribution of Awards Earned by Members of Portland Fire & Rescue.

(Amended by Ordinance No. 160883, effective June 9, 1988.) All awards earned by members of Portland Fire & Rescue participating in Rose Festival activities shall go to the personnel and improvements of the fire engine quarters where such companies are housed.

3.22.180 Forested and Wildland Interface Areas Fire Protection Plan.

(Amended by Ordinance Nos. 160127, 160883, 168127 and 182389, effective January 2, 2009.)

A. General Provisions.

- 1.** Title. This plan shall be known as the Forested and Wildland Interface Areas Protection Plan of the City.

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2. Scope. This plan is primarily designed for the detection and suppression of forest and brush fires in forested, rural and urban areas of the City, and in all areas with which the City has contracted to furnish fire protection. Additionally, the fire suppression provisions of this plan may be activated when a fire outside the City becomes a threat to areas within.
3. Purpose. The purpose of this plan is to establish operational responsibilities of departments and bureaus of the Portland municipal government and supporting agencies within the scope of this plan.
4. Participation required. Participation is required of the Bureaus of Parks, Portland Fire & Rescue, Police, Waterworks, General Services and Maintenance Operations.
5. Participation voluntary. Voluntary participation by nongovernmental agencies, having emergency capabilities in areas of disaster relief, is authorized and encouraged; provided, however, that each voluntary agency shall submit an operational program to this plan as hereinafter provided.

B. Plan Coordination.

1. Coordinator. The Chief of Portland Fire & Rescue is known as the coordinator of this plan. He shall see that the operational programs of departments, bureaus and supporting agencies are submitted and made a part of this plan and kept current from year to year.
2. Operational Programs. The head of each participating bureau, office and/or agency shall submit an operation program to the Coordinator and keep him/her informed of changes at all times. Such operational programs shall be a part of this plan. They shall include the names and telephone numbers of key alerting personnel, a listing of other personnel by number and job classification, and a listing of all mobile and special equipment. Additionally, operational programs of Portland Fire & Rescue and the Bureau of Parks shall contain descriptive details of routine maintenance and regulatory responsibilities. The operational programs shall be respectively identified as follows:

PROGRAM I: Bureau of Parks

PROGRAM II: Portland Fire & Rescue

PROGRAM III: Bureau of Police

PROGRAM IV: Portland Water Bureau

PROGRAM V: General Services

PROGRAM VIII: Maintenance Operations

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PROGRAM IX: Reserved for Nongovernmental
PROGRAM X: Reserved for Nongovernmental

C. Command Responsibility for Fire Fighting.

1. In all forested and rural areas lying within the City, and in all areas for which the City has a contract to furnish fire protection, overall command of fire fighting operations shall be the responsibility of the Chief of Portland Fire & Rescue.
2. Operating units will in all cases be under the direct control of their own commanders or foremen, superintendents, etc. However, such units will function in conformity with the tactical fire-fighting plan established by the sector commander to whom they are assigned.

D. Activation and Response.

1. All participants and resources listed in the plan will be activated in accordance with the plan at the request of the Incident Commander.
2. All participants in the plan will send liaison personnel to the field headquarters, support command headquarters, and the Emergency Operations Center as requested by the Incident Commander.

E. Personnel alerting.

1. The Bureau of Emergency Communications will initiate the alerting of participating services as outlined in the plan. The person contacted is then to complete the calls required by his/her bureau, office or agency.
2. For the purpose of alerting as required in 1 above, the head of each participating service shall establish and maintain master-call lists or a key-alerting system.

Chapter 3.24

PORTLAND WATER BUREAU

(Chapter replaced by Ordinance No. 182053,
effective August 15, 2008.)

Sections:

- 3.24.010 Organization.
- 3.24.020 Administration.
- 3.24.030 Customer Service Group.
- 3.24.040 Engineering Services Group.
- 3.24.050 Finance and Support Services Group.
- 3.24.060 Maintenance and Construction Group.
- 3.24.070 Operations Group.
- 3.24.080 Resources Protection and Planning Group.

3.24.010 Organization.

The Portland Water Bureau will be under the direction and control of the Administrator of the Portland Water Bureau. The Bureau will be charged with the responsibility for the finance, operation, maintenance and improvement of the City's water distribution system and will be made up of the work groups set forth in this Chapter. The Administrator shall coordinate and manage the Bureau's work groups in a manner that achieves the Bureau's mission and meets the goals established by the City Council.

3.24.020 Administration.

The Administrator's Office is responsible for policy planning, leadership, direction, and operation of the Bureau. The Administrator's Office also manages security for the distribution system, property management, organization development, Bureau human resources management, public information/involvement, long-range planning, government and community relations, legislative activities, and liaison with the Commissioner-in-Charge and City Council.

The Administrator of the Portland Water Bureau is authorized to enforce the provisions of Portland City Code Chapters 17.36 Sewer User Charges and 21.16 Rates and Charges addressing delinquent water, sewer and stormwater management charges, collections, adjustments and refunds.

The Administrator of the Portland Water Bureau may issue administrative rules and regulations pursuant to Section 21.24.080 Administrative Rules, Procedures and Forms.

3.24.030 Customer Service Group.

The Customer Service Group manages billing and collection services for the Portland Water Bureau including but not limited to, establishment of new accounts, close out of terminated accounts, meter reading, meter inspection services, leak repair notification,

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bill generation, payment application, remittance processing, approval of adjustments and refunds, delinquent account notification, collection of delinquent accounts by all legal means, termination of service for delinquency, resumption of water service and such other duties as requested by the Administrator. The Group will also be responsible for responding to ratepayer inquiries, hearing appeals of the matters for which the Group is responsible and managing financial assistance programs.

When performing these responsibilities for the Bureau of Environmental Services, the Group's authority may be defined by written agreement and Administrative Rules.

3.24.040 Engineering Services Group.

The Engineering Services Group is responsible for planning, design, and construction of the Water System. In addition, this group serves as customer liaison for new service installation, drafting (including geographic information system), surveying, inspecting, and maintaining records on distribution system improvements. This group manages the Bureau's emergency management program. This group also has responsibility for developing facility standards, asset management, contract management, and developing and managing the Bureau's Capital Improvement Projects (CIP). Administrative oversight of the Hydroelectric Power function is conducted within this group.

3.24.050 Finance and Support Services Group.

The Finance and Support Services Group provides financial planning, rate setting, budgeting, accounting, payroll, auditing, financial analyses, and fiscal monitoring functions for the Bureau. It also provides clerical support for Bureau staff in the Portland Building. This includes the interfaces to City financial and personnel systems, and other Bureau-specific software systems.

3.24.060 Maintenance and Construction Group.

The Maintenance and Construction Group is responsible for repair, operation, and maintenance of the distribution system. Installation, operation, and maintenance functions related to mains, services, valves, hydrants, and leak detection are performed by this group. This work includes direct services and related support for control valves, carpentry, purchasing and stores operation, and loss control programs. This group manages the Bureau's two apprentice programs. The emergency crew provides response for outside normal work hour requirements, including main breaks and other emergency responses.

3.24.070 Operations Group.

The Operations Group is responsible for the operation and maintenance of water supply and treatment from the Watershed and the Columbia South Shore Well Field (CSSWF). This group operates and maintains the conduits, terminal storage reservoirs, tanks, pump stations, water treatment facilities, pressure regulators, an accredited Laboratory, and the Water Control Center. Work responsibilities include water quality protection, regulatory compliance, laboratory services, system metering, and addressing water quality customer

complaints. This group is also responsible for the operation and maintenance of the decorative fountains.

3.24.080 Resources Protection and Planning Group.

The Resource Protection and Planning Group is responsible for Watershed and Columbia South Shore Well Field (CSSWF) management and coordination with federal, state and local partners to protect the quality of both of Portland's drinking water sources. This responsibility includes addressing legislative and regulatory issues and performing integrated resource planning, comprehensive planning on major issues, supply and demand analysis, and coordination of the Regional Water Providers Consortium. This Bureau work group is also responsible for the Bureau's business, residential and multifamily water conservation programs and Bureau sustainability efforts.

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Chapter 3.26

BUREAU OF PARKS

Sections:

- 3.26.010 Organization Generally.
- 3.26.020 Executive and Clerical Division.
- 3.26.030 Park Maintenance and Operation Division.
- 3.26.040 Nursery and Planting Division.
- 3.26.050 Public Recreation Division.
- 3.26.080 Sale or Exchange of Surplus Animals, Birds or Reptiles.
- 3.26.090 Solar Friendly Trees.

3.26.010 Organization Generally.

The Bureau of Parks shall consist of the Superintendent of Parks who shall be in charge, and such other employees as the Council may provide. The Bureau of Parks shall be made up of the divisions set forth in this Chapter.

3.26.020 Executive and Clerical Division.

The Executive and Clerical Division, supervised by a Principal Clerk or other competent person, shall maintain the necessary records with regard to payrolls, requisitions, and cost accounting for the Bureau of Parks, and in addition shall have control over the women's comfort stations maintained by the Bureau of Parks.

3.26.030 Park Maintenance and Operation Division.

The Park Maintenance and Operation Division, supervised by an Assistant Superintendent of Parks or other competent person, shall have charge of the care, upkeep, and repair of park property in the Zoo, parks, and playgrounds of the City including all swimming tanks. This Division shall also have control over the trucks owned by the Bureau of Parks.

3.26.040 Nursery and Planting Division.

(Amended by Ordinance No. 184522; Amended by Ordinance Nos. 185448 and 186053, effective January 1, 2015.) The Nursery and Planting Division, supervised by a Director of Park Plantings or other competent person, shall have control over the gardening and nursery functions and properties of the Bureau of Parks, including the greenhouse, nursery, golf courses, and floral displays.

Removal of trees, permits for removal of trees, removal of limbs of trees and reports in regard to trees shall be subject to the rules and requirements of Title 11. The City Forester shall be responsible for the application and enforcement of provisions of the Tree Regulations in Title 11, as further specified within that Title.

3.26.050 Public Recreation Division.

The Public Recreation Division, supervised by a Director of Recreation, shall have charge of the public recreational program and property of the Bureau of Parks, including activities at community houses, summer playgrounds, swimming tanks and summer camps.

3.26.060 Municipal Stadium Division.

(Repealed by Ordinance No. 185569, effective September 28, 2012.)

3.26.080 Sale or Exchange of Surplus Animals, Birds or Reptiles.

The Superintendent of Parks, with the approval of the Commissioner In Charge, hereby is authorized to trade, sell or exchange surplus animals, birds or reptiles, with public or private zoos throughout the United States or Canada, provided that the value of such animal, bird or reptile so traded, sold, or exchanged does not exceed the sum of \$1,000. The Superintendent of Parks, in connection with such transaction, hereby is authorized to pay necessary handling charges incident to such trade, sale or exchange.

3.26.090 Solar Friendly Trees.

(Repealed by Ordinance No. 184522; Amended by Ordinance Nos. 185448 and 186053, effective January 1, 2015.)

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Chapter 3.27

PORTLAND PARKS AND RECREATION BOARD

(Chapter added by Ordinance No. 176002,
effective October 10, 2001.)

Sections:

- 3.27.010 Purpose.
- 3.27.020 Definitions.
- 3.27.030 Members and Terms.
- 3.27.040 Organization and Meetings.
- 3.27.050 Duties.
- 3.27.060 Staff Liaison and Support.

3.27.010 Purpose.

The Portland Parks and Recreation Board is hereby established, for the following purposes: to ensure that the vision and recommendations of the Parks 2020 Vision are at the forefront of discussions about park and recreation issues and trends over time, in all areas of the city; to advocate for parks on a city and regional basis to ensure that parks, natural areas, open spaces and recreation facilities are advanced in city and regional planning and design; to provide continuity when transitions occur in the leadership of Portland Parks and Recreation and on the City Council; and to provide a forum for public discussion and decision-making about park issues, bringing a city-wide and long-term perspective to neighborhood-based issues.

3.27.020 Definitions.

As used in this Chapter, unless the context requires otherwise, the following definitions apply:

- A. “Board” means the Portland Parks and Recreation Board.
- B. “Bureau” or “Portland Parks and Recreation” means the Bureau of Parks and Recreation of the City of Portland, or whatever agency is given responsibility for the City’s system of parks and recreation.
- C. “Commissioner” means the Commissioner in Charge of Portland Parks and Recreation.
- D. “Council” means the City Council of the City of Portland, Oregon.

- F.** “Director” means the Director of Portland Parks and Recreation, or the Bureau head, however designated.

3.27.030 Members and Terms.

(Amended by Ordinance No. 184647, effective June 8, 2011.)

- A.** Voting Members. The Portland Parks Board shall consist of a minimum of nine (9) and a maximum of fifteen (15) voting members appointed by the Mayor in consultation with the Commissioner, and confirmed by the Council. Members shall serve without compensation for terms of three years. No member shall be appointed to more than two full consecutive terms. A member appointed initially to a term of less than three years may thereafter be re-appointed to two consecutive three-year terms. A member otherwise may be re-appointed after at least one full year following completion of the member’s two consecutive terms. The initial appointments shall be staggered in order to provide for a proportional turnover of terms each year. Members shall be appointed who demonstrate a commitment to Portland Parks and Recreation and to the mission of the Board. Members are expected to bring a system-wide perspective to the Board, and shall not represent individual interests or areas of the City. However, the membership of the Board shall strive to reflect the demographic and geographic diversity of the City.
- B.** Ex Officio Members. The Board may, in its discretion, appoint such ex officio members as, in the judgment of the Board, will assist it in carrying out its functions. Such ex officio members shall be appointed in a manner to be determined by the Board. Ex officio members shall not have the right to vote. Ex officio members shall not be subject to the term limitations of Subsection A. of this Section, but the Board may, by rule or regulation, provide for terms and other conditions of service of ex officio members as it may deem necessary or desirable.

3.27.040 Organization and Meetings.

The Board shall adopt such rules of procedure as it deems necessary to the conduct of its duties. The Board shall elect each year a Chair and such other officers as the Board may from time to time establish. The Board shall meet at least quarterly, and may meet more often. The Board Chair, in consultation with the Commissioner and the Director, shall set the agenda for Board meetings.

3.27.050 Duties.

The Board shall:

- A.** Advise the Council, the Commissioner and the Director on policy matters pertaining to Portland Parks and Recreation, using the Parks 2020 Vision as its guide.

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- B.** Advise the Council, the Commissioner and the Director on the preparation and contents of the annual Portland Parks and Recreation budget request.
- C.** Review plans and policies, either existing or being developed, by other City bureaus, boards and commissions or by other government agencies, that affect parks and recreation in the City of Portland, and advocate for the advancement of parks, natural areas, open spaces and recreation facilities and services in City and regional planning and design.
- D.** Engage in such public outreach, education and advocacy, to the extent permitted by law, as the Board determines necessary or advisable in order to provide a forum for public discussion and decision-making about park and recreation issues.
- E.** Prepare and submit to the Council an annual report which shall summarize the Board's activities during the year and which shall identify the major issues facing Portland Parks and Recreation and the Board's recommendations for addressing them in the coming year.

3.27.060 Staff Liaison and Support.

The Director shall be the staff liaison to the Board, and shall, to the extent budgeted funds are available therefor, provide the Board with staff assistance necessary to the discharge of its duties.

Chapter 3.28

BUREAU OF HEALTH

Sections:

- 3.28.010 Transfer of Functions.
- 3.28.020 Executive and Clerical Division.
- 3.28.030 Communicable Disease Control Division.
- 3.28.040 Tuberculosis Control Division.
- 3.28.050 Venereal Disease Control Division.
- 3.28.060 Laboratory Division.
- 3.28.070 School Hygiene Division.
- 3.28.080 Emergency Hospital Division.
- 3.28.090 Pure Food Sanitation Division.
- 3.28.100 Division of Mental Health.
- 3.28.110 Division of Home Health Care.

3.28.010 Transfer of Functions.

During the term of a contract presently existing between the City and Multnomah County whereby functions of the City's Bureau of Health are being performed by the County, and the County Health Officer is acting as the City Health Officer, and all Bureau of Health Employees, are now County employees, the Multnomah County Department of Medical Services shall perform the functions heretofore performed by divisions of the City Health Bureau, as set forth in this Chapter.

3.28.020 Executive and Clerical Division.

The Executive and Clerical Division shall maintain the central office and all necessary records thereof, including all statistics relating to births and deaths as required by law.

3.28.030 Communicable Disease Control Division.

The Communicable Disease Control Division shall exercise the power of quarantine and detention and shall adopt such other measures as will prevent the spreading or aid in the prevention of communicable diseases such as typhoid fever, smallpox, tuberculosis, scarlet fever and others.

3.28.040 Tuberculosis Control Division.

The Tuberculosis Control Division shall provide clinical services for diagnosis and a visiting nurse service to make sure that the lessons of prevention are carried out by the patients under actual home conditions.

3.28.050 Venereal Disease Control Division.

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

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3.28.060 Laboratory Division.

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

3.28.070 School Hygiene Division.

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

3.28.080 Emergency Hospital Division.

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

3.28.090 Pure Food Sanitation Division.

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

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

3.28.100 Division of Mental Health.

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

3.28.110 Division of Home Health Care.

The Division of Home Health Care shall provide the limited nursing services such as but not limited to prescribed treatment, application of dressings, irrigations, exercises and baths and home health aide services including but not limited to nonprofessional care of

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ill or injured persons, food marketing or other needed shopping or errand, preparation and serving of meals and light housekeeping.

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Chapter 3.30

BUREAU OF DEVELOPMENT SERVICES

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

Sections:

- 3.30.005 Organization.
- 3.30.010 Duties of the Bureau of Development Services.
- 3.30.020 Responsibility for the Development Services Center and Development Review.
- 3.30.030 Development Review Advisory Committee.
- 3.30.040 Administration and Enforcement.
- 3.30.045 Administrative Rulemaking Procedures.
- 3.30.050 Special Jurisdiction.
- 3.30.060 Nuisance Abatement Contracts.
- 3.30.070 Inspections.
- 3.30.080 Stop Work Orders.

3.30.005 Organization.

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

3.30.010 Duties of the Bureau of Development Services.

(Amended by Ordinance Nos. 176955, 180330, 182671, 182962, 186216, 184522, 185448 and 186053, effective January 1, 2015.) The Bureau of Development Services shall be responsible for:

- A.** The administration and enforcement of provisions of the Tree Regulations, Title 11, as further specified in that Title.
- B.** The administration and enforcement of:
 - 1.** Building Regulations, Title 24.
 - 2.** Plumbing Regulations, Title 25.
 - 3.** Electrical Regulations, Title 26.
 - 4.** Heating and Ventilating Regulations, Title 27.

5. Floating Structures, Title 28.
 6. Property Maintenance Regulations, Title 29.
 7. Signs and Related Regulations, Title 32.
 8. Original Art Murals, Title 4.
 9. State of Oregon Regulations regarding manufactured dwellings.
 10. Other regulations enacted by the State of Oregon and adopted by the City Council and assigned to the Bureau.
- C. The application and enforcement of the provisions of Planning and Zoning Regulations, Title 33 as delegated by the Director of the Bureau of Planning and Sustainability.
- D. The examination and checking of applications, plans, specifications and supporting documentation required as a prerequisite to the approval of land use actions and permits for development.
- E. The coordination of related permits with other bureaus and offices as required to manage the Development Services Center.
- F. The issuance of approvals and permits required for the construction, installation, repair, or alteration of land, buildings or equipment.
- G. The inspection of sites, buildings or other structures and equipment for compliance with plans and specifications and with applicable Code provisions and laws; and
- H. Other duties as assigned to the Bureau.
- 3.30.020 Responsibility for the Development Services Center and Development Review.**
(Amended by Ordinance No. 176955, effective October 9, 2002.)
- A. The Bureau of Development Services shall be responsible for the operation and management of the City's Development Services Center.
- B. The Bureau of Development Services has management responsibility for assigned personnel through direct assignment or through interagency agreements, and manages the daily operation of the Center.

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3.30.030 Development Review Advisory Committee.

(Amended by Ordinance Nos. 176955, 178954, 184046 and 184183, effective November 26, 2010.)

- A. Purpose.** The Development Review Advisory Committee is a citizen advisory body, representing those with interests in the outcome of policies, budgets, regulations, and procedures that affect development review processes. The purpose of the Committee is to foster a timely, predictable and accountable development review process that implements the City's goals for land use, transportation, housing, economic development, neighborhood livability and the environment. The Committee advocates for and supports consistent and fair application and implementation of regulations. The Committee provides public input into the development review process by:
1. Providing leadership and expertise on issues affecting development;
 2. Providing feedback to Bureaus, Review Bodies, and City Council on the impact of potential regulations and administrative rules on the development review process, taking into consideration the full range of City goals and objectives;
 3. Providing recommendations for regulatory, code, and administrative rule changes affecting the development review process;
 4. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's development goals;
 5. Recommending customer service, permitting, process, and compliance improvements to Bureaus, Review Bodies, and/or City Council;
 6. Serving as an advisory board to Development Review Directors and Bureaus on development review processes and procedures;
 7. Providing input to ensure budgets of development review agencies are adequate to meet service goals and desired system outcomes.
- B. Membership.** The Development Review Advisory Committee shall consist of seventeen members. The members shall be appointed by the Commissioner-in-Charge of the Bureau of Development Services and confirmed by the City Council. The members shall be selected to provide representation of those persons concerned about planning, design and development. The areas of interest of members shall include, but not be limited to, development, planning, construction contracting, public works, design professions, neighborhood interests, business interests, historic preservation, environmental organizations,

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

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

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

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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.

- 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.

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- 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.

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. Interim rules.

- 1.** The Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the public interest.
- 2.** Interim rules will be effective for a period of not longer than 180 days.
- 3.** The Bureau of Development Services shall post public notice of the interim rule not more than 30 days after adoption by posting on its website and shall send notice to the Office of Neighborhood Involvement. Such notice shall identify the location at which copies of the full set of the interim rules may be obtained.

D. All final and interim rules shall be filed in the office of the Director. Copies of all final and interim rules will be made available to the public at the Development Services Center.

3.30.050 Special Jurisdiction.

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

3.30.060 Nuisance Abatement Contracts.

(Amended by Ordinance No. 176955, effective October 9, 2002.) When authorized elsewhere in this Code to abate a nuisance, the Bureau of Development Services may either abate the nuisance with City personnel as may be provided by this Code, or when necessary, the Bureau of Development Services, acting through its Director, may contract with eligible contractors for the performance of nuisance abatement services pursuant to the procedures established in Sections 3.30.040 through 3.30.060 of this Code.

3.30.070 Inspections.

A. Definitions. The terms used in this Section shall be defined as provided in this subsection, unless the context requires otherwise:

- 1.** Building Regulations means any city code title listed in 3.30.010, or any other safety or health statute, ordinance, regulation, rule, standard or order the Director is authorized to enforce.

2. Property means real property and all improvements or structures on real property, from property line to property line.

B. Warrants. Whenever an inspection is necessary to enforce any of the provisions authorized by this Title, or whenever the Director has reasonable cause to believe that there exists in any building or upon any property any condition which makes such property substandard as defined in any building regulations, the Director may request any Circuit Court judge to issue an inspection warrant for the inspection or investigation of any building or upon any property as required or authorized by city code or by statute. The inspection warrant is an order authorizing a safety or health inspection or investigation to be conducted at a designated building or property.

C. Grounds for Issuance of Inspection Warrants; Affidavit.

1. Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the building or property to be inspected or investigated, and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.
2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is cause to believe that a condition of nonconformity with any building regulations exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with any building regulations.

D. Procedure for Issuance of Inspection Warrant.

1. Examination. Before issuing an inspection warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.
2. Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly the

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person or persons authorized to execute the warrant, the property to be entered, and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any other time of the day or night.

E. Execution of Inspection Warrants.

- 1. Occupied Property.** Except as provided in subsection 2. of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
- 2. Unoccupied Property.** In executing an inspection warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the search warrant shall be conspicuously posted on the property.
- 3. Police Assistance.** In issuing an inspection warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the building inspector or representative of the bureau inspecting the property in any way necessary to complete the inspection.
- 4. Return.** An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 5 working days from its date of execution, unless such judge before the expiration of such time extends the time for five days. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

3.30.080 Stop Work Orders.

(Amended by Ordinance Nos. 176955 and 186564, effective June 13, 2014.)

- A.** When it is necessary to obtain compliance with this Title, or any violations of provisions administered by the Bureau of Development Services, the Director

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may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, the responsible party may not resume work until such time as the Director give specific approval in writing. The stop work order will be in writing and will include:

1. Date of order;
 2. Permit or registration number, where applicable;
 3. Site address, legal description or project location of stop work order;
 4. A description of violations observed; and
 5. The conditions under which the work may resume.
- B.** The stop work order will be posted by the Director at a conspicuous location at the site. In addition, a copy will be sent to the responsible party by Certified mail. Where the responsible party is not the property owner, a copy of the stop work order will also be sent to the property owner.
- C.** It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
- D.** A stop work order is effective upon posting.
- E.** When an emergency condition exists, the Director may issue a stop work order orally. The Director will then issue a written notice under Section A, above, within 24 hours.
- F.** Stop work orders for work commenced without a permit.
1. The Director may issue a stop work order for work commenced without a required permit.
 2. The Director may impose a penalty as set forth in the Enforcement Fee and Penalty Schedule adopted by the City Council when a stop work order is issued for commencing work without a required permit.

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Chapter 3.32

BUREAU OF LICENSES

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

Chapter 3.33

**BUREAU OF PLANNING
AND SUSTAINABILITY**

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

Sections:

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

3.33.010 Purpose.

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

3.33.020 Organization.

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

3.33.030 Functions.

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

The Bureau of Planning and Sustainability:

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

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- D.** Maintains, modifies, and updates Title 33, Planning and Zoning, and the City Zoning Map;
- E.** Develops, modifies and updates city sustainability principles, climate protection strategies, and green building and other sustainability policies and programs including sustainable government, renewable energy, energy efficiency, sustainable industries, and sustainable food systems; and evaluates the implementation and effectiveness of these policies and programs;
- F.** Develops, modifies and updates economic, environmental, housing, historic preservation, and community development policies and programs; updates demographic data; advocates for and advances quality sustainable urban design; works to ensure natural resource enhancement; and supports thriving neighborhoods and business communities; and evaluates the implementation and effectiveness of these policies and programs;
- G.** Convenes meetings of the Planning and Development Directors to coordinate planning and development activities of the City of Portland;
- H.** Provides City input into and coordination with regional and statewide planning and development activities;
- I.** Administers the City's solid waste and recycling rules and programs;
- J.** Provides support for:
 - 1.** The activities of the Planning and Sustainability Commission;
 - 2.** The legislative activities of the Portland Historic Landmarks Commission and the Portland Design Commission.
- K.** Carries out other tasks and functions as required by the City Council or Commissioner in Charge.

Chapter 3.34

**BUREAU OF PURCHASES AND
STORES**

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

TITLE 3
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Chapter 3.36

PORTLAND HOUSING BUREAU

(Chapter added by Ordinance No. 186028,
effective May 15, 2013.)

Sections:

- 3.36.010 Purpose.
- 3.36.020 Organization.
- 3.36.030 Functions.

3.36.010 Purpose.

The purpose of this Chapter is to describe the duties and responsibilities of the Portland Housing Bureau.

3.36.020 Organization.

The Portland Housing Bureau is administered by the Commissioner-in-Charge and led by the Director of the Portland Housing Bureau. The organization is structured to carry out its functions.

3.36.030 Functions.

The Portland Housing Bureau is responsible for housing policy, its implementation, and the distribution and oversight of public and other funds that address the housing interests of the City, and related programs and services.

A. The Portland Housing Bureau:

1. Works with the City Council, other bureaus, and the community to develop a vision for housing in the City of Portland;
2. Convenes government, community and stakeholders to coordinate planning for addressing homelessness, housing, and related activities;
3. Develops, modifies, evaluates and updates City policy in accordance with planning priorities;
4. Develops, modifies and updates community programs related to housing;
5. Distributes funds in accordance with planning, policy and program priorities to advance the City's interests in housing;

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6. Monitors the City's investment in Portland's affordable housing infrastructure for compliance with funding goals and the proactive management of the assets;
7. Monitors programs funded through the Bureau for compliance with funding goals;
8. Identifies the resources required to support the City's housing policies, programs, and priorities;
9. Provides support for the Portland Housing Advisory Commission (Chapter 3.38);
10. Carries out other tasks and functions as required by the City Council or Commissioner-in -Charge.

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Chapter 3.38
PORTLAND HOUSING ADVISORY
COMMISSION (PHAC)

(Chapter replaced by Ordinance No. 184329,
effective December 15, 2010.)

Sections:

- 3.38.010 PHAC Established.
- 3.38.020 PHAC Mission.
- 3.38.030 Duties.
- 3.38.040 Membership.
- 3.38.050 Staffing.
- 3.38.060 Consolidated Plan Consortium.
- 3.38.070 Cooperation.

3.38.010 PHAC Established.

Upon adoption of this ordinance by the City of Portland, the Portland Housing Advisory Commission (PHAC) is established. The PHAC is designated as the primary public forum for discussion of housing policy, strategy, and resources in the City of Portland.

3.38.020 PHAC Mission.

The mission of the PHAC is to advise the Director of the Portland Housing Bureau (PHB), the Housing Commissioner, and the Portland City Council on housing and homelessness policy, strategy, and resource issues, promote improvements within the Portland Housing Bureau and the larger housing system, highlight opportunities for influence between the City housing system and other systems, as well as provide a forum for public input on housing and homelessness issues.

3.38.030 Duties.

The PHAC is delegated to carry out the following functions:

- A. Housing Policy and Planning.
 - 1. Provide a sounding board on Portland housing policy issues.
 - 2. Promote improvements within PHB.
 - 3. Identify opportunities where PHB might influence the larger housing system to become more streamlined and to better align system resources, to support PHB's mission.
 - 4. Advise PHB on City priorities for affordable housing development.

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5. Monitor and periodically recommend updates to PHB's Strategic Plan.
 6. Monitor and annually recommend updates to the Consolidated Plan Priorities for allocation of federal housing and community development resources.
 7. Recommend annual production and performance goals to carry out PHB's Strategic Plan and the Consolidated Plan.
 8. Press PHB to implement its commitment to equity in all facets of its work.
- B. Budget Review and Recommendations.**
1. Function as the Budget Advisory Committee for the Portland Housing Bureau.
 2. Assist PHB to align its resources from all sources to its mission and priorities.
 3. Identify opportunities for PHB to influence other public agency budgets and proposed work programs in furtherance of its mission.
- C. Resource Development.** Assist PHB to identify and recommend ways to increase the resources available to maintain and expand the supply and availability of affordable housing and necessary support services through new initiatives and programs.
- D. Program Development and Evaluation.**
1. Advise PHB on the effectiveness of housing programs at meeting PHB's mission.
 2. Advise on strategies for investment of public resources in furtherance of the PHB's mission.
- E. Public-Private Partnerships.**
1. Advise PHB on strategies to improve access to public and private sources of financing for affordable housing initiatives. Sources of financing include banks, philanthropic institutions and other socially-motivated investors, the State Housing Trust Fund, Block Grant and entitlement funders, and bond issuing agencies.

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2. Foster housing production by identifying opportunities to streamline the regulatory process.
3. Actively encourage the support, personal commitment, and participation of highly respected community leaders in furthering the City's affordable housing agenda.

F. Community and Intergovernmental Relations.

1. Provide a forum for members of the community to provide comment about community needs and priorities.
2. Advise PHB on its legislative agenda to increase federal and state support for housing and supportive services.
3. Advise PHB on opportunities to coordinate regional housing policy with the Metropolitan Service District and other local governments.
4. Advise PHB on opportunities to coordinate policy development with local housing and social service groups.
5. Assist PHB to extend and deepen its community partnerships.
6. Assist PHB to integrate the perspectives of Urban Renewal Advisory Committees (URACs), and advise it on other ways it can engage the URACs to inform its broader agenda.
7. Periodically review PHB's broader public involvement strategy and implementation to make sure that community members and stakeholders have many opportunities to participate in PHB's work.
8. Advise PHB on its external communications strategy to make sure that it supports PHB's mission.
9. Periodically review PHB's information and referral strategy to make sure that it operates effectively and recommend changes.

3.38.040 Membership.

- A. The PHAC shall consist of at least twelve and no more than fifteen members.
- B. The City of Portland shall appoint all members.

- C.** Membership appointment shall achieve a balanced citizen-based perspective embracing a high level of knowledge of and expertise in market-rate and rent-restricted housing development and finance, asset management, homeownership, and housing access and stabilization services.
- D.** Membership appointment shall take into account the income, racial, ethnic, cultural, and geographic diversity of the community
- E.** Members will be expected to transcend their individual interests and affiliations to focus on the big picture.
- F.** For the initial appointments to PHAC, the following terms will apply: six members shall be appointed for a term of two years; and six for a term of three years.
- G.** All subsequent appointments to the PHAC shall be for terms of two years.
- H.** Members appointed for one two-year term shall be eligible to renew for one additional two-year term.
- I.** Members shall serve without compensation. However, the City may authorize reimbursement of the reasonable expenses of the members for carrying out the work of the PHAC.
- J.** The PHAC shall adopt rules of procedure (bylaws) as necessary for the governance of its proceedings.

3.38.050 Staffing.

PHB staff shall be provided for the ongoing functions of the PHAC. The Bureau shall provide notice of PHAC meetings to liaison staff representing the other key implementing and policy agencies in the local housing delivery system.

3.38.060 Consolidated Plan Consortium.

The Portland Housing Bureau shall continue to lead the Portland Consortium that includes the City of Gresham and Multnomah County, for the purpose of applying for federal housing and community development entitlement funds, and funding for homeless programs and services. PHB shall also continue to lead the same Consortium in preparing the Analysis of Impediments to Fair Housing and its periodic updates. PHB shall continue to provide staffing for these efforts, according to funding agreements reached among the participating jurisdictions.

3.38.070 Cooperation.

All city boards, bureaus, and agencies of any kind shall cooperate with the PHAC and shall provide information at the Commission's request.

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Chapter 3.40

BUREAU OF GENERAL SERVICES

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

Chapter 3.44

BUREAU OF CIVIC AUDITORIUM

(Chapter repealed by Ordinance No. 173369,
effective May 12, 1999.)

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ADMINISTRATION

Chapter 3.46

BUREAU OF INSECT CONTROL

Section:

3.46.010 County to Perform Duties.

3.46.010 County to Perform Duties.

During the terms of a contract presently existing between the City and Multnomah County whereby functions of the City's Bureau of Insect Control are being performed by the County and all Bureau of Insect Control employees are now County employees, the Multnomah County Department of Medical Services shall perform the functions heretofore performed by the Bureau of Insect Control.

Chapter 3.52

BUREAU OF COMPUTER SERVICES

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

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ADMINISTRATION

Chapter 3.53

BUREAU OF RISK MANAGEMENT

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

Chapter 3.54

LOSS CONTROL AND PREVENTION

(Chapter added by Ordinance No. 156028,
effective May 31, 1984.)

Sections:

- 3.54.010 Definitions.
- 3.54.020 OMF Risk Management Division Responsibility and Authority.
- 3.54.030 Bureau Responsibility and Authority.
- 3.54.040 Loss Control and Prevention Advisory Committee - Responsibility and Authority.

3.54.010 Definitions.

(Amended by Ordinance No. 158966, effective October 6, 1986.) Unless the context indicates otherwise, words used in this Chapter shall have the following meanings:

- A. “Bureau”** means any City bureau, office, commission, or committee.
- B. “Committee”** means the Loss Control Advisory Committee, consisting of the Risk Manager as Chairperson, the Mayor and each Commissioner, the City Auditor, the City Attorney, the Director of the Office of Fiscal Administration, and the Personnel Director, or their designees.
- C. “Loss Control Program” and “Program”** mean a Citywide program consisting the loss control components of the City’s bureaus. “Loss control component” and “component” mean the written rules, regulations, and plan developed by each bureau and reviewed by the Committee, providing for both procedural and physical risk identification, measurement, and control in the bureau’s activities. Components may address any methods for loss prevention and control, including without limitation, accident reporting, accident review, hearing conservation, eye safety, respiratory protection, vehicular safety, industrial injuries and return to work, personal protective equipment, volunteer coverage, property loss management, and tort early warning.

3.54.020 OMF Risk Management Division Responsibility and Authority.

(Amended by Ordinance Nos. 158966 and 181483, effective January 18, 2008.) The OMF Risk Management Division shall have the following responsibility and authority in the area of City loss control and prevention:

- A.** Develop guidelines, instructions, and a model plan to assist bureaus in developing loss prevention and control components;

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- B.** On final review by the Committee of components submitted by the bureaus, file the City-wide program with the City Auditor and issue the program for implementation by affected bureaus;
- C.** Advise and assist affected bureaus in the implementation of components or parts thereof;
- D.** Monitor the effectiveness of components, and collect, analyze, and report annually to the Committee and City Council data showing the status of the components and the performance of bureaus implementing the components.

3.54.030 Bureau Responsibility and Authority.

(Amended by Ordinance Nos. 158966 and 181483, effective January 18, 2008.) Each City bureau shall have the following responsibility and authority:

- A.** Develop a written loss control component which shall include detailed and specific objectives, methods, and techniques for preventing injuries, illnesses, and other events leading to workers' compensation, liability, and property loss claims;
- B.** Include in the component specific performance objectives to permit monitoring and reporting on the Bureau's performance in reducing claims;
- C.** Submit the proposed component to the Committee for review;
- D.** On completion of review by the Committee and approval by the OMF Risk Management Division, implement the component;
- E.** Annually review its component, make any appropriate revisions, and submit any revisions of the component to the Committee for its review.

3.54.040 Loss Control and Prevention Advisory Committee - Responsibility and Authority.

(Added by Ordinance Nos. 158966 and 181483, effective January 18, 2008.) The Loss Control and Prevention Advisory Committee shall have the following responsibility and authority:

- A.** In conjunction with bureau managers, develop and propose for approval by the City Council goals for each bureau or appropriate groups of bureaus for the frequency and severity of workers' compensation and liability losses.
- B.** Obtain from each bureau its proposed written loss control component;
- C.** Review each component to ensure that it is appropriate, adequate, thorough, and consistent with components developed by other bureaus;

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- D.** Suggest revisions, if appropriate, and return the component to the bureau for consideration or revisions;
- E.** Upon final review of components, provide them to the OMF Risk Management Division for approval and implementation by bureaus.

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Chapter 3.57

**INDUSTRIAL INJURY RETURN
TO WORK POLICY**

(Chapter repealed by Ordinance No. 176302,
effective April 5, 2002.)

Chapter 3.58

VEHICLE LOSS CONTROL POLICY

(Chapter repealed by Ordinance No. 176302,
effective April 5, 2002.)

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Chapter 3.60

ZOO COMMISSION

(Chapter repealed by Ordinance No. 173369,
effective May 12, 1999.)

Chapter 3.62

BOXING COMMISSION

Section:

3.62.010 Certain City Officials to Render Certain Services.

3.62.010 Certain City Officials to Render Certain Services.

(Amended by Ordinance No. 173369, effective May 12, 1999.) The Council finds that by the provisions of ORS Chapter 463 certain functions are to be performed by the Council and certain City officers; now, therefore, the City officials are hereby permitted and authorized to exercise the functions therein stated for and on behalf of the State as herein provided.

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ADMINISTRATION

Chapter 3.64

ART COMMISSION

(Chapter repealed by Ordinance No. 136980,
effective July 13, 1973.)

Chapter 3.66

**CIVIC AUDITORIUM ADVISORY
COMMITTEE**

(Chapter repealed by Ordinance No. 160034,
effective August 13, 1987.)

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Chapter 3.67

**PERFORMING ARTS ADVISORY
COMMITTEE**

(Chapter added by Ordinance No. 152285,
effective September 17, 1981.)

Sections:

- 3.67.010 Creation and Organization.
- 3.67.020 Procedure and Rules of Committee.
- 3.67.030 Duties.

3.67.010 Creation and Organization.

(Amended by Ordinance No. 153332, effective June 9, 1982.) There hereby is created an Advisory Committee to the Commissioner In Charge of the Portland Center for the Performing Arts to be known as the Performing Arts Center Advisory Committee. The Committee shall consist of 13 voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members and shall designate the Chairman. Each member shall serve at the pleasure of the Commissioner In Charge. Upon completion for occupancy of all the facilities composing the Portland Center for the Performing Arts, the Performing Arts Center Advisory Committee shall be disbanded. In case of vacancy by death, incapacity to serve, or resignation, the Commissioner In Charge shall appoint a successor to serve the remainder of the vacant term. The Commissioner In Charge, or that person's representative, shall be an ex officio member of the Committee, but shall not be entitled to vote.

3.67.020 Procedure and Rules of Committee.

The Performing Arts Center Advisory Committee shall establish its own rules, bylaws and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold meetings at the call of the Chairman.

3.67.030 Duties.

The Performing Arts Center Advisory Committee shall be responsible for raising funds and advising the Commissioner In Charge in the planning, programming, design and construction phases of the Portland Center for the Performing Arts.

Chapter 3.68

**FORMAL JAPANESE GARDEN
COMMISSION**

Sections:

- 3.68.010 Created.
- 3.68.020 Powers and Duties.
- 3.68.030 Meetings.
- 3.68.040 Officers.
- 3.68.050 Rules - Quorum.
- 3.68.060 Vacancy - Removal.

3.68.010 Created.

There hereby is created a Formal Japanese Garden Commission for the City. The Commission shall consist of the Mayor, the Commissioner In Charge of the Bureau of Parks, the President of the Japan Society of Oregon, the President of the Japanese Ancestral Society, the Japanese Consul, and 12 persons appointed by the Mayor. All appointments shall be by the Mayor for 3-year terms, provided, when an interim vacancy occurs the appointment shall be to fill the unexpired term of the position vacated. All members shall serve without compensation.

3.68.020 Powers and Duties.

It shall be the duty of the Commission to formulate and submit to the City Council plans for the establishment, maintenance, improvement and promotion of a formal Japanese garden. The Commission shall submit to the Council, not less than every 6 months, a report of its progress and recommendations. The Commission may form subcommittees, appoint unpaid advisors, hold public hearings, encourage the interest of other organizations in its objectives, and engage in similar activities which in its judgment may assist it in making recommendations and promoting the plan, establishment, maintenance and improvement of a formal Japanese garden that will be an attraction enjoyed by the people of Portland and their guests.

3.68.030 Meetings.

Each year an annual meeting shall be held. Each Commission member shall serve until the annual meeting of the year in which his term expires, or thereafter until his successor is appointed and qualified. Not less than three interim meetings shall be held each year in addition to the annual meeting. The Chairman of the Commission shall designate the time and place of the annual and interim meetings and the Secretary of the Commission shall give not less than 5 days advance notice thereof to each Commission member.

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3.68.040 Officers.

A Chairman, Vice Chairman and Secretary shall be elected at each annual meeting of the Commission from among its members. All Commission officers shall serve until the annual meeting next following their election, or thereafter until a successor is elected.

3.68.050 Rules - Quorum.

Rules of procedures may be adopted and amended only upon an affirmative vote of eight or more Commission members. Election of officers, removal of members, and regular business of the Commission shall be passed upon by the majority of a quorum. Not less than eight members shall constitute a quorum. Each member shall be entitled to one vote.

3.68.060 Vacancy - Removal.

Death, resignation, removal or inability to serve shall constitute a vacancy in the Commission. The Commission may remove any member for cause. Unexcused absence from four consecutive Commission meetings shall constitute cause for removal.

Chapter 3.70

**PITTOCK MANSION ADVISORY
COMMISSION**

Sections:

- 3.70.010 Created - Terms.
- 3.70.030 Special Committees and Services.
- 3.70.050 Officers.
- 3.70.060 Rules - Quorum.
- 3.70.070 Vacancy.

3.70.010 Created - Terms.

There hereby is created a Pittock Mansion Advisory Commission for the City, to which the Mayor, Commissioner In Charge of the Bureau of Parks, and Superintendent of Parks shall be ex officio members. The Commission shall otherwise consist of nine members appointed by the Mayor. The Mayor shall initially appoint two members for 1 year, three members for 2 years, two members for 3 years, and two members for 4 years. Thereafter all appointments shall be by the Mayor for 4-year terms, provided, when an interim vacancy occurs the appointment shall be to fill the unexpired term of the position vacated. All members shall serve without compensation. The term of each such appointment shall be extended as necessary so that the term ends November 1.

3.70.020 Powers and Duties.

(Amended by Ordinance No. 154194; repealed by Ordinance No. 167733, effective June 1, 1994.)

3.70.030 Special Committees and Services.

Upon request of the Commission, the Mayor may appoint one or more special committees to serve the Commission in an advisory capacity. Secretarial services and office requirements shall be furnished to the Commission by the Bureau of Parks.

3.70.040 Meetings.

(Amended by Ordinance No. 154194; repealed by Ordinance No. 167733, effective June 1, 1994.)

3.70.050 Officers.

Officers of the Commission shall consist of a Chairman, Vice Chairman, Secretary and Treasurer, elected from its membership at the organizational meeting and at each annual meeting thereafter. All Commission officers shall serve until the annual meeting next following their election or thereafter until a successor is elected.

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3.70.060 Rules - Quorum.

Rules of procedure may be adopted and amended only upon an affirmative vote of six or more Commission members. Election of officers, removal of members, and regular business of the Commission shall be passed upon by the majority of a quorum. Not less than five members shall constitute a quorum. Each member shall be entitled to one vote.

3.70.070 Vacancy.

Death, resignation, removal or inability to serve shall constitute a vacancy in the Commission. The Commission may remove any member for cause. Unexcused absence from four consecutive Commission meetings shall constitute cause for removal.

Chapter 3.71

ENVIRONMENTAL COMMISSION

(Chapter added by Ordinance No. 164432;
repealed by Ordinance No. 167239,
effective December 29, 1993.)

**TITLE 3
ADMINISTRATION**

Chapter 3.72

COMMITTEE ON CLAIMS

Sections:

- 3.72.010 Created - Members - Meetings.
- 3.72.020 Presentation of Claims.
- 3.72.030 Consideration of Claims Not Covered by Insurance.

3.72.010 Created - Members - Meetings.

(Amended by Ordinance Nos. 132014 and 163439, effective September 5, 1990.)

- A. Created. A Committee to be known as the “Committee on Claims” is hereby created for the purpose of considering fair and moral claims against the City not covered by insurance and making recommendations concerning the claims to the City Council.
- B. Members. This Committee shall consist of two members of the City Council appointed by the Mayor, one of whom shall be designated Chairman, and the City Auditor. The Risk Manager shall meet with the Committee, without power of vote, and serve as Secretary.
- C. Meetings. The Committee shall meet at times designated by the Chairman.

3.72.020 Presentation of Claims.

(Amended by Ordinance No. 163439, effective September 5, 1990.) All fair and moral claims against the City shall be presented to the Risk Manager. Presentation to the Risk Manager shall for all legal purposes be regarded as presentment to the Council of the City. Nothing contained herein shall be construed as repealing or modifying any of the provisions of Sections 1-106 and 1-107 of the Charter.

3.72.030 Consideration of Claims Not Covered by Insurance.

(Amended by Ordinance No. 163439, effective September 5, 1990.) The Risk Manager shall investigate and process all fair and moral claims against the City. The Risk manager shall present to the meeting of the Committee on Claims all facts and evidence gathered. The Committee shall make a recommendation on all claims presented and the same shall be transmitted to the Council for their consideration and final decision.

3.72.040 Claims Covered by Insurance.

(Repealed by Ordinance No. 163439, effective September 5, 1990.)

Chapter 3.74

OATHS OF OFFICE

Sections:

- 3.74.010 Persons Required to Take Oath.
3.74.020 Form of Oath for Mayor, Commissioner and Auditor.
3.74.030 Form of Oath for Other Officer or Employee.

3.74.010 Persons Required to Take Oath.

(Amended by Ordinance No. 180917, effective May 26, 2007.) Each of the following employees shall be required to take an oath of office before entering upon the discharge of his duties, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the Auditor;

- A.** Every officer and member of the Bureau of Police, including private, special, temporary, and substitute policemen;
- B.** Each officer and member of Portland Fire & Rescue serving on full time and devoting his labor exclusively to the interests of the City; and
- C.** Each elected or appointed officer or deputy of the City, including members of boards and commissions.

3.74.020 Form of Oath for Mayor, Commissioner, and Auditor.

(Amended by Ordinance No. 168343, effective January 7, 1995.) The form of oath to be taken by the elected officials of the City before entering upon the discharge of their duties shall be substantially as follows:

State of Oregon)
County of Multnomah) ss.
City of Portland)

I, (name), do solemnly (affirm or swear) I will support the Constitutions of the United States and the State of Oregon; Charter of the City of Portland and its laws; I will faithfully, honestly and ethically perform my duties as (Mayor/Commissioner/Auditor); I have no undisclosed financial interest in any business located in Portland or having contracts with the City; I hold no other office or position of profit; and I am not a member of any partisan political committee (; so help me God).

Subscribed and sworn to before me this _____ day of _____, 20____.

TITLE 3
ADMINISTRATION

Auditor of the City
of Portland, Oregon

Deputy

The oath of the Auditor shall be administered by a person having statutory authority under the laws of Oregon to administer oaths.

3.74.030 Form of Oath for Other Officer or Employee.

(Amended by Ordinance Nos. 139501 and 168343, effective January 7, 1995.) The form of oath to be taken by appointed City officials shall be substantially as follows:

I, (name), do solemnly affirm I will support the Constitutions of the United States and of the State of Oregon, the Charter of the City of Portland and its laws; I will faithfully, honestly and ethically perform my duties as (office) during my continuance therein.

The wording of the oath may vary, as officials are sworn according to the ceremonies of their own religion or in such manner as each deems binding on his or her conscience.

The oath may be administered by the Auditor, deputy auditor, a notary public, or a magistrate of any court of record in the United States, within their respective jurisdictions. Whenever the oath is administered by a person other than the Auditor or deputy, the credentials of the person administering the oath shall appear thereon, and the oath shall be sent immediately to the Auditor, who shall attest to receipt of the oath.

Chapter 3.76

PUBLIC RECORDS

(Chapter replaced by Ordinance No. 182637,
effective May 1, 2009.)

Sections:

- 3.76.010 Definitions.
- 3.76.020 Purpose.
- 3.76.030 Archives and Records Management Program Creation and Administration.
- 3.76.040 Authority and Duties of the Archives and Records Management Program.
- 3.76.050 Duties of Elected Officials and the Managers of City Agencies.
- 3.76.060 Care of Records.
- 3.76.070 Destruction of Records.
- 3.76.080 Use of Copies.
- 3.76.090 Public Access to Records.

3.76.010 Definitions.

In this Chapter, unless the context otherwise requires:

- A. **“Agency”** means a department, bureau, office, commission, board, public corporation or other organizational unit created by the Council of the City of Portland.
- B. **“Record”** or **“City record”** means any recorded information, regardless of physical form or characteristic, prepared, owned, used or retained in connection with the transaction of official business and preserved or appropriate for preservation by an agency as evidence of the organization, function, policies, decisions, procedures, operations or other activities of the City of Portland or because of the informational value in it. The term does not include library and museum material developed or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications. These records are public property, subject to Oregon Public Records Law and to the records management requirements established by this Code.

3.76.020 Purpose.

The purpose of this Chapter is to provide for the orderly management and care of current City records and to preserve non-current City records of permanent value for administrative, legal, and research purposes.

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3.76.030 Archives and Records Management Program Creation and Administration.

The City Auditor shall maintain a professional Archives and Records Management Program for the City, and shall be responsible for the maintenance of all City records. The City Auditor shall be the custodian for all permanent records for which an agency has transferred ownership to the Auditor and for all historical records.

3.76.040 Authority and Duties of the Archives and Records Management Program.

The Archives and Records Management Program shall:

- A.** Operate the program and the Archives and Records Center facility in accordance with currently accepted archives and records management professional standards;
- B.** Acquire, receive, appraise and secure records of permanent value from agencies of the City of Portland when those records are no longer necessary for conducting current business;
- C.** Acquire, receive, appraise, and secure all records for areas annexed by the City from a county or special district or from a defunct agency of the City of Portland;
- D.** Negotiate for the acquisition and return of City records which have been removed from its possession;
- E.** Secure transfer of records to the Archives when it has been determined that the records are stored under conditions that do not meet the standards established by Archives and Records Management;
- F.** Maintain inventories, indexes, catalogs, and other finding aids or guides to facilitate access to the City Archives;
- G.** Analyze, develop and provide written standards and procedures for the care and maintenance of City records, including those created and/or maintained in electronic format;
- H.** Establish minimum recordkeeping requirements for business systems or applications that maintain official City records;
- I.** Provide access, as defined by State law and City policies, to the records within Archives and Records Management's custodianship;
- J.** Establish procedures for City agencies regarding the identification, segregation, and protection of records vital to continuing operations to comply with the City's emergency preparedness policies;

- K.** Establish standards for City agencies with regard to the appropriate use of record media, accounting for cost, access and preservation;
- L.** Establish procedures for the preparation of records inventories and descriptions; develop records retention schedules for review by the City Auditor and City Attorney and which meet the requirements of Oregon Administrative Rules;
- M.** Establish procedures for the prompt and orderly disposition of City records for which the state archivist has granted authority to destroy because they no longer possess administrative, legal, or research value to warrant their retention;
- N.** Provide training to City agencies and employees on all aspects of records management.

3.76.050 Duties of Elected Officials and the Managers of City Agencies.

Each City elected official and agency manager shall:

- A.** Make and preserve records containing adequate documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency which are designed to furnish the information necessary to protect the legal and financial rights of the City and of persons directly affected by the agency's activities;
- B.** Ensure staff compliance with City records policies and procedures established by Archives and Records Management;
- C.** Work with Archives and Records Management to develop and review records retention schedules for records maintained by the agency;
- D.** Inform Archives and Records Management of any regulatory changes affecting record retention, maintenance or access requirements;
- E.** Notify Archives and Records Management of any program changes that may affect the management of City records, including but not limited to: new agency responsibilities; records that are no longer being created; changes to records maintenance practices;
- F.** Follow established procedures to identify, segregate and protect records vital to the continuing operation of an agency in the event of natural or man-made disaster;
- G.** Ensure that at least one copy of each report, document, study, publication or consultant report prepared at City expense be deposited with the Archives;

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- H.** Notify the Archives of records older than 25 years in the agency's possession; transfer control of original records upon notification from the Archives;
- I.** Establish safeguards against unauthorized or unlawful removal, loss or destruction of City records;
- J.** Ensure that City records are maintained in an manner that meets guidelines set by Archives and Records Management for security and environment;
- K.** Designate a management level employee to act as a liaison between the agency and Archives and Records Management on all matters relating to the archives and records management program.

3.76.060 Care of Records.

Records of the City of Portland shall be managed according to the provisions of Oregon Revised Statutes, Oregon Administrative Rules and of this Chapter.

3.76.070 Destruction of Records.

City records covered by a records retention schedule shall be destroyed according to the parameters set forth in the retention schedule. In general, records shall not be retained beyond their prescribed retention.

3.76.080 Use of Copies.

- A.** A public officer performing duties under this Chapter is authorized to copy in any manner which produces a permanent, clear, accurate and durable reproduction of the original record. An original City record which is worn or damaged may be replaced by a reproduction made in accordance with this Chapter. Certification by the City Auditor, City Attorney, Archives and Records Management, or by the agency having custody of the record that the replacement is a true and correct copy of the original shall appear at the end of the reproduction. When original City records are reproduced and placed in conveniently accessible files and provisions are made for preserving and using them for the duration of their legally mandated retention, the originals from which they were made may be destroyed.
- B.** Reproduction or replacement of City records made under this Chapter are admissible in evidence as primary evidence of the original writing.

3.76.090 Public Access to Records.

All City records, except for those exempted by law, are available for inspection and copying by the public. The City may require that records use occur during certain business hours and at specified locations, and may charge fees to recover the cost of retrieval and copying.

Chapter 3.77

OFFICE OF THE OMBUDSMAN

(Chapter added by Ordinance No. 175568,
effective July 1, 2001.)

Sections:

3.77.010	Purpose.
3.77.020	Definitions.
3.77.030	Office of the Ombudsman.
3.77.040	Ombudsman Selection.
3.77.050	Qualifications and Prohibitions.
3.77.060	Reserved.
3.77.070	Removal.
3.77.080	Staff and delegation.
3.77.090	Reserved.
3.77.100	Office Facilities and Administration.
3.77.110	Powers and Duties.
3.77.120	Investigations of Complaints.
3.77.130	Communications with Agency.
3.77.140	Communications with Complainant.
3.77.150	Procedure after Investigation.
3.77.160	Informing Citizens.
3.77.170	Reports.
3.77.180	Reserved.
3.77.190	Duty to Cooperate.
3.77.200	Ombudsman Immunities.
3.77.210	Reprisals Prohibited.
3.77.220	Relationship to Other Laws.
3.77.230	Effective Date.

3.77.010 Purpose.

The City hereby establishes, in addition to other remedies or rights of appeal, an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to investigate the administrative acts of city agencies and to recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of city services. This office shall be known as the Office of the Ombudsman.

3.77.020 Definitions.

In this chapter:

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- A.** "Administrative act" means an action, failure to act, omission, decision, recommendation, practice, policy or procedure.
- B.** "Agent or agency" includes any bureau, office, institution, corporation, authority, board, commission, committee of the city, and any officer, employee, or member of the foregoing entities acting or purporting to act in the exercise of their official duties. EXCEPTING: elected officials and their personal staff.
- C.** "City Auditor" refers to the elected City Auditor.
- D.** "City" refers to the City of Portland.
- E.** "City Council" refers to the City's legislative body comprised of five elected officials, the Mayor, and four City Commissioners.
- F.** "Ombudsman" means the public official appointed by the City Auditor to receive and investigate citizen complaints against administrative acts of City government.
- G.** "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer, or employee of any of them;
- H.** "Record" means all records, documents, books, papers, files, photographs, microfilms, sound recordings, video recordings, magnetic storage media, computer data and all other materials, regardless of physical form or characteristics, created, generated, recorded, received, possessed or controlled by or on behalf of any agency.
- I.** "State" refers to the State of Oregon.

3.77.030 Office of the Ombudsman.

There is established by the City Council the Office of Ombudsman.

3.77.040 Ombudsman Selection.

The City Auditor shall select the Ombudsman in accordance with any applicable civil service regulations and other laws.

3.77.050 Qualifications and Prohibitions.

- A.** The Ombudsman shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems pertaining to City regulations, administration, and public policy, and shall have a working knowledge in local government commensurate to the powers and duties of the office. The Ombudsman shall be a registered voter of the United States, and shall hold a

degree from an accredited college/university, or its equivalent in service to local government.

- B.** No person may serve as Ombudsman while engaged in any other occupation, business, or profession likely to detract from the full-time performance of his or her duties as Ombudsman or to result in a conflict of interest or an appearance of impropriety or partiality. All laws and requirements generally applicable to public employees are applicable to the Ombudsman.

3.77.060 Reserved.

3.77.070 Removal.

- A.** The Ombudsman may be removed from office during his or her term by the City Auditor.
- B.** If the position becomes vacant for any reason, the Deputy Ombudsman shall serve as acting Ombudsman until a new Ombudsman has been appointed.

3.77.080 Staff and Delegation.

- A.** The Ombudsman may appoint a deputy who is accountable to the Ombudsman and other personnel necessary to carry out the provisions of this chapter, when in keeping within the adopted budget for the Ombudsman's Office.
- B.** The Ombudsman may delegate to his or her staff members any of his or her duties, unless otherwise specified in this chapter.
- C.** The deputy shall succeed to all duties and responsibilities of the Ombudsman, including those specified by ordinance, when he or she is serving as the acting Ombudsman.

3.77.090 Reserved.

3.77.100 Office Facilities and Administration.

- A.** The City shall provide suitable office facilities for the Ombudsman and staff in a location convenient for the public.
- B.** The Ombudsman shall annually recommend a budget proposal for submission to the City Auditor, who shall in turn include it in the Auditor's budget submission to the Mayor and City Council.

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- C.** The Ombudsman shall be located within the City Auditor's office, and be accountable to the City Auditor. The Ombudsman shall have sole discretion in choosing consultants to assist with investigations, and in hiring staff. All administrators shall retain the authority to deny any request which is otherwise contrary to ordinance or which exceeds the city council-adopted budget for the office.

3.77.110 Powers and Duties.

The Ombudsman's powers and duties include, but are not limited to the following:

- A.** To investigate, on complaint or on the Ombudsman's own initiative, any administrative act of an agency, without regard to the finality of the administrative act, if he or she reasonably believes that it is an appropriate subject for review;
- B.** To undertake, participate in or cooperate with persons and agencies in such general studies, conferences, inquiries, meetings, or studies which might improve the functioning of agencies or lessen the risks that objectionable administrative acts will occur;
- C.** To make such inquiries and obtain such reasonable assistance and information from any agency or person as the Ombudsman shall require for the discharge of the Ombudsman's duties; and he or she may without prior notice enter and inspect the premises of any agency. Agencies shall not restrict the Ombudsman's access to agency personnel;
- D.** Notwithstanding any other provision of city law, to have access to and to examine and copy, without payment of a fee, any agency records, including records which are confidential by city law, subject to any applicable state or federal laws. Except, the Ombudsman shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney clients. The Ombudsman shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure;
- E.** To request any person or agency to give sworn testimony or to produce documentary or other evidence that is reasonably relevant to the matters under investigation;
- F.** To maintain confidential any matter related to complaints and investigations to the extent allowable by law, except as the Ombudsman deems necessary to discharge the Ombudsman's duties or as directed by the District Attorney pursuant to a public records request;

- G.** To take appropriate measures to enforce the provisions of this chapter, including issuing reports, submitting recommendations, or seeking Council authorization for legal recourse if necessary to carry out the duties of the Ombudsman Office;
- H.** To adopt, promulgate, amend and rescind rules and regulations required for the discharge of the Ombudsman's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Ombudsman may not levy any fees for the submission or investigation of complaints;
- I.** To insure that a budget for the Office of the Ombudsman is well prepared and administered.

3.77.120 Investigations of Complaints.

- A.** The Ombudsman shall receive complaints from any source concerning any administrative act. He or she may conduct a suitable investigation of a complaint that is an appropriate subject for investigation. An appropriate subject for investigation by the Ombudsman includes any administrative act that the Ombudsman believes might be:
 - 1.** contrary to, law, regulation or agency practice;
 - 2.** unreasonable, unfair, oppressive, arbitrary, an abuse of discretion, or unnecessarily discriminatory even though in accordance with law;
 - 3.** based on mistaken facts or irrelevant considerations;
 - 4.** unclear or not adequately explained;
 - 5.** performed in an inefficient or discourteous manner;
 - 6.** otherwise erroneous or objectionable.
- B.** The Ombudsman, at the Ombudsman's discretion, may decide not to investigate a complaint because:
 - 1.** the complainant could reasonably be expected to use, or is using, another remedy or channel, or tort claim, for the grievance stated in the complaint;
 - 2.** the complaint relates to a matter that is outside the jurisdiction of the Ombudsman;
 - 3.** the complaint has been too long delayed to justify present examination;

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4. the complainant does not have a sufficient personal interest in, or is not personally aggrieved by, the subject matter of the complaint;
 5. the complaint is trivial, frivolous, vexatious or not made in good faith;
 6. the resources of the Ombudsman's Office are insufficient for adequate investigation;
 7. other complaints are more worthy of attention.
- C. The Ombudsman shall not investigate matters currently in litigation; covered by collective bargaining agreement grievance procedures; or, employee or applicant discrimination complaints.
- D. The Ombudsman's declining to investigate a complaint shall not bar the Ombudsman from proceeding on his or her own initiative to investigate an administrative act whether or not included in the complaint.
- E. The Ombudsman shall protect the confidentiality of complainants or witnesses coming before him or her consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Ombudsman to carry out his or her duties or the disclosure of records is directed by the District Attorney. (See Subsection 3.77.110 F.)
- F. The Ombudsman shall have the authority to pursue administrative review of responses to complaints through higher authorities within the City.

3.77.130 Communications with Agency.

- A. The Ombudsman may make recommendations to an agency for the resolution of complaints and inquiries in accordance with this chapter.
- B. In seeking a resolution to a complaint or inquiry the Ombudsman may draw the matter to the attention of any bureau head or division manager, the City Auditor, Mayor, City Commissioner, or the public.
- C. Before formally issuing a report with a conclusion or recommendation that is significantly critical or adverse to an agency, the Ombudsman shall have consulted with that agency and permitted the agency reasonable opportunity to reply. The Ombudsman may require an agency to notify him or her within a reasonable specified time of any action taken on a conclusion or recommendation. The Ombudsman will provide the opportunity to include with a final report a brief statement by the agency.

3.77.140 Communications with Complainant.

- A. After the Ombudsman has decided whether or not to investigate a complaint, the Ombudsman shall inform the complainant.
- B. The Ombudsman shall, if requested by the complainant, report the status of his or her investigation to the complainant.
- C. After investigation of a complaint, the Ombudsman shall inform the complainant of his or her conclusion or recommendation and, if appropriate, any action taken or to be taken by the agency involved.

3.77.150 Procedure after Investigation.

- A. If, after investigation, the Ombudsman is of the opinion that an agency should:
 - 1. consider the matter further,
 - 2. modify or cancel an act,
 - 3. alter a regulation, ruling, practice, policy or procedure;
 - 4. explain more fully the act in question,
 - 5. rectify an omission, or take any other action,

the Ombudsman shall state any conclusions, recommendations and reasons therefor to the agency. If the Ombudsman so requests, the agency shall, within the time specified, inform the Ombudsman about the action taken on recommendations or the reasons for not implementing them.

- B. After a reasonable period of time has elapsed, the Ombudsman may issue his or her final conclusions or recommendations to the Auditor, the Mayor and City Commissioners, a grand jury, the public, or any other appropriate authority. The Ombudsman shall include any brief statement the agency may provide if an opportunity to reply is required by this Chapter.
- C. If the Ombudsman believes that an action has been dictated by laws whose results are unfair or otherwise objectionable, and could be revised by City Council action, the Ombudsman shall notify the City Council and the agency of a desirable statutory change.

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- D.** If the Ombudsman believes that any agency official or employee has acted in a manner warranting criminal or disciplinary proceedings, the Ombudsman shall refer the matter to the appropriate authorities without notice to that person.

3.77.160 Informing Citizens.

The Ombudsman shall post notices or use other appropriate means to inform citizens of their rights, protections, and availability of services provided for under this Chapter. These notices may include posted notices in public areas; or, electronic postings or links through Internet web sites, including the City web site. Nothing in this section is to be construed as repealing any other provisions of contract, ordinance or law.

3.77.170 Reports.

The Ombudsman may from time to time and shall annually report his or her activities to the Auditor and City Council, or any of its committees, to the public and, in the Ombudsman's discretion, to agencies.

3.77.180 Reserved.

3.77.190 Duty to Cooperate.

City employees shall cooperate with the Ombudsman in the exercise of his or her powers, and shall not mislead or attempt to mislead an Ombudsman's inquiry.

3.77.200 Ombudsman Immunities.

To the extent allowable by law, the Ombudsman and staff shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of their official duties except as may be necessary to enforce this Chapter.

3.77.210 Reprisals Prohibited.

No person who files a complaint or participates in any investigation or proceeding pursuant to this chapter shall be subject to any penalties, sanctions or restrictions in connection with his or her employment or be denied any right, privilege, or benefit because of such action.

3.77.220 Relationship to Other Laws

The provisions of this Chapter are in addition to and do not in any manner limit or affect any other provisions of law under which any remedy or right of appeal is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter. The powers conferred on the Ombudsman may be exercised notwithstanding any provision of law to the effect that any administrative action shall be final or unappealable.

3.77.230 Effective Date

This Act shall take effect on July 1, 2001.

Chapter 3.78

**ACQUISITION OF COUNTY PROPERTY
FOR PARK PURPOSES**

Sections:

- 3.78.010 Authorization for Payment.
- 3.78.020 Title Reports.
- 3.78.030 Clearing of Title.
- 3.78.040 Retaining Property with Cloud on Title.

3.78.010 Authorization for Payment.

(Amended by Ordinance No. 173369, effective May 12, 1999.) In all cases, past, present or future, in which an ordinance provides for the acquisition of park property from Multnomah County and where Multnomah County does not furnish an abstract or title insurance, the City Auditor is hereby authorized to draw and deliver a check in favor of Multnomah County for the amount to be paid for the deed from the county unless such ordinance indicates specifically a purpose to disregard this Chapter and thereupon the Auditor shall submit the matter to the City Attorney.

3.78.020 Title Reports.

The City Attorney hereby is authorized to obtain a policy of title insurance covering any particular parcel or parcels of property purchased in the past or in the future from Multnomah County for park and playground purposes. The expense of such title reports shall be chargeable to the public recreational areas fund.

3.78.030 Clearing of Title.

The City Attorney hereby is authorized to initiate and prosecute whatever legal action is necessary in his opinion to clear the title to any property covered by this Chapter and in any case, past, present or future, where he deems it necessary. Any expense incident thereto shall be chargeable to the public recreational areas fund.

3.78.040 Retaining Property with Cloud on Title.

Authority is hereby granted to accept and retain any property covered by this Chapter that has cloud on the title when and if the City Attorney renders an opinion that such cloud on title is not be deemed in imminent hazard.

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Chapter 3.80

SPECIAL PERMITS

Sections:

- 3.80.010 Operations to Cease Upon Expiration of Permit.
3.80.020 Use of Park Property for Private Gardening Purposes.

3.80.010 Operations to Cease Upon Expiration of Permit.

It is unlawful for any person, who has been granted a special permit, whether under any special code or not, to continue to operate under the terms of the permit after the date on which the special permit, by its terms, expires. All persons to whom such a special permit has been granted by the Council shall come within the terms of this provision and comply herewith immediately after the expiration of the special permit by ceasing the operations allowed under the terms of the special permit.

3.80.020 Use of Park Property for Private Gardening Purposes.

Park property not needed by the City for development may be used by private parties for gardening purposes by obtaining a special permit. The bureau of parks is authorized to issue revocable permits for such purpose and shall impose such conditions as are necessary and advisable to protect the interests of the City.

Chapter 3.82

OFFICER AND EMPLOYEE BONDS

Sections:

- 3.82.010 Exceptions.
- 3.82.020 Bond of the City Treasurer.
- 3.82.030 City Auditor's Bond.

3.82.010 Exceptions.

All officers and employees, including the City Auditor, but not including the Mayor and City Commissioners, shall furnish a bond or bonds protecting the City against dishonesty, which bond or bonds shall be in the amount of \$10,000 per employee, with a further bond or bonds written as excess in the amount of \$40,000 per employee. Such bond or bonds shall run to the City, and the premium shall be paid by the City.

3.82.020 Bond of the City Treasurer.

The City Treasurer shall furnish a bond conditioned upon the faithful performance of his duties in the sum of \$100,000, which bond shall run to the City and the premium shall be paid by the City.

3.82.030 City Auditor's Bond.

The Auditor of the City shall furnish, in addition to the honesty bond provided above, a faithful performance bond in the sum of \$50,000, conditioned upon the faithful performance of his duties, which bond shall run to the City and the premium shall be paid by the City.

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Chapter 3.84

**CITY OWNED MOTOR VEHICLE
ACCIDENT REPORTS**

Sections:

- 3.84.010 Filing of Accident Report.
- 3.84.020 Form of Report.
- 3.84.030 Repair Shop Report.
- 3.84.040 Repair.
- 3.84.050 Billing of Charges.

3.84.010 Filing of Accident Report.

(Amended by Ordinance No. 165594, effective July 8, 1992.) In addition to the requirements of ORS 813, accident reports shall be filed:

- A. Whenever any motor vehicle belonging to the City, whether being operated by a City employee or not, becomes involved in an accident resulting in injury or death to any person or damage to the City vehicle or property of another, the operator of the City vehicle or the person to whom the vehicle is assigned or chargeable, shall, not later than the next normal day of business following the date of the accident, forward a complete written report of such accident, in triplicate, to the Bureau of Property Control upon forms furnished by the City. The Property Control Officer shall forward one copy of every report so filed, to the office of the City Attorney not later than the next normal day of business following the day of the filing;
- B. Whenever the original report and duplicate is insufficient in the opinion of the Property Control Officer of the City Attorney, supplemental reports of accidents may be required of the person or persons chargeable therefor;
- C. Whenever the driver of a vehicle involved in an accident is injured thereby so as to be incapable of making a required accident report and there was another City employee occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause the report to be made.

3.84.020 Form of Report.

The Bureau of Property Control shall prepare or otherwise provide, and upon request supply to the various departments and bureaus of the City, forms for accident reports required in Section 3.84.010. The report shall call for sufficiently detailed information to disclose with reference to an accident involving a City owned motor vehicle, the cause, conditions then existing, and the persons and property involved.

3.84.030 Repair Shop Report.

The person in charge of the bureau repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident, shall report in writing to the Bureau of Property Control not later than the next normal day of business after such motor vehicle is received, giving the City property number of such vehicle, department, and a general description of the damage.

3.84.040 Repair.

Every City owned motor vehicle damaged as defined in the subdivision (1) of Section 3.84.010 shall be removed to the municipal shop for repairs as soon as conveniently possible following the accident, but in no event more than 7 days thereafter; provided, however:

- A.** That no vehicle shall be repaired without prior authorization of the Commissioner In Charge of the bureau to which the vehicle is assigned, or his authorized representative, except in the event of emergency whereupon the said Commissioner shall be notified within 72 hours of all such work done; and
- B.** In no event shall any vehicle be repaired by other than a City owned and operated repair shop unless and until the Purchasing Agent of the City shall have first obtained at least three independent estimates of cost of repair, and in such event the repair work shall be awarded to the lowest responsible bidder.

3.84.050 Billing of Charges.

No request for billing of charges for repair of motor vehicles damaged as defined in this Chapter shall be forwarded to the Auditor as in Section 5.48.040 provided, until the validity thereof based upon determination of liability shall have first been approved by the City Attorney.

TITLE 3 ADMINISTRATION

Chapter 3.86

GOLF ADVISORY COMMITTEE

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

Sections:

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

3.86.010 Created - Organization.

(Amended by Ordinance Nos. 169770, 178253, 178935 and 186275, effective November 1, 2013.) There hereby is created an advisory committee to the Commissioner-in-Charge and Director of Parks to be known as the Golf Advisory Committee, consisting of ten voting members who shall serve without compensation. Members will however be entitled the use of each of the City's golf facilities, up to 4 times per year at no charge. Following each committee member visit to one of the golf facilities on this basis, he/she will be required to document the business purpose of the visit on a GAC Visit Form provided by the City. The Commissioner-in-Charge shall appoint the members of the Committee, the members to serve for a term of three years and may serve two consecutive terms. The Commissioner-in-Charge shall seek, to the extent feasible, to promote socio-economic diversity in appointments to the Committee, and, in order to accomplish or promote such diversity, may authorize, in the Commissioner's sole discretion, complimentary use of the City's golf facilities in addition to that provided to Committee members under this Section. The requirement of this Section that members document the business purpose of their free use of golf facilities shall apply to such additional use authorized by the Commissioner. The Commissioner-in-Charge or his/her representative shall be an ex-officio member of the Committee.

3.86.020 Procedure and Rules.

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

3.86.030 Duties.

(Amended by Ordinance Nos. 169770 and 186275, effective November 1, 2013.) The Golf Advisory Committee duties shall include, but not be limited to advising the Commissioner-in-Charge and the Director of Parks regarding the following areas: Golf Program budget review, review of the golf Program's Capital Improvement Program;

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review of golf concession contracts and proposals; review of the development, and monitoring of, the Golf Program's Strategic Plan, the marketing of the municipal Golf System; maximization and use of Golf System revenue. The Golf Advisory Committee shall make an annual written report to the Commissioner-in-Charge, the Director of Parks and to the Council.

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Chapter 3.88

INVESTMENT ADVISORY COMMITTEE

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

Sections:

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

3.88.010 Created - Organization.

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

3.88.020 Procedure and Rules.

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

3.88.030 Duties.

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

Chapter 3.90

OFFICE OF MANAGEMENT SERVICES

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

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Chapter 3.92

BUREAU OF HUMAN RESOURCES

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

Chapter 3.94

**OFFICE OF PLANNING AND
DEVELOPMENT**

(Chapter amended by Ordinance No. 147789
effective June 23, 1979 through June 30, 1982.)

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Chapter 3.95

**BUREAU OF ECONOMIC
DEVELOPMENT**

(Chapter repealed by Ordinance No. 173369,
effective May 12, 1999.)

Chapter 3.96

**OFFICE OF NEIGHBORHOOD
INVOLVEMENT**

(Chapter replaced by Ordinance No. 179418,
effective August 12, 2005.)

Sections:

- 3.96.010 Purpose.
- 3.96.020 Definitions.
- 3.96.030 Neighborhood Associations.
- 3.96.040 Functions of District Coalitions.
- 3.96.050 Responsibility of City Agencies.
- 3.96.060 Responsibilities of the Office of Neighborhood Involvement.

3.96.010 Purpose.

This chapter creates a framework by which the people of the City of Portland may effectively participate in civic affairs and work to improve the livability and character of their Neighborhoods and the City. This Chapter sets out the basis for City recognition of Neighborhood Associations, District Coalitions, and the responsibilities and benefits accruing thereto. This chapter also sets out the basis for city acknowledgement of Business District Associations and the responsibilities accruing thereto. This chapter also creates the Office of Neighborhood Involvement and sets out its functions, duties and responsibilities. Nothing in this Chapter shall limit the right of any person or group to participate directly in the decision making processes of the City Council or of any City agency.

3.96.020 Definitions.

As used in this Chapter the following terms have the meanings given them in this Section.

- A. **Neighborhood:** A geographically contiguous self-selected community.
- B. **Neighborhood Association:** An autonomous organization formed by people for the purpose of considering and acting on issues affecting the livability and quality of their Neighborhood, formally recognized by the Office of Neighborhood Involvement, and subject to Chapter 3.96.
- C. **District Coalition:** An organization which supports participation services for Neighborhood Associations and everyone within a geographically defined area, and is subject to Chapter 3.96.

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- 1. Non-Profit District Coalition:** An independent non-profit corporation directed by a board which is primarily composed of representatives from its member Neighborhood Associations.
 - 2. City--Staffed District Coalition:** An office partially or fully staffed by City personnel to provide neighborhood services as advised by the participating Neighborhood Associations.
- D. Business District Association:** An autonomous non-profit organization with membership guidelines in its bylaws formed by people in business within a defined geographic boundary for the purpose of promoting the general well-being of their business community. A Business District Association is subject to Chapter 3.96.
- E. Office of Neighborhood Involvement:** An agency of the City of Portland, whose purpose is to facilitate citizen participation and improve communication among citizens, Neighborhood Associations, non-profit District Coalitions/City-staffed District Coalitions, City agencies, and other entities. The Office of Neighborhood Involvement is subject to these Standards.
- F. City agency:** Includes all departments, bureaus, offices, boards and commissions of the City of Portland.
- G. Standards:** Regulations adopted by City Council that govern Neighborhood Associations, District Coalitions, Business District Associations and the Office of Neighborhood Involvement.

3.96.030 Neighborhood Associations.

- A. Minimum Standards for Neighborhood Associations.** To receive and maintain formal recognition, Neighborhood Associations shall meet the Standards for neighborhood public involvement.
- B. Functions of Neighborhood Associations.** A Neighborhood Association may engage in, but is not limited to the following:
 - 1.** Make recommendation(s) concerning a particular action, policy or other matter to any City agency on any topic affecting the livability, safety and economic vitality of the Neighborhood, including but not limited to land use, housing, community facilities, human resources, social and recreational programs, traffic and transportation, environmental quality and public safety; and,

2. Assist City agencies in determining priority needs of the Neighborhood; and,
3. Review items for inclusion in the City budget and make recommendations relating to budget items for Neighborhood improvement; and,
4. Undertake projects and activities deemed appropriate by the Neighborhood Association; and,
5. Cooperate with other Neighborhood Associations and ONI to create District Coalitions.

C. Responsibilities of Neighborhood Associations.

1. Neighborhood Associations shall abide by the Standards established by the Office of Neighborhood Involvement.
2. Neighborhood Associations shall make a reasonable effort to include affected City agencies in planning activities which affect Neighborhood livability.

D. Benefits to Neighborhood Associations.

1. Any Neighborhood Association meeting the minimum requirements established by 3.96.030, upon request, is entitled to formal recognition and benefits from the Office of Neighborhood Involvement pursuant to the adopted Standards.
2. If a Neighborhood Association fails to meet the minimum requirements of 3.96.030, the Office of Neighborhood Involvement may, pursuant to the adopted Standards, suspend partial or all benefits to that Neighborhood Association and may ultimately revoke formal recognition of that Neighborhood Association.

3.96.040 Functions of District Coalitions.

A District Coalition shall:

- A. Provide training and orientation, information and support services to Neighborhood Associations within the areas of Neighborhood Associations served;
- B. Facilitate communication between people and government;

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

3.96.050 Responsibility of City Agencies.

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

3.96.060 Responsibilities of the Office of Neighborhood Involvement.

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

- A.** Assist Neighborhood Associations, District Coalitions and others in planning and developing programs for public involvement, crime prevention, dispute resolution and budget review; and,
- B.** Act as an information clearinghouse and resource to Neighborhood and Business Associations, other groups and the public; and,
- C.** Notify interested persons of meetings, hearings, elections and other public participation events of the Office of Neighborhood Involvement neighborhood system; and,

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

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- 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.

(Replaced 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 3.99

FAIR WAGE POLICIES

(Chapter added by Ordinance No. 174839,
effective August 24, 2000.)

Sections:

- 3.99.005 Policy.
- 3.99.010 Covered Services and Agreements.
- 3.99.015 Compliance.
- 3.99.020 Adjustments.
- 3.99.030 Documentation of Fair Wage in Contracts.

3.99.005 Policy.

(Amended by Ordinance No. 187124, effective May 13, 2015.) It is the policy of the City of Portland that employees performing certain categories of work under formal contracts for janitorial services, for security services, and for parking garage attendant services with the City of Portland be guaranteed a minimum fair wage. City bureaus and operating units have the discretion to implement this policy in a reasonable manner.

3.99.010 Covered Services and Agreements.

(Amended by Ordinance No. 187124, effective May 13, 2015.) The Fair Wage Policy applies to formal contracts entered into by the City of Portland, in accordance with Portland City Code 5.33, for janitorial services, for security services, or for parking garage attendant services. No other agreement or contract entered into by the City of Portland shall be covered by this Chapter.

Exceptions to this Section may be approved via ordinance by a vote of the Council.

3.99.015 Compliance.

(Amended by Ordinance No. 187124, effective May 13, 2015.) City of Portland bureaus or operating units entering into contracts for covered services shall include the minimum hourly wage rate established in PCC 3.99 in all procurement announcements and resulting contracts. Contractors' compliance with the minimum wage requirements shall be monitored through submission of monthly certified payroll, mandatory employee notification of minimum wage rates via on-site postings, designation of bureau staff responsible for compliance monitoring and complaint resolution, and other measures deemed appropriate by the City bureau or operating unit. Contracts entered into by the City for covered services shall also include a non-retaliation clause protecting workers who assert wage claims based on this Chapter.

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3.99.020 Adjustments.

(Amended by Ordinance No. 187124, effective May 13, 2015.) The fiscal year 2015-16 minimum wage shall be \$15 per hour. The Office of Management and Finance shall provide City bureaus with a yearly minimum hourly wage rate for covered services which is anticipated to be adjusted annually by the change in the Portland-Salem OR WA CPI-W as provided by the City Economist. The adjustment shall be effective for all contracts on July 1 of each year. In determining the adjustment amount, the Office of Management and Finance shall take into account the City's overall financial picture, and OMF shall not interpret this Code to require any increase which is inconsistent with the City's financial health and capabilities.

3.99.030 Documentation of Fair Wage in Contracts.

(Added by Ordinance No. 187124, effective May 13, 2015.) Contracts entered into by the City for covered services shall include in the agreement the minimum hourly wage rate at the time the contract becomes effective and at the annual adjustment date of July 1. For agreements and contracts not subject to Section 3.99.010, the City shall not rely upon, nor reference, this Chapter 3.99 in those agreements.

Chapter 3.100

EQUAL OPPORTUNITY

(Chapter replaced by Ordinance No. 144724,
effective November 10, 1977.)

Sections:

- 3.100.005 City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights.
- 3.100.030 Contractor Equal Employment Opportunity Program.
- 3.100.041 Contracts with City.
- 3.100.042 Certification of Contractors.
- 3.100.043 Information Required.
- 3.100.044 Compliance Review.
- 3.100.045 Denial, Suspension, Revocation.
- 3.100.050 Nondiscrimination in Contracting.
- 3.100.051 Policy regarding Benefits.
- 3.100.052 Definitions.
- 3.100.053 Discrimination in the provision of benefits prohibited.
- 3.100.054 Limitations.
- 3.100.055 Power and duties of the Director.
- 3.100.056 Severability of Provisions.
- 3.100.060 Grant Equal Opportunity Compliance Program.
- 3.100.061 Definitions.
- 3.100.062 Purpose.
- 3.100.063 Responsibility.
- 3.100.064 Compliance Monitoring.
- 3.100.065 Rules and Regulations.
- 3.100.080 Minority/Female Purchasing Program.
- 3.100.081 Definitions.
- 3.100.082 Purpose.
- 3.100.083 Liaison Officer.
- 3.100.084 Minority/Female Business Enterprise List.
- 3.100.085 Advertising.
- 3.100.086 Minority/Female Purchasing Associations.
- 3.100.087 Monitoring.
- 3.100.088 Certification.
- 3.100.089 Rules and Regulations.

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3.100.005 City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights.

(Substituted by Ordinance No. 165383; amended by Ordinance No. 171993, effective February 11, 1998.) The City of Portland has a compelling governmental interest in prohibiting discrimination in programs, activities, services, benefits and employment whether carried out by the City itself or through a contractor with whom the City arranges to carry out its programs and activities. In addition to provision found elsewhere in this Code, provisions relating to equal employment opportunity, affirmative action and civil rights are specifically to be found in Chapter 4.02 and Chapter 23.01. The City of Portland's policies and programs relating to affirmative action are contained in its annual Affirmative Action Plan. Individual City bureaus may have specific programs designed to further the broad goals of equal employment opportunity, affirmative action and civil rights. It is unlawful to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income in programs, activities, services, benefits, and employment whether carried out by the City of Portland, directly or through a contractor or any other entity with whom the City of Portland arranges to carry out its programs and activities except as allowed by federal law, rules and regulations.

3.100.010 Affirmative Action Program.

(Repealed by Ordinance No. 165383, effective April 29, 1992.)

3.100.011 Definitions.

(Repealed by Ordinance No. 165383, effective April 29, 1992.)

3.100.012 Policy.

(Repealed by Ordinance No. 165383, effective April 29, 1992.)

3.100.013 Objectives.

(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

3.100.014 Management Commitment.

(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

3.100.015 Regulatory Committee.

(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

3.100.016 Bureau EEO Advisory Committees.

(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

3.100.017 Reports and Audits.

(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

- 3.100.018 Complaints of Discrimination.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.019 Sanction.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.020 Rules and Regulations.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.021 Identification of Handicapped.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.022 Management Commitment.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.023 Objectives.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.030 Contractor Equal Employment Opportunity Program.**
- 3.100.031 Definitions.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.032 Contracts with the City.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.033 Franchises.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.034 Certification of Contractors.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.035 Rules and Regulations.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.036 Compliance by Contractors.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.037 Denial or Revocation of Certification.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.038 Compatibility with Other Rules.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)

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3.100.039 State of Emergency.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.040 Exemptions.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.041 Contracts with City.

(Added by Ordinance No. 171418, effective July 23, 1997)

- A. Equal Opportunity Employer.** An “Equal Employment Opportunity Employer” (“EEO Employer”) is one who does not engage in the discrimination prohibited by Section 3.100.005 of this Code and who is certified by the Bureau of Purchases as an EEO Employer.
- B. Contracts with EEO Employers.** The City has a compelling governmental interest to ensure that it is neither an active nor passive participant in legally prohibited discrimination. Therefore, the City will award contracts only to EEO Employers and will require that any subcontract to such contract be awarded to an EEO Employer. Any person, vendor, contractor, or entity of any type must be certified as an EEO Employer in order to be eligible to be awarded any contract from the City, unless the amount of all their contracts with the City total less than \$2,500 in any single fiscal year or unless the contractor has been exempted from such requirements as determined by the Bureau of Purchases. As used in the Code provisions regarding EEO Employers, the term “contractor” shall include all persons, contractors, vendors and entities who are required to obtain certification. In addition, all persons, vendors or entities that wish to be subcontractors on City awarded contracts shall be certified as EEO Employers unless the total of their subcontracts is less than \$2,500 in any single fiscal year or unless the subcontractor has been exempted from such requirements as determined by the Bureau of Purchases.
- C. Contracts Voidable.** Any contract between the City and a contractor who is not EEO certified or exempt from EEO certification requirements is voidable at the option of the City, regardless of whether the contractor was EEO certified when the contract was awarded or executed. Similarly, a contract is voidable if the contractor subcontracts a portion of the work to a subcontractor or supplier that is not EEO certified or exempt from EEO certification requirements.

3.100.042 Certification of Contractors.

(Added by Ordinance No. 171418, effective July 23, 1997.) The Bureau of Purchases is delegated the authority to adopt rules and regulations to establish criteria for certification, conditional certification, decertification, revocation, suspension and denial of EEO status to Contractors and Subcontractors, to administratively implement this program, to

investigate complaints of prohibited discrimination, to conduct compliance reviews, and to establish rules of procedure it deems necessary in order to discharge its duties.

3.100.043 Information Required.

(Added by Ordinance No. 171418, effective July 23, 1997.) Contractors and Subcontractors shall provide all information requested by the Bureau to assist it in performing its duties under Section 3.100.042 of this Code.

3.100.044 Compliance Review.

(Added by Ordinance No. 171418, effective July 23, 1997.) If the Bureau of Purchases receives a complaint filed by any person or entity that alleges prohibited discrimination by a Contractor or Subcontractor, or when information comes into its possession indicating that a Contractor or Subcontractor may have engaged in prohibited discrimination, the Bureau may conduct a Compliance Review to determine whether the complaint or the information is correct. The purpose of the Compliance Review is to determine whether an EEO Certification should be revoked or suspended or whether a request for certification or recertification should be denied.

3.100.045 Denial, Suspension, Revocation.

(Added by Ordinance No. 171418, effective July 23, 1997)

- A.** Actions by Bureau. The Bureau may deny, suspend or revoke an EEO certification of the contractor or subcontractor if:
1. Employs a workforce that shows underutilization of minorities and women, as reflected by their availability in the workforce, and thereafter fails to take positive steps to diversify its workforce after notification from the Bureau that such steps are required to maintain the EEO certification. Underutilization determinations shall be based on federal Title VII standards including the “Four-Fifths Rule” and “Manifest Imbalance” concepts;
 2. Engages in discrimination prohibited by state, federal or local law;
 3. Refuses to provide information to the Bureau of Purchases to determine whether it should be EEO certified or recertified;
 4. Refuses to provide information when the Bureau is conducting a Compliance Review;
 5. Intentionally provides false information to the Bureau in regard to its EEO certification or in response to the Bureau’s request for information; or
 6. Intentionally employs subcontractors that are not EEO certified.

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- B.** Appeal. EEO certification that has been denied, suspended or revoked may be appealed to the City Council by filing a written notice with the City Auditor within 10 days after the date of denial, suspension, or revocation. Action on such appeal shall be as directed by the City Council.
- C.** Enforcement. If no appeal to the City Council is filed within the time allowed, or if the appeal is denied by the City Council, the decision of the Bureau immediately shall go into effect.

3.100.050 Nondiscrimination in Contracting.

(Added by Ordinance No. 180077, effective May 19, 2006)

3.100.051 Policy regarding Benefits.

(Added by Ordinance No. 180077, effective May 19, 2006) It is the City's intent, through its contracting practices outlined herein, to spend public money through its contracts to equalize, to the extent possible, the total benefits between similarly situated employees with spouses and employees with domestic partners.

3.100.052 Definitions.

(Added by Ordinance No. 180077, effective May 19, 2006) As used in this Chapter unless the context requires otherwise:

- A.** "Bureau" means the Bureau of Purchases.
- B.** "Contract" means all formal solicitation contracts for Public Improvements and Construction Services authorized and executed pursuant to PCC Chapter 5.34, and all formal solicitation contracts for Goods and Services authorized and executed pursuant to PCC Chapter 5.33 and all formal solicitation contracts for Professional, Technical and Expert services (PTE) authorized and executed pursuant to PCC Chapter 5.68.
- C.** "Director" or "Purchasing Agent" means the Director of the Bureau of Purchases or that person to whom those duties have been properly delegated.
- D.** "Domestic Partner" means any person who is registered with his or her employer as a domestic partner, or, in the absence of an employer-provided registry, is registered as a domestic partner with a governmental body pursuant to state or local law authorizing such registration and who is in fact a current domestic partner with the person with whom that person was registered. Any internal employer registry of domestic partnership must comply with criteria for domestic partnerships specified by rule by the Bureau.

- E.** "Employee benefits" means any plan, program or policy provided by an employer to its employees as part of the employer's total compensation package. This includes but is not limited to the following types of benefits: bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

3.100.053 Discrimination in the provision of benefits prohibited.

(Added by Ordinance No. 180077, effective May 19, 2006)

- A.** No contractor on a City contract shall discriminate by policy or practice in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following exceptions:
- 1.** In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.
 - 2.** The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.
- B.** Other options for compliance allowed. Provided that a contractor does not discriminate in the provision of benefits between employees with spouses and employees with domestic partners, a contractor may:
- 1.** Elect to provide benefits to individuals in addition to employees' spouses and employees' domestic partners;
 - 2.** Elect to provide benefits in a manner unrelated to spousal or domestic partner status; or
 - 3.** Provide benefits neither to employees' spouses nor to employees' domestic partners.

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- C.** Requirements inapplicable under certain conditions. The Director may waive the requirements of this chapter where it is found not to be in the best interest of the City. Examples of situations that require waiving the requirements of this chapter include but are not limited to:

 - 1.** Award of a contract or amendment is necessary to respond to an emergency;
 - 2.** No compliant contractors are capable of providing goods or services that respond to the City's requirements;
 - 3.** The contractor is a public entity;
 - 4.** The requirements are inconsistent with a grant, subvention or agreement with a public agency;
 - 5.** The City is purchasing through a cooperative or joint purchasing agreement;
- D.** Requests for waivers of the terms of this Chapter are to be submitted to the Bureau of Purchases in a manner prescribed by the Bureau. Decisions by the Bureau to issue or deny waivers are final.
- E.** The Director may reject an entity's bid or proposal, or terminate a contract, if the Director determines that the entity was set up, or is being used, for the purpose of evading the intent of this Chapter.
- F.** The City shall not execute a contract with a contractor unless such contractor has agreed not to discriminate in the provision of employee benefits as provided for in this chapter.
- G.** All contracts awarded by the City shall contain provisions developed by the Bureau of Purchases prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by Section 3.100.054, except as exempted by this chapter or rule.

3.100.054 Limitations.

(Added by Ordinance No. 180077, effective May 19, 2006) The requirements of this Chapter only shall apply to those portions of a contractor's operations that occur:

- A.** Within the City;

- B.** On real property outside of the City if the property is owned by the City or if the City has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the City; and
- C.** Elsewhere in the United States where work related to a City contract is being performed.

The requirements of this Chapter shall not apply to subcontracts or subcontractors of any contract or contractor.

3.100.055 Powers and duties of the Director.

(Added by Ordinance No. 180077, effective May 19, 2006) The Director of the Bureau of Purchases shall have the power to:

- A.** Adopt rules and regulations, in accordance with this chapter and the Administrative Code of The City of Portland (PCC 3.02), establishing standards and procedures for effectively carrying out this chapter;
- B.** Examine contractor's benefit programs covered by this chapter;
- C.** Allow for remedial action after a finding of non-compliance, as specified by rule.
- D.** Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but are not limited to:
 - 1.** Disqualification of the contractor from bidding on or being awarded a City contract for a period of up to 3 years; and
 - 2.** Contractual remedies, including, but not limited to, termination of the contract.
- E.** Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;
- F.** Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

3.100.056 Severability of Provisions.

(Added by Ordinance No. 180077, effective May 19, 2006) 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.

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3.100.060 Grant Equal Opportunity Compliance Program.

3.100.061 Definitions.

(Amended by Ordinance No. 150738, effective December 13, 1980.) As used in this Section:

- A.** “Equal Opportunity” or “EO” means the concepts and practice of nondiscrimination on the basis of race, religion, color, national origin, sex, age or handicap in employment, purchasing, contracting, or utilization of firms or individuals on the basis of demographics as may be prescribed by grants awarded to the City of Portland by other governmental agencies.

3.100.062 Purpose.

(Amended by Ordinance No. 150738, effective December 13, 1980.) The purpose of the Grant Equal Opportunity Compliance Program is:

- A.** To provide a uniform and consistent review of all equal opportunity and labor standard requirements associated with grants from other governmental agencies to the City of Portland.
- B.** To establish guidelines, instructions, uniform reporting formats, related administrative support, and assistance necessary to comply with grant equal opportunity requirements.
- C.** To provide a single, initial contact for grantor agencies and others seeking information about, or contact with, grantee bureaus or offices on EO matters.

3.100.063 Responsibility.

(Amended by Ordinance No. 150738, effective December 13, 1980.) Affected City agencies shall have responsibilities under this Section as follows:

- A.** Federal Grants Coordinator shall submit all grant applications to the Contract and Grants Compliance Division for determination of equal opportunity requirements. No grant application shall be submitted to the City Council unless the Contract and Grants Compliance Division has reviewed the applicable equal opportunity requirements and obligations.
Following the award of any grant, the Federal Grants Coordinator shall provide the Contract and Grants Compliance Division with copies of the grant and applicable related documents.
- B.** Contract and Grants Compliance Division shall serve as the point of contact for all communications relating to grant equal opportunity compliance, and shall review all grants as follows:

1. Pre-Application. Before any grant application is submitted to the grantor agency, the equal opportunity provisions shall be reviewed to determine compliance requirements. A report of such review shall be submitted to the Federal Grants Coordinator.
 2. Post Award. Immediately after the award of any grant, the Contract and Grants Compliance Division shall advise the grantee bureau or office of applicable requirements and provide guidelines, instructions, forms, and assistance, as required to assist the bureau or office to implement compliance.
- C. Grantee Bureaus or Offices. Shall be fully responsible for compliance with all equal opportunity requirements imposed by applicable grants. In the discharge of such responsibility, grantee bureaus or offices shall cooperate fully with the Contract and Grants Compliance Division including, but not limited to, accumulation of applicable data, preparation of suitable records, and submission of such records and forms as may be required.

3.100.064 Compliance Monitoring.

(Amended by Ordinance No. 150738, effective December 13, 1980.) The Contract and Grants Compliance Division shall monitor the program at appropriate intervals to assure compliance with requirements. Where difficulties are noted, recommendations shall be made to the appropriate bureau, office supervisor or project manager.

3.100.065 Rules and Regulations.

(Amended by Ordinance No. 150738, effective December 13, 1980.) The Contract and Grants Compliance Division shall establish and maintain suitable rules and regulations for administration of the Grant Equal Opportunity Compliance Program.

3.100.080 Minority/Female Purchasing Program.

(Amended by Ordinance No. 150738, effective December 13, 1980.)

3.100.081 Definitions.

(Amended by Ordinance No. 150738, effective December 13, 1980.) As used in this Section:

- A. “**Minority**” or “**minorities**” means Blacks, Hispanic Americans, Pacific Islanders, Asian Americans, American Indians, Aleuts and Eskimos.
- B. “**Members of Other Groups**” (MOG) means members of other groups or other individuals than those specified in A above, found to be economically and socially disadvantaged by the Small Business Administration under Section 8(a)

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of the Small Business Act, as amended (15 U.S.C. 637(a)). These MOGs shall also be eligible to participate in this program.

- C. “Minority business enterprise”** (MBE) means a business at least 50 percent of which is owned by minorities or, in the case of publicly owned business, at least 51 percent of the stock of which is owned by minorities and whose management and daily business operations are controlled by one or more such individuals.
- D. “Female business enterprise”** (FBE) means a business at least 50 percent of which is owned by females or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by females and whose management and daily business operations are controlled by one or more individuals.

3.100.082 Purpose.

(Amended by Ordinance No. 150738, effective December 13, 1980.) The purpose of the Minority/Female Purchasing Program is to encourage and promote the sale of goods and/or services by minority and female business enterprises to the City of Portland. When such services are provided by federal funds encouraging or requiring MBE/FBE participation, the City shall take necessary action to comply with federal laws, regulations and contracting requirements.

3.100.083 Liaison Officer.

(Added by Ordinance No. 150738, effective December 13, 1980.) The designated Liaison Officer shall be the Purchasing Agent, who will be responsible for the day to day management of all elements of the program.

3.100.084 Minority/Female Business Enterprise List.

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Contract and Grants Compliance Division of the Office of Fiscal Administration shall establish and maintain a current list of minority/female business enterprises, with indications of product and service areas. Such lists shall be consulted when requests for quotations for supply of goods and/or services are received.

3.100.085 Advertising.

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Agent shall advertise periodically in local publications (including the Daily Journal of Commerce, female and minority publications) that the City encourages bidding by MBEs and FBEs and that the City will assist such firms to understand and participate in formal bidding process.

3.100.086 Minority/Female Purchasing Associations.

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Grants Compliance Division shall develop and implement certification and

review criteria for authorization of eligible MBE/FBE participants. Such certification shall be no less often than annually.

3.100.089 Rules and Regulations.

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Agent (Bureau of Financial Affairs) shall establish and maintain rules and regulations for administration of the Minority/Female Purchasing Program.

3.100.090 Metropolitan Human Relations Commission Review and Evaluation.

(Repealed by Ordinance No. 173369, effective May 12, 1999.)

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Chapter 3.101

**PROPERTY TAX EXEMPTION FOR
LOW INCOME HOUSING HELD BY
CHARITABLE NON-PROFIT ORGANIZATIONS**

(Chapter added by Ordinance No. 157768,
effective August 29, 1985.)

Sections:

- 3.101.010 Definitions.
- 3.101.020 Eligible Organizations.
- 3.101.030 Eligible Property.
- 3.101.040 Application Procedure.
- 3.101.050 Review of Application.
- 3.101.060 Annual Application Renewal.
- 3.101.070 Assessment Exemption.
- 3.101.080 Termination.
- 3.101.090 Implementation.

3.101.010 Definitions.

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)
As used in this Chapter:

- A. “Low income”** means income at or below 60 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.
- B. “Eligible property”** means land and improvements thereon:
 - 1.** Which are either single or multi-family residential units intended for the exclusive occupancy by low-income persons during the tax year for which approval of the application has been granted or properties which are not residential units but which will become residential units through rehabilitation improvements or new construction to be occupied by low-income persons;
 - 2.** Which are owned, being purchased, or held under leasehold interest in the property which meet the standards of Subsections 3.101.030 B. 1.-2. by a charitable organization and non-profit corporation for the purpose of occupancy by low-income persons as described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.540 to 307.548; and

3. Which the owner or leaseholder has met all eligibility requirements and made all required agreements described in this Chapter.

3.101.020 Eligible Organizations.

(Amended by Ordinance No. 185043, effective December 7, 2011.) “Eligible organizations” means only charitable non-profit corporations certified by the Internal Revenue Service of the federal government as a 501 (c) (3) or (4) organization which also provides housing for occupancy by low-income persons as defined by Section 3.101.010 in this Chapter. No other types of non-profit or for-profit organizations are eligible.

3.101.030 Eligible Property.

(Amended by Ordinance Nos. 167356 and 185043, effective December 7, 2011.) As used in this Chapter:

- A. “Eligible property” as defined in Subsections 3.101.010 B. 1.-3. which meets all of the following criteria, pursuant to ORS 307.541, and other conditions of this Chapter shall be exempt from taxation:
 1. The property is owned or being purchased by a corporation that is exempt from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.541(a);
 2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary, or educational purposes or to the State of Oregon;
 3. The property is occupied by low-income persons as defined by ORS 307.540(2) or held for future development for low income housing pursuant to ORS 307.541(1)(c)(B).
 4. The property or portion of the property receiving the exemption is actually and exclusively used for the purposes described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984.
 5. The exemption has been approved as provided in Section 3.101.040 and 3.101.050 of this Chapter.
- B. For the purposes of this Chapter, pursuant to ORS 307.541(2), a corporation that has only a leasehold interest in property is deemed to be a purchaser of that property if:

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1. The corporation is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or
 2. The rent payable by the corporation has been established to reflect the savings resulting from the exemption from taxation.
- C. Pursuant to ORS 307.541(3), a partnership shall be treated the same as a corporation if the corporation is a general partner of the partnership and responsible for the day-to-day operation of the property that is the subject of the exemption.

3.101.040 Application Procedure.

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)

- A. To qualify for the exemption the corporation shall file an application for exemption with the Portland Housing Bureau acting on behalf of the City of Portland for each assessment the year the corporation wants the exemption. The application shall be filed on or before April 1 of the assessment year for which the exemption is applied for, except that when the property designated is acquired after April 1 and before July 1, the claim for that year shall be filed within 30 days after the date of acquisition. The application shall include the following information:
1. The applicant's name, address, and telephone number;
 2. The assessor's property account number for each site;
 3. The number of units and the exempted amount of each property being applied for under this Chapter;
 4. A description of the property for which the exemption is requested;
 5. A description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose;
 6. A description of how the tax exemption will benefit project residents; and
 7. A description of how the benefits in the case of leasehold interest in the eligible property accrue to the non-profit and its resident tenants;
 8. A certification of income levels of low-income occupants;

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9. A declaration that the corporation has been granted an exemption from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984;
 10. A description of the development of the property if the property is being held for future low income housing development; and
 11. Any other information required by state law or local law or otherwise which is reasonably necessary to effectuate the purposes of this Chapter at the time the application is submitted.
- B.** The application shall include the following statements:
1. That the applicant is aware of all requirements for property tax exemption imposed by this Chapter;
 2. That the applicant's property qualified or, upon completion of the rehabilitation improvements and subsequent occupancy by low income, will qualify for exemption at the time of application approval or within 30 days of the April 1 application deadline;
 3. That the applicant acknowledges responsibility for compliance with the Code of the City of Portland regardless of whether the applicant obtains the exemption provided by this Chapter.
 4. The applicant shall furnish other information which is reasonably necessary to fulfill the objectives of this Chapter.
- C.** The applicant shall verify the information in the application, in accordance with Subsections 3.101.040 B. 1. through 3. above, by oath or affirmation.
- D.** Applicants for an exemption under this Chapter shall pay fees for an initial application and any renewals as set by the Portland Housing Bureau. The Portland Housing Bureau shall pay the County Assessor any reasonable cost incurred to process the exemption onto the tax rolls. In addition to paying the basic fee, the applicant may be required to pay other reasonable costs, which are incurred by the Portland Housing Bureau or the County Assessor in processing the application. The Portland Housing Bureau shall collect the additional payment, if any, and pay itself, the County Assessor, or any other City bureau an amount equal to the additional costs incurred. If the applicant is denied, the City shall retain that portion of the application fee attributable to its own administrative costs and shall refund the balance to the applicant.

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3.101.050 Review of Application.

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)

- A.** Within 30 days after the April 1 deadline for the application and payment of the application fee, the Portland Housing Bureau shall approve or deny the application. The application shall be approved if the Portland Housing Bureau finds that the property is “eligible property” within the meaning of the paragraphs 1. through 3. of Subsection B. of Section 3.101.010 of this Chapter, and that the applicant has submitted the application and paid the fees pursuant to Section 3.101.040 of this Chapter.
- B.** If the application is approved, the Portland Housing Bureau shall send written notice of approval to the applicant.
- C.** If the application is denied, the Portland Housing Bureau shall state in writing the reasons for denial and send the notice to the applicant at his or her last known address within 10 days after the denial. The Portland Housing Bureau shall retain that portion of the application fee which is attributable to its own administrative costs and shall refund the balance to the applicant.
- D.** Upon denial by the Portland Housing Bureau, an applicant may appeal the denial to the City Council within 30 days after receipt of the notice of denial. Appeal from the decision of the City Council may be taken as provided by law.
- E.** The application shall be assigned an application and receipt number.

3.101.060 Annual Application Renewal.

(Amended by Ordinance Nos. 167356, 178286 and 185043, effective December 7, 2011.)

- A.** Applicants for property tax exemption must apply each year no later than April 1 in order to be qualified for property tax exemption for the upcoming tax year.
- B.** The annual application renewal fee shall be set by the Portland Housing Bureau.

3.101.070 Assessment Exemption.

(Amended by Ordinance Nos. 167356, 178286 and 185043, effective December 7, 2011.)

- A.** Property for which an application for a property tax exemption has been approved under the provisions of this Chapter shall be exempt from ad valorem taxation for 1 year beginning July 1 of the tax year immediately following approval of the exemption, or when, pursuant to ORS 307.330, the property would have gone on the tax rolls in the absence of the exemption provided for in this Chapter. The exemption provided in this Section shall be in addition to any other exemption provided by law.

- B.** Applications for property tax exemption under this Chapter shall apply to and may be approved for assessment years beginning on or after January 1, 1985, but no later than January 1, 2027.
- C.** The exemption as provided by this Chapter shall apply to the tax levy of all taxing districts in the City of Portland in which property certified for exemption is located as long as the City of Portland has achieved the approval from such taxing districts whose governing boards agree to the policy of exemption, equal to 51 percent or more of the total combined rate of taxation on the property certified for exemption.

3.101.080 Termination.

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)

- A.** If, after a certificate of qualification approving the exemption has been filed with the County Assessor, the Portland Housing Bureau finds that non-compliance has occurred or that any provision of this Chapter is not being complied with, the Portland Housing Bureau shall give notice in writing to the owner, mailed to the owner's last-known address and to every known lender, by mailing the notice to the last-known address of every known lender, of the proposed termination of the exemption. The notice shall state the reasons for the proposed termination of the exemption and require the owner to appear before City Council to show cause at a specified time, not less than 20 days after mailing of the notice, why the exemption should not be terminated.
- B.** If the owner does not appear or if he or she appears and fails to show cause why the exemption should not be terminated, the Portland Housing Bureau shall notify every known lender and shall allow any lender not less than 30 days after the date the notice of the failure to appear and show cause is mailed to cure any noncompliance or to provide adequate assurance that all noncompliance shall be remedied.
- C.** If the owner fails to appear and show cause why the exemption should not be terminated and the lender fails to cure or give adequate assurance of the cure of any noncompliance, City Council shall adopt an ordinance or resolution stating its findings that terminate the exemption. A copy of the ordinance or resolution shall be filed with the County Assessor and a copy sent to the owner at the owner's last-known address and to the lender at the last-known address of the lender, within 10 days after its adoption.
- D.** Upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.216 to 311.232, to provide for the assessment and taxation of any

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value not included in the valuation of the property during the period of exemption prior to termination by City Council or by a court, in accordance with the findings of City Council or the court as the assessment year in which the exemption is to terminate. The County Assessor shall make the valuation of the property necessary to permit correction of the rolls, and the owner may appeal the valuation in the manner provided under ORS 311.216 to 311.232. Where there has been a failure to comply, as provided in Subsection A of this Section, the property shall be revalued beginning July 1 of the calendar year in which the non-compliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th day of the months next following the month of correction. If not paid within such period, the additional taxes shall thereafter be considered delinquent on the date they would normally have become delinquent if the time extended on the roll or rolls in the year or years for which the correction was made.

3.101.090 Implementation.

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)
The Portland Housing Bureau shall establish procedures and prepare forms for immediate implementation and administration of this Chapter in order to accept applications prior to the April 1 filing deadline imposed by ORS 307.545.

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.

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.

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- 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;
 - 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

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

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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.

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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:

- A. “Accrued Payment Liability”** means the amount determined by the Portland Housing Bureau that must be paid to Multnomah County if a rental project’s rate of return exceeds the maximum rate of return allowed under this program.
- B. “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.
- C. “Applicant”** means the individual or entity who is either the owner or a representative of the owner who is submitting an application for the tax exemption program.
- D. “Extended Use Agreement”** means a recorded agreement between the owner and the Portland Housing Bureau stating the approval and compliance criteria of a project’s tax exemption.
- E. “Multiple-unit housing”** has the meaning set forth in ORS 307.603(5).
- F. “Owner”** means the individual or entity holding title to the exempt project and is legally bound to the terms and conditions of an approved tax exemption, including but not limited to any extended use agreement and any compliance requirements under this Chapter.
- G. “Project”** means property on which any multiple-unit housing is located, and all buildings, structures, fixtures, equipment and other improvements now or hereafter constructed or located upon the property.

3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.

- A.** Multiple-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.612 and the Administrative Rules.
- B.** However, the maximum amount of estimated foregone tax revenue provided as a benefit of the exemption under this Chapter may not exceed the amount approved annually by Council.

3.103.040 Minimum Threshold Requirements.

(Amended by Ordinance No. 186547, effective April 30, 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 project meets the following minimum threshold requirements:

- A.** Financial need for the exemption

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1. Rental projects

- a.** The project would not otherwise be financially feasible without the benefit provided by the property tax exemption.
- b.** The applicant must submit proof that the anticipated internal rate of return for the project for the period of the exemption will not exceed 10 percent.

2. For-sale projects

- a.** Units receiving tax exemption will be sold to buyers meeting the affordability requirements contained in this Section.

B. Property eligibility

- 1.** Projects must be located within identified Designated Plan Areas/Metro 2040 Centers, within a quarter mile radius of Max Station Areas, or within a quarter mile from either Metro 2040 Corridors with Frequent Transit Service or Metro 2040 Main Streets with Transit Service within the City of Portland.
- 2.** Projects must conform to City of Portland's zoning and density requirements.
- 3.** Applications for tax exemption must be submitted and approved prior to issuance of the project's building permit.

C. Affordability

- 1.** For rental projects, during the term of the exemption, a minimum of 20 percent of the number of units must be affordable to households earning 60 percent or less of the area median family income, with possible allowance to have units affordable to households earning 80 percent or less of the area median family income based on the market for similar units in the same geographic area. The units meeting the affordability requirements must match the unit mix in the project as a whole in terms of number of bedrooms.
- 2.** For projects containing for-sale units, those units receiving the exemption must not exceed the maximum price established under City Code Section 3.102.040 at initial sale and must sell to an initial homebuyer who income qualifies and occupies the unit as established under City Code Section

3.102.040. During the term of the exemption, the unit must be occupied by a homebuyer as established under City Code Section 3.102.040.

D. Equity

1. Applicants must provide a plan to meet Portland Housing Bureau's business equity goals for participation of Minority, Women, and Emerging Small Businesses (MWESB) in professional services and construction contracting and City workforce training and hiring goals.
2. Applicants must describe their efforts to engage community stakeholders and integrate feedback in the project concept plan, including but not limited to: neighborhood impacts, plan for commercial tenants, the use of gathering and commercial space in the project, and outreach and marketing of residential units to target markets.

E. Green Building. The project must be built to meet healthy and energy efficient environmental building standards.

3.103.050 Application Review and Scoring of Public Benefits.

- A.** The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.621.
- B.** Applications which satisfy the requirements of Section 3.103.040 will be scored as part of a competitive process. Applicants must demonstrate additional public benefits beyond the threshold requirements in their applications. Additional benefits may include but are not limited to the following:
1. Affordability in addition to threshold requirements described in Section 3.103.040 for rental projects or units available for sale below prices for comparable properties in the area;
 2. Applicant's demonstration in its MWESB and community engagement plans of how the project will help Portland Housing Bureau achieve the vision contained in Portland Housing Bureau's Guiding Principles on Equity and Social Justice;
 3. A portion of or all units fully "accessible" to persons with special needs and of established accessible design features at both unit and site level;
 4. Family sized units in areas lacking housing units with two or more bedrooms, with appropriate family friendly amenities;

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5. Access to grocery stores, schools, day care, etc.;
6. Quality gathering space available to the community at large; and
7. A portion of units reserved for and an established partnership with an agency to provide services to vulnerable populations, including but not limited to youth who have transitioned or are transitioning out of foster care.

3.103.060 Application Approval.

- A. Portland Housing Bureau shall select the applications which meet the minimum threshold requirements (see Section 3.103.40) and provide the most public benefit to the City (see Section 3.103.50). The Portland Housing Bureau Housing Investment Committee shall review the selected applications and determine which should proceed towards approval. Applicants with selected applications shall pay an application fee.
- B. Portland Housing Bureau shall present the selected applications to the Portland Housing Advisory Commission at a public hearing, for which notice will be given and public testimony will be heard.
- C. Portland Housing Bureau shall take applications to City Council for approval in the form of an ordinance and deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.621.
- D. If construction of an approved project is not completed or an application for exemption is not received within the timeframe described in ORS 307.637, Portland Housing Bureau may extend the deadline consistent with ORS 307.634.

3.103.070 Rental Project Rate of Return.

- A. The owner of a rental project approved for exemption will be required to sign an extended use agreement (“EUA”) to be recorded on the title to the property.
- B. During the exemption period, the owner must submit project financial information annually to the Portland Housing Bureau.
- C. Portland Housing Bureau will prepare an annual analysis of the project’s financial data including a to-date calculation of the rate of return for the project.
- D. Portland Housing Bureau will advise the owner in writing whether the projected rate of return will exceed 10 percent for the entire exemption period and may result in an Accrued Payment Liability (“APL”).

- E.** If Portland Housing Bureau determines that the number and unit mix of affordable units is less than the approved percentage or does not match the unit mix of the project, the next available units must be rented to households meeting the income requirements and the project must be brought into compliance before the next reporting period.
- F.** At the end of the final year of the exemption, Portland Housing Bureau will calculate the rate of return for the project during the exemption.

 - 1.** If the rate of return does not exceed 10 percent, then the EUA terminates at the end of exemption.
 - 2.** If the rate of return exceeds 10 percent, then Portland Housing Bureau sends a written notice to the last known address of the owner requiring the owner to elect one of the following:

 - a.** The EUA may remain in full force and effect for an additional 5 years after the end of the tax exemption, extending the affordability requirements approved for the exemption; provided that the number of units subject to the rent restrictions as approved is the same number necessary to reduce the net present value, using a 10 percent annual discount rate of the project's projected market-rate (unrestricted) annual cash flows by an amount equal to the APL; or
 - b.** The owner pays an APL in an amount equal to the lesser of either:

 - (1)** The net present value using a 10 percent annual discount rate of the difference between the project's actual annual cash flows during the exemption and the proforma projected cash flows for the project that would provide a 10 percent rate of return during the exemption; or
 - (2)** The maximum amount of the property taxes that would have been assessed if no exemption had been granted.

3.103.080 For-Sale Unit Compliance.

- A.** Approved applicants must execute a document to be recorded on title of the project requiring Portland Housing Bureau verification of homebuyer affordability and owner-occupancy qualification prior to the sale of each for-sale unit to an initial homebuyer.

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- B.** For-sale units which sell to homebuyers who do not meet the affordability or owner occupancy qualifications at initial sale will have the tax exemption removed as of the next tax year.
- C.** For-sale units which sell over the established sale price at initial sale will have the tax exemption terminated according to Section 3.103.100 and require the owner to repay any exempted taxes consistent with ORS 307.631.

3.103.090 Extension of the Exemption for Low Income Housing Projects.

Projects subject to a low income housing assistance contract may be eligible for extension pursuant to ORS 307.612.

3.103.100 Termination of the Exemption.

If the Portland Housing Bureau determines that the project fails to meet any of the provisions of ORS 307.600 to 307.637 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.627.

3.103.110 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.

Chapter 3.104

**PROPERTY TAX EXEMPTION FOR
NEW, MULTIPLE-UNIT HOUSING**

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

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Chapter 3.105

BULL RUN ADVISORY COMMITTEE

(Chapter added by Ordinance No. 143520;
repealed by Ordinance No. 161853,
effective May 27, 1989.)

Chapter 3.106

**EXPOSITION-RECREATION
COMMISSION**

(Chapter added by Ordinance No. 143806,
effective June 15, 1977.)

Sections:

- 3.106.010 Commission Action.
- 3.106.020 Filing Copies of Resolutions with City Auditor.
- 3.106.030 Council Review.
- 3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.
- 3.106.050 Council Initiation of Exposition - Recreation Commission Action.
- 3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.

3.106.010 Commission Action.

All action by the Exposition - Recreation Commission shall be by resolution adopted in accordance with the Commission's bylaws.

3.106.020 Filing Copies of Resolutions with City Auditor.

Within 5 days after the passage of any resolution, the Exposition - Recreation Commission shall file a copy of the resolution with the City Auditor, who shall maintain a special record of the Exposition - Recreation Commission's resolutions which shall be accessible to the public under like terms as ordinances of the City of Portland. Except as provided in Section 3.106.040, no resolution of the Exposition - Recreation Commission shall become effective until 5:00 p.m. on the 10th day following the filing of a copy thereof with the City Auditor.

3.106.030 Council Review.

Except as provided in Section 3.106.040, resolutions of the Commission shall not become effective, if, within 10 days after the filing by the Exposition - Recreation Commission of a copy of a resolution with the City Auditor, a member of the City Council files a request with the Auditor for City Council review of the Commission action. Upon receipt of a request for City Council review of Commission action, the City Auditor shall forthwith notify the General Manager of the Exposition - Recreation Commission of the request for review and shall deliver to him a copy of the request for review. The Auditor shall place the resolution on the Council agenda for Council review at the next regular Council meeting. In placing the resolution on the Council calendar, the Auditor shall act consistently with the regular filing deadline for Council calendar items established by this Code; provided, the Council may review any Exposition - Recreation Commission resolution as a four-fifths item, or under suspension of Council rules. At the time of requesting Council review of Exposition - Recreation Commission action, the Council

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member shall state the reason such review is necessary and what action the Council should take on the matters.

3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.

(Amended by Ordinance No. 170667, effective October 23, 1997.) Resolutions of the Exposition - Recreation Commission which pertain solely to the following matters shall be effective upon adoption or at such other time as specified by the Commission.

- A.** Scheduling the use of the Exposition - Recreation Commission's buildings and facilities.
- B.** Entering into agreements for the use of the Exposition - Recreation Commission's buildings and facilities, including all of the terms and conditions of such agreements, provided such agreements do not transfer operation, management or control of the Memorial Coliseum.
- C.** Personnel policy or matters of employment, dismissal or disciplining of employees.
- D.** Purchasing supplies, consumables, and services and equipment, in accordance with a budget approved by City Council and in accordance with City Council purchasing procedures.

3.106.050 Council Initiation of Exposition - Recreation Commission Action.

The Council may, by regularly adopted ordinance, take action on behalf of the Commission. A Council member introducing an ordinance pertaining to the Exposition - Recreation Commission on the Council calendar shall, at the time of filing the proposed ordinance with the City Auditor, have a copy of the ordinance delivered to the General Manager of the Exposition - Recreation Commission.

3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.

- A.** Contracts and agreements entered into by the Exposition - Recreation Commission or on behalf of the Commission by employees or agents, within the scope of their authority, shall be binding and effective from the times designated in sections 3.106.030 or 3.106.040, whichever is applicable.
- B.** The Council may, by regularly adopted ordinance, repeal, amend or alter any resolution adopted by the Exposition - Recreation Commission. Any such repeal, amendment or alteration may be made retroactive or prospective in effect but shall not be construed to invalidate any contract or agreements made in accordance with Subsection A of this Section.

3.106.070 Special Services Personnel as Special Police.
(Repealed by Ordinance No. 185569, effective September 28, 2012.)

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Chapter 3.107

WATER QUALITY ADVISORY COMMITTEE

(Chapter added by Ordinance No. 161853,
effective May 27, 1989.)

Sections:

- 3.107.010 Created - Appointments.
- 3.107.020 Duties.
- 3.107.030 Meetings.
- 3.107.040 Chairperson.
- 3.107.050 Rules - Quorum.
- 3.107.060 Staff.

3.107.010 Created - Appointment.

(Amended by Ordinance No. 168939, effective June 14, 1995.) There hereby is created the Water Quality Advisory Committee. The Committee shall consist of nine members, appointed by the Commissioner In Charge of the Bureau of Water Works and confirmed by the Council. Appointments shall be for terms of 3 years except that 4 of the initial appointments shall be for terms of 2 years. When a vacancy occurs, the Commissioner In Charge shall appoint and the Council shall confirm a member to fill a new 3-year term. The Commissioner In Charge of the Bureau of Water Works may remove a member from the Committee at any time, subject to approval by the Council. The Commissioner In Charge of the Bureau of Water Works shall appoint members to the Committee with expertise or association in areas such as water quality, water treatment, public health policy, the environmental community, civic and business organizations, major industrial or commercial users, neighborhood associations and the public at large of which at least 3 members shall have relevant technical expertise. Committee members may serve a maximum of two 3-year terms, with the 4 appointees serving the initial terms of 2 years to serve a total maximum of 5 years. Within the maximum service limit of 6 years the Council may extend, for a period of less than 3 years, the terms of committee members who were appointed to serve or who have served the balance of a retiring committee member's term. All members shall serve without compensation from the City.

3.107.020 Duties.

The Committee shall act in an advisory capacity to the City Council through the Commissioner In Charge of the Bureau of Water Works as follows:

- A.** The Committee shall have the authority to offer policy advice to the Council and the Bureau of Water Works on issues such as management of the Bull Run

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Watershed, protection of groundwater quality, and other related water quality issues.

- B.** The Committee shall have the authority to issue periodic reports to the Council and the Bureau of Water Works.
- C.** The Committee shall have the authority to inform the public at large and take public testimony before offering policy advice to the Council and the Bureau of Water Works.

3.107.030 Meetings.

The Committee shall have the authority to conduct public meetings to gather input; the Committee shall provide for notification no less than 5 days prior to the meeting to the general public.

3.107.040 Chairperson.

A chairperson shall be elected annually from among the Committee members by a majority vote of a quorum. The Chairperson shall serve for a period of 1 year. A vacancy in the Chairperson's position shall be filled from among Committee members by majority vote of a quorum as soon as practical after the vacancy occurs.

3.107.050 Rules - Quorum.

The Committee shall establish its own rules and provide procedures for consideration or action on all matters before the Committee. Such rules and procedures may be adopted and amended only upon an affirmative vote of five or more Committee members. Election of officers and regular business shall be passed upon by the majority of a quorum. Not less than five members shall constitute a quorum. Each member shall be entitled to one vote. Provisions shall be made for public participation in Committee meetings.

3.107.060 Staff.

The Committee shall be staffed by personnel from the Bureau of Water Works and such additional staff or consultants as may be deemed necessary by the City Council for the committee to fulfill its responsibilities.

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Chapter 3.110

**BUREAU OF HYDROELECTRIC
POWER**

(Chapter added by Ordinance No. 147822,
effective July 9, 1979.)

Sections:

- 3.110.010 Creation and Function.
- 3.110.020 Jurisdiction.

3.110.010 Creation and Function.

(Amended by Ordinance No. 161850, effective May 27, 1989.) There is hereby established a Bureau of Hydroelectric Power. The Bureau shall be administered by a Bureau Manager and shall have such other employees as the Council may provide. The Bureau shall supervise the construction and administer the operation of hydroelectric generating facilities owned by the City. It shall perform the duties and responsibilities required by any Federal Energy Regulatory Commission license and any agreements for the disposition of energy. The Bureau of Hydroelectric Power shall report to the Administrator of the Bureau of Water Works.

3.110.020 Jurisdiction.

The Bureau shall supervise the construction and administer the operation of the City owned hydroelectric power generating facilities.

Chapter 3.111

**OFFICE OF
SUSTAINABLE DEVELOPMENT**

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

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Chapter 3.112

**SUSTAINABLE DEVELOPMENT
COMMISSION**

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

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, communications policy advocacy, related technology grants and cable communications in the City.

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- D.** The Office shall be responsible for overseeing franchise and utility audits and revenues in coordination with the City Auditor's Office, the Office of Management and Finance and other City agencies and bureaus.

3.114.030 Jurisdiction.

- A.** The Office shall have jurisdiction over all franchisees and utility licensees. The Office shall have jurisdiction over all public or private utilities or other entities seeking similar rights to use City rights-of-way.
- B.** The Office shall have jurisdiction over all cable communications and broadband policy matters affecting the City of Portland.

3.114.040 Policy.

In order to establish and ensure a stable, predictable basis for long-term relations, it is the policy of the City of Portland that public or private utilities and other entities seeking similar rights to utilize City rights-of-way should be subject to franchise agreements with the City.

3.114.050 Administration.

(Added by Ordinance No. 185059, effective December 7, 2011.)

- A.** In exercising the Office's jurisdiction under Subsection 3.114.030 A. over the use of City rights-of-way by franchisees, licensees and permittees, the Director may adopt procedures, forms, written policies, and rules to ensure orderly administration.
 - 1.** Before adopting a new rule, the Director must hold a public hearing. Prior to the hearing, the Director will notify the public and affected franchisees, licensees, and permittees under the jurisdiction of the Office. Such notice, which may be provided by mail or electronic means, must be distributed not less than ten or more than thirty days before the hearing. 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.
 - 2.** At the public hearing, the Director will receive oral and written testimony concerning the proposed rule. The Director will either adopt the proposed rule, modify it or reject it, taking into consideration the testimony received during the public hearing. If a substantial modification is made, additional public review will be conducted, but no additional public notice is required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules are effective upon adoption by the

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Director. All rules adopted by the Director will be filed in the Office. Copies of all current rules will be posted on the Office's website and made available to the public upon request.

3. Notwithstanding Subsections 3.114.050 A.1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 180 days.

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Chapter 3.115

MT. HOOD CABLE REGULATORY COMMISSION

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

Sections:

- 3.115.010 Definitions.
- 3.115.020 Cable Regulatory Commission.
- 3.115.030 General Powers & Duties.
- 3.115.040 Portland Community Media.
- 3.115.060 Annexations.
- 3.115.070 Cable Television Consumer Protection.
- 3.115.080 Definitions.
- 3.115.090 Local Office and Office Hours.
- 3.115.100 Telephone Answering Standard.
- 3.115.110 Installations, Disconnections, Outages And Service Calls.
- 3.115.120 Notice Requirements.
- 3.115.130 Billing.
- 3.115.140 Reporting.

3.115.010 Definitions.

Unless the context indicates otherwise, words used in this Chapter have the following meanings:

- A. "Agreement"** means the Intergovernmental Agreement creating the Mt. Hood Cable Regulatory Commission among and between the various Jurisdictions, dated December 24, 1992, including later amendments approved by the City Council.
- B. "Commission"** means the Mt. Hood Cable Regulatory Commission.
- C. "Franchise"** means an ordinance approved by the City Council authorizing use of the City's public right-of-way for operation of a cable communications system.
- D. "Grantee"** means any person authorized by a franchise agreement to construct, operate and maintain a cable communications system within the City of Portland.

3.115.020 Cable Regulatory Commission.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A.** The City is a party to the Intergovernmental Agreement dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission. The Intergovernmental Agreement establishes the responsibilities and powers of the Commission, as delegated by the various participating jurisdictions. The City Council approved the City of Portland's participation in the MHCRC by Ordinance No. 166168, enacted on January 20, 1993.
- B.** As provided in the Agreement, the City is represented by three members on the Commission, appointed by the Commissioner in Charge of the Office for Community Technology and confirmed by the Council. Appointments are for staggered terms of 3 years. When an interim vacancy occurs, the Commissioner in Charge appoints, and the Council confirms, a member to fill the balance of the unexpired term. All members representing the City must be residents of the City. The Commissioner in Charge shall appoint members to the Commission so as to provide for an appropriate level of expertise taking into account the powers and duties of the Commission and in making appointments shall take into consideration the desirability of diverse representation, including without limitation, of racial and ethnic minorities, gender, different geographic areas, and different socioeconomic groups. All members shall serve without compensation from the City or from any grantee. No member may have an ownership interest in any grantee. The Commissioner in Charge may remove a member appointed by the City from the Commission at any time, subject to approval by the Council.

3.115.030 General Powers & Duties.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A.** To the extent provided in the Agreement and in this Chapter, the Commission may exercise all cable communications system regulatory powers of the City over grantees operating within the City, whether such powers are granted to the City by law or under franchises issued to grantees.
- B.** The Commission shall act in an advisory capacity to the City Council through the Commissioner in Charge of the Office for Community Technology on all other matters pertaining to franchise agreements to construct, maintain and operate cable communications systems or proposed franchise agreements for such systems.
- C.** All powers granted to the Commission by the Agreement shall be subject to the provisions of franchises issued to grantees.. In the event of any conflict between

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the Agreement and a grantee franchise, the provisions of the franchise shall prevail.

- D.** The Commission may adopt such regulations as it deems necessary or desirable in order to exercise its powers and carry out its duties under the Agreement and this Chapter.

3.115.040 Portland Community Media.

(Amended by Ordinance No. 184882, effective September 21, 2011.) The Mayor and the Commissioner in Charge of the Office for Community Technology shall each appoint one member of the board of directors of Portland Community Media, for staggered terms of two years. All appointments shall be confirmed by the Council. In appointing these directors, consideration shall be given to representation on the board of directors of the fields of arts, education, government, and community media; and of diverse representation including, without limitation, racial and ethnic minorities, non-English speaking people, gender, and low-income people. In addition, the Commission shall appoint one non-voting ex-officio director of the Portland Community Media board of directors.

3.115.060 Annexations.

- A.** In the event the City annexes territory for which another public body having jurisdiction to issue a franchise has issued a franchise to construct, operate and maintain a cable communications system, then franchisee's rights and obligations shall continue after annexation as they existed before annexation until expiration of that franchise, except that:
- 1.** After annexation the City shall have all rights under the franchise of the issuing public body, including without limitation all rights to regulate, to collect and use franchise fees, regulation of system construction and operation within the annexed area, and rights to insurance, indemnification and other protections; and
 - 2.** After annexation the franchisee's obligations under the franchise regarding system construction and operation and other franchise requirements within the annexed area shall be to the City rather than to the issuing public body.
- B.** Nothing in this Section shall be deemed to modify the rights or obligations of the City or grantees under other franchises.

3.115.070 Cable Television Consumer Protection.

On behalf of the City, the Commission shall enforce the cable television consumer protection standards set forth in Sections 3.115.080 through 3.115.140.

3.115.080 Definitions.

Unless the context indicates otherwise, words used in Sections 3.115.080 through 3.115.140 have the following meanings:

- A. “Normal Business Hours”** means those hours during which most similar businesses in the City are open to serve customers. In all cases, Normal Business Hours must include some evening hours at least one night per week and some weekend hours.
- B. “Normal Operating Conditions”** means those service conditions which are within grantee’s control. Conditions which are not within grantee’s include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the grantee’s control include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system. Grantees must adjust staffing and operations to maintain compliance with the service standards in anticipation of events and conditions within grantee’s control.
- C. “Service Interruption”** means the loss of picture or sound on one or more cable channels.

3.115.090 Local Office and Office Hours.

Grantees shall have customer service center and bill payment locations open at least during Normal Business Hours. Grantees shall locate customer service center and bill payment offices at locations that are convenient to subscribers and the public. Grantee customer service centers must be adequately staffed and able to respond to subscribers and the public not less than 50 hours per week, with a minimum of nine hours per day on weekdays and five hours on weekends excluding legal holidays. As used herein, "adequately staffed" means customer service representatives are available to respond to customers who come to the service center in at least the following ways:

- A.** To accept payments;
- B.** To exchange or accept returned converters or other company equipment;
- C.** To respond to inquiries; and
- D.** To schedule and conduct service or repair calls.

3.115.100 Telephone Answering Standard.

- A. Cable system office hours and telephone availability.** Grantees shall maintain a local, toll-free or collect call telephone access line which shall be available to its

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subscribers 24 hours a day, seven days a week. Grantees shall provide, in at least one prominent location, an easily identifiable telephone number for local customer service on all bills, account statements or statements of service to grantee subscribers. Toll-free telephone lines, either staffed or with answering capability, providing at least emergency referral information, must be operational 24 hours a day, including weekends and holidays. Grantee must have trained representatives available to respond to customer telephone inquiries during Normal Business Hours. After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received by grantee after Normal Business Hours must be responded to by a trained representative on the next business day.

- B. Telephone Answering Time.** Under Normal Operating Conditions, telephone answer time by grantee's customer representatives including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. Grantees shall meet these standards no less than ninety (90) percent of the time under Normal Operating Conditions, measured on a calendar quarterly basis.
- C. Busy Phones.** Under Normal Operating Conditions, the customer shall receive a busy signal less than three (3) percent of the time.

3.115.110 Installations, Disconnections, Outages And Service Calls.

Under Normal Operating Conditions, grantees shall meet each of the following standards shall be met no less than ninety five (95) percent of the time measured on a quarterly basis:

- A.** Standard installations shall be performed within seven (7) business days after an order has been placed.
- B.** Under Normal Operating Conditions, grantee shall begin work on Service Interruptions promptly and no later than 24 hours after the interruption becomes known. Grantee must begin working on other service problems the next business day after notification of the service problem. Working on Service Interruptions must be more than merely acknowledging that a service interruption has occurred.
- C.** The appointment alternatives for installations, service calls and other installation activities shall be either a specific time or, at maximum, a four-hour time block during Normal Business Hours. Grantee may schedule service calls and other installation activities outside of Normal Business Hours for the express convenience of the customer.
- D.** Grantee shall be deemed to have honored a scheduled appointment under the provisions of this section when a technician arrives within the agreed upon time

and, if the subscriber is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the grantee.

- E.** Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. Rescheduling an appointment is an independent obligation and does not necessarily excuse the missed appointment.
- F.** If grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer shall be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient for the customer.

3.115.120 Notice Requirements.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A.** Notifications to subscribers. Grantee shall provide written information on each of the following areas at the time of service installation, at least annually to all subscribers, and at any time upon request:
 - 1.** Products and services offered;
 - 2.** Prices and options for programming services and conditions of subscription to programming and other services;
 - 3.** Installation and service maintenance policies;
 - 4.** Instructions on how to use the cable service;
 - 5.** Channel positions programming carried on the system; and,
 - 6.** Billing and complaint procedures, including the address and telephone number of the City's Office for Community Technology.
- B.** Grantee shall notify customers of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the grantee. In addition, grantee shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by this Section. Grantees are not required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency,

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State, or franchising authority on the transaction between the operator and the subscriber.

3.115.130 Billing.

- A. Bill Statements.** Grantee bills shall be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills shall also clearly delineate all activity during the billing period, including optional charges, rebates and credits. In case of a billing dispute, grantee must respond to a written complaint from a subscriber within seven (7) calendar days.
- B. Refunds.** Grantee shall issue refund checks promptly to customers, but no later than either the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier. Grantee may withhold a refund pending the customer returning the equipment supplied by grantee if service is terminated.
- C. Credits.** Grantee shall issue credits for service no later than the customer's next billing cycle following the determination that a credit is warranted.

3.115.140 Reporting.

Grantees shall file reports to the Commission on a quarterly basis showing the performance of grantee customer service standard obligations under Sections 3.115.080 through 3.115.140. The quarterly reports shall cover the periods January 1 through March 31; April 1 through June 31; July 1 through September 31; and October 1 through December 31. The reports shall be due no later than 30 days following the end of a quarter. The reports shall include, at a minimum, figures and narrative indicating performance of the following standards for:

Local office hours

Telephone call center hours

Telephone answering

Busy signal statistics

Standard installations

Service interruptions

Appointment windows: made, cancelled, and rescheduled

Notice requirements

Billing (refunds and credits)

Chapter 3.116

WATERWAYS ADVISORY COMMITTEE

(Chapter added by Ordinance No. 150413,
effective September 17, 1980.)

Sections:

- 3.116.010 Created - Organization.
- 3.116.020 Procedures and Rules.
- 3.116.030 Duties.

3.116.010 Created - Organization.

(Amended by Ordinance Nos. 182671 and 184046, effective September 10, 2010.) There hereby is created an advisory committee to the Commissioner In Charge of the Bureau of Planning and Sustainability to be known as the Waterways Advisory Committee, consisting of not less than 7 nor more than 11 voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members of the Committee, the members to serve for a term of 2 years at the pleasure of the Commissioner In Charge. The president of the Planning and Sustainability Commission or his or her representative shall be a member of the Committee.

3.116.020 Procedures and Rules.

The Waterways Advisory Committee shall establish its own rules, bylaws, and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold meetings at such time as is set by the body at any other time at the call of the Chairman.

3.116.030 Duties.

(Amended by Ordinance No. 184046, effective September 10, 2010.) Members of the Waterways Advisory Committee shall:

- A. Review any zoning Code amendment relating to waterways before it is presented to the Planning and Sustainability Commission, make its finds available to the Planning Commission and City Council;
- B. Review and comment to the Planning and Sustainability Commission and City Council on public or private riverfront development proposals that are potentially in conflict with the City's Greenway Plan.
- C. Identify opportunities for City encouragement of commercial, residential, recreational, transportation and educational development that fulfills public goals.

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- D.** Review the status of plans for publicly constructed segments of the Greenway path and suggest priorities for those segments.
- E.** Make recommendations to the Planning and Sustainability Commission and City Council for the development of City procedure to facilitate applicants' needs for a speedy and certain regulatory process and City policies consistent with such a goal.
- F.** Make recommendations to the Planning and Sustainability Commission and City Council on City policies governing use and development of the City's waterways.

Chapter 3.120

METROPOLITAN ARTS COMMISSION

(Chapter added by Ordinance No. 157240;
repealed by Ordinance No. 168592,
effective March 8, 1995.)

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Chapter 3.122

ECONOMIC IMPROVEMENT DISTRICTS

(Chapter replaced by Ordinance No. 164665,
effective September 18, 1991.)

Sections:

- 3.122.010 Purpose.
- 3.122.020 Definitions.
- 3.122.030 Council Control.
- 3.122.040 Statutory Provisions Applicable.
- 3.122.050 Preliminary Institution of Economic Improvement District
- 3.122.060 Final Plan and Ordinance Preparation.
- 3.122.070 Consideration of Final Plan and Ordinance.
- 3.122.080 Notice to Owners.
- 3.122.090 Exemption Process.
- 3.122.100 Hearing and Resolution Establishing District.
- 3.122.110 Preparation and Notice of Assessments.
- 3.122.120 Hearing on Assessments.
- 3.122.130 Amendments to Ordinance.
- 3.122.140 Limitation on Assessments.
- 3.122.150 Limitation on Boundaries.
- 3.122.160 Continuation of Assessments.
- 3.122.170 Expenditure of Moneys.
- 3.122.180 Cost of Administration.
- 3.122.190 Limitation on Expenditures.
- 3.122.200 Administration
- 3.122.210 Early Termination.
- 3.122.220 Surplus.
- 3.122.230 Entry and Collection of Assessments.

3.122.010 Purpose.

The purpose of this Chapter is to establish procedures for the creation of two types of Economic Improvement Districts, one in which the assessment is mandatory and applied to all properties except Exempt Properties, the second type in which the property owner can decide whether to be assessed, a voluntary assessment, as authorized by state law. The City will be ultimately responsible for administering and operating any Economic Improvement District, although the administration and operation may be carried out by others under contract with the City. All costs of administering and operating any Economic Improvement District will be paid entirely from assessments and fees actually

received from the District; the City will not pledge its credit on behalf of the District; and the City will not loan funds to the District.

3.122.020 Definitions.

The following words and phrases when used in this Chapter shall have the following meanings, except where the context requires a different meaning:

- A. “Advisory Committee”** means a committee of persons representative of the owners and tenants of property within an Economic Improvement District and may consist of an existing association of property owners or tenants or both.
- B. “Commissioner In Charge”** means the commissioner in charge of the lead bureau.
- C. “Economic Improvement”** means:
 - 1. The planning or management of development or improvement activities.
 - 2. Landscaping, maintenance and provision of security for public areas.
 - 3. The promotion of commercial activity or public events.
 - 4. The conduct of activities in support of business recruitment and development.
 - 5. The provision of improvements in parking systems or parking enforcement.
 - 6. Any other economic improvement activity that specially benefits property. “Economic improvement” does not include any services to be provided on private property.
- D. “Preliminary Economic Improvement Plan”** means a plan prepared by the property owners or tenants within the proposed District or their designees setting out:
 - 1. A description of economic improvements proposed to be carried out;
 - 2. The number of years, to a maximum of three, in which assessments are proposed to be levied;
 - 3. A preliminary estimate of annual cost of the proposed economic improvements;

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4. The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvements;
5. The proposed formula for assessing the cost of the economic improvements against subject properties;
6. A preliminary estimate of the cost of City administration of the proposed Economic Improvement District;
7. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
 - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
 - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
8. A statement of why the proposed economic improvements are not likely to be satisfactorily and equitably accomplished except through establishment of an Economic Improvement District.

E. “Final Economic Improvement Plan” means a plan setting out:

1. A description of economic improvements to be carried out;
2. The number of years, to a maximum of three, in which assessments will be levied;
3. The annual cost of the proposed economic improvements;
4. The boundaries designated by map or perimeter description of the Economic Improvement District within which subject properties will be assessed to finance the costs of the Economic Improvement District;
5. The formula for assessing the cost of the economic improvements against subject properties;
6. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and

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- a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
 - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
 7. The cost of City administration of the Economic Improvement District.
- F. **“Lead bureau”** means the City office, bureau or commission determined by the Mayor to have the principal interest in a proposed Economic Improvement District.
- G. **“Lot”** means a lot, block, or parcel or land.
- H. **“Owner”** means the owner of the title to real property or the contract purchaser of record as shown on the last available complete assessment roll in the Office of the County Assessor.
- I. **“Subject Properties”** means the real property within an Economic Improvement District except for Exempt Property.
- J. **“Exempt Property”** means:
 1. Residential real property and any portion of a structure used for residential purposes. In the event a structure is used for both residential and non-residential purposes, the land on which the structure is located shall not be Exempt Property. For purposes of this subsection, “residential real property” and “residential purposes” shall not include hotels and hotel uses, as defined in Section 33.12.420 of this Code, and motels and motel uses, as defined in Section 33.12.560 of this Code, but shall include hotel and hotel uses if, for the entire hotel or entire hotel use:
 - a. The average rent per unit is less than \$2 per day, or
 - b. A majority of the units regularly are occupied by the same tenants for more than 30 consecutive days, or
 - c. A majority of the units regularly are occupied by occupants who pay for lodging on a monthly basis.
 2. Property owned or being purchased by religious organizations including:

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- a.** All houses of public worship; and other additional buildings and property used solely for administration, education, literary, benevolent, charitable, entertainment, and recreational purposes by religious organizations, the lots on which they are situated, and the pews, slips, and furniture therein. However, any part of any house of public worship or other additional buildings or property which is kept or used as a store or shop or for any purpose other than those stated in this Section shall not be exempt property.
 - b.** Parking lots used for parking or any other use as long as that parking or other use is permitted without charge.
 - c.** Land and the buildings thereon held or used solely for cemetery or crematory purposes, including any buildings solely used to store machinery or equipment used exclusively for maintenance of such lands.
- K.** “**Task Force**” means a committee whose membership consists of representatives of those City offices, bureaus, and commissions that have a significant interest in a proposed Economic Improvement District and a representative appointed by the Advisory Committee. The City Auditor or a representative designated by the City Auditor shall be a member of each Task Force.

3.122.030 Council Control.

Whenever the Council determines that economic improvements would be appropriate and would afford a special benefit to subject properties within a particular District, the Council, subject to the provisions of this Chapter, may establish an Economic Improvement District and provide for payment of all or a portion of the cost by collection of assessments on either a mandatory or voluntary basis. The Council may decline for any reason within its sole discretion to establish a proposed Economic Improvement District. This Chapter shall not give to any person the right to have an Economic Improvement District established.

3.122.040 Statutory Provisions Applicable.

Statutory provisions applicable to Economic Improvement Districts shall be followed by the City and by owners in all cases. The provisions of this Chapter are intended to supplement and to implement the statutory provisions.

3.122.050 Preliminary Institution of Economic Improvement District.

- A.** The Council shall consider creation of an Economic Improvement District whenever owners of Subject Properties file with the Auditor a petition for the establishment of a District containing the signatures of the owners of 33 percent or more of the area or of the assessed value of subject properties within the

proposed District or whenever a City Commissioner or the Mayor files a report recommending the establishment of a District. A petition or report shall contain a Preliminary Economic Improvement Plan.

- B.** The Council may adopt a resolution directing the lead bureau to begin the Economic Improvement District formation process if the Council finds that:
- 1.** The costs of administering the proposed Economic Improvement District would not be substantial in relationship to the cost of the economic improvements;
 - 2.** It is not likely that the economic improvements would be satisfactorily and equitably accomplished except through establishment of the Economic Improvement District;
 - 3.** Establishment of the Economic Improvement District would be in the public interest;
 - 4.** In the case of a District intended to impose a mandatory assessment, that the assessment can be accommodated within the property tax limitation and City budget; and
 - 5.** The economic improvements would afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public.
- C.** The resolution may contain such revisions to the preliminary economic improvement plan as the Council deems appropriate based on the criteria set out in Paragraphs 1 through 5 of this Subsection and shall designate those City offices, bureaus, and commissions to be represented on the task force for the proposed District.
- D.** Upon adoption by the Council of a resolution under Subsection B of this Section, the Mayor shall designate a lead bureau for the proposed Economic Improvement District from among those designated to be represented on the task force and shall refer the matter to the Commissioner In Charge.
- E.** Immediately following the referral under Subsection D of this Section, the Commissioner In Charge shall appoint an advisory committee to assist the task force in development of the final economic improvement plan. The Commissioner shall strongly consider appointment of owners of property within the Economic Improvement District to the advisory committee. The Commissioner may appoint as the advisory committee an existing association of property owners or tenants or both. The task force shall encourage participation

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of the advisory committee in the plan development and administration process. The advisory committee shall appoint a representative to the task force.

3.122.060 Final Plan and Ordinance Preparation.

- A.** Immediately following Council adoption of a resolution under Section 3.122.050 B, the head of each office, bureau and commission to be represented on the task force shall appoint its representative and the City Auditor shall appoint the city Auditor's representative, by notification to the head of the lead bureau.
- B.** The City Auditor's representative shall provide to the task force a report setting out:
 - 1.** Whether the petitioners under Section 3.122.050 A are owners of subject property in the proposed District;
 - 2.** Delinquencies in taxes or City liens on subject properties in the proposed District;
 - 3.** The true cash value of all real property located within the proposed District; and
 - 4.** The zoning of land within the District, including verification that only land zoned for commercial or industrial use is included within the District.
- C.** The lead bureau shall be responsible for preparing the documents referred to in Subsection D.
- D.** The task force shall prepare for the Commissioner In Charge a report recommending whether the owners of property within the proposed Economic Improvement District shall be formally notified of the proposal to establish the District, taking into consideration the criteria set out in Section 3.122.050 B. If the report recommends formal notification, the report shall include a proposed Final Economic Improvement Plan and the report of the City Auditor's representative provided under Subsection B. The report also shall include a proposed ordinance that:
 - 1.** States the Council's intention to proceed with formal notification regarding the proposed Economic Improvement District;
 - 2.** States whether the assessments will be mandatory or voluntary;
 - 3.** Contains the information in the Final Economic Improvement Plan, which may be included by attachment of the Plan as an exhibit; and

4. Directs notice to be given in the manner provided by PCC 3.122.080.

3.122.070 Consideration of Final Plan and Ordinance.

- A. If the Commissioner in Charge deems it appropriate, the Commissioner shall file for Council consideration the report and ordinance prepared under Section 3.122.060 D.
- B. On consideration of the report and ordinance, the Council may approve, modify, or reject the report including any aspect of the Final Economic Improvement Plan, and the ordinance. If the Council determines that the proceedings for the proposed Economic Improvement District should go forward, the Council shall adopt the ordinance including any modifications.

3.122.080 Notice to Owners.

- A. Following adoption of the ordinance under Section 3.122.070 B, the Auditor shall mail notice to the property owners within the proposed Economic Improvement District which contains the following information:
 1. The Council's intent to form an Economic Improvement District.
 2. Benefitted properties will be assessed unless it is a voluntary assessment in which case only property owners who specifically request to be assessed will be assessed. An owner who fails to submit a written objection before or at the public hearing on assessment shall be deemed to have made a specific request to be assessed.
 3. The formula for determining the amount of the assessment.
 4. The scope of the improvements and that the description of the boundaries of the proposed District and the full scope of the project are on file with the Auditor and where the file can be viewed. It should state that:
 - a. In the case of a voluntary assessment the scope and level of the improvements may be reduced depending on the amount of money collected; or
 - b. In the case of a mandatory assessment the scope and level of the improvements may be reduced if the amount of the assessment is compressed to fit within the property tax limitation imposed by the Oregon Constitution, Art. XI § 11b.

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5. The estimated cost of the proposal, and that it may be reduced to the amount of money actually received.
6. The date, time and place of the hearing and that the proposal could be modified as a result of public testimony.
7. The classification or types of properties which are exempt and that a request for an exemption on an enclosed form must be filed not later than 21 days after the notice is mailed.
8. In the case of a voluntary assessment that it is an incurred charge and is not a tax and is a charge outside the property tax limitations in the Oregon Constitution, Art. XI, §11b.

3.122.090 Exemption Process.

- A. Property within the proposed District is conclusively presumed subject to assessment unless the owner files with the Auditor a claim for exemption not later than 21 days after the date of mailing or personal delivery of the notice.
- B. The Auditor, in his or her discretion, may audit a claim or claims for exemption to determine whether property claimed to be exempt from assessment is exempt property. The audit may include review of such evidence as the Auditor deems appropriate and may include a viewing of the property. In the event the Auditor determines that the property for which an exemption is claimed is not exempt, the Auditor shall give the owner written notice of the determination and the reasons, by mail or personal delivery. The notice shall give the owner 10 days time within which to provide written evidence as to why the property is exempt. In the event the owner provides no written evidence within the time allowed, the property conclusively shall be presumed not to be exempt property. In the event the owner submits written evidence, the Auditor shall review the evidence and either approve or disapprove the claim for exemption and provide written notice to the owner, including a statement of the reasons for the Auditor's decision. The Auditor's approval or disapproval following review of the evidence shall be final.

3.122.100 Hearing and Resolution Establishing District.

- A. The Council shall hold a public hearing on the proposed Economic Improvement District at the time and place stated in the notice to owners of properties. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to such other time and place as it may deem appropriate. At the hearing, persons supporting or objecting to the proposed improvement and assessment shall be entitled to be heard.

- B.** If the Council, at the conclusion of the hearing, finds that the economic improvements will afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public and that the Economic Improvement District should be established, then the Council may adopt a resolution stating those findings and establishing the District.

3.122.110 Preparation and Notice of Assessments.

- A.** Following Council adoption of a resolution establishing an Economic Improvement District based on the final Economic Improvement Plan, the Auditor shall prepare the proposed assessment for each lot in the District that is a subject property and shall file a proposed assessment ordinance, with a list of proposed assessments attached, with the City Council. The amount of assessment shall be based on the cost of the economic improvements and the cost of City administration of the Economic Improvement District.
- B.** Following preparation of the proposed assessments, the Auditor shall mail to the owner of each lot to be assessed a notice containing the following information:
- 1.** The description of the property being assessed.
 - 2.** The name of the District and whether it is a voluntary or mandatory assessment. In the case of a voluntary assessment a statement that the property will be assessed unless the property owner specifically requests in writing not to be assessed.
 - 3.** The length of the District and the total cost of the project, the assessment formula, and the amount of the assessment on the property.
 - 4.** The assessment will not change unless the Council finds it exceeds the benefit of the improvements, but the total amount and scope of the improvements and level of services could change to correspond to the amount of money collected. Further, the scope of the improvements and level of services could change as a result of the testimony.
 - 5.** The time, date and place of the hearing and that the following forms of objection may be filed:
 - a.** A written objection to being assessed in which case no assessment will be placed on the property if it is a voluntary assessment. An owner who fails to submit a written objection before or at the public hearing shall be deemed to have made a specific request for

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the economic improvement service to be provided during the time specified in the assessment ordinance;

- b.** An objection to the amount of the assessment on the grounds it is incorrect or exceeds the amount of benefit; and
 - c.** An objection to the formation of the District.
- 6.** A written objection may be filed with the Auditor prior to the hearing or made orally at the hearing. An objection to the assessment must explain the reasons the assessment is incorrect or exceeds the amount of benefit.
- 7.** The assessment is due and payable immediately, and whether it may be paid in installments. The amount of interest if any and the fact there will be billing charges. The unpaid balance will become a lien on the property and failure to pay could result in foreclosure.
- 8.** A voluntary assessment is an incurred charge and is a charge outside the property tax limitation imposed by the Oregon Constitution, Art. XI, §11b.
- 9.** Property included in the District and assessed cannot be withdrawn from the District and the assessment will continue through the life of the District.
- 10.** The name and phone number of a City staff person who can answer questions.

3.122.120 Hearing on Assessments.

- A.** The Council shall hold a public hearing on the proposed assessment ordinance. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to a date and time certain. At the hearing, property owners supporting or objecting to being assessed, to the amount of the assessment or to the formation of the District, shall be entitled to be heard.
- B.** Written objections shall be considered to have been received by the Council at the hearing if actually received at the hearing or if received by the Auditor prior to commencement of the hearing. A written objection signed by a person purporting to have authority as agent or attorney to sign an objection on behalf of an owner shall be considered received from the owner only if there is included with the objection a copy in writing of the authority to act on behalf of the owner.
- C.** If the Council at the hearing receives written objections to the formation of the District from owners of property upon which more than 33 percent of the total

value of assessments are levied, then the Economic Improvement District shall not be established and assessments shall not be made.

- D.** At the hearing, the Council shall consider any objections and may adopt, correct, modify, revise the proposed assessment ordinance. In the case of a voluntary assessment, the Council shall exclude from assessment property which the owner has requested be omitted from assessment. The request shall be made in writing and submitted prior to the close of the hearing.

3.122.130 Amendments to Ordinance.

- A.** At the hearing under Section 3.122.100, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070. The procedures required by Sections 3.122.080 and 3.122.100 shall be repeated if the amendment:

1. Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment;
2. Increases the likely assessment upon one or more properties; or
3. Enlarges the Economic Improvement District;

- B.** At the hearing under Section 3.122.120, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070 as subsequently amended. If the amendment increases the likely assessment upon one or more properties, then the procedures required by Sections 3.122.110 and 3.122.120 shall be repeated. The procedures required by Section 3.122.080 through 3.122.120 shall be repeated if the amendment:

1. Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment; or
2. Enlarges the Economic Improvement District.

3.122.140 Assessments.

- A.** The Council shall not levy assessments in an Economic Improvement District in any year that exceed one percent of the true cash value of all the real property located within the District.
- B.** Any new owner of benefitted property or any owner of benefitted property who excluded the property from assessment by submitting written objections may subsequently agree to the assessment of the property. The Council shall apply the

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assessment formula to the property and apportion the costs to the property for the remaining time in which the assessment is levied.

- C. The assessed property may not be relieved from liability for that assessment for any reason including change of ownership.

3.122.150 Limitation on Boundaries.

The Council shall not include within an Economic Improvement District any area of the City that is not zoned for commercial or industrial use.

3.122.160 Continuation of Assessments.

If the Council has established an Economic Improvement District and thereafter determines that it is necessary to levy assessments upon subject property in the District for longer than the period of time specified in the assessment ordinance that created the District, the Council shall enact an ordinance that provides for continued assessments for a specified number of years, to a maximum of three. The assessment of lots under such an ordinance shall be subject to the procedures required by Sections 3.122.110 and 3.122.120.

3.122.170 Expenditure of Moneys.

Money derived from assessments levied under this Chapter and from interest earned on that money shall be spent only for the economic improvements and for the cost of City administration of the Economic Improvement District described in the final Economic Improvement Plan. Subject to the requirements of any labor agreements to which the City is a party and to any applicable requirements of state law, the Council in its discretion may authorize an agreement or agreements with the advisory committee appointed under Section 3.122.050 D for the committee to provide all or part of the economic improvements described in the final economic improvement plan.

3.122.180 Cost of Administration.

The cost of City administration of an Economic Improvement District shall include the actual cost of administrative services provided by the City related to the District.

3.122.190 Limitation on Expenditures.

Money spent for carrying out a final Economic Improvement Plan shall be limited to money actually received from assessments or from other public or private contributions to assist in carrying out the Plan.

3.122.200 Administration.

The task force for an Economic Improvement District shall be responsible for administration of the economic improvements to be carried out. With the concurrence of the head of the lead bureau, the task force may designate an employee of the lead bureau as the person responsible for day to day administration of the economic improvements. In the event the task force determines that the economic improvements should be

performed by a contractor or contractors, the task force shall prepare for Council consideration contracts for the work. In each case, the contract for work shall include not less than the following:

- A.** A description of the work to be done;
- B.** A description of the method of compensation for the work;
- C.** A description of records to be kept by the contractor to evidence performance of the work and of the documentation to be provided to the City to justify payment for work;
- D.** A description of any liability to be born and insurance to be provided by the contractor; and
- E.** A description of the rights of the City to terminate the contract prior to its completion.

3.122.210 Early Termination.

The City Council may terminate the activities of an Economic Improvement District in whole or in part prior to the normally scheduled termination date for the District by an ordinance. However, all applicable contract issues shall be resolved before activities are terminated. In the event of early termination, those funds remaining from assessments for the District, following payment of all obligations and costs of administration incurred on behalf of the District, shall be returned to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District. In the event of early termination of only a part of the activities of an Economic Improvement District, the City Council, in the termination ordinance, may elect to apply remaining funds on a similarly proportionate basis as a credit against future District assessments against subject properties, with any funds remaining being returned to the owners as otherwise provided herein.

3.122.220 Surplus.

In the event, following the normally scheduled termination of an Economic Improvement District, including the payment of all obligations and costs of administration incurred on behalf of the District, there remain excess funds from assessments paid by owners of subject properties, then the City Council, by ordinance, shall provide for either:

- A.** The return of the excess funds to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District;
- B.** Use of the excess funds for continued provision of the economic improvements until the excess funds are fully spent; or

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- C.** Use of part of the excess funds as provided in B and return of the balance of the excess funds as provided in A.

3.122.230 Entry and Collection of Assessments.

- A.** On adoption of an assessment ordinance under Section 3.122.120 D, the City Auditor shall enter each assessment in the docket of City liens. All such assessments shall be collected in the same manner as local improvement assessments and failure to pay may result in foreclosure in the same manner as provided for other assessments.
- B.** The assessments may be paid in semi-annual payments, however the City may charge a billing fee.

3.122.240 Economic Improvement Fund.

(Repealed by Ordinance No. 170223, effective July 1, 1996.)

Chapter 3.123

PORTLAND UTILITY REVIEW BOARD

(Chapter replaced by Ordinance No. 177275,
effective March 21, 2003.)

Sections:

- 3.123.010 Created - Purpose.
- 3.123.020 Scope.
- 3.123.030 Membership.
- 3.123.040 Appointments - Composition.
- 3.123.050 Recruitment Process.
- 3.123.060 Terms.
- 3.123.070 Standing Committees.
- 3.123.080 Staffing.
- 3.123.090 Meeting Schedule.
- 3.123.100 By-Laws.
- 3.123.110 Annual Report and Work Session.

3.123.010 Created - Purpose.

A Portland Utility Review Board is hereby created. The Board's purpose is to advise the City Council, on behalf of and for the benefit of the citizens of Portland, on water, sewer, stormwater and solid waste financial plans and rates. The Board will advise Council on the establishment of fair and equitable rates, consistent with customer needs, legal mandates, existing public policies, operational requirements, and the long-term financial stability and viability of the utilities.

3.123.020 Scope

The Board shall perform the following functions:

- A.** Participation in the financial planning process. The Bureau of Water Works, the Office of Sustainable Development and the Bureau of Environmental Services use multi-year financial planning to prioritize programs and to project operating and capital costs associated with policies and programs, and to estimate overall rate impacts. The bureaus update their financial plans throughout the year to reflect significant changes in revenues or requirements, and re-do the plans annually. The Board will review the proposed financial plans and revisions, and submit its findings and recommendations to the Council as part of the City's annual financial planning process.
- B.** Participation in the rate design process. The Board will make recommendations to the Council on the equitable distribution of rate adjustments among customer

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classes, as determined in the rate design process. The Board will report on proposed rate changes to the Council during the annual budget hearings and development processes for water, sanitary sewer, stormwater and solid waste rates. The Board will also participate in the periodic review and analysis of alternative rate designs proposed by Council. The Board shall report on other city activities or proposed policies with significant impacts to water, sewer and solid waste rates.

- C.** Relationship to other citizen advisory groups. The Council and the bureaus may form other groups, as necessary, to advise on utility matters. The Board and its staff will exchange information with these other advisory groups to coordinate policy advice to the Council and the bureaus.
- D.** Relationship to other interested parties. The Board's primary responsibility and duties are to advise the Council, and its deliberations and recommendations shall be directed to Council accordingly. The Board may also share the results of its deliberations and recommendations delivered to Council with interested individuals and groups including neighborhoods, business associations, and public interest groups.

3.123.030 Membership.

The Board shall have nine (9) permanent members. The Mayor shall appoint the Chair of the Board. Five members shall constitute a quorum of the Board.

3.123.040 Appointments - Composition.

- A.** General Criteria. All members must reside in or work predominantly in the City of Portland and have an interest in sewer, water and solid waste issues, such as system development and maintenance, service delivery, service costs and impacts on low-income households, economic development, conservation or environmental concerns. In making appointments, the Mayor and City Council will attempt to have a range of professional and academic expertise, and volunteer experience, represented on the Board in disciplines such as accounting, civil engineering, conservation, environmental sciences, health sciences, public administration, urban planning, or utility economics. In making Board appointments, the Mayor and Council shall strive to have a Board which reflects the diversity of the Portland community, especially regarding customer classes, income levels, cultural and ethnic identity, geographic location, age and gender.
- B.** Restrictions. No individual with any direct financial interest in a city utility or solid waste franchises, whether by ownership, employment, contract or otherwise, shall be appointed to or serve on the Board.

- C.** Board Appointments. Board members shall be appointed by the Mayor and confirmed by the Council. Any Council member may submit recommendations to the Mayor on potential appointments to the board. Nominations shall reflect four general categories:
- 1.** Residential Geographic Representation. The Mayor will seek nominations from neighborhood associations, district coalitions and residential customers (renters and land owners) in various City neighborhoods. Three seats shall be filled from residential geographic nominations. The Mayor will appoint members representing residential customers from each of three geographic areas within the City comprised of:
 - a.** West Portland - the area west of the Willamette River,
 - b.** Northeast/Southeast Portland - the area east of the Willamette River and west of Interstate 205, and
 - c.** East Portland - the area east of Interstate 205.
 - 2.** Public Interest Advocacy. The Mayor will seek nominations from organizations working to support low and moderate income issues, environmental concerns, senior, fixed income and special needs populations. Two seats shall be filled from public interest advocacy nominations. The council will strive to create diversity in making nominations for these two seats.
 - 3.** Large Commercial/Industrial Businesses: The Mayor will seek nominations from businesses which have a current industrial discharge permit, discharge at least 10,000 gallons per day of waste-water to the sewer system, or use 10,000 cubic feet of water per month. One seat shall be filled from commercial/industrial business nominations.
 - 4.** Local Businesses: The Mayor will seek nominations from businesses headquartered in the City that predominantly serve Portland-area residents. Retail, service or neighborhood businesses, and those not otherwise meeting the Large Commercial/Industrial category criteria, are eligible for inclusion in this category. One seat shall be filled from local business nominations.
 - 5.** At-Large: To provide flexibility in meeting the Board's goal of membership diversity, the Mayor will appoint one member from applications received "at-large." Any individual or any group interested in participating on the Board may submit nominations in this category. Two seats shall be filled from At-Large nominations.

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- D.** Council Liaisons. Each member of the City Council may appoint one member of their staff to serve as a representative of their office to the Board. These representatives shall serve as communications contacts and shall not have voting privileges.

3.123.050 Recruitment Process.

- A.** Board positions and vacancies will be announced to local media publications and broadcasts, including local neighborhood newspapers, cable stations and radio, with a goal of widespread outreach. Nomination requests will also be sent to the city's Neighborhood Associations and District Coalition Boards, to consumer advocacy and environmental interest groups, and to Business District associations. The City's standard Boards and Commissions application form shall be used, with all nominations to be submitted to the Mayor's office.
- B.** The City's staff to the Board shall develop and keep current a list of publications to meet the requirements described in Subsection A. of this Section.
- C.** City Council members shall also seek nominations for the Board through publications or communications generated in their offices.

3.123.060 Terms.

- A.** Board members will serve, without compensation, for a term of two years. The terms of each member shall run from the date of the City Council's confirmation of the member's appointment, or such other date as the Council may establish.
- B.** No member may serve on the Board for more than six consecutive years. The Board shall develop a brief process and/or form for recommendations to the Mayor in regard to members desiring reappointment.
- C.** If any member of the Board is absent more than three regularly scheduled meetings of the Board during any twelve-month period, without having notified the Chair in advance of such absence, such member shall be deemed to have resigned from the Board. The member's position shall thereafter be vacant and subject to appointment by the Mayor.
- D.** The Mayor may remove any member of the Board at his or her discretion for due cause, including but not limited to malfeasance or neglect of duties.

3.123.070 Standing Committees.

- A. The Board may at any time establish standing committees of at least three individuals to address specific issues related to the Board's purpose.
- B. The Board Chair, one other member of the Board, as approved by a majority vote of all Board members, and any Council liaisons to the Board will serve as the Board Executive Committee. The Executive Committee will facilitate on-going communication between the Board, the City Council, the Board staff, and the bureaus.
- C. The Board may designate more specific roles and responsibilities for the Executive Committee and any standing committee in the Board by-laws.

3.123.080 Staffing.

The Office of Management and Finance will provide staffing for the Board, with logistical and topic-related support from the Bureau of Water Works, the Bureau of Environmental Services, the Office of Sustainable Development and other bureaus or agencies as needed.

3.123.090 Meeting Schedule.

The Board shall meet once monthly on a regular date established in the Board by-laws. Additional meetings may be scheduled during annual budget and rate review periods as determined by the Board Chair. The Board's Executive Committee and other standing committees will meet on an as-needed basis.

3.123.100 By-Laws.

The Board shall adopt by-laws to govern its procedures within the purposes of this chapter that shall not conflict with any portion of this ordinance and which are subject to the approval of the Commissioner in Charge of the Board. These by-laws shall include specifications concerning selection and tenure of standing committee chairs, division of responsibilities, attendance policies, meeting schedules, as well as communications between the Board and City agencies, the media and the general public, and any other appropriate matters.

3.123.110 Annual Report and Work Session.

- A. By September 30 of each year, the Board shall prepare and submit to the Council an annual report summarizing the work performed by the Board during the previous fiscal year (July 1 through June 30). The annual report shall include, but need not be limited to, a summary of issues reviewed and analyzed; a list of briefings and reports received from staff, outside experts and other informed parties; a summary of recommendations forwarded to the Council; and a summary of Council action on the recommendations.

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- B.** Upon the completion of each Annual Report described in Subsection 3.123.110 A. of this section, the Board shall participate in a work session with the City Council. The purpose of this work session is to present the Annual Report and to create a work plan for the upcoming year.

Chapter 3.124

**PORTLAND BUREAU OF
EMERGENCY MANAGEMENT**

(Chapter replaced by Ordinance No. 184740;
Amended by Ordinance No. 185304,
effective June 1, 2012.)

Sections:

- 3.124.010 Definitions.
- 3.124.020 Portland Bureau of Emergency Management.
- 3.124.030 Purpose.
- 3.124.040 Organization.
- 3.124.050 Director's Powers and Duties.
- 3.124.060 Staff and Delegation.
- 3.124.070 Neighborhood Emergency Team Program.
- 3.124.080 Neighborhood Emergency Teams.
- 3.124.090 Neighborhood Emergency Team Leaders.

3.124.010 Definitions.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The following definitions apply to Chapters 3.124 through 3.126:

- A.** “Comprehensive Emergency Management Plan (CEMP)” means a written document that describes the City’s overall emergency management plan. A CEMP specifies the purpose, organization, responsibilities and facilities of the agencies and officials of the City in the mitigation of, preparation for, response to, and recovery from emergencies and disasters.
- B.** “Director” means the director of the Portland Bureau of Emergency Management.
- C.** “Emergency” means any natural, technological or human-made, event or circumstance causing or threatening: widespread loss of life, injury to persons or property, human suffering or financial loss, including but not limited to fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war.
- D.** “Emergency Coordination Center (ECC)” means the centralized location where local officials gather during an emergency to coordinate emergency response activities and implement direction from the Mayor.

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- E.** “Emergency Management” means an approach to prevent, protect against, respond to, recover from, and mitigate the effects of incidents.
- F.** “Emergency Notices” means information that is disseminated primarily in anticipation of or during an emergency. In addition to providing situational information to the public, it frequently provides directive actions required to be taken by the general public.
- G.** “Emergency Plan” means an ongoing plan for responding to a wide variety of potential hazards.
- H.** “Incident” means an occurrence, natural or human-made, that requires a response to protect life or property in an emergency.
- I.** “National Incident Management System” (NIMS) means the Federal Government’s standardized framework of doctrines, concepts, principles, terminology, and organizational processes for emergency management.

3.124.020 Portland Bureau of Emergency Management.

(Amended by Ordinance No. 185304, effective June 1, 2012.) There is established by the City Council the Portland Bureau of Emergency Management (PBEM) as a part of the Mayor’s portfolio.

3.124.030 Purpose.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The purpose of PBEM is to centralize leadership and coordination of emergency management.

3.124.040 Organization.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall consist of the Director and such other employees as the Council may provide. The Director shall be immediately responsible to the Mayor and, thereafter, to the City Council.

3.124.050 Director's Powers and Duties.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Director of the Portland Bureau of Emergency Management’s duties and powers include, but are not limited to the following:

- A.** Overall administrative authority for the Office;
- B.** Serve as principal strategic advisor to the Mayor concerning emergency management;

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- C.** Implement policy directives of the City Council and the Disaster Policy Council and enforce the schedules and plans approved by them;
- D.** Manage the Emergency Coordination Center (ECC), establishing the overall structure, roles, responsibilities and direction for the operation of the ECC and ensuring that the ECC is appropriately sited, staffed, equipped, and maintained. The Director may reassign employees to ECC duties as required;
- E.** Maintain written emergency plans, including all chapters, annexes and appendices of the Comprehensive Emergency Management Plan (CEMP) and annually submit a report with any recommendations for revisions;
- F.** Maintain records documenting compliance with requirements of federal and state emergency management programs, including NIMS. When a bureau other than PBEM possesses such records, the bureau shall immediately produce them upon the request of the Director;
- G.** Develop and implement training and exercise programs for responders that test the effectiveness of the CEMP and other emergency management plans;
- H.** Develop and implement processes, procedures, and systems for communicating emergency notices to the public and responders about incidents;
- I.** Develop and implement programs to educate the public about emergency preparedness, including volunteer programs, and train citizens to assist in emergencies;
- J.** Evaluate the effectiveness of the City's response to an emergency event.

3.124.060 Staff and Delegation.

(Amended by Ordinance No. 185304, effective June 1, 2012.)

- A.** The Director may appoint an Operations Manager who is accountable to the Director and may appoint other personnel necessary to carry out the provisions of this Chapter, when in keeping with the adopted budget for PBEM or specially funded projects.
- B.** The Director may delegate to staff members any of the Director's duties.
- C.** In the event of an emergency, the line of succession for the PBEM is: Director, Operations Manager, Training and Exercise Manager, Planning Manager, and Planning Program Specialist.

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- D.** When a succession occurs, all duties and responsibilities of the Director are transferred to the successor and any delegations remain in place unless withdrawn by the new Director.

3.124.070 Neighborhood Emergency Team Program.

The purpose of the Neighborhood Emergency Team Program is to prepare neighborhoods for self-sufficiency during an emergency by providing individuals with information, training, and exercises related to emergency preparedness and response.

3.124.080 Neighborhood Emergency Teams.

- A.** As part of the Neighborhood Emergency Team Program, the Director is authorized to:
 - 1.** Create Neighborhood Emergency Teams (NET) and define the qualifications for membership therein;
 - 2.** Develop written processes and procedures governing the conduct of members;
 - 3.** Conduct or cause to be conducted such inquiries or investigations into the fitness of an individual to serve as a NET member that the Director believes are necessary and appropriate;
 - 4.** Conduct or approve of ongoing training for NET members;
 - 5.** Designate certain NET members as team leaders for the purpose of supervision;
 - 6.** Dismiss or remove NET members.
- B.** When acting as agents of the City, NET members are entitled to defense and indemnification pursuant to ORS 30.285.

3.124.090 Neighborhood Emergency Team Leaders.

- A.** All NET members shall be immediately responsible to a team leader and thereafter the Director. The Director may dismiss or remove a NET Leader.
- B.** NET leaders may designate one assistant for each five NET members or fraction thereof for purposes of maintaining adequate supervision of NET members during training or deployment.

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- C.** NET leaders are responsible for the organization, ongoing training, communication with and operational safety of the NET members assigned to their teams.
- D.** NET leaders shall attend regularly scheduled meetings for the purposes of training and communicating with NET members.
- E.** NET leaders shall evaluate the performance of NET members and may recommend to the Director the dismissal or removal of NET members.

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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.
- 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.

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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.

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.

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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.

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;

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- 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.

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.
- 3.128.040 Administrative Rulemaking Procedures.

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.

(Amended by Ordinance No. 186898, effective November 19, 2014.) 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;

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- 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, and adopt administrative rules, procedures and forms to assist in implementing City policies;
- 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.

3.128.040 Administrative Rulemaking Procedures.

(Added by Ordinance No. 186898, effective November 19, 2014.)

- A.** Purpose. The Director has been delegated the authority to adopt and administer administrative rules appropriate to perform the duties set forth in Section 3.128.030. Administrative rules shall be adopted according to the procedures in this Section.
- B.** Adopting Rules.
 - 1.** Prior to the adoption or amendment of a permanent rule, the Director shall:
 - a.** Give notice of the proposed rule at least 15 days prior to the effective date of the rule to City Commissioners, Bureau Directors and other parties of interest. The notice shall include a brief description of the subjects covered by the proposed rule, the final date for acceptance of written comments, the location to submit comments, and the location where copies of the full set of the proposed rules may be obtained.
 - b.** During the comment and review process, the Director will analyze written comments, engage stakeholders and solicit legal review. The Director may either adopt the proposed rule, modify it or reject it.

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- c.** If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for review and comment prior to adoption.
 - d.** Unless otherwise stated, all rules will be effective upon adoption by the Director. Permanent rules shall be filed in the Portland Policy Documents repository.
 - e.** Upon consultation with the Commissioner in Charge, the Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the City's interest. Interim rules will be effective for a period of no longer than 180 days. No later than 15 days after adoption, notice of the interim rule shall be given to City Commissioners, Bureau Directors and other parties of interest as identified by the Director.
- 2.** All administrative rules shall be posted on the Bureau's website.
- 3.** The Director may repeal any adopted rules upon consultation with the Commissioner in Charge. Notice of repeal will be given to City Commissioners, Bureau Directors and other parties of interest.

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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.

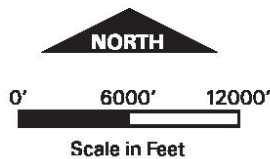
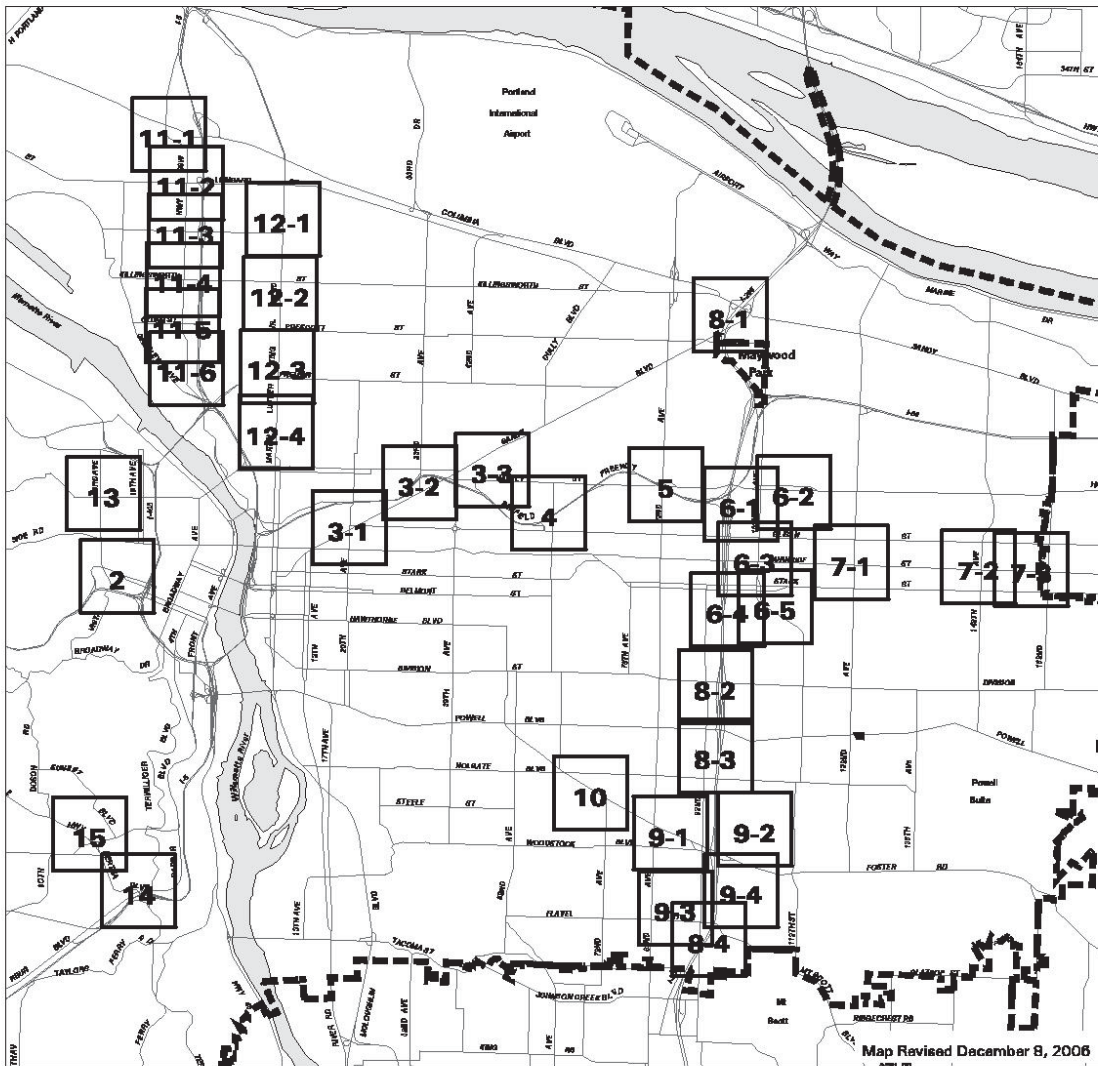
The jurisdiction of the Commission will include all practices and incidents occurring in the City of Portland which affect people who live, work, study, worship, travel or play in the City. The Commission shall have jurisdiction to address such practices and incidents through education, research, advocacy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

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FIGURE 1 - (Section 3.20.130)

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

<u>Name of Defendant</u>	<u>Address of Defendant</u>	<u>Arresting 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>

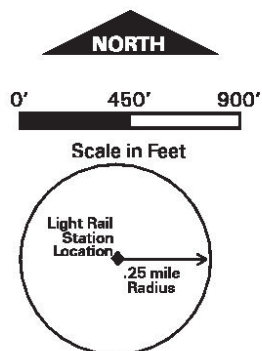
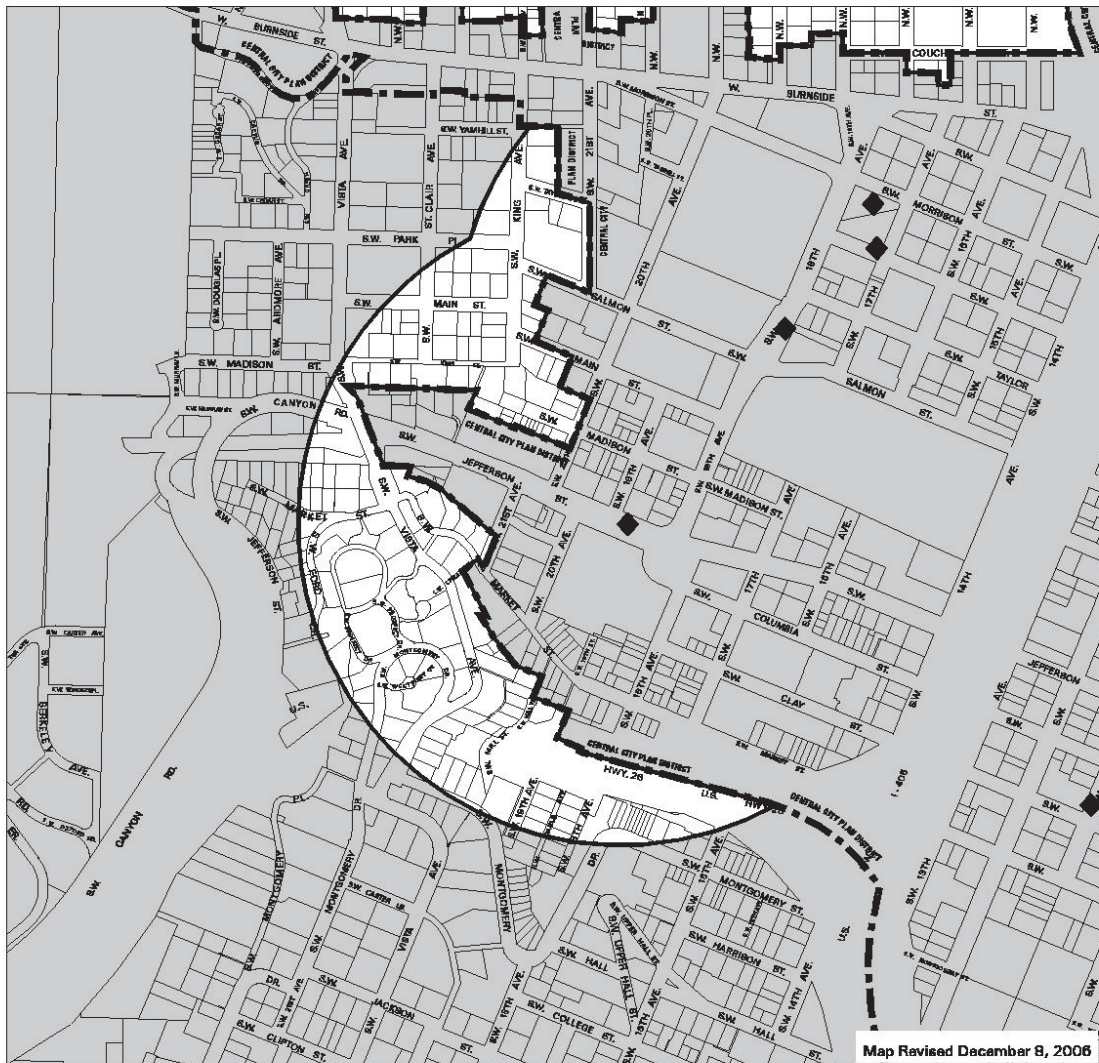


Map 3.103-1 **Property Tax Exemption for** **New Transit Supportive Residential** **or Mixed Use Development**

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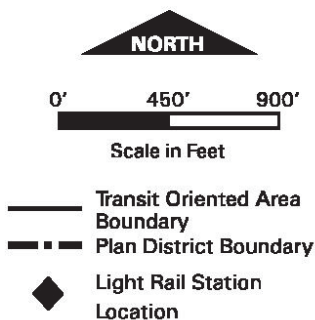
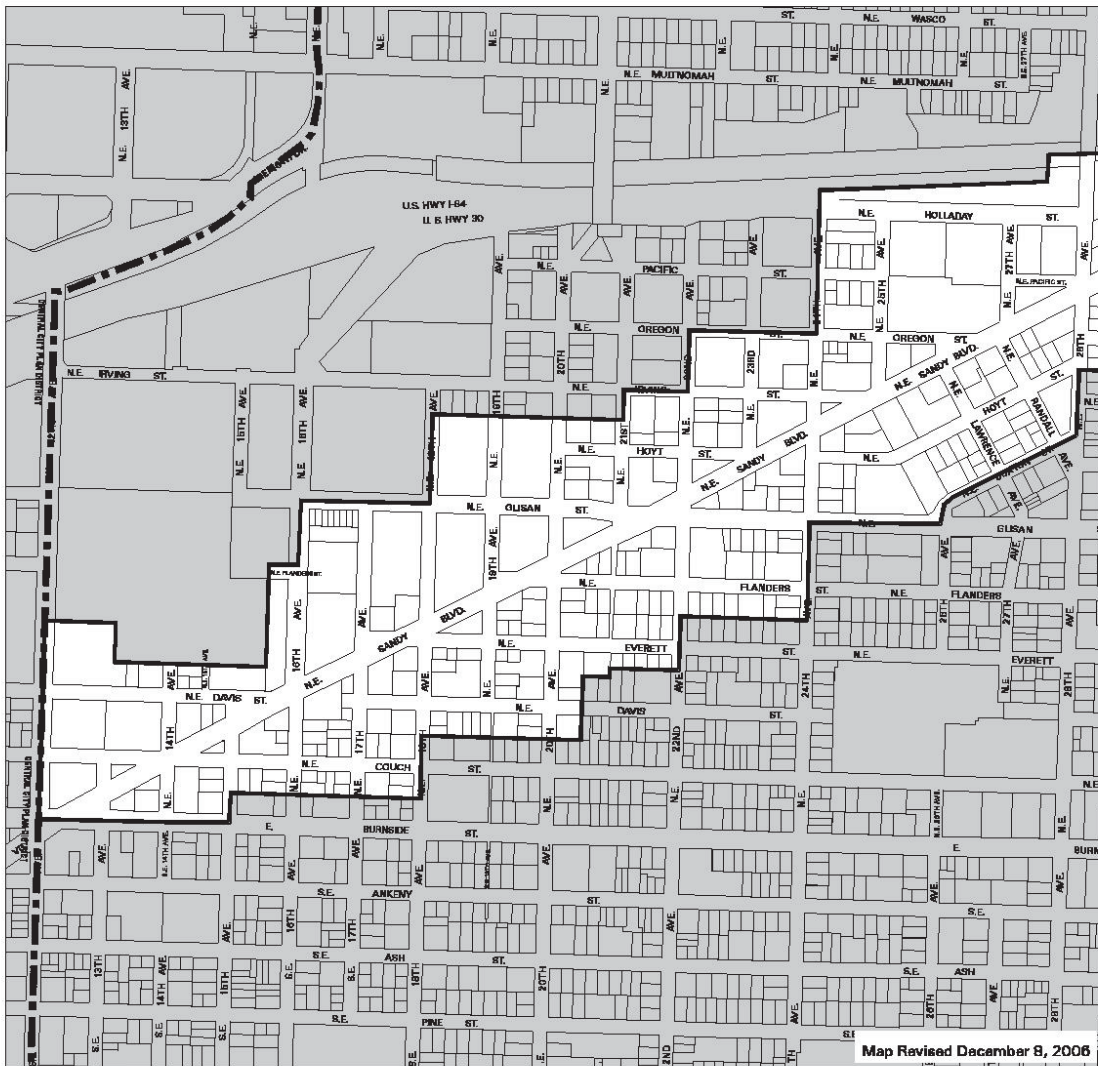
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Map 3.103-2 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Goose Hollow Light Rail Station Areas

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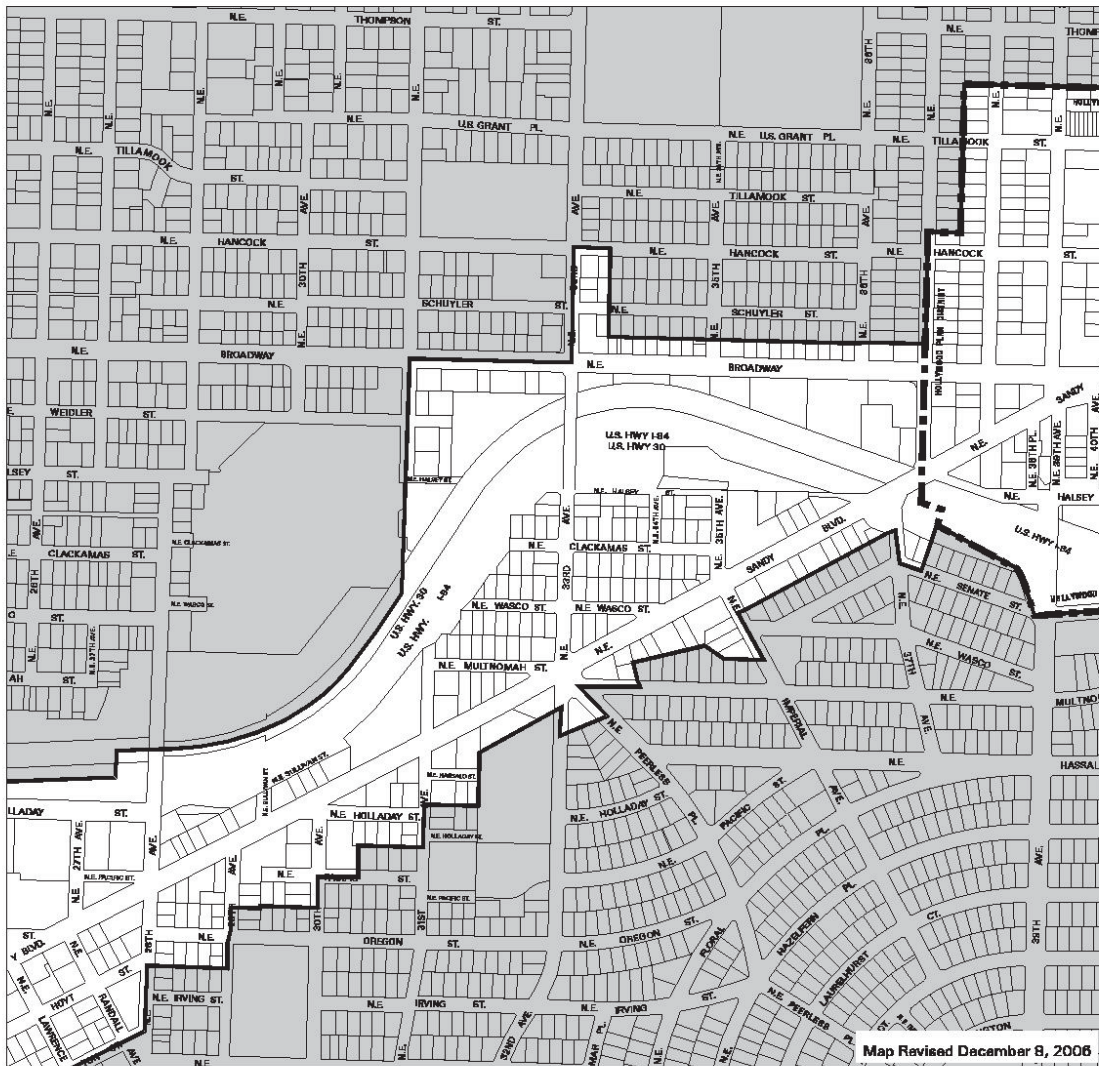
Map 3.103-3 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

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

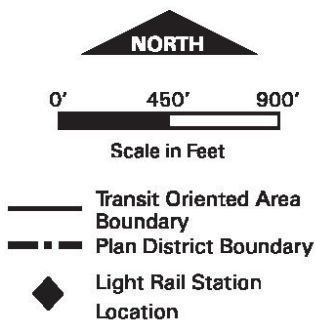
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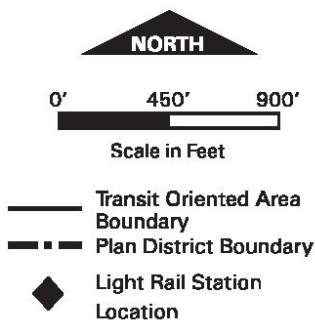
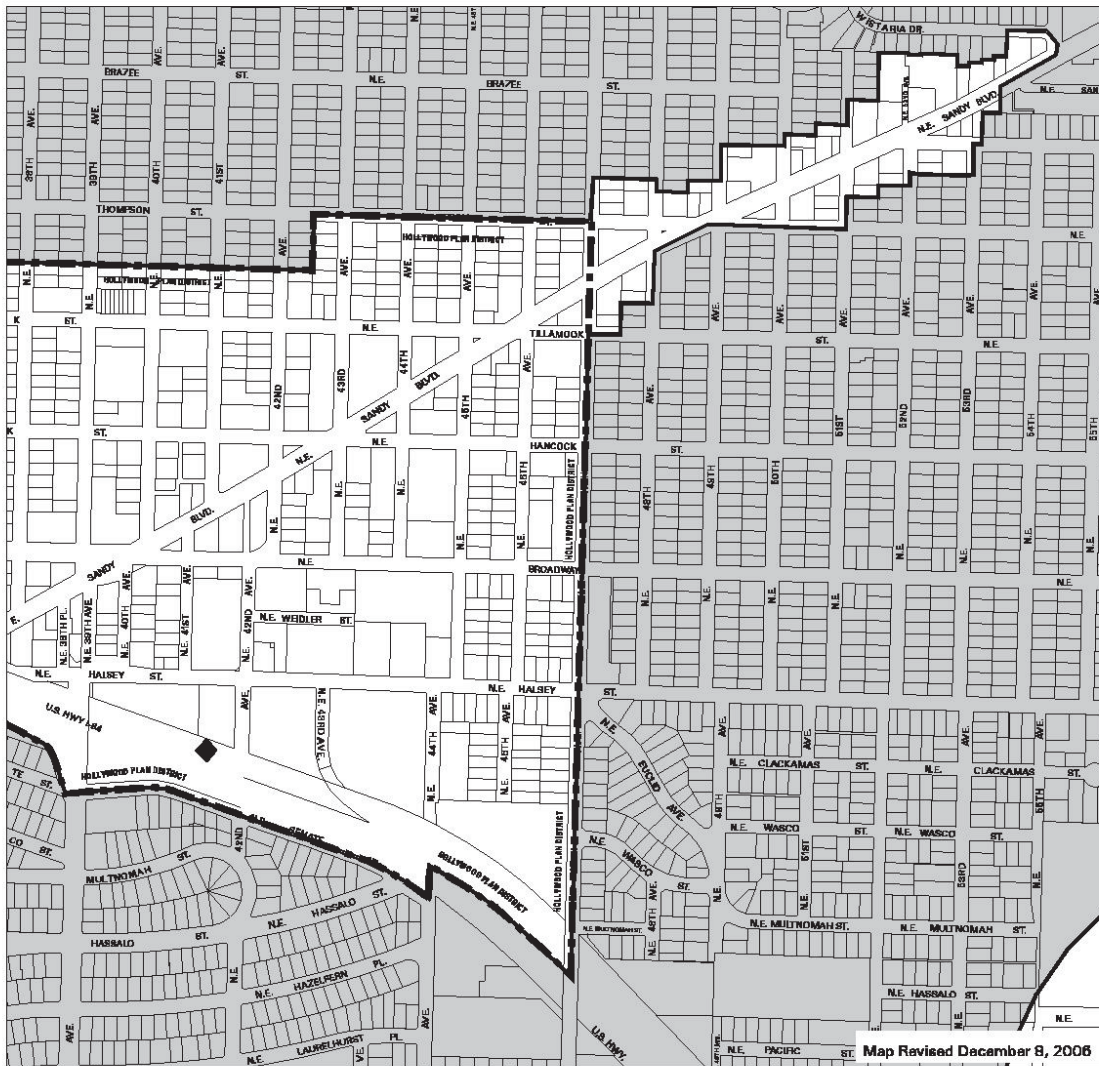


Map 3.103-3 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

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

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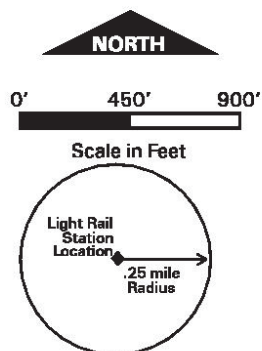
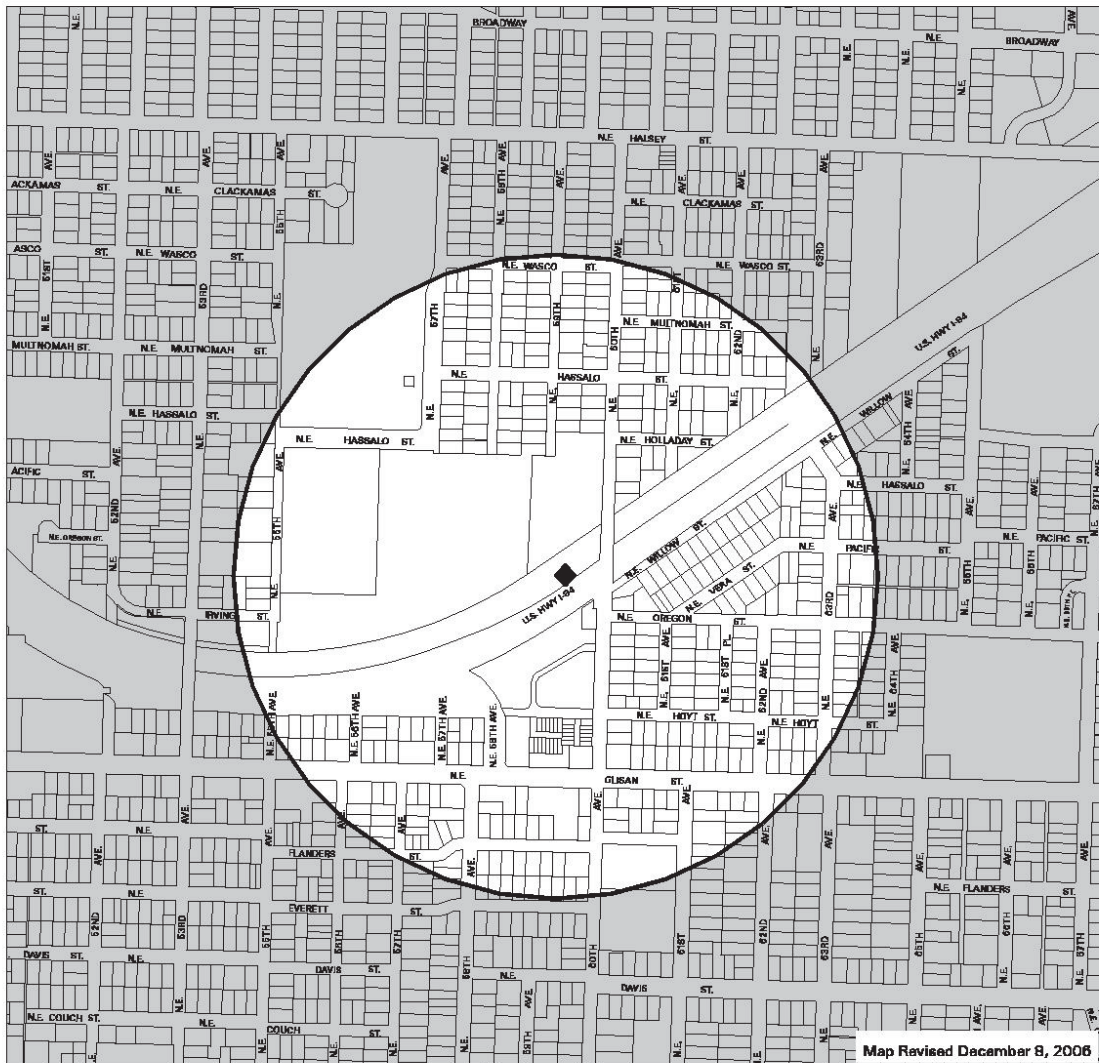
Map 3.103-3 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

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

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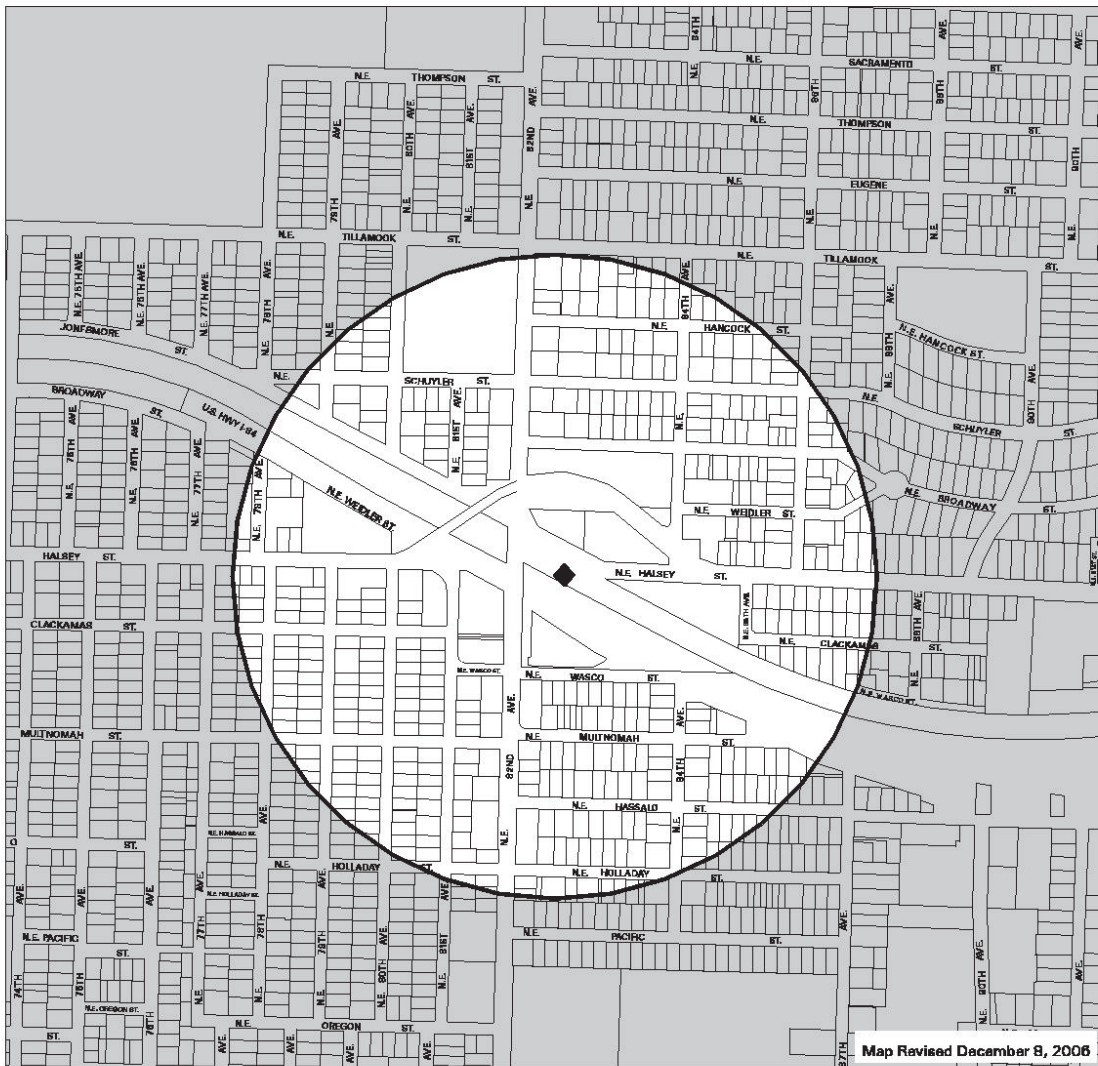
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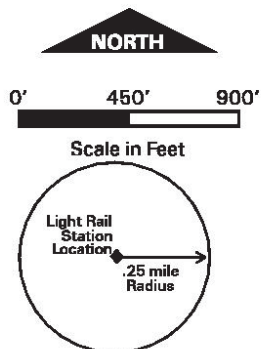


Map 3.103-4 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development 60th Avenue Light Rail Station Area

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Map Revised December 8, 2006

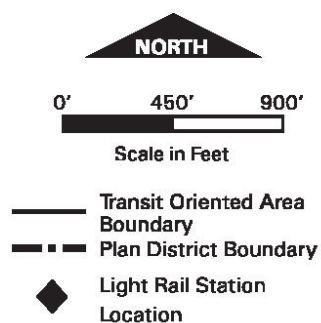


Map 3.103-5 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development 82nd Avenue Light Rail Station Area

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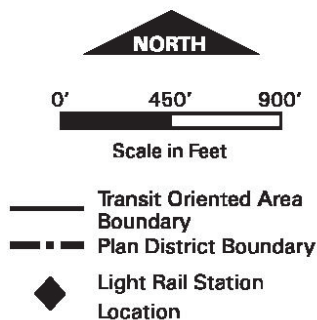
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Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Gateway Plan District and Light Rail Station Areas

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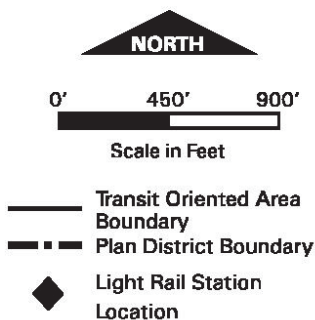


Map 3.103-6
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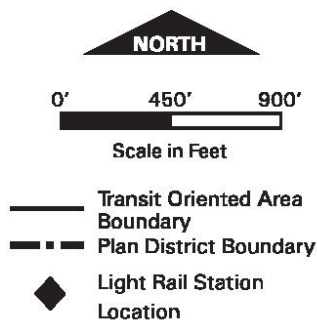
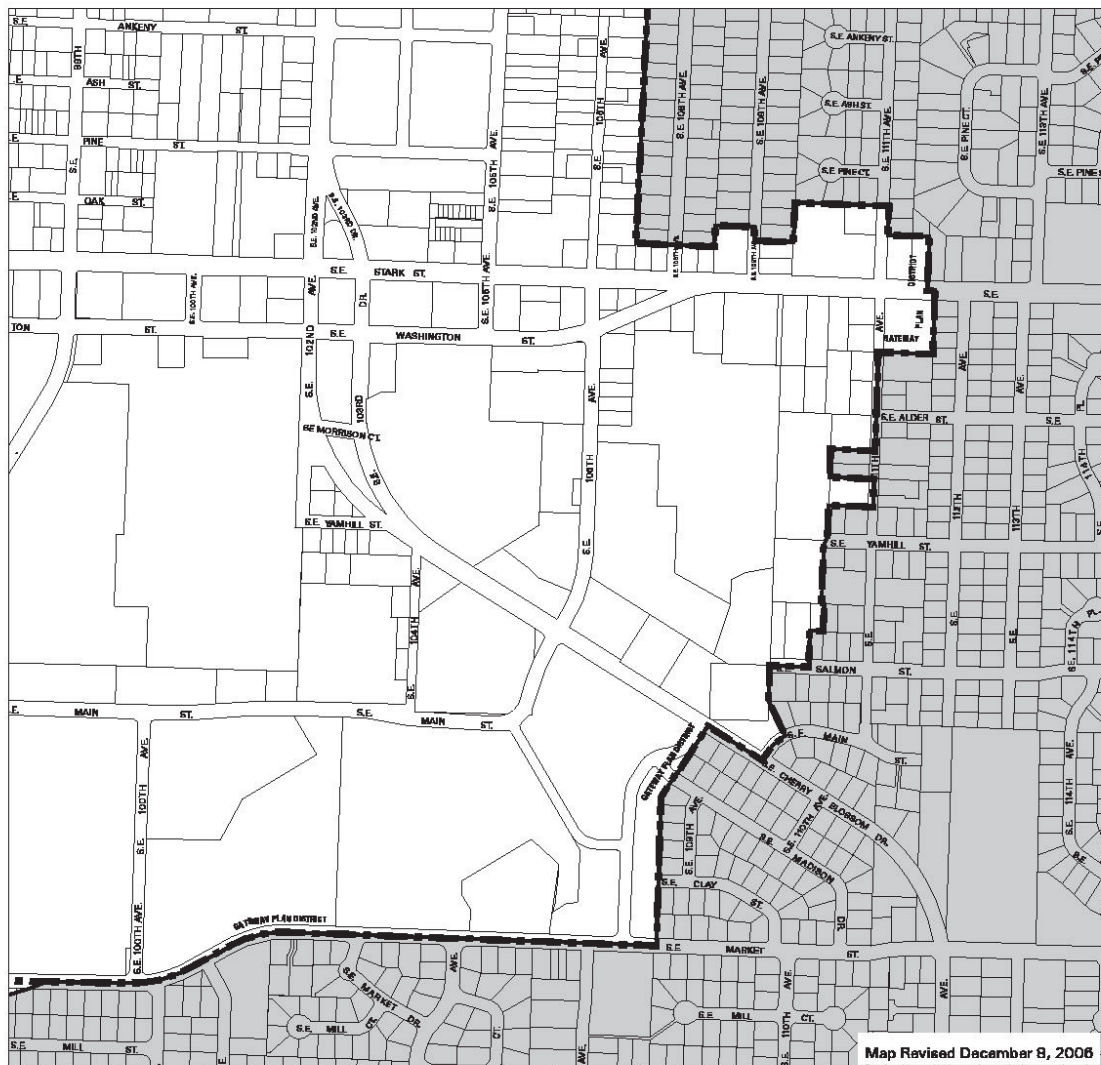
Map 3.103-6 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

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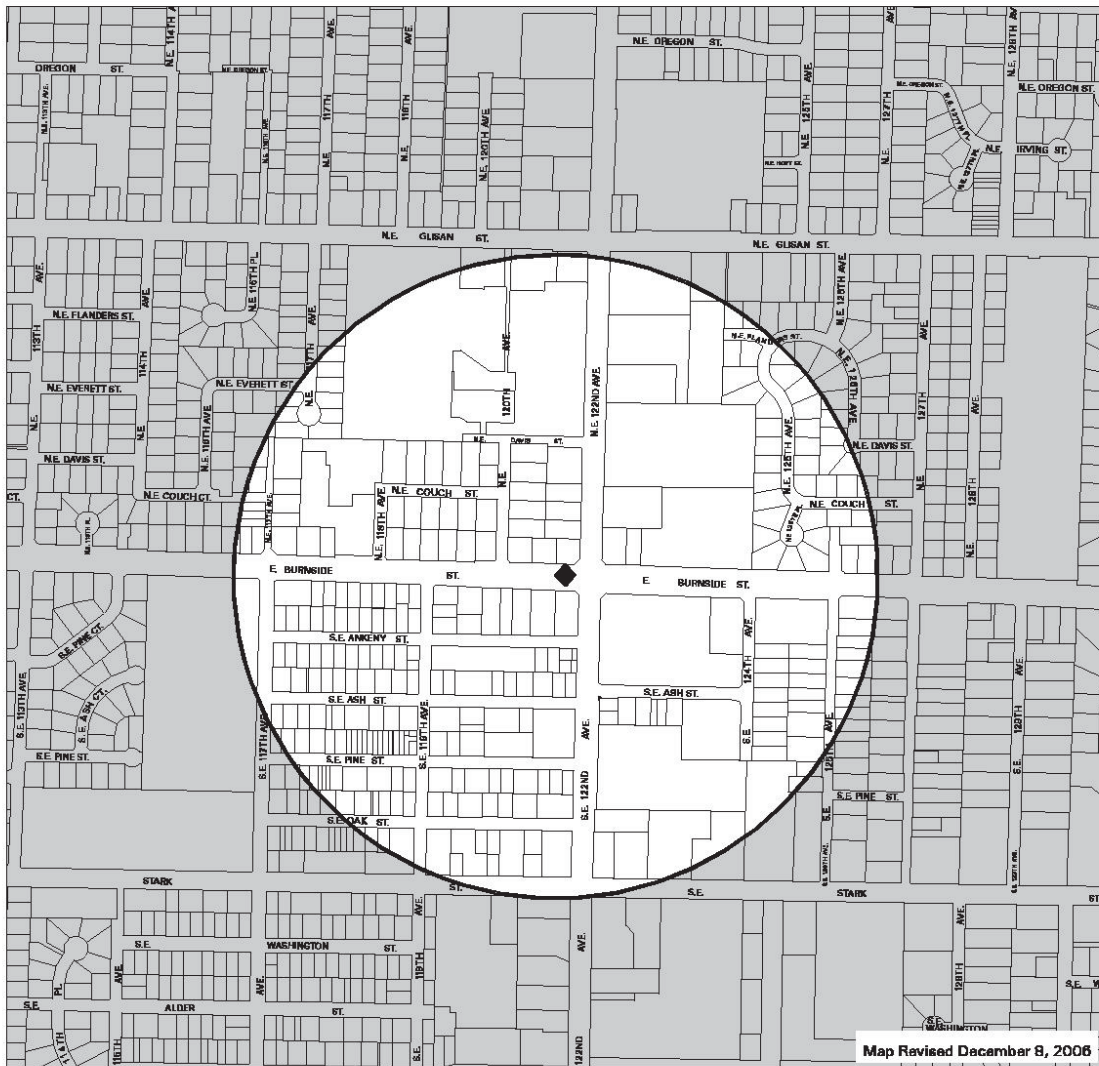


Map 3.103-6 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

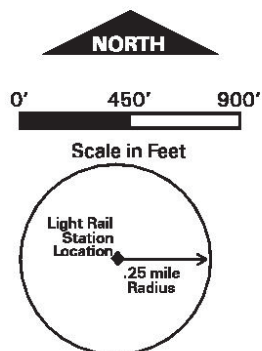
Gateway Plan District and Light Rail Station Areas

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

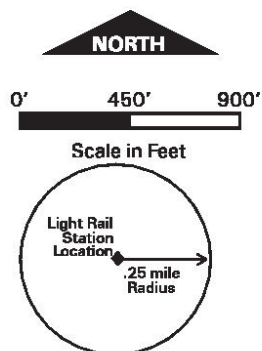
Light Rail Station Areas
East of Gateway Plan District

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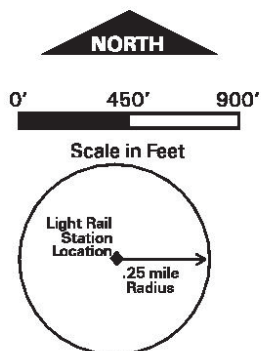
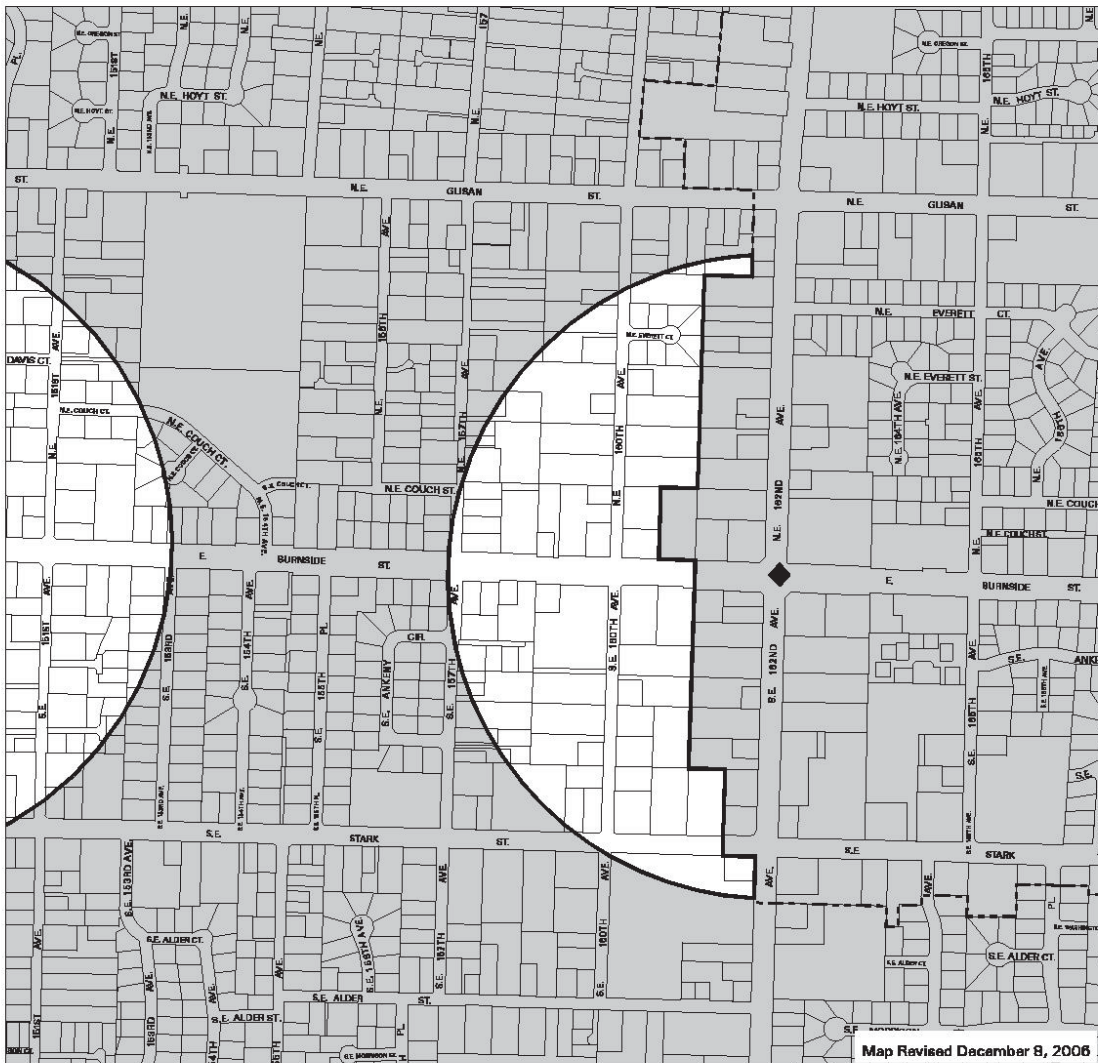


Map 3.103-7
Property Tax Exemption for
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Map 3.103-7 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

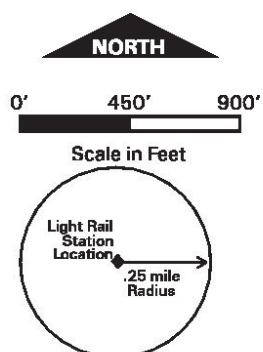
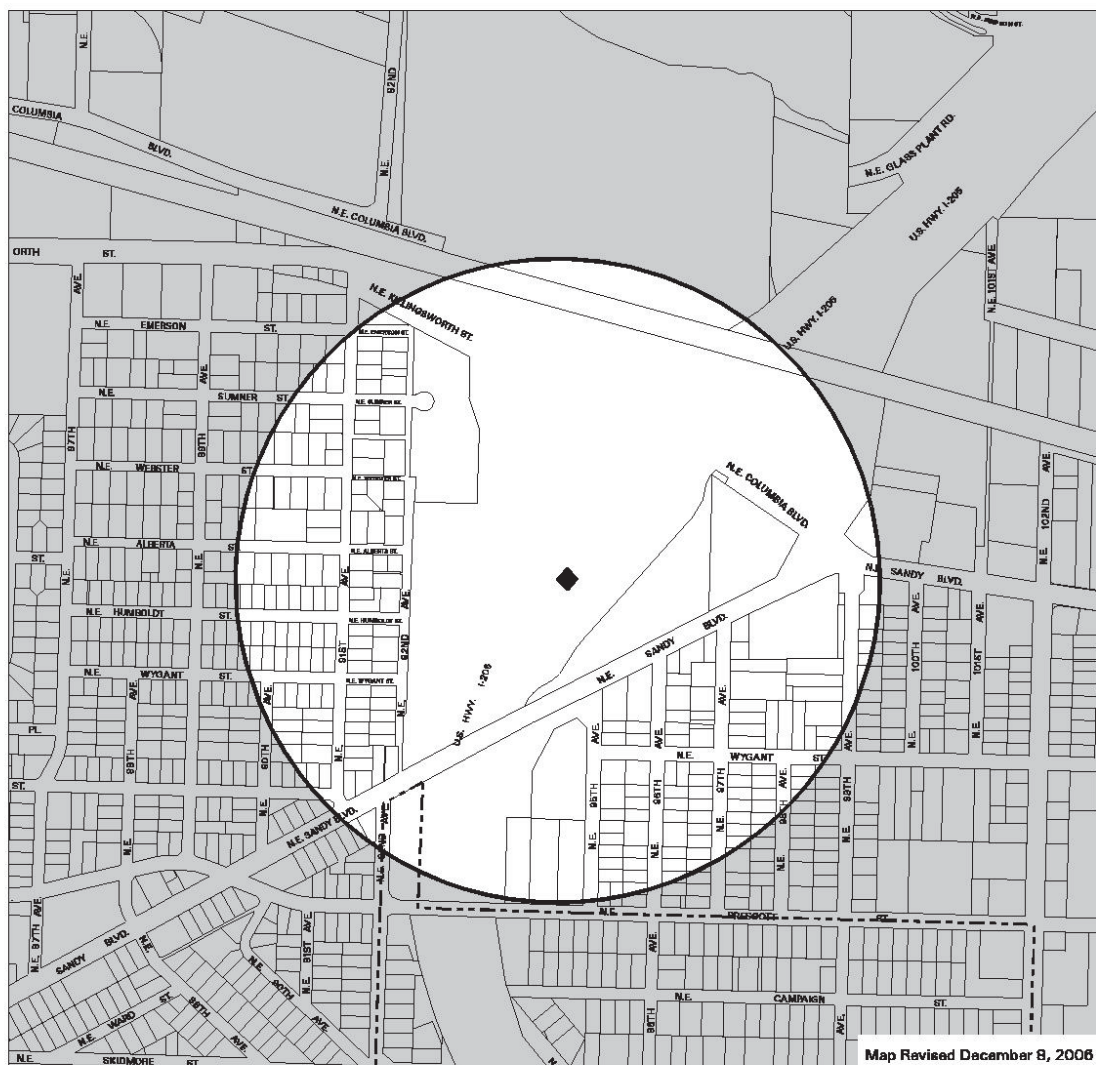
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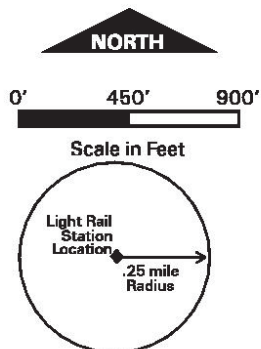
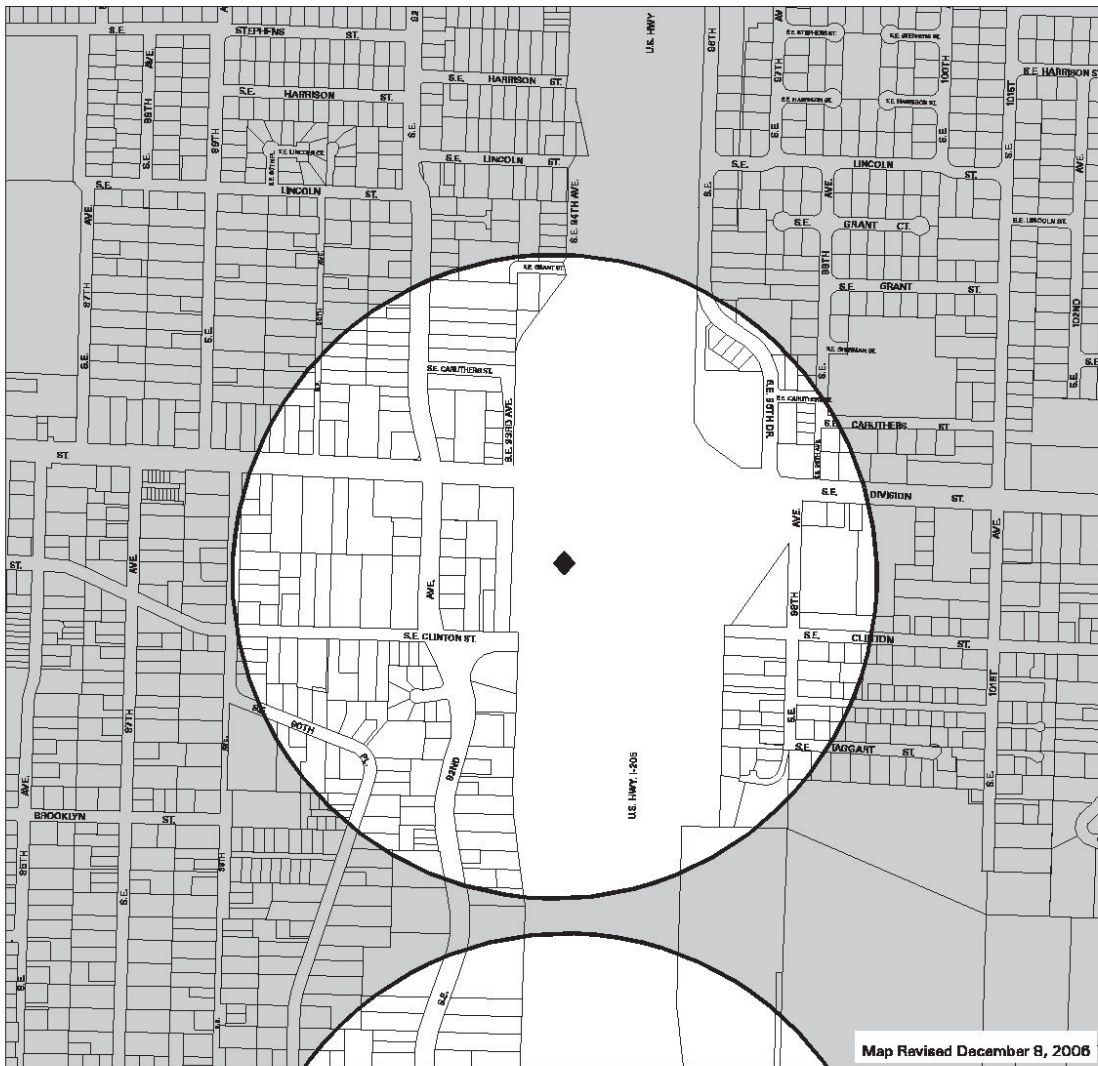


Map 3.103-8
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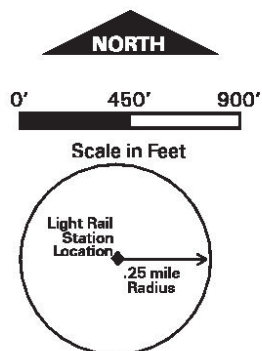
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**Map 3.103-8
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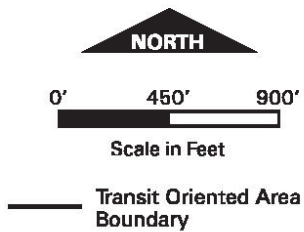
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I-205 Light Rail Stations Areas

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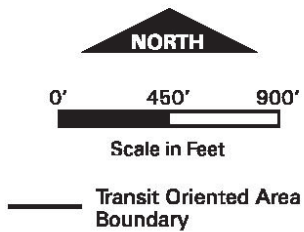
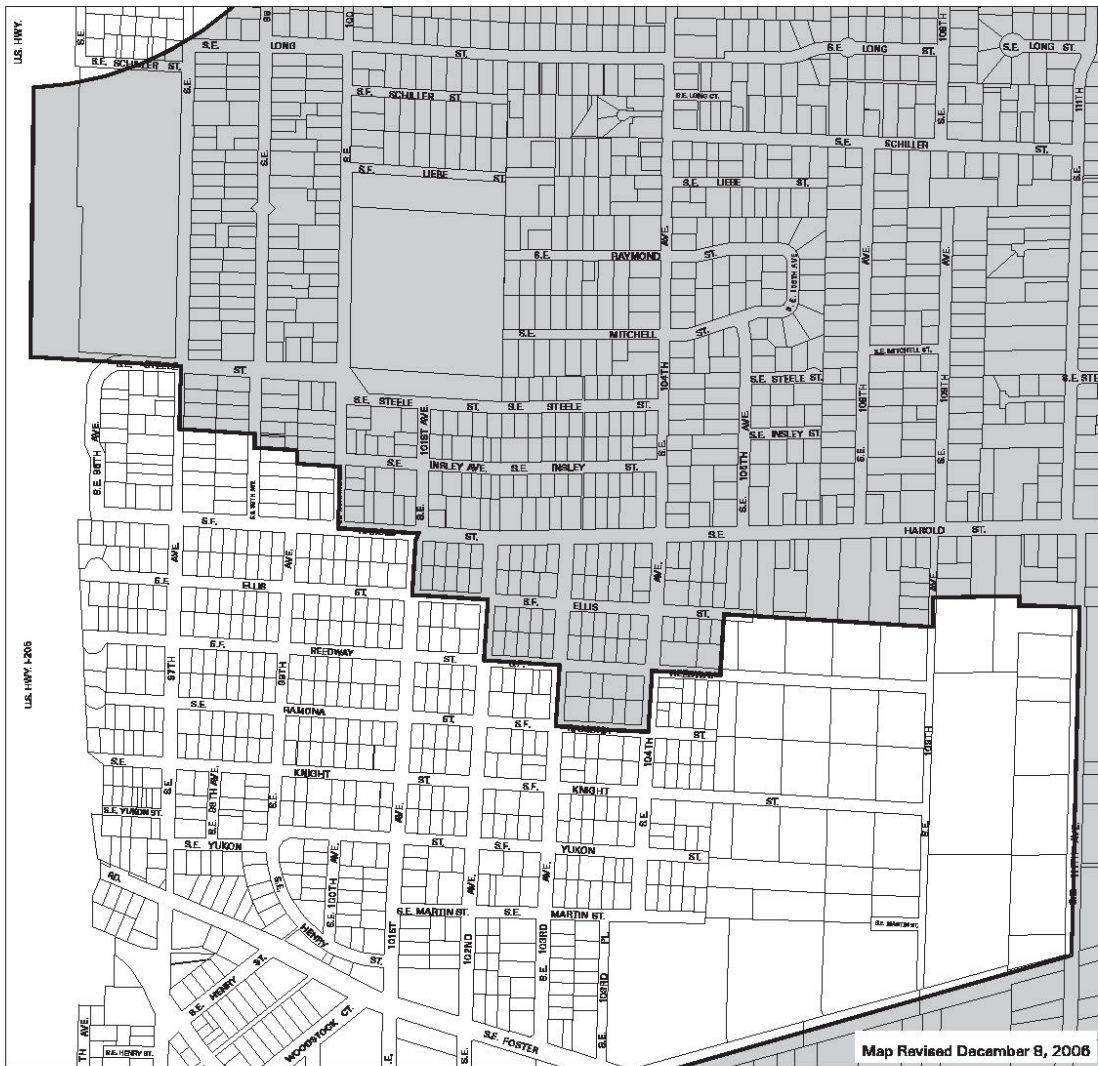
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**Map 3.103-9
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

Lents Town Center

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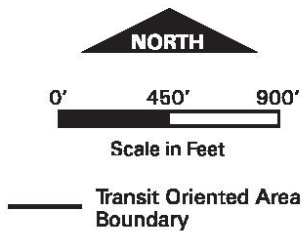


Map 3.103-9
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**Map 3.103-9
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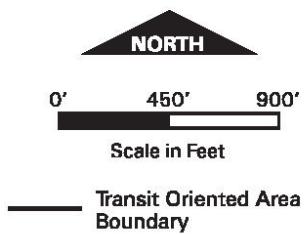
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Map 3.103-10 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Transit Oriented Areas along
Foster Road Main Street

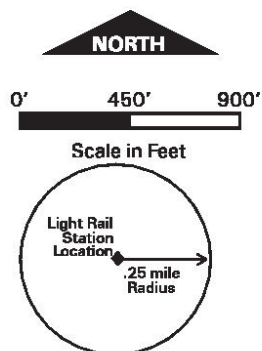
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Interstate Corridor Light Rail Station Areas

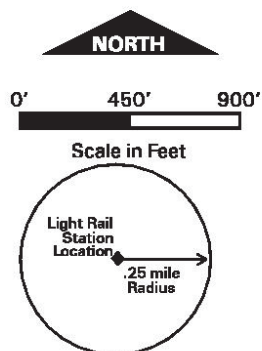
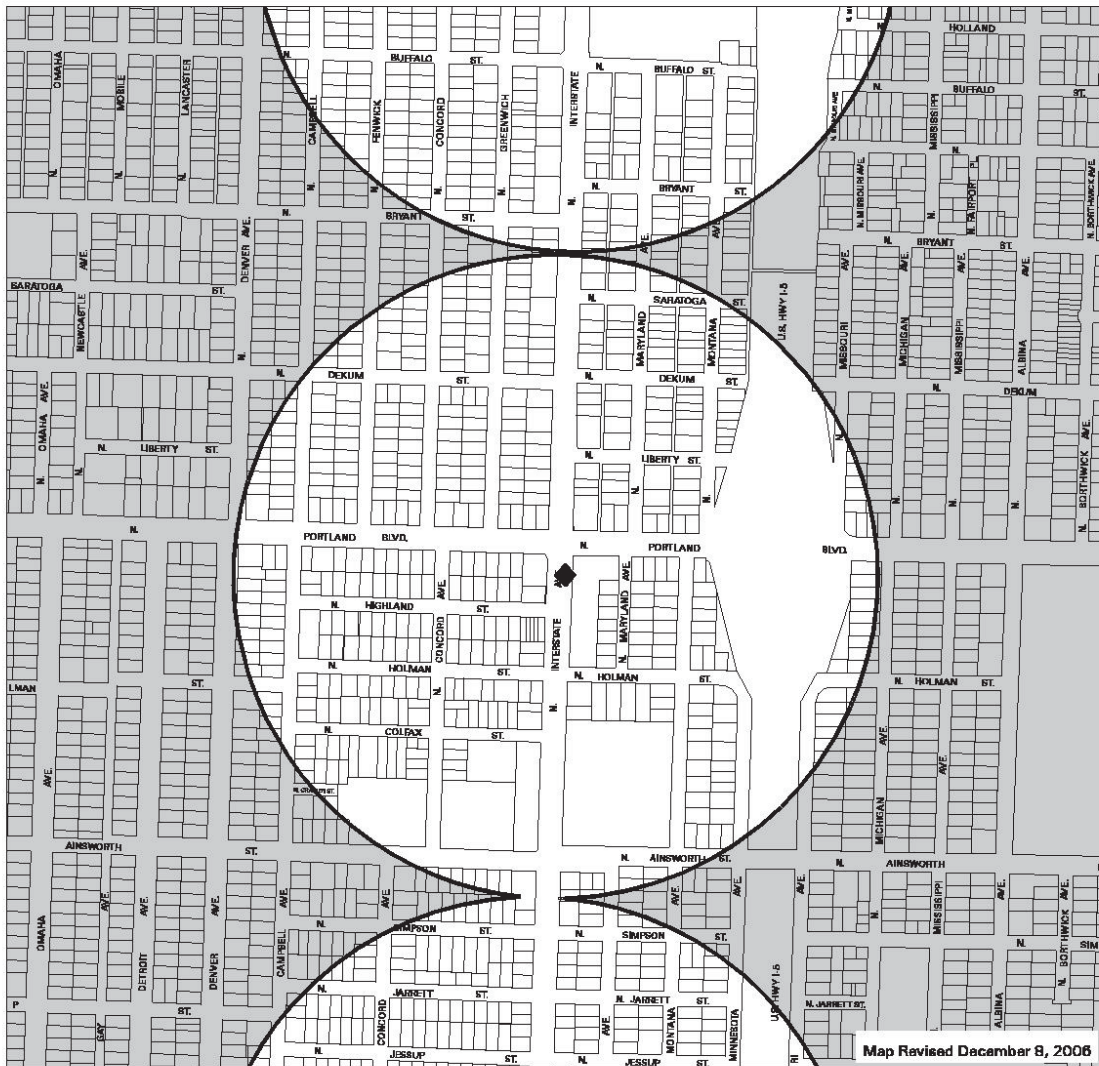
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Map 3.103-11
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New Transit Supportive Residential
or Mixed Use Development
Interstate Corridor Light Rail Station Areas

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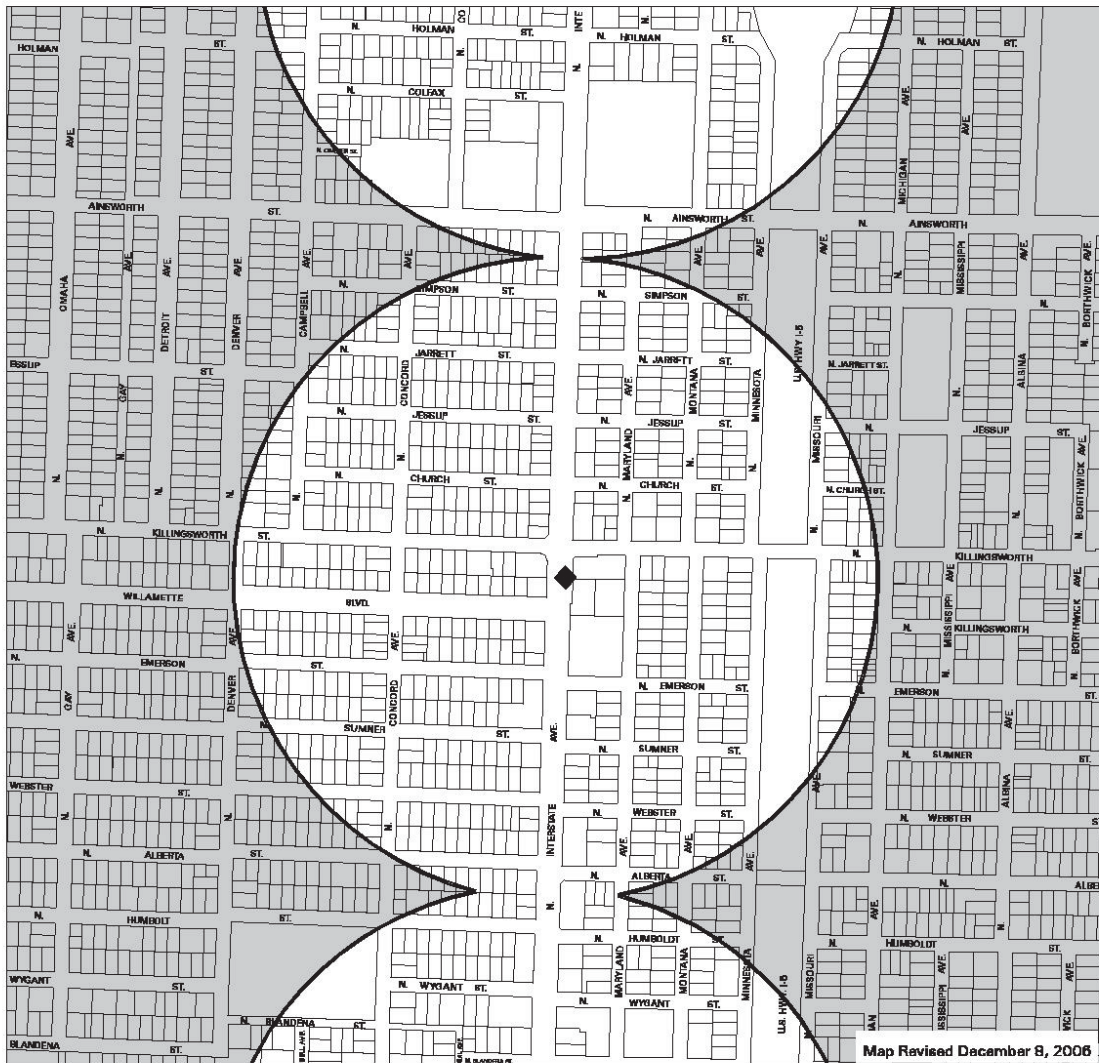
Map 3.103-11

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

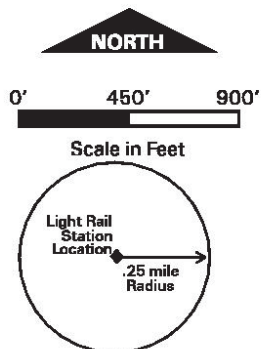
Interstate Corridor Light Rail Station Areas

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Map Revised December 8, 2006

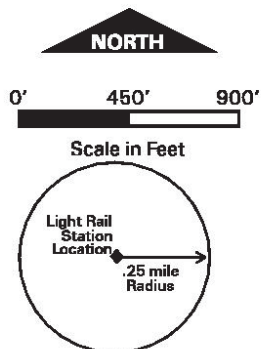


Map 3.103-11
Property Tax Exemption for
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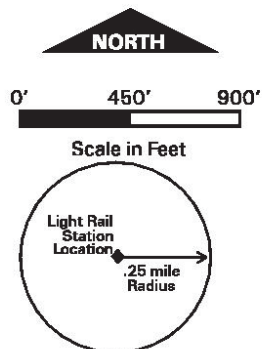
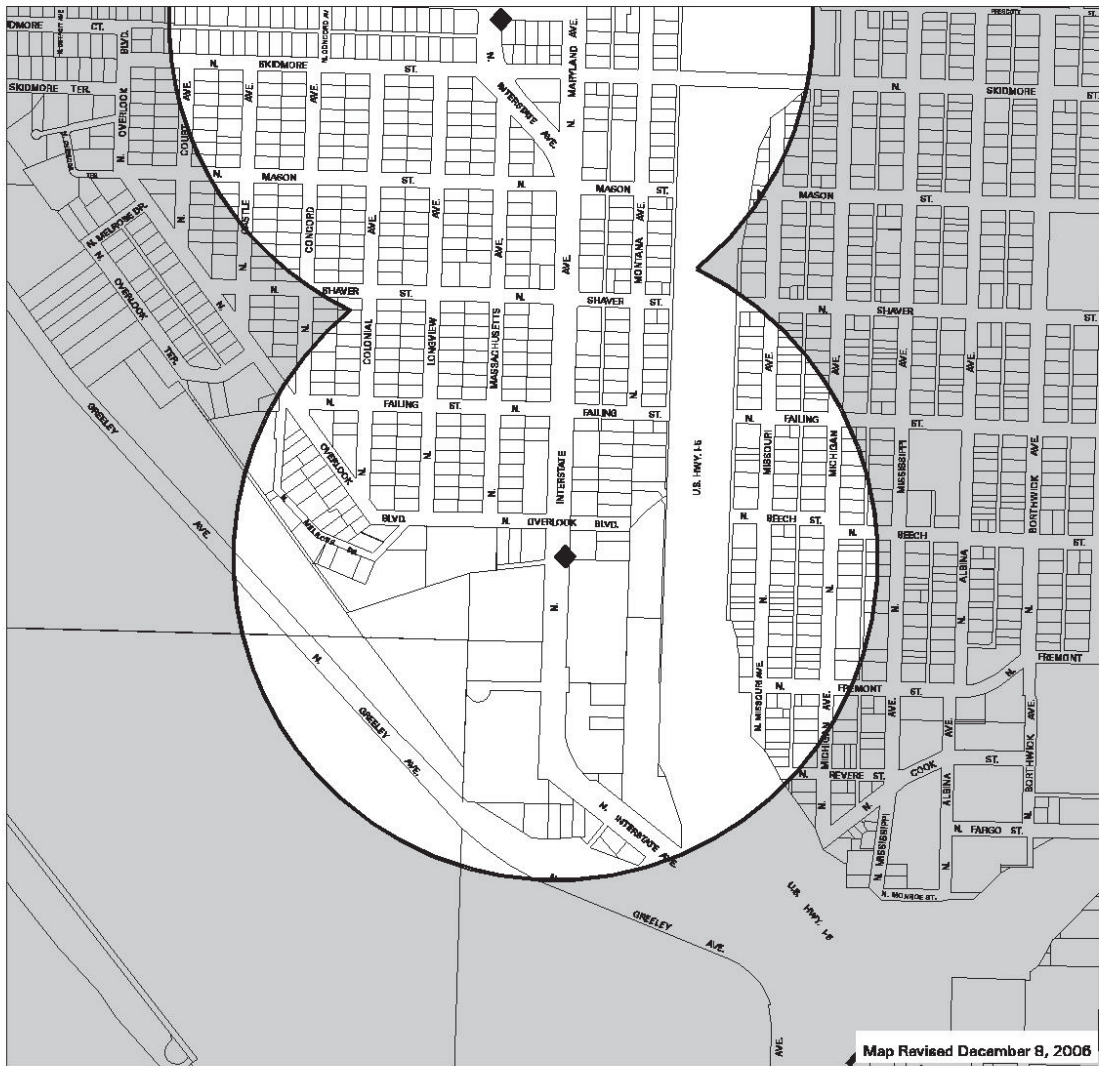
Map 3.103-11

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

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**Map 3.103-11
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Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

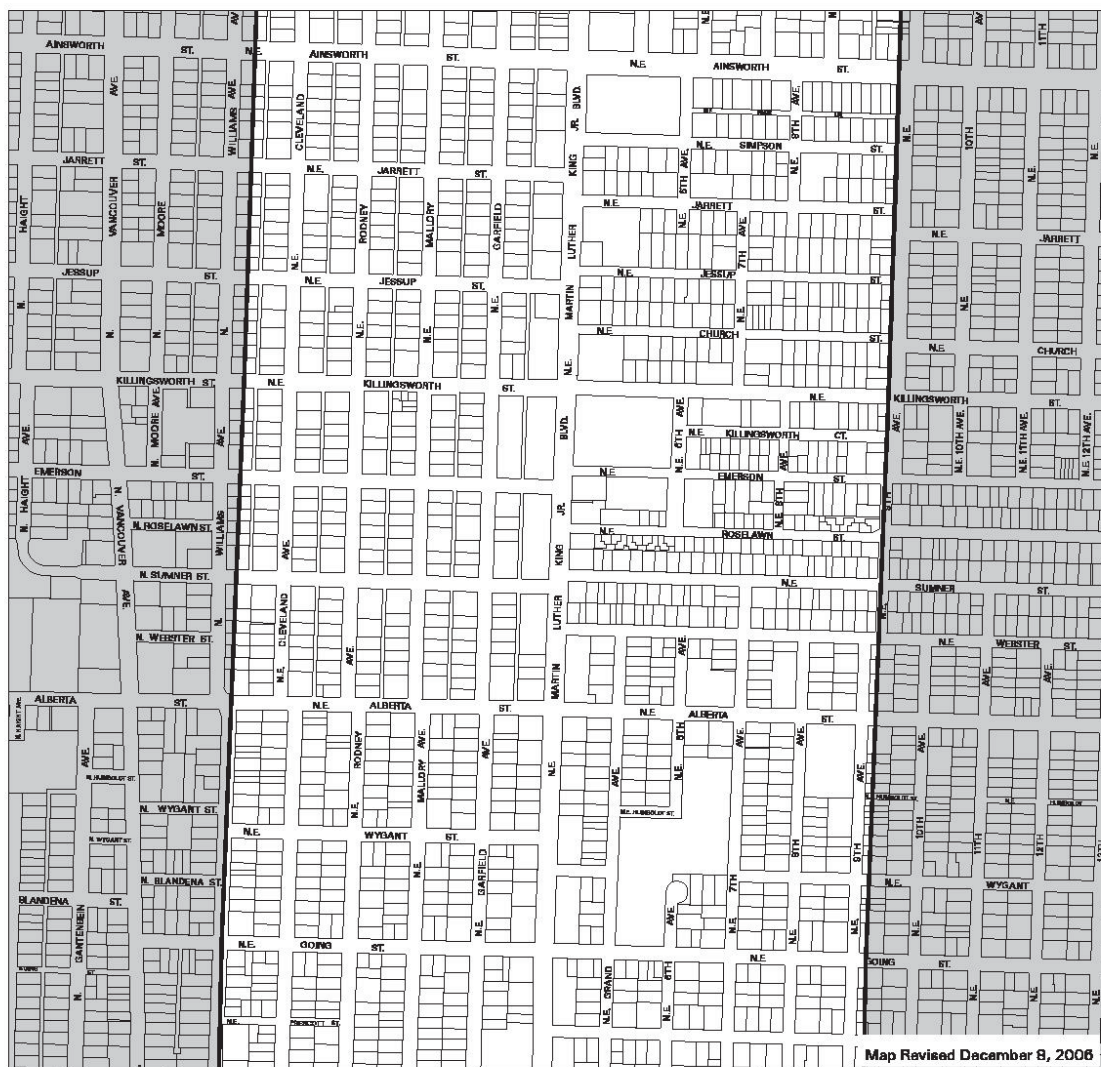
Transit Oriented Areas along her King Jr. Blvd. Main Street

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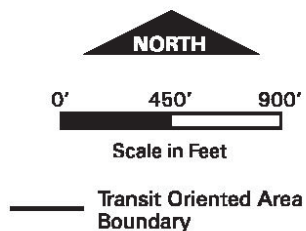
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Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

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

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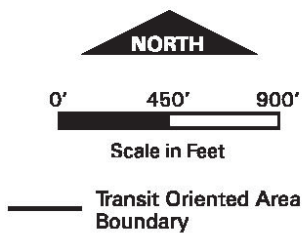




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**Map 3.103-12
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

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

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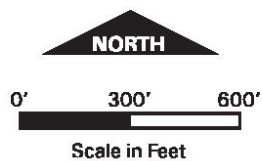
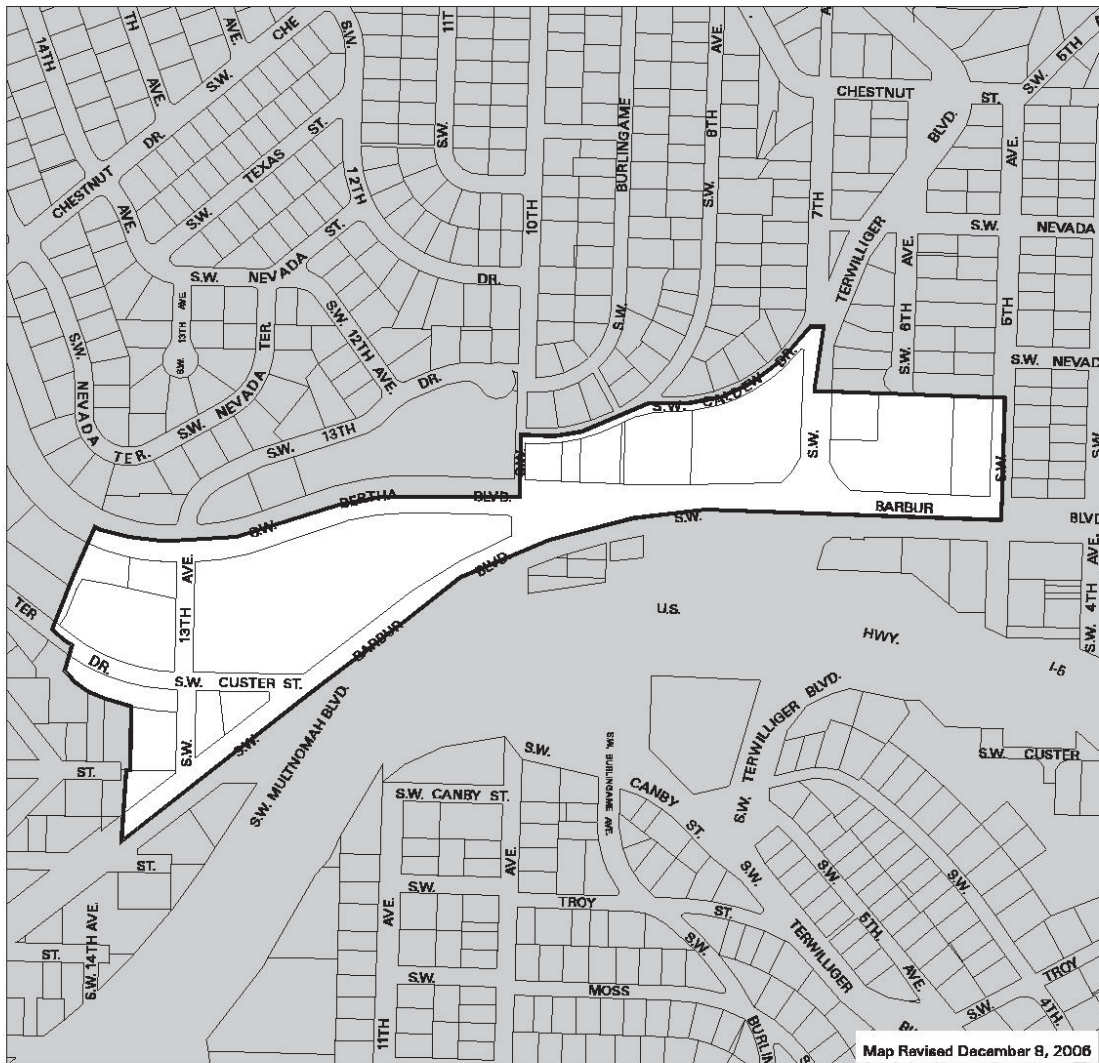


Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Northwest Plan District

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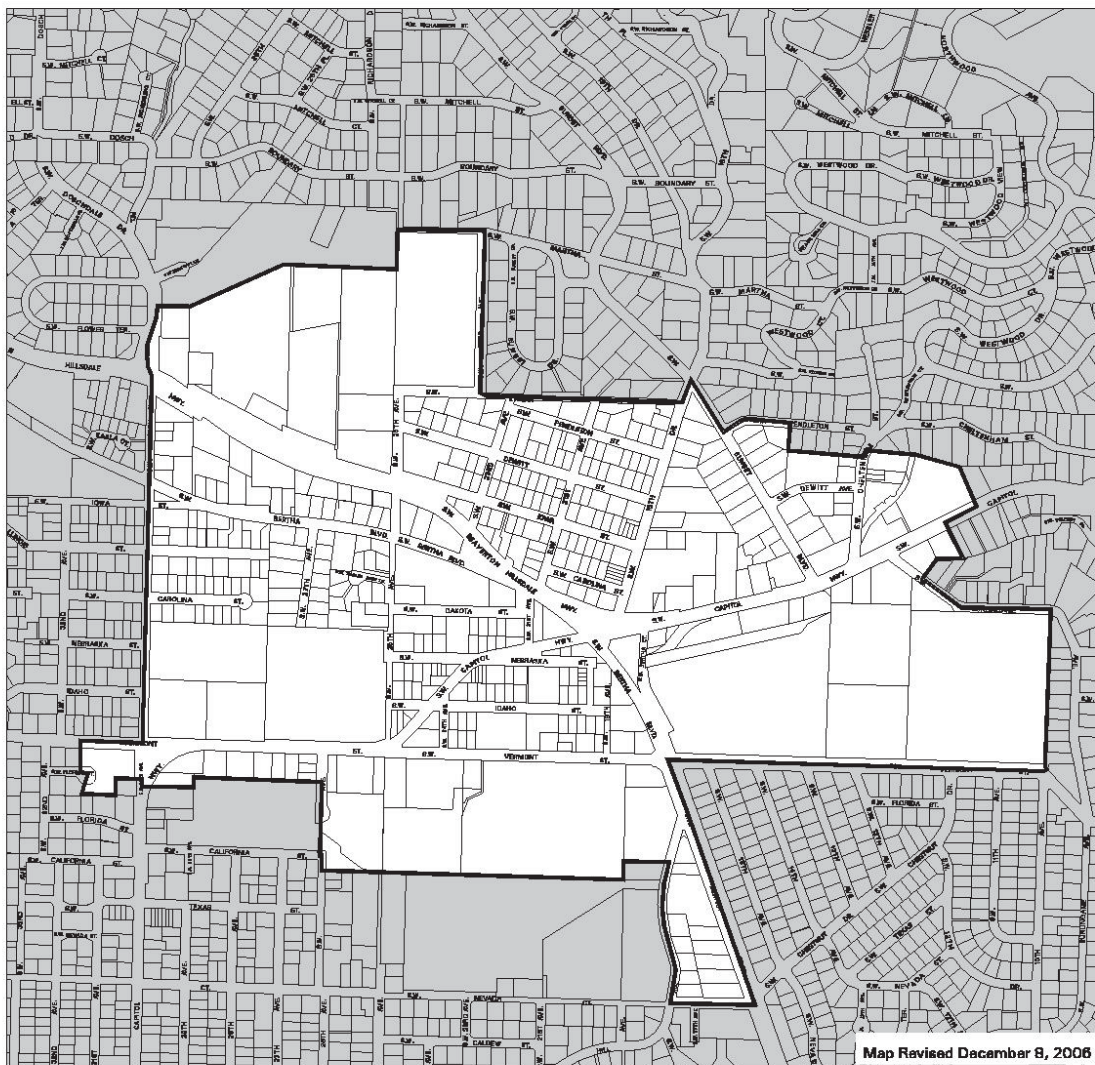
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**Map 3.103-14
Property Tax Exemption for
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or Mixed Use Development**

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

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NORTH

0' 600' 1200'

Scale in Feet

Map 3.103-15
Property Tax Exemption for
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Hillsdale Town Center

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14A.10.010 Definitions.

Chapter 14A.20 PROCEDURES

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Chapter 14B.40

**IMPOUNDMENT AND
INVESTIGATION FOR DUI**

Sections:

- 14B.40.010 Impoundment.
- 14B.40.020 Investigation.
- 14B.40.030 Administration and Fees.

14B.40.010 Impoundment.

A vehicle used by a person arrested in the City of Portland for the offense of Driving Under the Influence of Intoxicants may be seized and impounded. The period of impoundment shall be sufficient to give the Bureau of Police a reasonable period of time to determine whether the person arrested has been previously convicted of or forfeited bail or security for Driving Under the Influence of Intoxicants in violation of the laws of Oregon or of any other jurisdiction, or has been previously convicted of or forfeited bail or security for murder, manslaughter, criminally negligent homicide or assault that resulted from the operation of a motor vehicle in Oregon or another jurisdiction. The vehicles of persons with such a criminal record are subject to forfeiture under state law.

14B.40.020 Investigation.

The Bureau of Police is authorized to initiate an investigation in pertinent state and national records databases for information relevant to making the determination described in 14B.40.010 and to compile that information in a readily accessible database.

14B.40.030 Administration and Fees.

The Bureau of Police is authorized to develop implementing procedures under this Chapter and to develop a fee structure which ensures that to the extent possible, the Bureau's costs and expenses in undertaking impoundment and investigation are paid by the person arrested for DUII, or other person or entity seeking to recover the vehicle.

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Chapter 14B.50

FORFEITURE

Sections:

- 14B.50.010 Certain Vehicles as Nuisances.
- 14B.50.020 Forfeiture Proceedings.
- 14B.50.030 Prostitution.
- 14B.50.035 Disbursement of Proceeds from Prostitution Forfeiture.
- 14B.50.040 Gambling.
- 14B.50.050 Money Laundering.
- 14B.50.055 Distribution of Proceeds from Money Laundering Forfeiture.
- 14B.50.060 Unlawful Operation of Private For-Hire Vehicle.
- 14B.50.065 Disbursement of Proceeds from Unlawful Operation of Private For-Hire Vehicle Forfeiture.

14B.50.010 Certain Vehicles as Nuisances.

(Amended by Ordinance Nos. 184197 and 184648, effective June 8, 2011.) The following motor vehicles are hereby declared to be nuisances and subject to seizure and *in rem* civil forfeiture:

- A. A motor vehicle operated by a person whose operator's license is criminally suspended or revoked under ORS 811.182.
- B. A motor vehicle used to commit Driving Under the Influence of Intoxicants in violation of ORS 813.010, to the extent forfeiture of such vehicle is permitted under state law.
- C. A motor vehicle used to commit prostitution as defined in ORS 167.007(1)(b).
- D. A motor vehicle used to commit Fleeing or Attempting to Elude Police under ORS 811.540.

14B.50.020 Forfeiture Proceedings.

(Amended by Ordinance Nos. 180260 and 184197, effective October 27, 2010.) All civil forfeitures conducted pursuant to this Chapter are subject to the procedures and limitations set forth in ORS Chapter 131A except that the distribution of proceeds in 131A.360 is not applicable.

14B.50.030 Prostitution.

(Amended by Ordinance Nos. 184197 and 184648, effective June 8, 2011.) Conduct involving violation of, solicitation to violate, attempt to violate or conspiracy to violate

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any provision of ORS 167.002 to 167.027, excluding 167.007(1)(a) is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of Section 14B.50.020.

14B.50.035 Disbursement of Proceeds from Prostitution Forfeiture.

(Replaced by Ordinance No. 184648, effective June 8, 2011.)

- A.** Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.030 shall be separately accounted for.
- B.** After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.030, the forfeiting agency shall distribute or apply the proceeds in the following order:
 - 1.** To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;
 - 2.** To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to
 - a.** the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;
 - b.** special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and
 - c.** expenses arising in connection with the sale of any forfeited property.
 - 3.** The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this Subsection.
- C.** After payment of costs under Subsection 14B.50.035 B., the forfeiting agency shall use seventy-five percent of the remaining proceeds to provide services, including but not limited to shelter services, for victims of human trafficking. The remaining twenty-five percent of the proceeds from any assets forfeited under or Section 14B.50.030 may be used by the Portland Police Bureau for law

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enforcement purposes relating to the provisions of ORS 167.002, 167.007(1)(b), 167.012 and 167.017.

14B.50.040 Gambling.

Conduct involving violation of, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 167.117 to 167.166 is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of 14B.50.020.

14B.50.050 Money Laundering.

(Added by Ordinance No. 185503, effective August 17, 2012.) Conduct involving a violation of, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 164.170 and 164.172 is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of Section 14B.50.020.

14B.50.055 Distribution of Proceeds from Money Laundering Forfeiture.

(Added by Ordinance No. 185503, effective August 17, 2012.)

- A. Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.050 shall be separately accounted for.
- B. After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.050, the forfeiting agency shall distribute or apply the proceeds in the following order:
 - 1. To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;
 - 2. To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to
 - a. the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;
 - b. special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and

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- c. expenses arising in connection with the sale of any forfeited property.
- C. To the extent not addressed by a claim filed under ORS 131A.165, restitution awarded under ORS 137.103 et seq. and compensatory fines awarded under ORS 137.101 shall be paid to any victim of the prohibited conduct or similar crime.
- D. After payment of costs under Subsection 14B.50.055 B. and C., the forfeiting agency shall use any remaining proceeds for law enforcement purposes.

14B.50.060 Unlawful Operation of Private For-Hire Vehicle.

(Added by Ordinance No. 187092, effective April 21, 2015.) Conduct involving violation of Portland City Code Sections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., 16.40.190 B., 16.40.560, 16.40.720, 16.40.730, or 16.40.740 is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of 14B.50.020. A motor vehicle may be seized for forfeiture under this section if the person operating the vehicle is arrested or issued a citation for Sections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., 16.40.190 B., 16.40.560, 16.40.720, 16.40.730, or 16.40.740 and the person, within three years prior to the arrest or issuance of the citation, has twice been convicted of any of the listed offenses at either a misdemeanor or violation-level.

14B.50.065 Disbursement of Proceeds from Unlawful Operation of Private For-Hire Vehicle Forfeiture.

(Added by Ordinance No. 187092, effective April 21, 2015.)

- A. Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.060 shall be separately accounted for.
- B. After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.060, the forfeiting agency shall distribute or apply the proceeds in the following order:
 - 1. To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;
 - 2. To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to

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- a.** the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;
 - b.** special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and
 - c.** expenses arising in connection with the sale of any forfeited property.
- C.** After payment of costs under Subsection B., the forfeiting agency shall use any remaining proceeds for enforcement of the provisions of Chapter 16.40.

Chapter 14B.60

**CHRONIC
NUISANCE PROPERTY**

Sections:

14B.60.010	Definitions.
14B.60.020	Violation.
14B.60.030	Procedure.
14B.60.040	Commencement of Actions; Remedies; Burden of Proof.
14B.60.050	Summary Closure.
14B.60.060	Enforcement.
14B.60.070	Attorney Fees.

14B.60.010 Definitions.

A. Chronic Nuisance Property.

1. Property on which three or more Nuisance Activities exist or have occurred during any thirty (30) day period; or,
2. Property on which or within 200 feet of which any Person Associated With the Property has engaged in three or more Nuisance Activities during any thirty (30) day period; or,
3. Property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, 475.005 through 475.285 and/or 475.940 through 475.995 has occurred within the previous thirty (30) days, and the Chief of Police or a Precinct Commander has determined that the search warrant was based on evidence of continuous or repeated Nuisance Activities at the Property; or,
4. Property on which continuous or repeated Nuisance Activities as defined in Portland City Code 14B.60.010 D.7.,8.,13., and/or 14. exist or have occurred.

B. Commissioner in Charge. The Portland City Commissioner assigned responsibility for the Bureau of Police.

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- C.** Control. The ability to regulate, restrain, dominate, counteract or govern Property, or conduct that occurs on a Property.
- D.** Nuisance Activities. Any of the following activities, behaviors or conduct:
- 1.** Harassment as defined in ORS 166.065(1)(a).
 - 2.** Intimidation as defined in ORS 166.155 through 166.165.
 - 3.** Disorderly conduct as defined in ORS 166.025.
 - 4.** Assault or menacing as defined in ORS 163.160 through ORS 163.190.
 - 5.** Sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as defined in ORS 163.415 through ORS 163.445.
 - 6.** Public indecency as defined in ORS 163.465.
 - 7.** Prostitution or related offenses as defined in ORS 167.007 through ORS 167.017.
 - 8.** Alcoholic liquor violations as defined in ORS Chapter 471.105 through 471.482.
 - 9.** Offensive littering as defined in ORS 164.805.
 - 10.** Criminal trespass as defined in ORS 164.243 through 164.265.
 - 11.** Theft as defined in ORS 164.015 through 164.140.
 - 12.** Arson or related offenses as defined in ORS 164.315 through 164.335.
 - 13.** Possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, ORS 475.005 through 475.285, and/or 475.940 through 475.995.
 - 14.** Illegal gambling as defined in ORS 167.117, and/or ORS 167.122 through ORS 167.127.
 - 15.** Criminal mischief as defined in ORS 164.345 through 164.365.

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16. Any attempt to commit (as defined in ORS 161.405), and/or conspiracy to commit (as defined in ORS 161.450), any of the above activities, behaviors or conduct.
 17. Fire or discharge of a firearm as defined in Portland City Code 14A.60.020.
 18. Unlawful operation of sound producing or reproducing equipment as defined in Portland City Code 14A.30.010 and/or excessive noise as defined in Portland City Code Chapters 18.04 and/or 18.14.
 19. Unlawful drinking in public places as defined in Portland City Code 14A.50.010.
 20. Curfew as defined in Portland City Code 14A.80.010.
 21. Indecent exposure as defined in Portland City Code 14A.40.030.
- E.** Person. Any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using Property in the City of Portland.
- F.** Person Associated With. Any Person who, on the occasion of a Nuisance Activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a Property or Person present on a Property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a Property, Person in Charge, or owner of a Property.
- G.** Person in Charge. Any Person, in actual or constructive possession of a Property, including but not limited to an owner or occupant of Property under his or her ownership or Control.
- H.** Precinct Commander. Any Commander of the Portland Police Bureau in charge of a Precinct.
- I.** Property. Any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For Property consisting of more than one unit, Property may be limited to the unit or the portion of the Property on which any Nuisance Activity has occurred or is occurring, but includes areas of the Property used in common by all units of

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Property including without limitation other structures erected on the Property and areas used for parking, loading and landscaping.

14B.60.020 Violation.

- A.** Any Property determined by the Chief of Police or a Precinct Commander to be Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.
- B.** Any Person in Charge of Property determined by the Chief of Police or a Precinct Commander to be a Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.

14B.60.030 Procedure.

- A.** When the Chief of Police or a Precinct Commander receives two or more police reports documenting the occurrence of Nuisance Activities on or within 200 feet of a Property, the Chief of Police or Precinct Commander shall independently review such reports to determine whether they describe the activities, behaviors or conduct enumerated under Portland City Code 14B.60.010 D.1.-21. Upon such a finding, the Chief of Police or a Precinct Commander may notify the Person in Charge in writing that the Property is in danger of becoming Chronic Nuisance Property. The notice shall contain the following information:
 - 1.** The street address or a legal description sufficient for identification of the Property.
 - 2.** A statement that the Chief of Police or Precinct Commander has information that the Property may be Chronic Nuisance Property, with a concise description of the Nuisance Activities that exist, or that have occurred. The Chief of Police or the Precinct Commander shall offer the Person in Charge an opportunity to propose a course of action that the Chief of Police or the Precinct Commander agrees will abate the Nuisance Activities giving rise to the violation.
 - 3.** Demand that the Person in Charge respond to the Chief of Police or the Precinct Commander within ten (10) days to discuss the Nuisance Activities.
- B.** When the Chief of Police or Precinct Commander receives a police report documenting the occurrence of additional Nuisance Activity on or within 200 feet of a Property after notification as provided by Portland City Code 14B.60.030 A.1.; or, in the case of Chronic Nuisance Property as defined in Portland City

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Code 14B.60.010 A.3. or 4., for which notice under Portland City Code 14B.60.030A is not required, the Chief of Police or the Precinct Commander shall notify the Person in Charge in writing that the Property has been determined to be a Chronic Nuisance Property. The notice shall contain the following information:

1. The street address or a legal description sufficient for identification of the Property.
 2. A statement that the Chief of Police or the Precinct Commander has determined the Property to be Chronic Nuisance Property with a concise description of the Nuisance Activities leading to his/her determination.
 3. Demand that the Person in Charge respond within ten (10) days to the Chief of Police or the Precinct Commander and propose a course of action that the Chief of Police or the Precinct Commander agrees will abate the Nuisance Activities giving rise to the violation.
 4. Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the Person in Charge at the address of the Property determined to be a Chronic Nuisance Property, or such other place which is likely to give the Person in Charge notice of the determination by the Chief of Police or the Precinct Commander.
 5. A copy of the notice shall be served on the owner at the address shown on the tax rolls of the county in which the Property is located, and/or the occupant at the address of the Property, if these Persons are different than the Person in Charge, and shall be made either personally or by first class mail, postage prepaid.
- C. If the Person in Charge fails to respond as required by Portland City Code 14B.60.030 B.3., the Chief of Police or the Precinct Commander may refer the matter to the Commissioner in Charge and the City Attorney. Prior to referring the matter to the Commissioner in Charge and the City Attorney, the notice required by Portland City Code 14B.60.030 B. shall also be posted at the property.
- D. If the Person in Charge responds as required by Portland City Code 14B.60.030 B.3. and agrees to abate Nuisance Activities giving rise to the violation, the Chief of Police or the Precinct Commander may postpone referring the matter to the Commissioner in Charge and the City Attorney. If an agreed course of action does not result in the abatement of the Nuisance Activities within sixty (60) days; or, if no agreement concerning abatement is reached within sixty (60) days, the

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Chief of Police or the Precinct Commander may refer the matter to the Commissioner in Charge and the City Attorney.

- E.** When a Person in Charge makes a response to the Chief of Police or the Precinct Commander as required by Portland City Code 14B.60.030 A.3. or B.3. any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any Nuisance Activities have occurred or are occurring. This Subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.
- F.** The failure of any Person to receive notice as provided by Portland City Code 14B.60.030 A. or B. shall not invalidate or otherwise affect the proceedings under this Chapter.

14B.60.040 Commencement of Actions; Remedies; Burden of Proof.

- A.** The Commissioner in Charge may authorize the City Attorney to commence legal proceedings in the Circuit Court to abate Chronic Nuisance Property and to seek closure, the imposition of civil penalties against any or all of the Persons in Charge thereof, and, any other relief deemed appropriate.
- B.** If the Court determines Property to be Chronic Nuisance Property, the Court shall order that the Property be closed and secured against all unauthorized access, use and occupancy for a period of not less than six (6) months, nor more than one (1) year. The order shall be entered as part of the final judgment. The Court shall retain jurisdiction during any period of closure.
- C.** If the Court determines a Property to be Chronic Nuisance Property, the Court may impose a civil penalty of up to \$100 per day for each day Nuisance Activities occurred on the Property, following notice pursuant to Portland City Code 14B.60.030 B.; or, the cost to the City to abate the Nuisance Activities at the Property whichever is greater. The amount of the civil penalty shall be assessed against the Person in Charge and/or the Property and may be included in the City's money judgment.
- D.** If satisfied of the good faith of the Person in Charge, the Court shall not award civil penalties if the Court finds that the Person in Charge at all material times could not, in the exercise of reasonable care or diligence, determine that the Property had become Chronic Nuisance Property.
- E.** In establishing the amount of any civil penalty, the Court may consider any of the following factors and shall cite those found applicable:

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1. The actions taken by the Person in Charge to mitigate or correct the Nuisance Activities at the Property;
 2. The financial condition of the Person in Charge;
 3. Repeated or continuous nature of the problem;
 4. The magnitude or gravity of the problem;
 5. The cooperation of the Person in Charge with the City;
 6. The cost to the City of investigating and correcting or attempting to correct the Nuisance Activities;
 7. Any other factor deemed relevant by the Court.
- F.** The City shall have the initial burden of proof to show by a preponderance of the evidence that the Property is Chronic Nuisance Property.
- G.** Evidence of a Property's general reputation and/or the reputation of persons residing in or frequenting it shall be admissible.

14B.60.050 Summary Closure.

Any summary closure proceeding shall be based on evidence showing that Nuisance Activities exist or have occurred on the Property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of summary closure shall be governed by the provisions of ORCP 79 for obtaining temporary restraining orders. In the event of summary closure, the City is not required to comply with the notification procedures set forth in Portland City Code 14B.60.030 A. and B.

14B.60.060 Enforcement.

- A.** The Court may authorize the City to physically secure the Property against all unauthorized access, use or occupancy in the event that the Person in Charge fails to do so within the time specified by the Court. In the event that the City is authorized to secure the Property, the City shall recover all costs reasonably incurred by the City to physically secure the Property as provided by this Section. The City Bureau(s) physically securing the Property shall prepare a statement of costs and the City shall thereafter submit that statement to the Court for its review as provided by ORCP 68.

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- B.** The Person in Charge shall pay reasonable relocation costs of a tenant as defined by ORS 90.100(28), if, without actual notice, the tenant moved into the Property after either:
- 1.** A Person in Charge received notice of the determination of the Chief of Police or any Precinct Commander pursuant to Portland City Code 14B.60.030 B.; or
 - 2.** A Person in Charge received notice of an action brought pursuant to Portland City Code 14B.60.050.
- C.** A lien shall be created against the Property for the amount of the City's money judgment. In addition, any Person who is assessed penalties under Portland City Code 14B.60.040 C. and/or costs under Portland City Code 14B.60.060 A. shall be personally liable for payment thereof to the City. Judgments imposed by this Chapter shall bear interest at the statutory rate.

14B.60.070 Attorney Fees.

The Court may, in its discretion, award attorneys' fees to the prevailing party.

Chapter 14B.70

SHORT TERM MOTEL RENTAL

Sections:

- 14B.70.010 Definitions.
- 14B.70.020 Rental of Rooms.
- 14B.70.030 Procedure.
- 14B.70.040 Appeals Process.
- 14B.70.050 City Remedies.

14B.70.010 Definitions.

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

- A.** Person in control: an employee or owner with the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on or at the motel, hotel, inn, or other facility designed for overnight rental.
- B.** Customer: any person who pays valuable consideration to occupy any room or rooms in a motel, hotel, inn, or other facility designed for overnight rental.
- C.** Employee: any officer, director, agent, or employee of a motel, or any independent contractor who works on or at the rental property.
- D.** Fee: the consideration charged by the operator for the occupancy of space in a motel, valued in money, goods, labor, credits, or other consideration.
- E.** Motel: any structure, or portion of any structure, which is occupied or intended or designed for dwelling, lodging, or sleeping purposes and includes but is not limited to any hotel, inn, tourist home, studio hotel, bachelor hotel, lodging house, and rooming house.
- F.** Occupancy: the use or possession, or the right to the use or possession, for lodging or sleeping purposes of any room or rooms in a motel.
- G.** Operator: the person who is the proprietor of the motel in any capacity.
- H.** Owner: any person, agent, firm, or corporation having a legal or equitable interest in a motel, and includes, but is not limited to a mortgagee in whom possession is vested all or part of the legal title to the property or all or part of the beneficial ownership and a right to present use and enjoyment of the property.

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- I. Renting by the hour: the use or possession for lodging or sleeping purposes of any room for an amount less than one-half of the minimum daily rental rate.

14B.70.020 Rental of Rooms

- A. A motel becomes a public nuisance when any motel employee or person in control permits on three or more occasions during any thirty (30) day period or twelve (12) or more occasions during any twelve (12) month period, a customer to rent a room designed for dwelling, lodging, or sleeping purposes, by the hour, or rents the same room more than twice within a 24 hour period.
- B. Any motel which becomes a public nuisance is subject to the remedies provided for in this Chapter.

14B.70.030 Procedure.

When the City believes the motel property has become a public nuisance as defined in this Chapter, the City shall attempt to notify the owner(s) of record and the person, firm, or corporation in possession of the property, in writing that the property has been determined to be a public nuisance. The notice shall contain the following information:

- A. The street address and a legal description sufficient for identification of the property.
- B. A statement that the City has found the property to be a public nuisance, together with a concise description of the events or conditions leading to this finding, including the date and time of the events or conditions.
- C. Demand that the owner or rightful possessor of the motel property respond within twenty (20) days to the Chief of Police or the Precinct Commander and appeal the City's determination or propose an abatement plan that the Chief of Police or the Precinct Commander agrees will abate the nuisance activities giving rise to the violation.
- D. The City shall attempt to serve a copy of the notice personally on the owner, rightful possessor, or agent, if known, at least ten (10) days before the commencement of any judicial action by the City. In addition, the notice shall be mailed certified mail, return receipt requested, postage prepaid, and addressed to the owner of the business at the address of the property believed to be a public nuisance and to such other address as is shown on Multnomah County tax rolls, or such other place which is believed to give the owner of the business and of the property actual notice of the City's determination.

- E.** The failure of any person or owner to receive actual notice of the funding of a public nuisance as defined in this Chapter shall not invalidate or otherwise affect the proceedings under this Chapter.

14B.70.040 Appeals Process

- A.** If the owner, business, agent, or rightful possessor of the property disagrees with the City's findings and determination, the owner or other rightful possessor may file an appeal with Bureau of Police within twenty (20) days of the City's determination that the motel property is a public nuisance.
- B.** The request for the appeal shall be in writing, and include the owner or rightful possessor's full name, street address and legal description sufficient for identification of the property determined a public nuisance, and the reason(s) for disagreement with the City's findings and determination.
- C.** Should the owner or rightful possessor of the property be dissatisfied with the outcome of the appeal, the owner or rightful possessor may issue a further appeal to the City Code Hearings Officer pursuant to Chapter 22.10 of this Code.

14B.70.050 City Remedies.

- A.** The Chief of Police or the Precinct Commander may refer the matter to the City Attorney where:
 - 1.** The owner or rightful possessor fails to respond within twenty (20) days from the determination that the motel property constitutes a public nuisance by the Chief of Police or Precinct Commander, either by appealing the City's determination or by submitting a proposed abatement plan as provided in this Chapter;
 - 2.** No agreeable written abatement plan for abatement is reached within thirty (30) days from determination of a public nuisance by the Chief of Police or the Precinct Commander;
 - 3.** The owner or rightful possessor fails to execute commencement of the abatement plan within a reasonable amount of time, not to exceed sixty (60) days of the plan's enactment; or
 - 4.** The owner or rightful possessor fails to comply and maintain compliance with all conditions of the written abatement plan for one year.

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- B.** Failure to respond or failure to propose an abatement plan shall be prima facie evidence of the owner or rightful possessor's lack of cooperation. Failure to execute or comply with any abatement plan shall be prima facie evidence of lack of good faith in mitigating or correcting the situation.
- C.** When the owner or rightful possessor makes a response to the Chief of Police or the Precinct Commander as required by this Chapter, any conduct or statements made in connection with the response does not constitute an admission that any nuisance activities have occurred or are occurring. This Subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.
- D.** If a court determines a motel to be a public nuisance within the meaning of this Chapter, the court may order any remedy it deems appropriate to abate the nuisance, including a civil penalties not to exceed \$500 for the first occasion and not to exceed \$2,500 for the second occasion, and closure of the motel for up to six months for the third occasion.

Chapter 14B.80

GRAFFITI NUISANCE PROPERTY

Sections:

- 14B.80.010 Declaration of Purpose.
- 14B.80.020 Graffiti Nuisance Property.
- 14B.80.030 Definitions.
- 14B.80.040 Procedures.

14B.80.010 Declaration of Purpose.

- A.** It is the purpose and intent of this ordinance to provide for a procedure for removal of graffiti from buildings, walls and other structures in order to reduce social deterioration within the City and to promote public safety and health.
- B.** The Manager may adopt procedures, forms, and written policies for administering and implementing the provisions of this Chapter.

14B.80.020 Graffiti Nuisance Property.

- A.** Any property, building or structure within the City of Portland which becomes a graffiti nuisance property is in violation of this Chapter and is subject to its remedies.
- B.** Any person who permits property under their control to become a graffiti nuisance property shall be in violation of this Chapter and subject to its remedies.

14B.80.030 Definitions.

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

- A.** Graffiti: Any unauthorized markings of paint, ink, chalk, dye or other similar substance which is visible from premises open to the public, and that have been placed upon any real or personal property such as buildings, fences, structures, or the unauthorized etching or scratching of such described surfaces where the markings are visible from premises open to the public, such as public rights of way or other publicly owned property.
- B.** Manager: The Graffiti Abatement Manager is the City official, or designated representative, who is responsible for the administration of the Graffiti Nuisance Abatement program under this Chapter. In accordance with adopted procedures,

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the Manager may appoint such officers, employees and agents as shall be authorized and necessary to enforce the provisions of this Chapter.

- C.** Graffiti Nuisance Property: Property upon which graffiti has been placed and such graffiti has been permitted to remain for more than ten (10) days after the property owner of record has been issued written notification pursuant to Section 14B.80.040 B.
- D.** Occupant: Any person or sublessee, successor or assignee who has control over property.
- E.** Owner: Any person, agent, firm or corporation having a legal or equitable interest in a property and includes but is not limited to:
 - 1.** A mortgagor in possession in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and a right to present use and enjoyment of the premises; or
 - 2.** An occupant who has control over the property/premises.
- F.** Permit: Knowingly to suffer, allow, or acquiesce by any failure, refusal or neglect to abate.
- G.** Property: Any real or personal property and that which is affixed incidental or appurtenant to real property but not limited to any premises, house, building, fence, structure or any separate part thereof, whether permanent or not.
- H.** Unauthorized: Without the consent of the owner or the occupant.

14B.80.040 Procedures.

(Amended by Ordinance No. 178352, effective May 28, 2004.)

- A.** Required Graffiti Removal. The owner or occupant of any property in the City shall remove any graffiti from such property within ten (10) days of the graffiti's appearance.
- B.** Notification
 - 1.** Whenever the Manager determines that graffiti exists on any structure in the City of Portland, the Manager may issue an abatement notice.
 - 2.** The Manager shall cause the notice to be served upon the property owner and any occupant. The owner or occupant shall have ten (10) days after

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the date of service of the notice in which to remove the graffiti. The Graffiti Abatement Manager shall have the sole discretion to grant the property owner the option of giving the City written permission to enter on the property and remove the graffiti.

3. Service shall be accomplished by addressing the notice to the owner and occupant and sending it by personal service, registered mail or certified mail. Service on the occupant may also be accomplished by posting the notice in a clearly visible location on the subject property.
4. If graffiti is not removed or written permission is not given to the City to remove the graffiti, the costs of removal may be assessed to the owner and will become a lien on the affected property. For each instance of graffiti abatement, the Manager shall keep an accurate account of all expenses incurred, including an overhead charge of 25 percent for program administration and a civil penalty of \$250 for each abatement. In the event that the measures taken are deemed by the Code Hearings Officer to be appropriate, the cost for the same may be made as an assessment lien upon the property.

C. Appeal

1. Within ten (10) days of the receipt of the notice, the property owner or occupant may appeal the notice from the Manager to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10 of this Code.
2. Upon receipt of the appeal request, the Code Hearings Officer shall set the matter for hearing within ten (10) business days. If the Code Hearings Officer finds the property to be a Graffiti Nuisance Property, and the owner or responsible party has been given notice in accordance with Subsection B. above, the Code Hearings Officer shall specify when and under what conditions the graffiti shall be abated.

D. Removal of Graffiti

1. The Manager may summarily abate any graffiti on any utility poles and cabinets, on exterior walls and fences immediately abutting public streets or property, or on any public property, including but not limited to traffic signs and lights.
2. Whenever the Manager has reasonable cause to believe that there exists upon any building or structure any graffiti requiring abatement under this Chapter, the Manager may enter upon the graffiti nuisance property at all

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reasonable times to perform any duty imposed on the Manager under this Chapter, and to enforce the provisions of this Chapter. Upon the failure to comply with the notice of abatement by the designated compliance date, and if the property owner or occupant has not appealed the notice as provided under Subsection C., the following steps may be taken if the graffiti nuisance property is plainly enclosed to create privacy and prevent access by unauthorized persons:

- a.** If the graffiti nuisance property is occupied, the Manager shall first present proper credentials and demand entry to cause the graffiti to be abated. If entry is refused, the Manager may attempt to secure entry by any legal means.
- b.** If the graffiti nuisance property is unoccupied, the Manager shall first make a reasonable attempt to locate the owner or occupant and demand entry. Such demand may be included in the initial notice sent to the owner or occupant under Subsection B. above. If entry is refused, the Manager may attempt to secure entry by any legal means.

 - (1)** If the Manager has first obtained an administrative search warrant to secure entry onto the graffiti nuisance property to abate the graffiti, no owner or occupant shall refuse, fail or neglect, after proper request, to promptly permit entry by the Manager to abate the graffiti.
 - (2)** It shall be unlawful for any owner or occupant to refuse to permit entry by the Manager to abate graffiti under this Chapter after an administrative search warrant has been obtained. Any violation of this Subsection is punishable upon conviction by a fine of not more than \$500 and a jail sentence of up to six months.
- c.** If the graffiti is not removed and abated, or cause shown, as specified above, the Manager may cause the graffiti to be removed and abated upon issuance of an Administrative Search warrant.

 - (1)** Graffiti Abatement. If the graffiti is not removed and abated, or cause shown, as specified above, the Manager may cause the graffiti to be removed and abated.
 - (2)** Warrants. The Manager may request any Circuit Court judge to issue a graffiti abatement warrant whenever entry

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onto private property is necessary to remove and abate any graffiti.

(3) Grounds for Issuance of Graffiti Abatement Warrants; Affidavit.

(a) Affidavit. A graffiti abatement warrant shall be issued only upon cause, supported by affidavit, particularly describing: the applicant's status in applying for the warrant; the ordinance or regulation requiring or authorizing the removal and abatement of the graffiti; the building or property to be entered; the basis upon which cause exists to remove or abate the graffiti, and a statement of the graffiti to be removed or abated.

(b) Cause. Cause shall be deemed to exist if there is reasonable belief that a graffiti violation exists, as defined in this Chapter, with respect to the designated property, and that the property owner has been given notice and an opportunity to abate the graffiti, and has not responded in a timely fashion.

(4) Procedure for Issuance of a Graffiti Abatement Warrant.

(a) Examination. Before issuing a graffiti abatement warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.

(b) Issuance. If the judge is satisfied that cause for the removal and abatement of any graffiti nuisance exists and that the other requirements for granting the application are satisfied, the judge shall issue the graffiti abatement warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated. The warrant shall contain a direction that it be executed on any day of the week between the

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hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

- (c) Police Assistance. In issuing a graffiti abatement warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of the bureau in any way necessary to enter the property and, remove and abate the graffiti.

(5) Execution of Graffiti Abatement Warrants.

- (a) Occupied Property. Except as provided in 14B.80.040 D.2., in executing a graffiti abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. A copy of the warrant shall be left with the occupant or the person in possession.
- (b) Unoccupied Property. In executing a graffiti abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in 14B.80.040 D.2.c.(5)(a), but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the graffiti abatement warrant shall be conspicuously posted on the property.
- (c) Return. A graffiti abatement warrant must be executed within 10 working days of its issue and

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returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

E. Graffiti Abatement Consent Forms.

1. The Manager shall develop consent forms allowing the Manager to enter onto property to abate the graffiti without prior notice from the Manager. The Manager shall make these consent forms available to the public.
2. Property owners and occupants may request and sign consent forms for allowing graffiti abatement. The Graffiti Abatement Manager shall renew the consent forms at least biannually.

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Chapter 14B.85
GRAFFITI MATERIALS AND SALES

(Chapter added by Ordinance No. 181231,
effective September 28, 2007.)

Sections:

- 14B.85.010 Definitions
- 14B.85.020 Sales and Display of Graffiti Materials.
- 14B.85.030 Civil Penalties.
- 14B.85.040 Criminal Penalties.

14B.85.010 Definitions.

For the purposes of this Chapter, the terms used in this Chapter shall be defined as provided in this Section:

- A. Manager:** means the Manager is the City official, or designated representative, responsible for the administration of the Graffiti Nuisance Abatement program under Chapter 14B.80.
- B. Paint pen.** A tube, marker, or other pen-like instrument with a tip of one-quarter (1/4) inch in diameter or greater that contains paint or a similar fluid and an internal paint agitator.
- C. Graffiti material.** Any can of spray paint, spray paint nozzle, paint pen, glass cutting tool, or glass etching tool or instrument.
- D. Spray paint.** Any aerosol container that is made or adapted for the purpose of applying paint or other substance capable of defacing property.
- E. Spray paint nozzle.** A nozzle designed to deliver a spray of paint of particular width or flow from a can of spray paint.

14B.85.020 Sale and Display of Graffiti Materials.

A. Picture Identification and Tracking.

- 1.** Any person who owns, conducts, operates, or manages a business where graffiti materials are sold shall obtain current and acceptable identification when selling graffiti material to any person. The purchaser shall sign a sales form that tracks the graffiti material by lot number. The seller completing the transaction shall initial the sales form, confirming that the

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purchaser is presenting acceptable identification that belongs to and is the same person as the purchaser. The entire sales form is subject to disclosure pursuant to Oregon Public Records Law.

2. The seller shall maintain a log of all sales of graffiti materials. The log shall include the names of purchasers, a description of the graffiti material sold to the purchaser, the invoice or sales form number for the sale and the date of the sale. The seller shall maintain the log for a period of two years from the date of the sale. Upon presentation of official identification, any representative of the Portland Police Bureau or any designated representative of the Manager may enter the business location of a business where graffiti materials are sold to ensure compliance with the provisions of this Chapter. The inspection shall be for the limited purpose of inspecting the business location, and the log maintained by the seller to determine compliance with the requirements of this Chapter. Any inspection under this Section shall be authorized to occur only during normal business hours of the business location.
3. For purposes of this Chapter, “acceptable identification” shall mean either a valid driver’s license, a State of Oregon Identification Card issued by the Department of Motor Vehicles, or a valid government-issued identification card and a second piece of identification one of which has a photograph of the purchaser. The employee completing the transaction must visually confirm that the photograph on the identification document is of the person presenting the identification and to whom the graffiti materials are being sold.

- B. Display and Storage.** As of November 1, 2007, it shall be unlawful for any person who owns, conducts, operates, or manages a business where graffiti materials are sold or who sells or offers for sale any graffiti material to store or display, or cause to be stored or displayed graffiti material in an area that is accessible to the public without employee assistance in the regular course of business pending legal sale or other disposition. This Ordinance shall not be construed to preclude or prohibit the storage or display of graffiti material in an area viewable by the public so long as such items are not accessible to the public without employee assistance.

14B.85.030 Civil Penalties.

- A.** The Manager may file a complaint with the Code Hearings Officer, as provided under Section 22.03.020, for any violation of the provisions of this Chapter, asking the Code Hearings Officer to impose civil penalties as provided in this Section. Having made a determination to ask that the Code Hearings Officer to

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impose civil penalties as provided by this Section, the Manager shall give the person written notice of the determination by causing notice to be served upon the person at their business or residence address. Service of the notice shall be accomplished by mailing the notice by regular mail, or at the option of the Manager, by personal service in the same manner as a summons served in an action at law. Mailing of the notice by regular mail shall be prima facie evidence of receipt of the notice. Service of notice upon the person apparently in charge of a business during its hours of operation shall constitute prima facie evidence of notice to the business owner.

- B.** The Code Hearings Officer may impose civil penalties of up to \$5,000 for any person's first violation of this Chapter. The Code Hearings Officer may impose civil penalties of up to \$15,000 for second violations of this Chapter by the same person. The Code Hearings Officer may impose civil penalties of up to \$25,000 for third or additional violations of this Chapter by the same person.
- C.** In determining the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Code Hearings Officer shall consider:

 - 1. The extent and nature of the person's involvement in the violation;
 - 2. The economic or financial benefit accruing or likely to accrue as a result of the violations;
 - 3. Whether the violations were repeated or continuous, or isolated and temporary;
 - 4. The magnitude and seriousness of the violation;
 - 5. The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
 - 6. Any other factors the Code Hearings Officer may deem to be relevant.
- D.** The Manager's decision to file a complaint under subsection A seeking civil penalties for any violations of this Chapter shall be an exclusive choice of remedies for enforcement of the requirements of this Chapter for those violations. In such cases, no criminal penalties may be imposed under Section 14B.85.040.

14B.85.040 Criminal Penalties.

Except as provided in Section 14B.85.030, 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.

TITLE 16
VEHICLES AND TRAFFIC

Chapter 16.10

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Chapter 16.40

PRIVATE FOR-HIRE TRANSPORTATION REGULATIONS

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- 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.
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- 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.
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- 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.
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- 16.40.150 Taxicab Company Permits Required – Application Process and Requirements.
- 16.40.160 Issuance or Denial of Taxicab Company Permit; City Council Action.
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Chapter 16.90

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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.
- 16.10.660 Authority of Bureau of Transportation Private For-Hire Transportation Program
Designated Employees to Issue Civil Penalties.

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.

TITLE 16
VEHICLES AND TRAFFIC

- 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.

16.10.660 Authority of Bureau of Transportation Private For-Hire Transportation Program Designated Employees to Issue Civil Penalties.

(Added by Ordinance No. 187043, effective April 3, 2015.) Private For-Hire Transportation Regulatory Program Specialists, Regulatory Program Administrators and Regulatory Program Managers are under the administration and control of the Bureau of Transportation as established in Section 3.12.010, and will serve as follows:

- A. The duties of the position of Regulatory Program Specialist, Regulatory Program Administrator, and Regulatory Program Manager include but are not limited to performing as transportation enforcement officers in the enforcement of Private For-Hire Transportation and other provisions of Chapter 16.40 and its administrative rules, and other related work under the direction of the Director of the Portland Bureau of Transportation.
- B. Persons appointed as Private For-Hire Transportation Regulatory Program Specialists, Regulatory Program Administrators and Regulatory Program Managers will be transportation enforcement officers of the City. As transportation enforcement officers, the Regulatory Program Specialists, Regulatory Program Administrators and Regulatory Program Managers shall be authorized to:
 - 1. enforce compliance with regulations under their jurisdiction.
 - 2. issue civil penalties for violations of applicable provisions of Chapter 16.40 which shall be subject to administrative hearings under the provisions of Chapter 22.10.
- C. Each of the above designated employees shall carry upon his or her person a metallic badge, of a size and design to be determined as provided in Administrative Rule, while performing his or her respective duties applicable to this Section.

TITLE 16
VEHICLES AND TRAFFIC

Chapter 16.20

PUBLIC RIGHT-OF-WAY PARKING

Sections:

16.20.001	Purpose.
16.20.100	General Parking Methods.
16.20.110	Generally.
16.20.120	Prohibited Parking or Stopping of a Vehicle.
16.20.130	Prohibited in Specific Places.
16.20.150	Prohibited Practices.
16.20.160	Use of Streets in Lieu of Off-street Parking or Storage.
16.20.170	Storing Property on Street Prohibited.
16.20.190	Successive Violations.
16.20.200	Regulated Parking Zones.
16.20.201	Purpose.
16.20.203	Regulated Parking Zone Designations.
16.20.205	Enforcement of Regulated Parking Zones.
16.20.210	No Parking Zones.
16.20.213	No Parking or Stopping Zone.
16.20.215	Theater Zone.
16.20.220	Truck Loading Zone.
16.20.230	Bus Zone.
16.20.235	Tri-Met Bus Zone.
16.20.240	Taxi Zone.
16.20.250	Disabled Person/Wheelchair User Zone.
16.20.260	Time Zones.
16.20.270	Carpool Zone.
16.20.280	Official/Reserved Zones.
16.20.400	Metered Parking Zones.
16.20.401	Purpose.
16.20.405	Enforcement of Metered Parking Spaces.
16.20.410	Administration of Meters, City of Portland Owned and Operated Property.
16.20.420	Determination of Meter District Boundaries.
16.20.430	Meter Time (on City of Portland Right-of-Way).
16.20.431	City of Portland Owned or Operated Property
16.20.440	Meter Fees.
16.20.445	Pay Stations.
16.20.450	Obstruction of Meters.
16.20.460	Parking Space Reservation.

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.
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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.
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16.40.700	Horse-Drawn Carriage Penalties.
16.40.710	Paid Passenger Referrals Prohibited.
16.40.720	Transportation Network Company Permit Requirements.
16.40.730	Transportation Network Driver Permit Requirements.
16.40.740	Transportation Network Vehicle Permit Requirements.

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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, 186746, 187049 and 187092, effective April 21, 2015.)

- A.** “Administrator” means the private for-hire transportation Program Administrator.
- B.** “Approved Mechanic” means a mechanic 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;

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- 3. has received ASE (Automotive Service Excellence) A Series (Automobile/Light Truck Certification) master certification; and
 - 4. is not employed by any for-hire transportation company.
- C. “Approved Blue Seal Shop” means a mechanic shop recognized with the ASE Blue Seal of Excellence by the National Institute of Automotive Service Excellence (ASE).
- D. “Board” means the Private For-Hire Transportation Board of Review.
- E. “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.
- F. “Bureau” means the Portland Bureau of Transportation of the City of Portland.
- G. “Carriage” means any vehicle or conveyance that is drawn, pulled or propelled by a horse or other animal(s).
- H. “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.
- I. “Company Permit” means the permit issued to a private for-hire transportation company under the terms of this Chapter and/or administrative rules.
- J. “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.
- K. “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.
- L. “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.

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- M.** “Day” means a business day and not a calendar day unless specifically stated otherwise.
- N.** “Decal” means the numbered identification sticker issued by the City and affixed to an LPT vehicle.
- O.** “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.
- P.** “Director” means the Director of the Portland Bureau of Transportation.
- Q.** “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.
- R.** “Driver Permit” means the permit issued to a private for-hire transportation driver under the terms of this Chapter.
- S.** “Driver” means a for-hire transportation driver, including taxi drivers and LPT drivers.
- T.** “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.
- U.** “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).
- V.** “Horse-Drawn Carriage Driver Permit” means the permit issued to a horse-drawn carriage driver under the terms of this Chapter.
- W.** “Limited Passenger Transportation Company” (LPT Company) means a for-hire transportation company other than a taxi company or Transportation Network Company.

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- X.** “Limited Passenger Transportation” (LPT) means providing for-hire transportation services with non-motorized vehicles or motorized vehicles other than taxicabs or Transportation Network Vehicles. LPTs include, but are not limited to, horse-drawn carriages, pedicabs, executive sedans, limousines, shuttles and SATs.
- Y.** “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”.
- Z.** “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.
- AA.** “Passenger” means a person traveling in a for-hire transportation vehicle that is not the operator of that vehicle.
- BB.** “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.
- CC.** “Pedicab Driver Permit” means the permit issued to a pedicab driver under the terms of this Chapter.
- DD.** “Permittee” means a person or business entity that has been issued a driver or company permit under the terms of this Chapter.
- EE.** “Permitted” means that a for-hire transportation company, driver or vehicle has a valid city-issued permit, decal or taxiplate.
- FF.** “Person” means any individual, partnership, joint venture, association, club, trust, estate, corporation, or other form of business organization recognized by Oregon Law.
- GG.** “Plate” means the numbered identification plate issued by the City and affixed to a horse-drawn carriage or pedicab.

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- HH.** “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 the amount of time required between asking and receiving transportation services to allow a presumption that the services were “prearranged”.
- II.** “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.
- JJ.** “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.
- KK.** “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.
- LL.** “Shuttle Transportation” means transportation provided in a vehicle over a fixed route and time schedule.
- MM.** “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.
- NN.** “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.
- OO.** “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.

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- PP.** “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.
- QQ.** “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 the basis of an initial fee, distance traveled, waiting time, or any combination thereof.
- RR.** “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.
- SS.** “Taxiplate” means the numbered metal identification plate issued by the City and permanently affixed to the rear of a taxicab.
- TT.** “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.
- UU.** “Transportation Network Company” (TNC) means any entity, other than a taxicab or LPT company, that operates private for-hire transportation by connecting passengers to Transportation Network Drivers who offer and provide Transportation Network Services through an internet based digital or software platform/application.
- VV.** “Transportation Network Driver” means any individual operating a private for-hire vehicle who connects with passengers through an internet based digital or software platform/application operated by a Transportation Network Company.
- WW.** “Transportation Network Services” mean private for-hire transportation services offered or provided for compensation by a Transportation Network Company that connects passengers with Transportation Network Drivers through an internet based digital or software platform/application.
- XX.** “Transportation Network Vehicle” means any vehicle driven by a Transportation Network Driver to provide Transportation Network Services.
- YY.** “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.
- ZZ.** “Week” means the 7-day period from Monday through Sunday.

AAA. “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;
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

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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.
- 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.

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- 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.

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- 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.
- 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.
- 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:

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- 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
 3. Portland-area attractions.

16.40.090 LPT and Taxi Driver Permits Required – Application Process & Requirements.

(Amended by Ordinance Nos. 185496 and 187092, effective April 21, 2015.)

- 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;

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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 conviction 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. 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;

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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.
- G.** Driver Knowledge and Skills Testing Requirements. Applicants for an LPT Driver Permit must successfully complete each of the following tests as administered by the Bureau before a permit can be issued. Applicants for Taxi Driver Permit must successfully complete each of the following Bureau approved tests as administered by the Bureau or a permitted Taxicab Company within 4 months of issuance of the driver's permit:
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.
(Amended by Ordinance No. 187092, effective April 21, 2015.)

- 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., 16.40.090 G. and 16.40.090 H. within 6 months of the permit's

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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.

(Amended by Ordinance No. 187092, effective April 21, 2015.)

- 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;
 - 2.** Completing, within 90 days, any skills tests, driving tests, or knowledge tests that the applicant failed; or
- D.** 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.
- 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.

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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
 - 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.

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- 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;

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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;
 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.

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- 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.
- 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.

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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.
- 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.

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- 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, 185497 and 187092, effective April 21, 2015.)

- 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.

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- 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
 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

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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.
 - 1.** LPT Vehicles. 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.
 - 2.** Taxi Vehicles. Any vehicle
 - a.** which is more than one year old, based on model year, or
 - b.** has 10,000 miles or more on its odometer, or
 - c.** has the “check engine” light illuminated regardless of model year or mileage,must pass a standardized vehicle safety test as performed by an “Approved Mechanic” or an “Approved Blue Seal Shop”. The Approved Mechanic or Approved Blue Seal Shop will then issue to the applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. A list of 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.

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- J.** Fees. All for-hire companies must pay a nonrefundable application fee for each for-hire vehicle applying for a decal or taxiplat 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 in decaled 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 Nos. 185721 and 187092, effective April 21, 2015.)

- 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.
- F. During the period that ends upon the earlier of

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1. the termination of any interim Administrative Rules regarding Transportation Network Companies promulgated by the Bureau Director pursuant to Subsection 16.40.520 J. or,
2. the effective date of any change to Sections 16.40.160 and 16.40.210, hereafter the “Pilot Period” the provisions of this Section and 16.40.050, 16.40.160 and 16.40.580 are suspended and new taxi company and new or additional vehicle permits shall be determined in accordance with the following:
 - a. Administrator Review Process. After receiving a completed taxi company application form or an application for additional vehicle permits for a permitted taxi company 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 Commissioner-in-Charge for approval or denial.
 - b. Approval or Denial. The Commissioner-in-Charge shall direct the Bureau to issue a Taxi Company permit or vehicle permit(s) if the application is approved. If the application is denied, the applicant may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

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.
- 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 decaled 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.
- 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.

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- 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.
 - 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.

(Amended by Ordinance No. 187092, effective April 21, 2015.) 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.
- 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.
- D. A minimum fleet of 15 taxicabs.
- E. No disclaimer of liability for negligence or other tortious conduct contained in any taxicab or LPT company user terms of service shall have any force or effect against any user in the City of Portland. Any tort claim against a taxicab or LPT company shall be governed by tort law in effect at the time of the claim.

16.40.280 Taxicab Digital Security Camera Systems.

(Amended by Ordinance No. 187092, effective April 21, 2015.)

- A. Digital security cameras are required in every permitted taxicab or secure digital records with contact information from the passenger must be maintained by the Taxicab company. Taxicab companies own the cameras or digital records 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 or record 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.
- D. No taxicab company or driver may allow any person to intentionally access any records produced by the digital security camera or record systems.
- E. No taxicab company or driver may benefit or gain from any records produced by digital security camera or record systems.

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- F.** No taxicab driver may tamper with, damage, disturb, remove or disable a digital security camera system in a taxicab or any digital records maintained by the Taxicab Company.
- 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.
- H.** During the period that ends upon the earlier of
 - 1.** the termination of any interim Administrative Rules regarding Transportation Network Companies promulgated by the Bureau Director pursuant to Subsection 16.40.520 J. or,
 - 2.** the effective date of any change to Section 16.40.280, hereafter the “Pilot Period”, a permitted taxicab must maintain either a digital security camera system in accordance with the requirements of this Section, or a secure digital record with passenger name and contact information and driver name and contact information for each trip.

16.40.290 Taxicab Fare Rates.

(Amended by Ordinance Nos. 185722 and 187092, effective April 21, 2015.)

- 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.

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- 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.
- H.** During the period that ends upon the earlier of

 - 1.** the termination of any interim Administrative Rules regarding Transportation Network Companies promulgated by the Bureau Director pursuant to Subsection 16.40.520 J. or,
 - 2.** the effective date of any change to Section 16.40.290, hereafter the “Pilot Period”, Subsection 16.40.290 A. regarding Maximum Fare Rates shall be suspended and no maximum fare rate shall apply.

16.40.300 Wheelchair Accessible Taxicabs.

(Amended by Ordinance No. 187092, effective April 21, 2015.)

- A.** At least 10 percent of every taxi company fleet must be wheelchair accessible.

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- B.** Notwithstanding Subsection 16.40.300 A., Companies that do not meet the 10 percent wheelchair accessible requirement may contract with another permitted private for-hire company that does meet the requirement or with another accessible vehicle provider approved by the Bureau in lieu of the requirement in Subsection 16.40.300 A. and taxi companies will implement service performance measures to provide timely and equitable service to persons with disabilities.
- 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 are required to provide wheelchair accessible taxi service within a reasonable time, whether by providing the service or contracting with other service providers that dispatch accessible private for-hire vehicles. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
- E.** Any taxi company utilizing an application based dispatch system shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible transportation vehicle.

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.
- 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;

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- 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.

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- 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.

(Amended by Ordinance No. 187049, effective March 12, 2015.)

- 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;
 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

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13. Drive passengers to their destination by any other than the most direct and safe route, unless requested to do so by the passenger.
 14. Operate any for-hire transportation vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1).
- 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.

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- 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.

(Amended by Ordinance No. 187092, effective April 21, 2015.)

- A.** No Private For-Hire Driver is allowed to drive after engaging in more than 14 hours of commercial activity in a 24-hour period.
- 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;

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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:

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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;
 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;

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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.

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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;
 - 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.

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- 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
 - 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:

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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 Data Required.

(Amended by Ordinance No. 187092, effective April 21, 2015.)

- A. Limousine, executive sedan and taxi transportation providers must maintain data 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. Each Taxi Company will enter into an agreement with the City to provide aggregate and anonymized data focused on transportation, accessibility and service to help the City improve access to for-hire transportation. Examples of relevant data may include, but not be limited to, the following:
 1. type of ride requested (wheelchair accessible);
 2. trip origin zip code;

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- 3. trip destination zip code; and
 - 4. identification of every request that is unfulfilled.
- D. The data must be kept in a form approved by the Administrator.
- E. The company must retain the data for not less than 1 year after the date of the driver's last entry.
- F. The data must be made available to the Administrator or other designated City staff by the 5th of each month for the previous month's data.
- 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.

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 Nos. 185498, 187049 and 187092, effective April 21, 2015.)

- 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.

Code Section	Requirement	1st Offense	2nd Offense	Subsequent Offenses
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
16.40.300 B.	Accessible Service Measures	\$2,500	\$5,000	\$10,000
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 B. - E.	Log Entries	\$500	\$1,000	\$2,500
16.40.450 F.	Log Availability	\$500	\$1,000	\$2,500
16.40.460	Prearranged	\$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
16.40.720	Transportation Network Company Permit Requirements	\$1,500	\$2,500	\$5,000
16.40.730	Transportation Network Driver Permit Requirements	\$1,000	\$2,500	\$5,000
16.40.740	Transportation Network Vehicle Permit Requirements	\$1,500	\$2,500	\$5,000

- 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:
 - 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.

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- 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;
 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.

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- 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 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 Nos. 185498 and 187049, effective March 12, 2015.)

- 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., 16.40.190 B., 16.40.720, 16.40.730 or 16.40.740 is punishable, upon conviction, by imprisonment for not more than 6 months.

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- 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., 16.40.190 B., 16.40.720, 16.40.730 or 16.40.740 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 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:

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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 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 Nos. 185723 and 187092, effective April 21, 2015.)

- A.** The following table outlines the fee costs associated with this Chapter.

PERMIT and APPLICATION FEES				
PERMIT TYPE	APPLICATION (nonrefundable)	INITIAL PERMIT	RENEWAL	REPLACEMENT
Taxi/LPT Driver	\$100	\$100	\$100	\$25
Pedicab Driver	\$25	\$25	\$25	\$10
LPT Company	\$250	\$500	\$500	\$75
Taxi Company <25 permitted vehicles	\$250	\$1,250	\$500	\$75
Taxi Company 25-50 permitted vehicles	\$250	\$1,250	\$1,000	\$75

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Taxi Company 50-100 permitted vehicles	\$250	\$1,250	\$2,000	\$75
Taxi Company >100 permitted vehicles	\$250	\$1,250	\$3,000	\$75
Pedicab 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
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.
- D.** During the period that ends upon the earlier of:
1. the termination of any Interim Administrative Rules regarding Transportation Network Companies promulgated by the Bureau Director pursuant to Subsection 16.40.520 J. or,
 2. the effective date of any change to Section 16.40.590 hereafter the “Pilot Period” the provisions for taxi driver ‘initial permit’ fee, taxi driver ‘renewal permit’ fee and taxi driver “application” fee are suspended and the following fees will apply:

PERMIT and APPLICATION FEES				
PERMIT TYPE	APPLICATION (nonrefundable)	INITIAL PERMIT	RENEWAL	REPLACEMENT
Taxi Driver	\$0	\$0	\$0	\$25

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.

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.

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- 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.
 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:

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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 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;

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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.

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- 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.
- 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

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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.
- 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.

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- 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.

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- 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.
- 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.

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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.
- 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.

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- 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.
- 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.

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- 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 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.

16.40.720 Transportation Network Company Permit Requirements.

(Added by Ordinance No. 187049, effective March 12, 2015.) No person or entity may conduct business as a Transportation Network Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.540 and 16.40.560.

16.40.730 Transportation Network Driver Permit Requirements.

(Added by Ordinance No. 187049, effective March 12, 2015.) No person or entity may conduct business as a Transportation Network Driver in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.540 and 16.40.560.

16.40.740 Transportation Network Vehicle Permit Requirements.

(Added by Ordinance No. 187049, effective March 12, 2015.) No person or entity may operate a for-hire Transportation Network Vehicle in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.540 and 16.40.560.

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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 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

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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.
- 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.

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- 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.
- 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.

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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 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.

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- 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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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 122nd Avenue Subdistrict.

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

16.60.030 Exemptions.

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

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

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- B.** The Director of the Bureau of Development Services may temporarily suspend or modify the minimum biofuel content requirements of this Chapter based on a determination that such requirements are temporarily infeasible due to economic or technical circumstances. The Director's determination shall be made by filing a report with the City Council.
- C.** The requirements of this Chapter do not apply to fuel used for the operation of railroad locomotives, watercraft or aircraft.
- D.** Nothing in this Chapter is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using up to eighty-five percent ethanol fuel blends.

16.60.040 Enforcement and Notice of Violation.

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

- A.** The Director of the Bureau of Development Services, or designee, upon determining that a violation of this code or regulations duly adopted pursuant to this Chapter has occurred, shall issue a written notice of the violation by certified mail to the fuel distributor, reseller or retailer identifying the violation and applicable penalty.
- B.** The fuel distributor, reseller or retailer shall, upon receipt of a notice of violation, correct the violation and pay to the City the stated penalty or appeal the finding of a violation to the Code Hearings Officer within 10 days of receipt of the notice.
- C.** A determination issued pursuant to Section 16.60.040.A may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of City Code.

16.60.050 Penalties.

Violations of this Chapter may be punishable by fines as follows:

- A.** A fine of up to \$5,000 for the first violation;
- B.** A fine of up to \$10,000 for each subsequent violation.

16.60.060 Disclosure.

(Amended by Ordinance No. 180671, effective January 12, 2007.) For all sales of biofuels blended products by fuel distributors or resellers for the purposes of meeting this Chapter, the distributor or reseller must provide a bill of lading or shipping manifest disclosing biofuel content, stating volume percentage, gallons of biofuel per gallon base stock, or an "Bxx" or "Exx" designation where "xx" denotes the volume percent biofuel included in the blended product, and the feedstock from which the biofuel was derived.

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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.)

Section:

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.
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- 16.70.740 Acts Prohibited.
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- 16.70.800 Visibility.
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- 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:

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- A.** Leave a bicycle so that it obstructs vehicle or pedestrian traffic on a roadway, sidewalk, driveway, handicap access ramp, building entrance, or so that it prevents operation of a parking meter or newspaper rack;
- B.** Leave a bicycle secured to a fire hydrant or to a police or fire call box;
- C.** Leave a bicycle on private property without consent of the owner or legal tenant. Consent is implied on private commercial property;
- D.** Leave a bicycle on a street or other public property for more than 72 hours; or
- E.** Ride a bicycle on a sidewalk, unless avoiding a traffic hazard in the immediate area, within the area bounded by and including SW Jefferson, Front Avenue, NW Hoyt and 13th Avenue, except:
 - 1.** On sidewalks designated as bike lanes or paths;
 - 2.** On the ramps or approaches to any Willamette River Bridge; or
 - 3.** In the area bounded by the west property line of SW Ninth Avenue, the east property line of SW Park Avenue, the north property line of SW Jefferson and the south property line of SW Salmon Street.
 - 4.** For police or special officers operating a bicycle in the course and scope of their duties; or
 - 5.** For employees of the Association for Portland Progress and companies providing security services operating a bicycle in the course and scope of their duties. These employees must have in possession an identification card issued by the Chief of Police certifying the rider has completed a training course in the use of a bicycle for security patrol.

16.70.330 Impounding Bicycles.

- A.** A bicycle left on a street or other public property for more than 72 hours may be impounded.
- B.** A bicycle may be immediately impounded if:
 - 1.** It is parked in violation of this code and obstructs or impedes pedestrian or vehicular traffic; or
 - 2.** It is an immediate threat to the public welfare.

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- 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
 - 1.** SW Fairview Boulevard between SW Knights Boulevard and SW Kingston Avenue;

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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.
- 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

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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.
- 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.

16.70.550 Vendor Traffic Regulations.

(Amended by Ordinance Nos. 165594, 166575, and 176585, effective July 5, 2002.)

- A. It is unlawful for any:

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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.

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- 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;
 - 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.

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- 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.

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- 3.** Require the applicant to furnish public liability or automobile insurance and property damage insurance as follows:

 - a.** General Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage; or
 - b.** Automobile Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage, including coverage for owned, hired or nonowned vehicles, as applicable; and
 - c.** The City of Portland, and its agents, officers, and employees are Additional Insured, but only with respect to operations occurring within the scope of the permit.
 - d.** There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without 30-days written notice from the Contractor or its insurer(s) to the City.
 - e.** As evidence of the insurance coverage required, the applicant shall furnish acceptable insurance certificates to the City prior to issuance of any permit. The certificate will specify that the City is additional insured and will include the 30-day cancellation clause. Insuring companies or entities are subject to City acceptance. The applicant shall be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance.
- 4.** Require the applicant to furnish indemnity insurance or an indemnity bond in an amount fixed by the Traffic Engineer to:

 - a.** Reimburse the City of Portland for any damage to the highways or streets that may be caused under the permit; and
 - 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:

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

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.

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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.

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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.

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:

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- 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, 183397, 184522, 185448 and 186053, effective January 1, 2015.)

- A.** It is the responsibility of the owner or occupant of any property to prevent any vegetation including trees 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 tree removal or pruning required by this Title shall be done in accordance with the provisions of Title 11, including the need to obtain tree permits for removal and pruning.
- 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 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 11, 16, 17 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;
 - 7.** Failure to signal;
 - 8.** Violation of maximum speed limit in an urban area; or

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- 9.** Taking other actions that a reasonable driver would know endanger the safety of persons or property in a congested urban driving environment such as the City of Portland.
- B.** Violation of this law shall constitute a Class A Misdemeanor as prescribed in State law.

Chapter 16.90

DEFINITIONS

Sections:

16.90.001	Generally.
16.90.005	Abandoned Vehicle.
16.90.010	Accessory Recreational Vehicle.
16.90.015	Alley.
16.90.020	Angle Loading.
16.90.025	Bicycle.
16.90.030	Bicycle Boulevard.
16.90.032	Bicycle Lane.
16.90.034	Bikeway, Shoulder.
16.90.036	Bikeway, Extra Width Curb Lane.
16.90.038	Bikeway, Off-Street Path.
16.90.040	Bikeway, Signed Connection.
16.90.045	Block Face.
16.90.055	Carpool Vehicle.
16.90.060	Central City Plan District.
16.90.065	City Recognized Holidays.
16.90.070	Compact Car.
16.90.075	Conduct Business.
16.90.080	Construction Zone.
16.90.085	Crosswalk.
16.90.090	Curb.
16.90.095	Curb Line.
16.90.097	Disabled Person Permit/Placard.
16.90.100	Driver.
16.90.105	Driveway.
16.90.110	Drop box.
16.90.115	Emergency Vehicles.
16.90.120	Fire Station.
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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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- 17.104.030 Authority of Director to Adopt Rules.
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- 17.104.050 Energy Performance Reporting Schedule.
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during the day) transit service or within 1,000 feet of a light rail station and that either:

- a. includes at least 30 units of housing per acre of site, and there are no drive through facilities, or
- b. achieves a floor area ratio of 1 to 1, and there are no drive through facilities, or
- c. is located in a commercial zone where no parking is required by the Planning and Zoning code of the City of Portland and no on-site parking is provided and there are no drive through facilities.

For purposes of this definition, “site” shall include the building footprint and all associated land required for parking, landscaping and the like. For the purpose of this definition, “fixed-route frequent transit service” shall include the I-205 light rail corridor and “light rail station” shall include the I-205 light rail stations.

- NN. “Transportation SDC Capital Improvement Plan,”** also called SDC-CIP, means the City program set forth in the City Rate Study that identifies all of the major transportation system and facilities capacity, safety, reconstruction, bicycle, pedestrian, transit and bridge improvements projected to be necessary to accommodate existing and anticipated transportation system demands within the next 10 years as described in the Update of Transportation System Development Charges, (dated July 2007), and within the next 20 years as described in the North Macadam Transportation System Development Charge TSDC Overlay Rate Study, (dated January 2009).
- OO. “Transportation System Development Charge,” or “SDC,”** refers to the fee to be paid under this Chapter.
- PP. “Transportation System Plan” or “TSP,”** means the current, adopted 20-year plan for transportation improvements in the City of Portland.
- QQ. “Vehicle”** means motorcycles, automobiles, trucks, boats and recreational vehicles, but does not include transit, bicycles and motorized wheelchairs for the disabled.
- RR. “Vehicular”** means a reference to a vehicle.
- SS. “Walkway”** means an area intended and suitable for use by pedestrians, that meets standards of the American with Disabilities Act, located in public right-of-way.

TITLE 17

PUBLIC IMPROVEMENTS

17.15.030 Rules of Construction.

For the purposes of administration and enforcement of this Chapter, unless otherwise stated in this Chapter, the following rules of construction shall apply:

- A.** In case of any difference of meaning or implication between the text of this Chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
- B.** The word “shall” is always mandatory and not discretionary; the word “may” is permissive.
- C.** Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- D.** The phrase “used for” includes “arranged for,” “designed for,” “maintained for,” or “occupied for.”
- E.** Where a regulation involves two or more connected items, conditions, provisions, or events:
 - 1.** “And” indicates that all the connected terms, conditions, provisions or events shall apply;
 - 2.** “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- F.** The word “includes” shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

17.15.040 Application.

(Amended by Ordinance Nos. 181322, 182652, 184756, 185195, 185459 and 187210, effective June 24, 2015.) This Chapter applies to all New Development throughout the City of Portland except for those areas where Washington County, Multnomah County or Clackamas County imposes a transportation SDC or Traffic Impact Fee. The amount of the Transportation SDC shall be calculated according to this section. For any New Development within the North Macadam Overlay Rate Study boundaries, the transportation SDC shall be the sum of two calculations, the first based upon the City Rate Study and the second based upon the North Macadam Overlay Rate Study. For any New Development within the Innovation Quadrant area boundaries, the transportation SDC shall be the sum of two calculations, the first based upon the City Rate Study and the second based upon the Innovation Quadrant Overlay Project Report.

Chapter 17.104

**COMMERCIAL BUILDING ENERGY
PERFORMANCE REPORTING**

(Chapter added by Ordinance No. 187095,
effective May 22, 2015.)

Sections:

- 17.104.010 Purpose.
- 17.104.020 Definitions.
- 17.104.030 Authority of Director to Adopt Rules.
- 17.104.040 Energy Performance Tracking and Reporting for Covered Buildings.
- 17.104.050 Energy Performance Reporting Schedule.
- 17.104.060 Transparency of Energy Performance Information.
- 17.104.070 Notification and Posting.
- 17.104.080 Utility Data Access.
- 17.104.090 Building Data Access.
- 17.104.100 Enforcement and Penalties.
- 17.104.110 Right of Appeal and Payment of Assessments.
- 17.104.120 Annual Review of Reported Information.

17.104.010 Purpose.

The purpose of this Chapter is to provide information about building energy performance and motivate investment in efficiency improvements that save energy and reduce carbon emissions. This Chapter shall be known as the Commercial Building Energy Performance Program.

17.104.020 Definitions.

For purposes of this Chapter, and administrative rules adopted under this Chapter, the following words and phrases shall be construed as defined in this Section.

- A. “Covered building”** means any commercial building containing a gross floor area of at least 20,000 square feet and predominantly used for office, retail, grocery, health care, higher education and hotel purposes. “Covered building” does not include buildings predominantly used for housing, industrial, nursing home, parking, primary and secondary education, residential, warehouse and worship purposes.
- B. “Director”** means the Director of the Bureau of Planning and Sustainability or his or her authorized representative, designee or agent.

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- C.** “**Energy**” means electricity, natural gas, steam, heating oil, or other product sold for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.
- D.** “**ENERGY STAR**” score means the 1 to 100 numeric rating generated by the ENERGY STAR Portfolio Manager tool that compares the relative energy usage of the building to that of similar buildings, where available.
- E.** “**Energy performance information**” means information related to a building’s energy consumption as generated by the ENERGY STAR Portfolio Manager tool, and descriptive information about the physical building and its operational characteristics.
- F.** “**ENERGY STAR Portfolio Manager**” means a software program developed for evaluating and managing building energy data, used for creating an ENERGY STAR score.
- G.** “**Energy use intensity (EUI)**” means a numerical value calculated by the ENERGY STAR Portfolio Manager that represents the annual site energy consumed by a building relative to its gross floor area, reported as thousand British thermal units per square foot (kBtu/sf).
- H.** “**Gross floor area**” means the total number of enclosed square feet measured between the principal exterior surfaces of the fixed walls of a building.
- I.** “**Owner**” means any of the following:
1. Any individual or entity possessing title to a property with one or more covered buildings;
 2. The net lessee in the case of a building or property subject to a triple net lease;
 3. The association of unit owners responsible for overall management in the case of a condominium; or
 4. Any agent designated to act on behalf of a building or property owner.
- J.** “**Shared Utility Services**” means energy-related services such as electricity, natural gas, chilled water, heated water or steam serving two or more buildings from a centralized system or a single utility billing meter.

- K.** “**Tenant**” means a person or entity occupying or holding possession of any part of a building or premises pursuant to a rental or condominium agreement.
- L.** “**Utility**” means an entity that distributes and sells natural gas, electric, or thermal energy services to covered buildings.

17.104.030 Authority of Director to Adopt Rules.

- A.** The Director is hereby authorized to administer and enforce provisions of this Chapter.
- B.** The Director is authorized to adopt rules, procedures, and forms to implement the provisions of this Chapter.
 - 1.** Any rule adopted pursuant to this Section shall require a public review process. Not less than 10 nor more than 30 days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time and purpose of the public review process and the location at which copies of the full set of the proposed rules may be obtained.
 - 2.** During the public review, the Director shall hear testimony or receive written comment concerning the proposed rules. The Director shall review the recommendations; taking into consideration the comments received during the public review process, and shall either adopt the proposed rules, modify or reject them. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed in the Office of the Director and with the City Auditor’s Portland Policy Documents repository.

17.104.040 Energy Performance Tracking and Reporting for Covered Buildings.

- A.** No later than April 22nd of each year, the owner of a covered building shall accurately report energy performance information of such building to the Director for the previous calendar year using ENERGY STAR Portfolio Manager. At a minimum, the energy performance information shall include:
 - 1.** Building address;
 - 2.** Year of construction;
 - 3.** Primary use type and additional use types;

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4. Gross floor area as defined by ENERGY STAR Portfolio Manager's glossary;
 5. ENERGY STAR score, where available;
 6. Site energy use intensity (Site EUI);
 7. Source energy use intensity (Source EUI);
 8. Weather-normalized Site EUI;
 9. Weather-normalized Source EUI; and
 10. Total annual greenhouse gas emissions.
- B.** Optional energy performance information may be reported annually by the owner of a covered building to the Director, including but not limited to:
1. Contextual information related to energy use in the building; and
 2. Verification of energy performance information in this section by a professional engineer or a registered architect licensed in the State of Oregon, or another trained energy professional as prescribed by rule.
- C.** The owner of a covered building shall retain all information tracked and entered into the ENERGY STAR Portfolio Manager for at least three years beyond the date on which reporting was required, and make all energy performance information available for inspection and audit by the Director during normal business hours, following reasonable notice by the Director.
- D.** For campus portfolios where two or more covered buildings are served by shared utility services and predominantly used for health care, research or higher education purposes, the owner may opt to report a campus-wide gross floor area, Site EUI and total annual greenhouse gas emissions using the ENERGY STAR Portfolio Manager.

17.104.050 Energy Performance Reporting Schedule.

- A.** The reports required by Section 17.104.030 shall occur according to the following schedule:
1. For every covered building containing a gross floor area of at least 50,000 square feet, the report shall be submitted no later than April 22, 2016, and no later than every April 22nd thereafter.

2. For every covered building containing a gross floor area of at least 20,000 square feet but less than 50,000 square feet, the first report shall be submitted no later than April 22, 2017, and not later than every April 22nd thereafter.

- B. The Director may extend the reporting submission date.

17.104.060 Transparency of Energy Performance Information.

- A. The Director shall make city-wide summary statistics available to the public for the previous calendar year no later than October 1, 2016, and each October 1 thereafter.
- B. For every covered building containing a gross floor area of at least 50,000 square feet, the Director shall make the compliance status and energy performance information of such covered buildings available to the public for the previous calendar year no later than October 1, 2017, and each October 1 thereafter.
- C. For every covered building containing a gross floor area of at least 20,000 square feet but less than 50,000 square feet, the Director shall make the compliance status and energy performance information of such covered buildings available to the public for the previous calendar year no later than October 1, 2018, and each October 1 thereafter.

17.104.070 Notification and Posting.

- A. Between September 1 and December 31 of each year, the Director shall notify owners of their obligation to report energy performance information for that calendar year, provided that the failure of the Director to notify any such owner shall not affect the obligation of such owner to report.
- B. The Director may exempt a building owner from the requirements of Sections 17.104.040 and 17.104.050 if the building owner submits documentation establishing any of the following:
 1. The covered building or areas of the building subject to the requirements of this section have been fully unoccupied during the entire calendar year for which reporting is required;
 2. The building is a new construction and the building's certificate of occupancy was issued during the calendar year for which reporting is required;

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3. A demolition permit has been issued for the building during the calendar year for which reporting is required;
4. Due to a special circumstance unique to the building, compliance would cause undue hardship.

17.104.080 Utility Data Access.

- A. The owner of a covered building shall obtain data from each utility providing energy service to such building, subject to the governing state and/or federal data privacy laws to which the utility is subject at the time of the owner's request.
- B. On and after January 1, 2016, and every year thereafter, upon the written or electronic request of an owner, each utility shall provide the building owner with access to the monthly energy consumption data for all utility meters identified by the owner. The data provided by the utility to the building owner will be aggregated by the utility and shall not contain personally identifying information or any customer-specific billing data. The utility shall provide access to such aggregated utility data within 45 days of the building owner's request. Utilities providing energy service to a covered building shall maintain energy consumption data for meters serving each building for at least the most recent calendar year.
 1. Where a unit or other space is occupied by a tenant and separately metered by a utility, the utility may require the owner to submit a written or electronic request identifying such meters and follow the consent requirements of such utility.

17.104.090 Building Data Access.

- A. Where a unit or other space is occupied by a tenant and separately metered by a utility, the owner may request tenant data relating to energy use, use of space, operating hours, and other information required for ENERGY STAR Portfolio Manager reporting.
 1. Within 30 days of a request by the owner, each tenant located in a covered building shall provide all data that cannot otherwise be acquired by the owner and that is needed by the owner to comply with the requirements of this section including consent to access utility data as described in Section 17.104.080. If such tenant is not in compliance, the building owner may provide a written or electronic request to the Director for an extension to the reporting schedule in Section 17.104.050.
 2. When the owner of a covered building receives notice that a tenant intends to vacate a space in such building, the owner shall request information

relating to such tenant's energy use for any period of occupancy relevant to the owner's obligation to meet the reporting requirements in Sections 17.104.040 and 17.104.050.

3. When a covered building changes ownership, the previous owner must provide the new owner all information for the months of the calendar year during the time the previous owner was still in possession of the property.

17.104.100 Enforcement and Penalties.

It shall be a violation of this Chapter for any entity or person to fail to comply with the requirements of this section or to misrepresent any material fact in a document required to be prepared or disclosed by this Chapter.

- A. Any building owner, tenant, utility or person who fails, omits, neglects, or refuses to comply with the provisions of this Chapter shall be subject to:
 1. Upon the first violation, the Director may issue a written warning notice to the entity or person, describing the violation.
 2. Upon any subsequent violation, the Director may assess a civil penalty of up to \$500 for every 90 day period during which the violation continues.

17.104.110 Right of Appeal and Payment of Assessments.

After being issued a written warning notice of a first violation, any person receiving a subsequent notice of violation shall, within ten days of issuance of the notice, either pay to the City the stated amount of the assessment or request an appeal hearing by the Code Hearings Officer in accordance with procedures set forth in Chapter 22.10 of the City Code. The filing of an appeal request shall stay the effective date of the assessment until the appeal is determined by the Code Hearings Officer. If, pursuant to said appeal hearing, payment of the assessment is ordered, such payment must be received by the Director or postmarked within 15 calendar days after the order becomes final.

17.104.120 Annual Review of Reported Information.

The Director may arrange for annual reviews of verifying the energy performance information submitted to the City. The Director or a duly authorized agent may examine the records of the building owner regarding the energy performance data to verify the accuracy of the information submitted to the City. The Director shall provide prior written notice to the building owner at least 30 days prior to examining the energy performance data. The building owner shall provide the Director with access to the requested records within the Portland metropolitan region, during normal business hours. Any failure by the building owner to comply with the City's efforts to verifying the energy performance information shall constitute a violation of this Chapter.

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Board. This decision shall be mailed to the property owner requesting the change in status.

24.51.050 Appeals of Decisions Made by the Chief

Notwithstanding any contradictory portion of Code Section 24.10.080:

- A.** Any decision made by the Chief, regarding the application of a Wildfire Hazard Zone to any area in the City, may be appealed to the Bureau of Development Services Board of Appeals (Board) solely in accordance with this subsection. In considering such appeals the Board shall act solely in accord with this section.
- B.** Such appeal shall be in writing and shall be filed with the Board within fourteen days of the date of the Chief's decision. The appeal shall include a statement regarding the elements of the Chief's decision with which the appellant takes issue. Reference to facts and the criteria listed above, is required.
- C.** A copy of the appeal shall be provided to the Chief at the same time that it is filed with the Board. The Chief shall have fourteen days from the date of the appeal to respond, in writing, to the Board and all appellants.
- D.** The Board shall issue a notice of a hearing date and the place and time of the hearing. Notice shall be provided to the appellants and the Chief.
- E.** The Board shall then hold a hearing upon any such appeal. After considering the issues raised on appeal, and the reasonableness of the Chief's interpretation of applicable criteria, the Board shall, by majority vote, affirm or modify the Chief's decision. The Board's decision shall be based solely upon the criteria set out in this Chapter and shall include findings addressing the facts and the criteria. The decision of the Board shall have full force and effect. A certified copy of the decision shall be delivered to the appellant.

Any appeal of the Board's decision shall by writ of review.

24.51.060 General

(Amended by Ordinance Nos. 178745 and 179125, effective April 1, 2005.)

- A.** In addition to the other City codes, all structures located in wildfire hazard zones as identified in the Wildfire Hazard Zone map shall meet the applicable requirements in the State of Oregon Structural Specialty Code or the Residential Specialty Code as applicable.
- B.** The requirements in Chapter 24.75, Uniform Building Address System, supercede the requirements found in OSSC Appendix L, Section L101.7, for premises identification.

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Chapter 24.55

BUILDING DEMOLITION

(Chapter amended by Ordinance No. 171455,
effective August 29, 1997.)

Sections:

- 24.55.100 Demolition - Debris - Barricades - Nuisances.
- 24.55.150 Definitions.
- 24.55.200 Residential Demolition Delay - Housing Preservation.
- 24.55.210 Major Residential Alterations and Additions.

24.55.100 Demolition - Debris - Barricades - Nuisances.

(Amended by Ordinance Nos. 171455 and 187017, effective April 19, 2015.) It is unlawful for any owner or persons in control of any such structure which is being demolished, or which has been damaged by fire, to leave any portion of the structure unsupported for more than 1 hour, if such section is liable to collapse or is in any way a danger to the public. In no event shall a portion of the structure be left unsupported for more than 24 hours. Suitable barricades shall be provided to prevent access to the vicinity of any unsupported section of the structure. Any permanent structural supports provided as a result of application to this section shall be designed by a structural engineer registered to practice in the State of Oregon and hired by the applicant. All such designs, calculations, drawings, and inspection reports shall be approved by the Director. All combustible debris or material shall be removed from the premises on which the demolition is carried out within 30 days from the completion of the demolition, or from the stoppage of the work thereon if the work remains uncompleted. All non-combustible debris or material resulting from demolition shall be removed within 30 days after the completion of the demolition or stoppage thereof, unless the Director extends the time therefore because of weather, terrain, or other special circumstances, but such extension shall not exceed 3 months. It is unlawful for any owner or person in possession of real property to permit the debris to remain on the property without disposal in excess of the periods mentioned above or of any specific extension thereof as set forth above.

Any of the above-mentioned things existing while there is a duty to remove or correct the same, shall constitute a public nuisance. Any unsupported portions of a building or structure existing beyond the periods set forth above shall be subject to summary abatement by the City. The abatement shall be in accordance with the procedure set forth in Title 18, Chapter 18.03, Nuisance Abatement.

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All structures to be demolished shall be taken down in a safe manner. The streets or sidewalks shall not be littered with rubbish and shall be wet down, if necessary. During any demolition work, all receptacles, drop boxes, shafts, or piping used in such demolition work shall be covered in an appropriate manner. After removal of any structure all foundations that are not to be used for new construction shall be removed and all excavations filled in compliance with Chapter 24.70 of this Title, to a level of the adjoining grade. Plans shall be submitted for any new construction proposed, utilizing the remaining foundations. Any remaining foundations approved for further use shall be barricaded by a fence no less than 6 feet high maintained until the new construction has progressed sufficiently to remove any hazards to the public. Such period of time is not to exceed 30 days. For regulations on the use of public streets and protection of pedestrians during demolition see Chapter 24.40 of this Title.

24.55.150 Definitions.

(Added by Ordinance No. 187017, effective April 19, 2015.)

- A.** Demolition. Demolition means removal of the entire superstructure down to the subflooring, such that none of the existing superstructure is maintained. Demolition includes removal of all exterior walls. It also includes alteration, abandonment or removal of all of the existing perimeter foundation.
- B.** Major Residential Alteration or Addition. Major alteration or addition means doing any of the following:

 - 1.** adding any new story, including a basement or other below-grade structure. Raising a structure to meet the required headroom in a basement is considered the same as creating a basement,
 - 2.** increasing or replacing 50 percent or more of the exterior wall area on any floor. If the subflooring under an exterior wall is removed, it will be treated as if the wall was removed,
 - 3.** adding total new floor area to the existing structure that exceeds 800 square feet, or
 - 4.** adding an area exceeding 100 percent of the existing foundation footprint area of the structure.
- C.** Recognized organization. Recognized organization includes neighborhood coalitions and neighborhood associations recognized by the Portland Office of Neighborhood Involvement.
- D.** Subflooring. Subflooring means the bottom-most structural floor laid as a base for a finished floor.

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- E.** Superstructure. Superstructure means the part of the building or construction entirely above its foundation or basement.

24.55.200 Residential Demolition Delay - Housing Preservation.

(Amended by Ordinance Nos. 171455, 176955 and 187017, effective April 19, 2015.)

- A.** Purpose. The residential demolition delay provisions are intended to allow an adequate amount of time to help save viable housing in the City while recognizing a property owner's right to develop or redevelop property. The regulations provide an opportunity for public notice of impending residential demolitions and coordination of the efforts of various City bureaus. The regulations also encourage seeking alternatives to demolition. The provisions accomplished this through a two part process:
 - 1.** a 35 day notice period during which demolition is delayed, and
 - 2.** a possible 60-day extension of the demolition delay period.
- B.** Where the delay applies. The residential demolition delay regulations of this Section (24.55.200) apply to sites with residential structures in areas with a residential Comprehensive Plan Map designation. The regulations only apply to applications for demolition of residential structures. They do not apply to demolitions of accessory structures such as garages or other outbuildings.
- C.** Application for building permit for demolition.
 - 1.** Signed statement. The application for a building permit for demolition must include a statement signed by the owner(s) of the property. The statement must acknowledge that the owner(s) are aware of the primary uses permitted under the current zoning on the site without a conditional use, zone change, Comprehensive Plan Map amendment, or other land use approval and that such an approval will be required before other uses will be permitted on the site. The statement may be on forms that the Director may make available.
 - 2.** Delay in issuing. The building permit for demolition will not be issued except as provided for in this Section (24.55.200).
- D.** Notification.
 - 1.** Mailed notice. Within 5 days of receipt of a complete application for a residential demolition permit, the Bureau of Development Services will mail written notice of the demolition request to all properties within 150

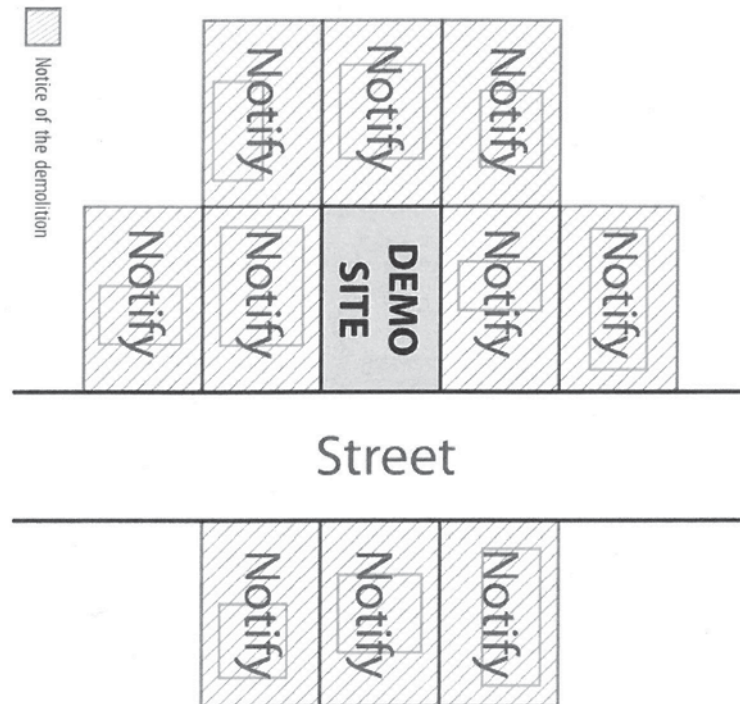
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feet of the site to be demolished, to the recognized organization(s) whose boundaries include the site, to the Architectural Heritage Center/Bosco-Milligan Foundation, Inc., and to the Historic Preservation League of Oregon, dba Restore Oregon. A complete application means when the Bureau of Development Services has received a complete permit application, project plans and the intake, review and notice fees have been paid. The notification letter will contain at least the following information.

- a.** Notice that the site has been proposed for demolition,
 - b.** The date the application for demolition was received,
 - c.** Notice that there is a demolition delay period of 35 days which may be extended upon request from the recognized organization(s) whose boundaries include the site or an interested party,
 - d.** The contact information of the applicant,
 - e.** The last day that requests for extended delay may be submitted, and
 - f.** The location where more information is available.
- 2.** Posted notice. Five full days before demolition activity commences, the applicant must post door hangers provided by the Bureau of Development Services on the properties abutting and across the street from the site of the demolition. See Figure 200-1. The notice must contain all of the following information.
 - a.** Notice that the site has been proposed for demolition,
 - b.** The demolition permit number,
 - c.** The approximate date demolition activity will commence,
 - d.** Contact information of the agencies that regulate asbestos and lead-based paint,
 - e.** Contact information for the applicant, and
 - f.** The location where more information is available.

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FIGURE 200-1



- E.** 35-day notice period. The building permit for residential demolition will not be issued during the 35-day notice period. The notice period begins on the day the complete permit application is received and all intake fees have been paid. If no written request to extend the demolition delay is received during the 35-day notice period as provided in Subsection 24.55.200 F. below, then the Bureau of Development Services will issue the building permit for demolition.
- F.** Requests for extension of demolition delay period. Requests to extend the demolition delay period may be made as follows:
- 1.** Who may request. Requests to extend the demolition delay period an additional 60 days may be made by a recognized organization whose boundaries include the site or any other interested party.
 - 2.** How to request. The request to extend the demolition delay period must be made in writing, on forms provided by the Bureau of Development Services. The request must be submitted to the Bureau of Development Services by 4:30 p.m. on the last day of the initial 35-day notice period. The request must be accompanied by an appeal of the demolition permit application submitted to the Bureau for a hearing before the Code Hearings Officer, as provided in Subsection 24.55.200 H. below, along

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with the appeal fee or a waiver of the fee and all documents the appealing party wants in the record to support the appeal. A fee waiver will only be granted to recognized organizations whose boundaries include the site.

- G.** 60-day extension of residential demolition delay period. If a signed request for extension of the demolition delay is received as provided in Subsection 24.55.200 F. above, issuance of the building permit for demolition will be stayed until the Code Hearings Officer has rendered a decision of the appeal filed as provided in Subsection 24.55.200 H. below.
- H.** Appeal of the residential demolition permit application. An interested party may appeal issuance of the demolition permit by completing an appeal application on forms provided by the Bureau. The appeal application must be accompanied by the appeal fee or a fee waiver, along with all documents the appealing party wants in the record to support the appeal. Appeals will be forwarded to the Code Hearings Officer and will be governed by the provisions in Chapter 22.10, unless there is a conflict between Chapter 22.10 and this Section, in which case this Section shall apply. The provisions of Chapter 22.03 shall not apply to appeals under this Section, except for Sections 22.03.050 (Hearing Procedure), 22.03.080 (Evidence), and 22.03.110 (Orders). The appeal may be filed any time within the initial 35-day delay period. The demolition permit may not be issued from the time the Bureau receives an appeal application and the fee or fee waiver, until the Code Hearings Officer has rendered a decision or the 60-day extension period has expired. If the fee waiver is denied, the appealing party must submit the appeal fee to the Bureau within three business days of the denial or the appeal will be rejected. The appealing party has the burden of proving that it is actively pursuing an alternative to demolition and must demonstrate all of the following:
1. The requesting party has contacted the property owner or property owner's representative to request a meeting to discuss alternatives to demolition by sending a letter to the property owner by registered or certified mail, return receipt requested;
 2. The particular property subject to the demolition permit application has significance to the neighborhood. Evidence of the significance may include, but is not limited to, architectural significance, the age and condition of the structure or other factors;
 3. The requesting party has a plan to save the structure; and
 4. The requesting party has a reasonable potential to consummate the plan within 95 days of the date the Bureau accepted the complete demolition permit application by providing a pro-forma budget and either evidence of

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funds on hand or a fund raising plan sufficient to meet the financial requirements of that budget

- I.** Moving as an alternative. If the applicant decides to move the structure instead of demolishing it, then the demolition notice period and/or extended delay period becomes moot. The demolition delay period is automatically terminated when a building permit to move the structure from the site and a building permit to relocate the structure to another site are issued.
- J.** Findings of the Code Hearings Officer. If the Code Hearings Officer finds that the requesting party has demonstrated that it is actively pursuing an alternative to demolition and has met all of the criteria in Subsection 24.55.200 H. (1. – 4.) above, the Code Hearings Officer may grant an extension of the demolition delay for up to 60 additional days from the date the initial 35 day delay period has expired. If the Code Hearings Officer finds that the requesting party has not met its burden, then the Bureau may issue the demolition permit immediately upon receipt of the decision, provided that all other requirements for issuing the demolition permit have been satisfied.
- K.** End of the extension period. If the Code Hearings Officer has not rendered a decision within the 60-day extension period as provided in Subsections 24.55.200 H. and J. above, the building permit for demolition may be issued any time after 60 days have elapsed since the expiration of the initial 35-day notice period. In no event will the permit issuance be delayed more than 95 days from the date the Bureau received the complete demolition permit application if all other requirements for issuing the demolition permit have been satisfied.
- L.** Exceptions to demolition delay.
 - 1.** The provisions of this Section (24.55.200) do not apply to applications for building permits for demolition that are required by the City to remove structures because of a public hazard, nuisance, or liability. The structure must be subject to a demolition order from the City, or be the subject of enforcement proceedings for demolition and be stipulated by the owner as a dangerous building, in order to be exempt from the demolition delay provisions.
 - 2.** The provisions of this Section (24.55.200) do not apply to applications for building permits for demolition, of structures that are designated historical landmarks, on the Portland Historic Resources Inventory, or in historic districts. In these situations, the provisions of Title 33, Planning and Zoning apply.

24.55.210 Major Residential Alterations and Additions.

(Added by Ordinance No. 187017, effective April 19, 2015.)

- A.** Purpose. The delay provisions are intended to provide notice of a major residential alteration or addition to recognized organizations and to surrounding neighbors.
- B.** Where the delay applies. The major residential alteration and addition delay applies to sites with residential structures in areas with a residential Comprehensive Plan Map designation. The regulations only apply to applications for major alteration and additions of residential structures. They do not apply to accessory structures such as garages or other outbuildings.
- C.** Delay in issuing. The building permit for a major residential alteration or addition will not be issued except as provided for in this Section (24.55.210).
- D.** Notification.
 - 1.** Emailed notice. At least 35 days before a building permit is issued for a major residential alteration or addition, the applicant for the permit must email a letter to the recognized organization(s) whose boundaries include the site that contains at least the following information.
 - a.** Notice that an application for a major alteration or addition has been or will be submitted to the Bureau of Development Services,
 - b.** The date the application was filed, if applicable,
 - c.** A general description of the proposed alteration or addition,
 - d.** Notice that there is a delay period of 35 days from the date the notice is sent, and
 - e.** The contact information of the applicant.
 - 2.** Posted notice. At least 35 days before the building permit is issued for the major residential alteration or addition, the applicant must post door hangers provided by the Bureau of Development Services on the properties abutting or across the street from the site of the project. See Figure 200-1 in Section 24.55.200. The notice must contain all of the following information.
 - a.** Notice that an application for a major alteration or addition has been or will be submitted to the Bureau of Development Services,

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- b. The permit application number, if an application has already been filed,
 - c. The approximate date the construction activity will commence,
 - d. Contact information of the agencies that regulate asbestos and lead-based paint, and
 - e. Contact information for the applicant.
- E. Required information prior to permit issuance. Prior to issuing a major alteration or addition permit, the delay period must expire and the applicant must submit to the Bureau of Development Services:
 - 1. A copy of the sent email and a list of the names and email addresses of all recognized organizations that received the notification and the date the notifications were emailed, certified by the applicant or the owner or owner's agent, and
 - 2. A copy of the door hanger and a list of addresses of all properties that received the notification and the date the notifications were posted, certified by the applicant or the owner or owner's agent.
- F. End of the delay period. The building permit for the major alteration or addition may be issued any time after the end of the 35-day notice period.
- G. Expiration of permit application. If for any reason, the permit application for a major residential alteration or addition expires prior to issuance of the permit or if an issued permit expires prior to the project being commenced, a new permit application, notification and delay period will be required.

24.55.250 Enforcement.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

24.55.300 Referral to the Hearings Officer.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

24.55.350 Appeals.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

24.55.400 Rehabilitation and Repair under Direction of Council.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

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24.55.450 Contracts to Repair or Demolish.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

24.55.500 Warehousing of Structures.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

24.55.550 Interference with Demolition or Repair Prohibited.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

24.55.600 Demolition - Debris - Barricades - Nuisances.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

24.55.650 Demolition Permits - Investigations.

(Repealed by Ordinance No. 163608, effective Nov. 7, 1990.)

24.55.700 Demolition Delay - Housing Preservation.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

24.55.750 Administrative Review

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

24.55.800 Appeals to the Code Hearings Officer.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

24.55.850 Dangerous Building Enforcement Fees.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

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Chapter 24.60

FENCES

(Amended by Ordinance No.
176585, effective July 5, 2002.)

Sections:

24.60.020 Barbed Wire Fencing.

24.60.010 Fences Around Swimming Pools.

(Repealed by Ordinance No. 180330, effective August 18, 2006.)

24.60.020 Barbed Wire Fencing.

(Added by Ordinance No. 176585, effective July 5, 2002.) It is unlawful for any person to construct or maintain a fence containing barbed wire, unless the barbed wire is placed not less than 6 inches above the top of the fence and the fence is not less than 4 feet high.

Chapter 24.65

SIDEWALK VAULT OPENINGS

Sections:

- 24.65.010 Location of Sidewalk Vault Openings.
- 24.65.020 Number of Sidewalk Vault Openings.
- 24.65.030 Sidewalk Elevators.
- 24.65.040 Operation of Sidewalk Elevators.
- 24.65.050 Plans Required.

24.65.010 Location of Sidewalk Vault Openings.

The outer edge of all openings constructed in sidewalks for fuel, elevators, stairs, or other purposes shall be located not less than 2 feet from the curb line and the inner edge of any sidewalk opening will not be any closer than 3 feet to the property line.

24.65.020 Number of Sidewalk Vault Openings.

There shall not be more than one opening for each individual building frontage and in no case openings closer than 25 feet to an existing sidewalk opening.

24.65.030 Sidewalk Elevators.

Openings in sidewalks provided for in Section 24.65.010 shall be supplied with doors attached to a frame built into the sidewalk and shall be capable of supporting a load of 100 pounds per square foot. The door shall be constructed of sheet steel or other approved metal which has an approved non-slip surface. The dimensions of the door in any direction shall not exceed the dimension of the opening by more than 6 inches. The doors and frames shall be so constructed and maintained that there is no projection above or below the sidewalk exceeding 1/4 inch and existing doors which do not conform to the requirements shall be changed to conform within a period of 10 days after notice is given to change the same. Sidewalk doors shall be provided with a metal guard which, when the doors are open, will hold the doors open. This guard shall be located on the side of the sidewalk opening nearest the property line. The guard shall be made in the form of a grating with openings not exceeding 6 inches in dimension and so arranged that a child cannot get under or through the guard. This guard shall not be required for doors having metal gratings which are level with the sidewalk when the doors are open and the elevator platform is below the sidewalk level. Such gratings shall be capable of supporting a load of 100 pounds per square foot. Elevators having these sidewalk gratings shall be provided with a 3/4-inch steel bar to hold the doors open.

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24.65.040 Operation of Sidewalk Elevator.

- A.** When not in operation the elevator shall be kept in its down position and the sidewalk doors shall be closed.
- B.** When the elevator is being raised, pedestrians shall be warned of the fact by an automatic warning device approved by the Director.
- C.** The sidewalk elevator shall not be raised sooner than 15 minutes prior to a delivery and shall be placed in a down position and the sidewalk doors closed within 15 minutes of the completion of a delivery.

24.65.050 Plans Required.

The construction of sidewalk vaults shall be considered as part of a building and plans shall be submitted showing the construction of the same.

Chapter 24.70

CLEARING AND GRADING

(Chapter amended by Ordinance No. 184522, 185448 and 186053,
effective January 1, 2015.)

Sections:

24.70.010	General.
24.70.020	Permits.
24.70.030	Hazards.
24.70.040	Special Definitions.
24.70.050	Information on Plans and in Specifications.
24.70.060	Bonds.
24.70.070	Cuts.
24.70.080	Fills.
24.70.090	Setbacks.
24.70.100	Drainage and Terracing.
24.70.120	Grading Inspection.
24.70.130	Completion of Work.

24.70.010 General.

(Amended by Ordinance Nos. 165678, 168340, 184522, 185448 and 186053, effective January 1, 2015.) The provisions of this Chapter shall regulate clearing, grading and earthwork construction on private property. Tree removal, whether associated with clearing, grading, earthwork construction or conducted separately shall be regulated pursuant to Title 11, Trees. Erosion control is regulated by Title 10.

24.70.020 Permits.

(Amended by Ordinance Nos. 165678, 168340 172209, 173532, 173979, 184522, 185448 and 186053, effective January 1, 2015.) Permits for clearing and grading are required as specified in this Section. Where a specific activity does not require a clearing or grading permit, a separate tree permit may still be required, as specified in Title 11 Trees. Where a clearing or grading development permit shows trees to be removed and has been reviewed and approved by the City, a separate tree permit is not required in conjunction with the clearing or grading permit. An erosion, sediment and pollutant control plan if required by Title 10 shall be submitted with clearing or grading permit applications. Applicants for permits made in conjunction with land divisions shall be responsible for all clearing, grading, tree removal and erosion control within the land division, even where a specific activity is exempt from an individual permit.

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- A.** Clearing Permits. A permit is required and shall be issued in accordance with Section 24.10.070 for clearing activities in the following areas:
- 1.** The Tualatin River sub-basins, Johnson Creek Basin Plan District, environmental zones, greenway zones, or natural resource management plans; or
 - 2.** Property larger than five acres. Except that no permit shall be required for clearing an area less than 5,000 square feet.
- B.** Grading Permits. A permit is required and shall be issued in accordance with Section 24.10.070 for all grading operations with the exception of the following:
- 1.** Grading in an area, where in the opinion of the Director, there is no apparent danger, adverse drainage, or erosion effect on private/public property, or inspection is not necessary;
 - 2.** An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.
 - 3.** Cemetery graves.
 - 4.** Refuse disposal sites controlled by other regulations.
 - 5.** Excavations for wells or tunnels.
 - 6.** Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
 - 7.** Exploratory excavations under the direction of soil (geotechnical) engineers or engineering geologists.
 - 8.** An excavation which
 - a.** Is less than 2 feet in depth, or
 - b.** Which does not create a cut slope greater than 5 feet in height and steeper than 1-1/2 horizontal to 1 vertical.

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- 9. A fill less than 1 foot in depth, and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or less than 3 feet in depth, not intended to support structures, which does not obstruct a drainage course and which does not exceed 10 cubic yards on any one lot.
- C. Tree Removal. Removal of trees six-inches and larger in diameter shall be reviewed with the clearing or grading permits as part of the Tree Plan review pursuant to Title 11. When removing 5 or more trees on a site with an average slope of at least 20 percent, applicants shall provide a geotechnical engineering report that assesses the stability of the site after tree felling and root grubbing operations.
- D. Permits required under this Chapter shall be obtained before the commencement of any tree removal, root grubbing or soil disturbance takes place.

24.70.030 Hazards.

(Amended by Ordinance No. 165678, effective July 15, 1992.) The Director may determine that any clearing, grading, or geologic condition on private property has or may become a hazard to life and limb, or endanger property, or cause erosion, or adversely affect drainage or the safety, use or stability of a public way or drainage channel. Upon receipt of notice in writing from the Director, the owner shall mitigate the hazard and be in conformity with the requirements of this Title. The Director may require that plans and specifications and engineering reports be prepared in compliance with this Chapter.

24.70.040 Special Definitions.

The definitions contained in this Section relate to excavation and grading work only as outlined in this Chapter.

- A. “**Approval**” shall mean a written engineering or geological opinion concerning the progress and completion of the work.
- B. “**As graded**” is the surface conditions exposed on completion of grading.
- C. “**Bedrock**” is in-place solid rock.
- D. “**Bench**” is a relatively level step excavated into earth material on which fill is to be placed.
- E. “**Borrow**” is earth material acquired from an off-site location for use in grading on a site.

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- F.** “**Civil engineer**” shall mean a professional engineer registered in the State to practice in the field of civil works.
- G.** “**Civil engineering**” shall mean the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design, and construction of civil works for the beneficial uses of mankind.
- H.** “**Clearing**” is the cutting or removal of vegetation which results in exposing any bare soil.
- I.** “**Compaction**” is the densification of a fill by mechanical means.
- J.** “**Earth material**” is any rock, natural soil, or fill and/or any combination thereof.
- K.** “**Engineering geologist**” shall mean a geologist experienced and knowledgeable in engineering geology and registered as an engineering geologist in the State of Oregon.
- L.** “**Engineering geology**” shall mean the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
- M.** “**Erosion**” is the wearing away of the ground surface as a result of the movement of wind, water, and/or ice.
- N.** “**Excavation**” is the mechanical removal of earth material.
- O.** “**Fill**” is a deposit of earth material placed by artificial means.
- P.** “**Geological hazard**” shall mean a potential or apparent risk to persons or property because of geological or soil instability either existing at the time of construction or which would result from construction.
- Q.** “**Grade**” shall mean the vertical location of the ground surface.
- R.** “**Existing grade**” is the grade prior to grading.
- S.** “**Rough grade**” is the stage at which the grade approximately conforms to the approved plan.
- T.** “**Finish grade**” is the final grade of the site which conforms to the approved plan.
- U.** “**Grading**” is any excavating or filling or combination thereof.

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- V.** “**Key**” is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
- W.** “**Site**” is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
- X.** “**Slope**” is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
- Y.** “**Soil**” is naturally occurring surficial deposits overlying bedrock.
- Z.** “**Soil (Geotechnical) engineer**” shall mean a civil engineer competent by education, training, and experience in the practice of soil engineering.
- AA.** “**Soil (Geotechnical) engineering**” shall mean the application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.
- BB.** “**Terrace**” is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

24.70.050 Information on Plans and in Specifications.

(Amended by Ordinance Nos. 173532, 184522, 185448 and 186053, effective January 1, 2015.) Plans and specifications shall be submitted in accordance with Section 24.10.070 and in addition shall comply with the following:

- A.** Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Title and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.
The plans shall include the following information.
 - 1.** General vicinity of the proposed site.
 - 2.** Property limits and accurate contours of existing ground and details of terrain and area drainage for the site and surrounding area.
 - 3.** Limiting dimensions, elevations, or finish contours to be achieved by the grading and the proposed drainage channels and related construction.

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4. Detailed schedule of when each portion of the site is to be graded; how long the soil is to be exposed; and when the area is to be covered with buildings, paving, new vegetation or temporary erosion control measures.
5. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.
6. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners or trees in the adjacent rights-of-way that are within 15 feet of the property or which may be affected by the proposed grading operations.
7. Specifications shall contain information covering construction and material requirements.
8. Civil engineering report. The civil engineering report, when required by the Director, shall include hydrological calculations of runoff and the existing or required safe storm drainage capacity outlet of channels both on site and off site, and 1 in 100 year flood elevations for any adjacent watercourse. The report shall include recommendations for stormwater control and disposal.
9. Soil (Geotechnical) engineering report. The soil engineering report, when required by the Director, shall include data regarding the nature, distribution, and strength of existing soils, design criteria, and conclusions and recommendations applicable to the proposed development. The report shall include recommendation for subdrainage, and for groundwater control and disposal. Recommendations included in the report and approved by the Director shall be incorporated in the plans and specifications. For single family residences, a surface reconnaissance and stability questionnaire may be substituted for a formal soils report at the discretion of the Director.
10. Engineering geology report. The engineering geology report, when required by the Director, shall include an adequate description of the geology of the site, and conclusions and recommendations regarding the effect of geologic conditions on the proposed development and site(s) to be developed.
Recommendations included in the report and approved by the Director shall be incorporated in the grading plans and specifications.

- B.** Issuance. Section 24.10.070 is applicable to grading permits. The Director may require that:
- 1.** The amount of the site exposed during any one period of time be limited; and
 - 2.** Grading work be scheduled to avoid weather periods or avoid critical habitat use periods for areas existing on, or adjacent to, the development site.

Subsequent to the issuance of the grading permit, the Director may require that grading operations and project designs be modified if delays occur which can result in weather generated problems not considered at the time the permit was issued.

24.70.060 Bonds.

The Director may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the Director in an amount equal to that which would be required in the surety bond.

24.70.070 Cuts.

- A.** General. Unless otherwise recommended in the approved soil engineering and/or engineering geology reports, cuts shall conform to the provisions of this Section.
- B.** Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than 2 horizontal to 1 vertical.
- C.** Drainage and terracing. Drainage and terracing shall be provided as required by Section 24.70.100.

24.70.080 Fills.

- A.** General. Unless otherwise recommended in the approved soil engineering report fills shall conform to the provisions of this Section.
In the absence of an approved soil engineering report these provisions may be waived for minor fills not intended to support structures. Such fills shall be subject to review at the discretion of the Director.
- B.** Ground preparation. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top-soil, and other unsuitable materials scarifying to provide a bond with the new fill, and where slopes are steeper than 5

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to 1, and the height greater than 5 feet, by benching into competent material or sound bedrock as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 5 to 1 shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. Where fill is to be placed over a cut the bench under the toe of a fill shall be at least 10 feet wide but the cut must be made before placing fill and approved by the soils engineer and engineering geologist as a suitable foundation for fill. Unsuitable soil is soil which in the opinion of the Director or the civil engineer or the soils engineer or the engineering geologist, is not competent to support either soil or fill, to support structures or to satisfactorily perform the other functions for which the soil is intended.

- C.** Fill material. Only permitted material free from tree stumps, detrimental amounts of organic matter, trash, garbage, sod, peat, and similar materials shall be used. Rocks larger than 6 inches in greatest dimension shall not be used unless the method of placement is properly devised, continuously inspected, and approved by the Director.
The following shall also apply:
- 1.** Rock sizes greater than 6 inches in maximum dimension shall be 10 feet or more below grade, measured vertically.
 - 2.** Rocks shall be placed so as to assure filling all voids with fines. Topsoil may be used in the top 12-inch surface layer to aid in planting and landscaping.
- D.** Compaction of fill. All fills shall be compacted to a minimum relative dry density of 90 percent as determined in accordance with ASTM Standard D-1557-78. Field density verification shall be determined in accordance with ASTM Standard D-1556-82 or equivalent and must be submitted for any fill 12 inches or more in depth where such fill may support the foundation for a structure. A higher relative dry density, or additional compaction tests, or both, may be required at any time by the Director.
- E.** Fill slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 2 horizontal to 1 vertical.
- F.** Drainage and terracing. Drainage and terracing shall be provided and the area above fill slopes and the surfaces of terraces shall be graded and paved as required by Section 24.70.100.

24.70.090 Setbacks.

- A.** General. The setbacks and other restrictions specified by this Section are minimal and may be increased by the Director, or by the recommendation of the civil engineer, soils engineer, or engineering geologist, if necessary for safety and stability or to prevent damage of adjacent properties from deposition or erosion or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the Director.
- B.** Setbacks from property lines. The tops of cuts and toes of fill slopes shall be set back from the outer boundaries of the permit area, including slope right areas and easements, in accordance with Figure No. 2 and Table No. 24.70-C at the end of this Chapter.
- C.** Design standards for setbacks. Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figure No. 3 and Table No. 24.70-C at the end of this Chapter.

24.70.100 Drainage and Terracing.

(Amended by Ordinance No. 173270, effective May 21, 1999.)

- A.** General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this Section.
- B.** Terrace. Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer and approved by the Director. Suitable access shall be provided to permit proper cleaning and maintenance.
A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a down drain.
- C.** Subsurface drainage. Cut and fill slopes shall be provided with subdrainage as necessary for stability. Adequate culverts shall be laid under all fills placed in natural watercourses and along the flow line of any tributary branches in such a manner that the hydraulic characteristics of the stream are not adversely altered. In addition, subdrainage shall be installed if active or potential springs or seeps are covered by the fill. All culverts/subdrainage shall be installed after the suitable subgrade preparation. Design details of culverts/subdrainage shall be shown on each plan and be subject to the approval of the Director and of other government/private agencies as may be required.

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A subdrain system shall be provided for embedded foundation/ retaining walls and floor slabs where ground water or seepage has a potential to affect the performance of the structure. The plans shall indicate

1. subdrainage details with appropriate specifications,
2. location of footing subdrain/discharge lines and,
3. method of disposal.

In lieu of above, walls/floors may be waterproofed and designed to resist hydrostatic pressure.

- D.** Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainageway or approved stormwater management facility, as approved by the Director and/or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive downdrains or other devices.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the Director.

Exception: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical line in excess of 10 feet.
3. No existing slope faces, which have a slope face steeper than 10 horizontal to 1 vertical, have a vertical height in excess of 10 feet.

- E.** Interceptor drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of the drain shall be approved by the Director.

24.70.110 Erosion Control.

(Repealed by Ordinance No. 173979, effective March 1, 2000.)

24.70.120 Grading Inspection.

- A.** General. All grading operations for which a permit is required shall be subject to inspection by the Director. When required by the Director, special inspection of grading operations and special testing shall be performed in accordance with the provisions of Section 24.70.120 C.
- B.** Grading designation. All grading in excess of 5,000 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer and shall be designated as “engineered grading.” Grading involving less than 5,000 cubic yards may also be designated as “engineered grading” by the Director if the grading will

 - 1. support a building or structure of a permanent nature;
 - 2. support other engineering works such as, but not limited to, tanks, towers, machinery, retaining wall, and paving;
 - 3. be deemed a potential hazard under Section 24.70.030. The permittee with the approval of the Director may also choose to have the grading performed as “engineered grading.” Otherwise, the grading shall be designated as “regular grading.”
- C.** Engineered grading requirements. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. He shall also be responsible for the professional inspection and approval of the grading within his area of technical specialty. This responsibility shall include, but need not be limited to, inspection and approval as to the establishment of line, grade, and drainage of the development area. The civil engineer shall act as the coordinating agent in the event that need arises for liaison between the other professionals, the contractor, and the Director. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work. The grading contractor shall submit in a form prescribed by the Director a statement of compliance to said as-graded plan.

Soil engineering and engineering geology reports shall be required as specified in Section 24.70.050. During grading all necessary reports, compaction data, and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and the Director by the soil engineer and the engineering geologist. The soil engineer’s area of responsibility shall include, but need not be limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish

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slopes, and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and approval of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters, and the need for subdrains or other ground water drainage devices. He shall report his findings to the soil engineer and the civil engineer for engineering analysis.

The Director shall inspect the project at the various stages of work requiring approval and at more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

- D.** Regular grading requirements. The Director may require inspection and testing by an approved testing agency. The testing agency's responsibility shall include, but need not be limited to, approval concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills. When the Director has cause to believe that geological factors may be involved the grading operation will be required to conform to "engineered grading" requirements.
- E.** Notification of noncompliance. If, in the course of fulfilling their responsibility under this Chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not being done in conformity with this Chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Director. Recommendations for corrective measures, if necessary, shall be submitted.
- F.** Transfer of responsibility for approval. If the civil engineer, the soil engineer, the engineering geologist, or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work.

24.70.130 Completion of Work.

- A.** Final reports. Upon completion of the rough grading work and that final completion of the work the Director may require the following reports and drawings and supplements thereto:

 - 1.** An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and locations and elevations of all surface and sub-surface drainage facilities. He shall provide approval that the work was done in accordance with the final approved grading plan.

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2. A Soil Grading Report prepared by the soil engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. He shall provide approval as to the adequacy of the site for the intended use.
 3. A Geological Grading Report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He shall provide approval as to the adequacy of the site for the intended use as affected by geological factors.
- B.** Notification of completion. The permittee or his agent shall notify the Director when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted.

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Chapter 24.75

**UNIFORM BUILDING ADDRESS
SYSTEM**

(Added by Ordinance No. 161984,
effective July 1, 1989.)

Sections:

24.75.010	Uniform System.
24.75.020	Size and Location of Building Numbers.
24.75.030	Administration.
24.75.040	Owner Responsibility.
24.75.050	Alteration of Building Number - Improper Number.
24.75.060	Building Defined.
24.75.070	Enforcement.

24.75.010 Uniform System.

- A.** There is established a uniform system of numbering all buildings in separate ownership or occupancy in the City dividing the City into five general districts. In establishing the system Williams Avenue and the center line of the Willamette River southerly from Glisan Street shall constitute the north and south base line from which the numbers on all buildings running easterly and westerly from said streets shall be extended each way, upon the basis of one number for each ten feet of property frontage, wherever possible, starting at the base line with the number 1 continuing with consecutive hundreds at each intersection, wherever possible; provided, however, that streets running easterly and westerly in that district south of Jefferson Street and lying between Front Avenue and the Willamette River shall have the prefix "0" placed before the assigned number, said numbers starting at Front Avenue with the number 1 and continuing with consecutive hundreds at each intersection, where possible. All even numbers shall be placed upon buildings on the southerly side of streets, avenues, alleys and highways, and all odd numbers shall be placed upon buildings on the northerly side of streets, avenues, alleys and highways. Burnside Street shall constitute the east and west base line from which the numbers on all streets running north and south from said streets shall be extended each way, upon the basis of one number for each 10 feet of property frontage, wherever possible, starting at the base line with number 1 and continuing with consecutive hundreds at each intersection, wherever possible. All even numbers shall be placed upon buildings on the easterly side of streets, avenues, alleys, and highways, and all odd numbers upon buildings on the westerly side of said streets, avenues, alleys, and highways. Freestanding buildings on private streets which are separately owned or occupied shall be

separately numbered so as to most closely conform to this system. Each portion of a building which is separately owned or occupied and has a separate entrance from the outside shall have a separate number assigned to it.

- B.** Suffixes to Building Numbers. Where building address requirements exceed numbers available within the numbering system, the Director may use the suffix “A”, “B”, “C”, etc. as may be required to provide the numbering required by this Chapter.

24.75.020 Size and Location of Building Numbers.

All numbers placed in accordance with this Chapter shall be permanently affixed to a permanent structure and of sufficient size and so placed as to be distinctly legible from the public way providing primary access to the building. All numbers shall be posted as nearly as possible in a uniform place and positioned on the front of each building near the front entrance. Where outside illumination is provided, the numbers shall be placed so as to be illuminated by the outside light. In instances where building mounted numbers are not distinctly visible from a public way, a duplicate set of numbers shall be permanently affixed to a permanent structure at the primary entranceway to such property. If, in the judgment of the Director, the numbering, sequence, legibility, size or location does not meet the requirements as set forth above, the property owner or agent therefor shall be notified and within 30 days shall make such changes as required in the notification.

24.75.030 Administration.

The Director shall assign address numbers, keep records of address assignments, and exercise such other powers as are necessary to carry out the provisions of this Chapter.

24.75.040 Owner Responsibility.

Whenever any new building is erected, modified, or occupied in a manner requiring an address assignment, the owner or owner’s agent shall procure the correct address number or numbers designated by the Director and pay required fees.

The owner or agent shall prior to occupancy or within 30 days of assignment, whichever occurs later, place the assigned address number(s) upon the building or in a manner and location as provided in this Chapter.

24.75.050 Alteration of Building Number - Improper Number.

It is unlawful for any person to cause or knowingly permit a building number to be displayed which is different than that assigned pursuant to this Chapter. It is unlawful for any person to own or have possession of a building which does not display the number assigned pursuant to this Chapter in the manner provided by this Chapter.

24.75.060 Building Defined.

As used in this Chapter, “building” is any structure used or intended for supporting or sheltering any use or occupancy.

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24.75.070 Enforcement.

The Director shall provide written notices to the owner of any building in violation of the provisions of this Title. The notice shall state the violations existing and specify the owner has 30 days to obtain compliance.

In the event the owner fails or neglects to comply with the violation notice in the prescribed time the Director may gain compliance by:

- A.** Instituting an action before the Code Enforcement Hearings Officer as provided in Title 22 of the City Code, or
- B.** Causing appropriate action to be instituted in a court of competent jurisdiction, or
- C.** Taking such other action as the Director deems appropriate.

Chapter 24.80

DERELICT COMMERCIAL BUILDINGS

(Repealed by Ordinance No. 171455,
effective August 29, 1997.)

Chapter 24.85

**SEISMIC DESIGN
REQUIREMENTS FOR EXISTING
BUILDINGS**

(Added by Ordinance No. 168627,
effective Mar. 22, 1995.)

Sections:

24.85.010	Scope.
24.85.015	Structural Design Meeting.
24.85.020	Seismic Related Definitions.
24.85.030	Seismic Improvement Standards.
24.85.040	Change of Occupancy or Use.
24.85.050	Building Additions or Structural Alterations.
24.85.051	Mezzanine Additions.
24.85.055	Structural Systems Damaged by Catastrophic Events.
24.85.056	Structural Systems Damaged by an Earthquake.
24.85.060	Required Seismic Evaluation
24.85.065	Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings.
24.85.067	Voluntary Seismic Strengthening.
24.85.070	Phasing of Improvements.
24.85.075	Egress Through Existing Buildings.
24.85.080	Application of Other Requirements.
24.85.090	Fee Reductions.
24.85.095	Appeals.

24.85.010 Scope.

(Amended by Ordinance No. 178831, effective November 20, 2004.)

- A.** The provisions of this chapter prescribe the seismic design requirements for existing buildings undergoing changes of occupancy, additions, alterations, catastrophic damage, fire, or earthquake repair, or mandatory or voluntary seismic strengthening. The requirements of this chapter only apply to buildings for which a building permit has been applied for to change the occupancy classification, add square footage to the building, alter or repair the building.

- B.** Under the authority provided by State law, the provisions of this chapter prescribing seismic rehabilitation standards for existing buildings can be used in lieu of meeting the requirements of the current edition of the State of Oregon Structural Specialty Code.

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24.85.015 Structural Design Meeting.

(Added by Ordinance No. 178831, effective November 20, 2004.) Upon request, BDS engineering staff is available to meet with an owners design engineer to review proposed seismic strengthening plans in a pre-design meeting. A written record of the meeting discussion and determinations will be placed in the permit record.

24.85.020 Seismic Related Definitions.

(Amended by Ordinance Nos. 169427, 170997, 178831 and 180917, effective May 26, 2007.) The definitions contained in this Section relate to seismic design requirements for existing buildings outlined in this Chapter.

- A. ASCE 31** means the Seismic Evaluation of Existing Buildings ASCE/SEI 31-03 published by the American Society of Civil Engineers and the Structural Engineering Institute.
- B. ASCE 31 Evaluation** means the process of evaluating an existing building for the potential earthquake-related risk to human life posed by that building, or building component, and the documentation of that evaluation, performed and written according to the provisions of ASCE 31. ASCE 31 Evaluation is divided into two categories:
 - 1. Non-essential facilities evaluation** means a Tier 1 and a Deficiency-Only Tier 2 analysis to the Life Safety (LS) performance level as defined by ASCE 31 unless a complete Tier 2 analysis is required by ASCE 31.
 - 2. Essential facilities evaluation** means a Tier 2 analysis to the Immediate Occupancy (IO) performance level as defined by ASCE 31.
- C. ASCE 31 Improvement Standard** means the Tier 1 and Tier 2 Life Safety Performance Level Criteria of ASCE 31.
- D. ATC 20** means the 1989 Edition of the manual on “Procedures for Post Earthquake Safety Evaluation of Buildings” published by Applied Technology Council.
- E. BDS** means the City of Portland’s Bureau of Development Services.
- F. Building Addition** means an extension or increase in floor area or height of a building or structure.
- G. Building Alteration** means any change, addition or modification in construction.

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- H. Catastrophic Damage** means damage to a building that causes an unsafe structural condition from fire, vehicle collision, explosion, or other events of similar nature.
- I. Essential Facility** has the same meaning as defined in the OSSC.
- J. Fire and Life-safety for Existing Buildings (FLEx) Guide** means a code guide published by the Bureau of Development Services, outlining alternative materials and methods of construction that are allowed for existing buildings in Portland.
- K. FM 41 Agreement** means a joint agreement between Portland Fire & Rescue, the Bureau of Development Services and a building owner to schedule improvements to the building following a determination of the fire and life safety hazards posed by the existing condition of the building as provided under Oregon law.
- L. Live/Work Space** means a combination working space and dwelling unit. A live/work space includes a room or suite of rooms on one or more floors designed for and occupied by not more than one family and including adequate working space reserved for the resident's occupancy. A live/work space is individually equipped with an enclosed bathroom containing a lavatory, water closet, shower/and or bathtub and appropriate venting.
- M. Net Floor Area** means the entire area of a structurally independent building, including an occupied basement, measured from the inside of the permanent outer building walls, excluding any major vertical penetrations of the floor, such as elevator and mechanical shafts.
- N. Oregon Structural Specialty Code (OSSC)** means the provisions of the State of Oregon Structural Specialty Code as adopted by Section 24.10.040 A.
- O. Reinforced Masonry** means masonry having both vertical and horizontal reinforcement as follows:
1. Vertical reinforcement of at least 0.20 in² in cross-section at each corner or end, at each side of each opening, and at a maximum spacing of 4 feet throughout. One or two story buildings may have vertical reinforcing spaced at greater than 4 feet throughout provided that a rational engineering analysis is submitted which shows that existing reinforcing and spacing provides adequate resistance to all required design forces without net tension occurring in the wall.
 2. Horizontal reinforcement of at least 0.20 in² in cross-section at the top of the wall, at the top and bottom of wall openings, at structurally connected roof and floor openings, and at a maximum spacing of 10 feet throughout.

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3. The sum of the areas of horizontal and vertical reinforcement shall be at least 0.0005 times the gross cross-sectional area of the element.
4. The minimum area of reinforcement in either direction shall not be less than 0.000175 times the gross cross-sectional area of the element.

P. Roof Covering Repair or Replacement means the installation of a new roof covering following the removal of an area of the building's roof covering exceeding 50% or more of the total roof area within the previous five year period.

Q. Unreinforced Masonry (URM) means adobe, burned clay, concrete or sand-lime brick, hollow clay or concrete block, hollow clay tile, rubble and cut stone and unburned clay masonry that does not satisfy the definition of reinforced masonry as defined herein. Plain unreinforced concrete shall not be considered unreinforced masonry for the purpose of this Chapter.

R. Unreinforced Masonry Bearing Wall means a URM wall that provides vertical support for a floor or roof for which the total superimposed vertical load exceeds 200 pounds per lineal foot of wall.

S. Unreinforced Masonry Bearing Wall Building means a building that contains at least one URM bearing wall.

24.85.030 Seismic Improvement Standards.

(Amended by Ordinance Nos. 170997 and 178831, effective November 20, 2004.) For changes of occupancy structural additions, building alterations and catastrophic or earthquake damage repair, the design standard shall be the current edition of the OSSC unless otherwise noted by this Chapter.

24.85.040 Change of Occupancy or Use.

(Amended by Ordinance Nos. 169905, 170997 and 178831, effective November 20, 2004.) The following table shall be used to classify the relative hazard of all building occupancies:

TABLE 24.85-A		
Relative Hazard Classification	OSSC Occupancy Classification	Seismic Improvement Standard
5 (Highest)	A, E, I-2, I-3, H-1, H-2, H-3, H-4, H-5	OSSC
4	R-1, R-2, SR, I-1, I-4	
3	B, M	ASCE 31
2	F-1, F-2, S-1, S-2	
1 (Lowest)	R-3, U	

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- A. Occupancy Change to a Higher Relative Hazard Classification.** An occupancy change to a higher relative hazard classification will require seismic improvements based upon the factors of changes in the net floor area and the occupant load increases as indicated in Table 24.85-B below. All improvements to either the OSSC or ASCE 31 improvement standard shall be made such that the entire building conforms to the appropriate standard indicated in Table 24.85-B.

TABLE 24.85-B				
Percentage of Building Net Floor Area Changed		Occupant Load Increase	Required Improvement Standard	Relative Hazard Classification
1/3 of area or less	and	Less than 150	None	1 through 5
More than 1/3 of area	or	150 and above	ASCE 31	1, 2, and 3
More than 1/3 of area	or	150 and above	OSSC	4 and 5

Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not exceed 1/3 of the building net floor area or add more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

- B. Occupancy Change to Same or Lower Relative Hazard Classification.** An occupancy change to the same or a lower relative hazard classification or a change in use within any occupancy classification will require seismic improvements using either the OSSC or ASCE 31 improvement standard, as identified in Table 24.85-A above, where the change results in an increase in occupant load of more than 149 people as defined by the OSSC. Where seismic improvement is required, the entire building shall be improved to conform to the appropriate improvement standard identified in Table 24.85-A.

Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not result in the addition of more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

- C. Occupancy Change to Live Work Space.** Any building occupancy classified as relative hazard category 1, 2, or 3 may undergo a change of occupancy to live/work space provided that:

1. The building shall be improved such that the entire building conforms to the ASCE 31 improvement standard; and
2. The building meets the fire and life safety standards of either the FLEx Guide or the current OSSC.

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3. Any Unreinforced Masonry bearing wall building converted to live/work space, regardless of construction costs, shall be improved such that the entire building conforms to the ASCE 31 improvement standard.
- D. Occupancy Change to Essential Facilities. All structures which are being converted to essential facilities, as defined in the OSSC, shall comply with current state code seismic requirements, regardless of other requirements in this section.

24.85.050 Building Additions or Structural Alterations.

(Amended by Ordinance No. 178831, effective November 20, 2004.) An addition that is not structurally independent from an existing building shall be designed and constructed such that the entire building conforms to the seismic force resistance requirements for new buildings unless the three conditions listed below are met. Furthermore, structural alterations to an existing building or its structural elements shall also meet the following three conditions:

- A. The addition or structural alteration shall comply with the requirements for new buildings;
- B. The addition or structural alteration shall not increase the seismic forces in any structural element of the building by more than 5 percent unless the capacity of the element subject to the increased forces is equal to or greater than that required for new buildings. Multiple force increases on an element are allowed provided the cumulative force increase does not exceed 5 percent of the force on the element from its original, unaltered state; and
- C. The addition or structural alteration shall not decrease the seismic resistance of any structural element of the existing building unless the reduced seismic resistance of the element is equal to or greater than that required for new buildings.

24.85.051 Mezzanine Additions.

(Added by Ordinance No. 178831, effective November 20, 2004.) A mezzanine addition shall not require seismic strengthening of the entire building when all of the following conditions are met:

- A. Entire building strengthening is not required by any other provision contained in this Title;
- B. The net floor area of the of the proposed mezzanine addition is less than 1/3 of the net floor area of the building;
- C. The mezzanine addition does not result in an occupant load increase, as defined by the OSSC, of more than 149 people; and

D. Subsections 24.85.050 A. - C. shall also apply to mezzanine additions.

24.85.055 Structural Systems Damaged by Catastrophic Events.

(Added by Ordinance No. 170997; amended by 178831, effective November 20, 2004.)

A. Building structural systems damaged less than or equal to 50%.

- 1.** If a building is damaged by a catastrophic event such that the area of the resulting structural damage is less than or equal to 50 percent of the building's net area, all damaged lateral load resisting components of the building's structural system must be designed and constructed to current provisions of the OSSC. These components must also be connected to the balance of the undamaged lateral load resisting system in conformance with current code provisions. Undamaged components need not be upgraded to current lateral load provisions of the current code, unless required by other provisions of this title.
- 2.** New lateral system vertical elements must be compatible with any existing lateral system elements, including foundations. In multistory buildings, the engineer shall confirm that the new lateral system vertical elements do not introduce soft or weak story seismic deficiencies, as defined by ASCE 31, where they did not previously exist, or make existing conditions more hazardous.

B. Building structural systems damaged more than 50%. Where a building is damaged by a catastrophic event such that the area of the resulting structural damage is greater than 50 percent of the building's net floor area, all lateral load resisting components of the entire building's structural system must be designed and constructed to the current provisions of the OSSC.

24.85.056 Structural Systems Damaged by an Earthquake.

(Added by Ordinance No. 178831, effective November 20, 2004.) As a result of an earthquake, the Director may determine through either an ATC 20 procedure or through subsequent discovery any structure or portion thereof to be in an unsafe condition as defined by State law. As a result of making this determination, the Director may declare the structure or portion thereof to be a public nuisance and to be repaired or rehabilitation as provided in Subsections 24.85.056 A.-C., or abated by demolition or removal in accordance with Title 29. For the purposes of this Section, an "unsafe condition" includes, but is not limited to any portion, member or appurtenance of a building that has become detached or dislodged or appears likely to fail or collapse and thereby injure persons or damage property; or any portion of a building or structure that has been damaged to the extent that the structural strength or stability of the building is substantially less than it was prior to the damaging event.

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- A.** Buildings built prior to January 1, 1974 with lateral support systems that have unsafe conditions shall be repaired or improved to resist seismic forces such that the repaired lateral system conforms to the ASCE 31 improvement standard.
 - 1.** Where less than 50% of the lateral support system has been damaged, only the damaged elements must be repaired.
 - 2.** Where 50% or more of the lateral support system has been damaged, then the entire lateral support system must be repaired to resist seismic forces such that the repaired system conforms to the ASCE 31 improvement standard.
- B.** Buildings built on or after January 1, 1974 with lateral support systems that have unsafe conditions shall be repaired or improved to resist seismic forces such that the repaired lateral system conforms to the code to which the building was originally designed, but not less than that required to conform to the ASCE 31 improvement standard.
 - 1.** Where less than 50% of the lateral support system has been damaged, only the damaged elements must be repaired.
 - 2.** Where 50% or more of the lateral support system has been damaged, then the entire lateral support system must be repaired to resist seismic forces such that the repaired system conforms to the code to which the building was originally designed, but not less than that required to conform to the ASCE 31 improvement standard.
- C.** New lateral system vertical elements must be compatible with any existing lateral system elements, including foundations. In multistory buildings, the engineer shall confirm that the new lateral system vertical elements do not introduce soft or weak story seismic deficiencies, as defined by ASCE 31, where they did not previously exist, or make existing conditions more hazardous.

24.85.060 Required Seismic Evaluation.

(Added by Ordinance No. 169427; amended by 178831, effective November 20, 2004). When an alteration for which a building permit is required has a value (not including costs of mechanical, electrical, plumbing, permanent equipment, painting, fire extinguishing systems, site improvements, eco-roofs and finish works) of more than \$175,000, an ASCE 31 evaluation is required. This value of \$175,000 shall be modified each year after 2004 by the percent change in the R.S Means Construction Index for Portland on file with the Director. A letter of intent to have an ASCE 31 evaluation performed may be submitted along with the permit application. The evaluation must be

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completed before any future permits will be issued. The following shall be exempted from this requirement:

- A. Buildings constructed or renovated to seismic zone 2, 2b or 3 under a permit issued after January 1, 1974.
- B. Detached One- and two-family dwellings, and their accessory structures.
- C. Single story, light frame metal and light wood frame buildings, not more than 20 feet in height from the top surface of the lowest floor to the highest interior overhead finish and ground area of 4,000 square feet or less.

A previously prepared seismic study may be submitted for consideration by the Director as equivalent to an ASCE 31 evaluation.

24.85.065 Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings.

(Added by Ordinance No. 169427; amended by 170997 and 178831, effective November 20, 2004). When any building alterations or repairs occur at an Unreinforced Masonry Bearing Wall Building, all seismic hazards shall be mitigated as set forth in Subsections 24.85.065 A. and B. A previously permitted seismic strengthening scheme designed in accordance with FEMA 178/310 may be submitted for consideration by the Bureau Director as equivalent to the ASCE 31 improvement standard:

- A. **Roof Repair or Replacement.** When a roof covering is repaired or replaced, as defined in 24.85.020, the building structural roof system, anchorage, and parapets shall be repaired or rehabilitated such that, at a minimum, the wall anchorage for both in-plane and out-of-plane forces at the roof and parapet bracing conform to the ASCE 31 improvement standard. In-plane brick shear tests are not required as part of the ASCE evaluation under this subsection.
- B. **Additional Triggers.**
 - 1. **Building alterations or repair.** When the cost of alteration or repair work which requires a building permit in a 2 year period exceeds the following criteria, then the building shall be improved to resist seismic forces such that the entire building conforms to the ASCE 31 improvement standard.

Table 24.85-C	
Building Description	Cost of Alteration or Repair
Single Story Building	\$40 per square foot
Buildings Two Stories or Greater	\$30 per square foot

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2. **Special building hazards.** Where an Unreinforced Masonry Building of any size contains any of the following hazards, the building shall be seismically improved if the cost of alteration or repair exceeds \$30 per square foot:
 - a. The Building possesses an Occupancy Classification listed within the Relative Hazard Category 5 as determined in Section 24.85.040 of this Chapter; or
 - b. The building is classified as possessing either vertical or plan irregularities as defined in the OSSC.
3. **Exclusions from cost calculations.** Costs for site improvements, eco-roofs, mandated FM41 agreements, mandated ADA improvements, mandated non-conforming upgrades under Title 33, mandated elevator improvements and mandated or voluntary seismic improvements or work exempted from permit as described in Chapter 1 of the OSSC will not be included in the dollar amounts listed in Subsections 24.85.065 B.1. and 2.
4. **Live/Work spaces in Unreinforced Masonry buildings.** See Section 24.85.040 B for requirements when a Unreinforced Masonry building is converted to contain live/work spaces.
5. **Automatic cost increase.** The dollar amounts listed in Subsections 24.85.065 B.1. and 2. shall be modified each year after 2004 by the percent change in the R.S. Means of Construction Cost Index for Portland, Oregon. The revised dollar amounts will be made available at the Development Services Center.

24.85.067 Voluntary Seismic Strengthening.

(Added by Ordinance No. 178831, effective November 20, 2004.) Subject to permit approval, a building may be strengthened to resist seismic forces on a voluntary basis provided all of the following conditions are met:

- A. Mandatory seismic strengthening is not required by other provisions of this Title;
- B. The overall seismic resistance of the building or elements shall not be decreased such that the building is more hazardous;
- C. Testing and special inspection are in accordance with the OSSC and the City of Portland Administrative Rules;
- D. The standard used for the seismic strengthening is clearly noted on the drawings along with the pertinent design parameters; and

- E.** A written narrative shall be clearly noted on the drawings summarizing the building lateral system, seismic strengthening and known remaining deficiencies. The summary information shall reflect the level of analysis that was performed on the building.

24.85.070 Phasing of Improvements.

(Amended by Ordinance No. 178831, effective November 20, 2004.)

- A.** The Director may approve a multi-year phased program of seismic improvements when the improvements are pre-designed and an improvement/implementation plan is approved by the Director. The maximum total time allowed for completion of phased improvements shall be ten years. A legal agreement between the building owner and the City of Portland shall be formulated outlining the phased seismic improvements and shall be recorded with the property deed at the County.
- B.** Upon review, the Director may extend the maximum time for the phased improvements. The Director shall adopt rules under Section 3.30.035 describing the process for granting an extension.

24.85.075 Egress Through Existing Buildings.

(Added by Ordinance No. 178831, effective November 20, 2004.) The building structure and seismic resistance of an egress path through, under or over an existing building must meet the required seismic improvement standard specified in Section 24.85.040, Table 24.85-A, under any of the following conditions:

- A.** The egress path is from an adjacent new building or addition and the new building or addition area equals 1/3 or more of the existing building area; or,
- B.** The egress path is from an adjacent existing building that undergoes alterations or a change of occupancy requiring its egress path(s) meet the seismic improvement standards as required by this Chapter; or
- C.** The additional occupant load, as determined by the OSSC, using the egress path through the existing building is 150 people or more.

24.85.080 Application of Other Requirements.

(Amended by Ordinance No. 178831, effective November 20, 2004.) Building permit applications to improve the seismic capability of a building shall not trigger: accessibility improvements so long as the seismic improvement does not lessen accessibility; fire life safety improvements so long as the seismic improvement does not lessen the buildings fire resistance or exiting capability; landscape improvements required by Chapter 33; street tree improvements required by Section 20.40.070.

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Conformance with these regulations may not exempt buildings from future seismic regulations.

24.85.090 Fee Reductions.

(Amended by Ordinance No. 178831, effective November 20, 2004.) Building permit, plan review and fire life safety review fees for structural work related to seismic strengthening covered by this Chapter will be waived when such fees total less than \$2,500, and will be and reduced by 50% when such fees would total \$2,500 or more.

24.85.095 Appeals.

(Amended by Ordinance No. 178831, effective November 20, 2004.) Because unanticipated circumstances may arise in the enforcement of these requirements for existing buildings, consideration as to the reasonable application of this Chapter may be addressed through the Board of Appeals as provided in Section 24.10.080.

Chapter 24.90

**MANUFACTURED DWELLING INSTALLATION AND ACCESSORY
STRUCTURES, MANUFACTURED DWELLING PARKS,
RECREATION PARKS, RECREATIONAL PARK
TRAILER INSTALLATION AND ACCESSORY STRUCTURES**

(Added by Ordinance No. 169312;
Amended by Ordinance No. 185798
effective December 12, 2012).

Sections:

- 24.90.010 Purpose.
- 24.90.020 Scope.
- 24.90.030 Adoption of Codes and Regulatory Authority.
- 24.90.040 Definitions.
- 24.90.050 Administration and Enforcement.
- 24.90.060 Special Regulation.
- 24.90.070 Permit Application.
- 24.90.080 Violations.
- 24.90.090 Appeals.

24.90.010 Purpose.

The purpose of this Chapter is to provide minimum standards for the following:

- A. Installation and maintenance of manufactured dwellings and accessory structures.
- B. Development and maintenance of manufactured dwelling parks.
- C. Installation and maintenance of park trailers and recreational vehicle accessory structures.
- D. Development and maintenance of recreational vehicle parks.

24.90.020 Scope.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Regulation under this Chapter covers all installations or alteration of manufactured dwellings, recreational park trailers and other recreational vehicles, and accessory structures. Regulation under this Chapter covers the development and maintenance of manufactured dwelling parks, recreational vehicle parks, recreation parks, picnic parks, and organizational camps.

24.90.030 Adoption of Codes and Regulatory Authority.

(Amended by Ordinance Nos. 176955 and 185798, effective December 12, 2012.)

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- A.** Manufactured Dwelling Installation Specialty Code. The provisions of the State of Oregon, Manufactured Dwelling Installation Specialty Code, 2010 Edition, as developed at the direction of the Building Codes Division of the Oregon Department of Consumer and Business Services through the Residential and Manufactured Structures Board, is hereby adopted by reference. The Manufactured Dwelling Installation Specialty Code is on file in the Development Services Center of the City of Portland.

- B.** Manufactured Dwelling and Park Specialty Code. The following provisions of the State of Oregon, Manufactured Dwelling and Park Specialty Code, 2002 Edition, as developed at the direction of the Oregon Building Codes Division Administrator through the Oregon Manufactured Structures and Parks Advisory Board, a copy of which is on file in the Development Services Center of the City of Portland, are hereby adopted by reference:
 - 1.** All of Chapter One (Administration), except the following:
 - a.** 1-1.4 (Design Loads)
 - b.** 1-2.4 (Energy Conservation Equivalents)
 - c.** 1-3 (Manufactured Dwellings Sold “As Is”)
 - d.** 1-6.7 (Plot Plans Required)
 - e.** 1-6.8 (Plot Plans Not Required)
 - f.** 1-6.11 (Multiple-family Housing Plans)
 - g.** 1-7.12 (Manufactured Dwelling Installation Permits)
 - h.** 1-8.6 (Visual Inspections)
 - i.** 1-8.7 (Appliance Inspections)
 - j.** 1-8.9 (Alteration Inspections)
 - k.** 1-8.11 (Quality Assurance Inspections)
 - l.** 1-8.13 (Installation Inspections)
 - m.** 1-9 (Insignias and Labels)

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- n. 1-10 (Certifications), except section 1-10.2.1 (Certificates of Occupancy Required) is adopted
 - o. 1-11 (License Required) –all, except for introductory language and paragraph (h) in 1-11.3 (Electrical) and introductory language and paragraph (i) in 1-11.4 (Plumbing) are adopted
 - 2. All of Chapter Ten (Manufactured Dwelling Park Construction) and the corresponding tables and figures
 - 3. Appendix A (Definitions)
 - 4. Appendix B (Acronyms)
 - 5. Appendix C (Symbols)
- C. The City of Portland through the Bureau of Development Services (“Bureau”) adopts regulatory authority for the installation maintenance and alteration of manufactured dwellings and accessory structures as authorized in ORS 446.250 and 446.253, and OAR 918-500-0055; for the development and maintenance of manufactured dwelling parks as authorized in ORS 446.062 and 446.430 and OAR 918-600-0010; for the development and maintenance of recreation parks, picnic parks and organizational camps as authorized in ORS 455.170; and for the installation, maintenance and alteration of residential park trailers, other recreational vehicles and accessory structures as authorized in ORS 455.170 and OAR 918-525-0370. Nothing contained herein provides regulatory authority when delegation of authority is expressly withheld by the State.

24.90.040 Definitions.

(Amended by Ordinance No. 185798, effective December 12, 2012.) For the purposes of this Chapter definitions contained in Chapter 24.15 shall apply in conjunction with definitions found in ORS 446.003, ORS 455.010, OAR 918-500-0005, OAR 918-525-0005, OAR 918-600-0005 and OAR 918-650-0005. Definitions in ORS or OAR shall take precedence over other conflicting definitions.

24.90.050 Administration and Enforcement.

(Amended by Ordinance Nos. 176955 and 185798, effective December 12, 2012.) This Chapter shall be administered and enforced in conformance with applicable provisions of the 2010 Edition of the Oregon Manufactured Dwelling Installation Specialty Code, the provisions of the 2002 Edition of the Oregon Manufactured Dwelling and Park Specialty Code adopted by reference in Subsection 24.90.030 B. of this Chapter, and the Oregon Administrative Rules contained in Chapter 918 Division 500, 515, 525, 530, 600 and 650.

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24.90.060 Special Regulation.

Manufactured Dwellings and Cabanas installed on a residential lot shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single family dwellings constructed under the state building code. Skirting and permanent enclosures shall be required for all park trailer and cabana installations.

24.90.070 Permit Application.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Permits are required for the establishment, construction, enlargement, alteration or removal of manufactured dwelling parks, recreation parks, and organizational camps. Permit applications, plans and specifications and permit issuance shall conform to Section 24.10.070, and applicable Oregon Administrative Rules. Permits are required for the installation or alteration of manufactured dwellings, recreational park trailers, recreational vehicles as defined in OAR 918-525-0005, and accessory structures. Plans and specifications are required in conformance with Section 24.10.070 and applicable Oregon Administrative Rules except when:

- A.** All installation is within an existing manufactured dwelling park and all the installation is performed in accordance with the manufacturer's approved installation instructions.
- B.** All installation is within an existing recreational vehicle or combination park, and all installation is performed under OAR 918-530-0005 through 918-530-0120. When the Director determines special installation or construction requires design by a registered engineer or architect, such design shall be submitted in triplicate and approved by the Bureau prior to commencement or continuance of installation or construction.

24.90.080 Violations.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Any person who violates any provision of this Chapter and/or any codes adopted herein shall be subject to the penalties as prescribed by law.

24.90.090 Appeals.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Any person, firm or corporation aggrieved by a decision of the Bureau under this Chapter may request an administrative appeal and pay the appeal fee. An internal administrative appeal committee consisting of persons appointed by the Director who are especially qualified to provide expert opinions in matters of this Chapter under appeal shall act in an advisory capacity to the Director. Committee review shall culminate in a finding by the Director. Further appeal may be made without fee to the appropriate Board of Appeal described in Sections 24.10.080, 25.07, 26.03.070 and 27.02.030. Within 30 days of the final appeal

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finding by the Board of Appeal, an appellant who continues to be aggrieved may appeal to the appropriate State Specialty Advisory Board pursuant to ORS 455.690.

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Chapter 24.95

**SPECIAL DESIGN STANDARDS
FOR FIVE STORY APARTMENT
BUILDINGS**

(Chapter repealed by Ordinance No. 185798,
effective December 12, 2012.)

BASIC FLOODPLAIN RELATIONSHIPS

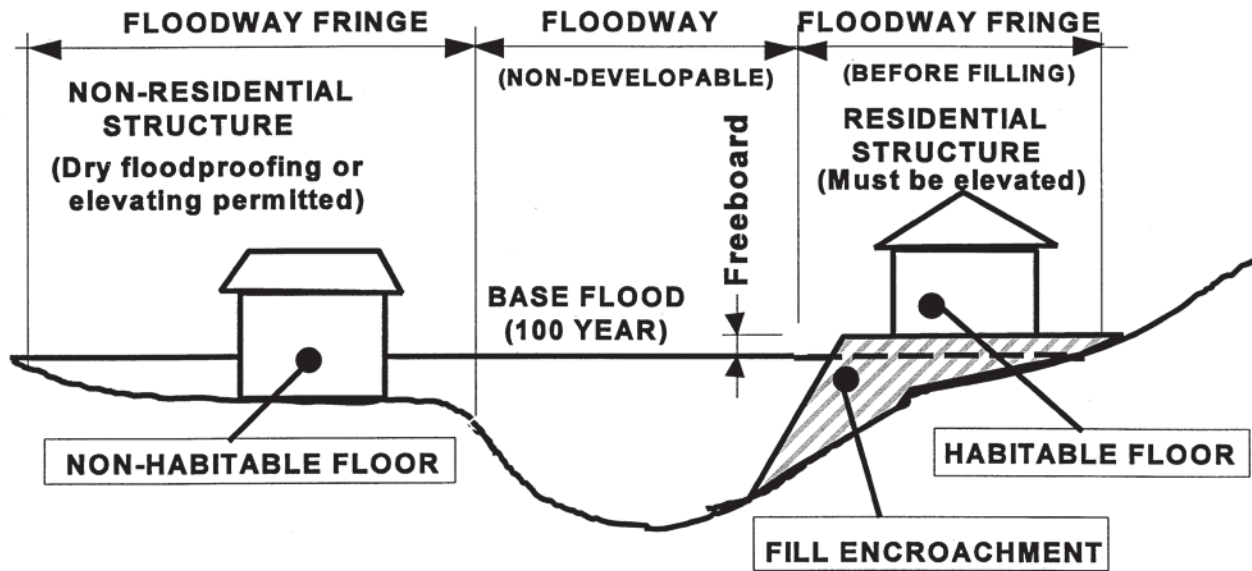


FIGURE 1 (Section 24.50.070)

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FIGURE 2 (24.70)

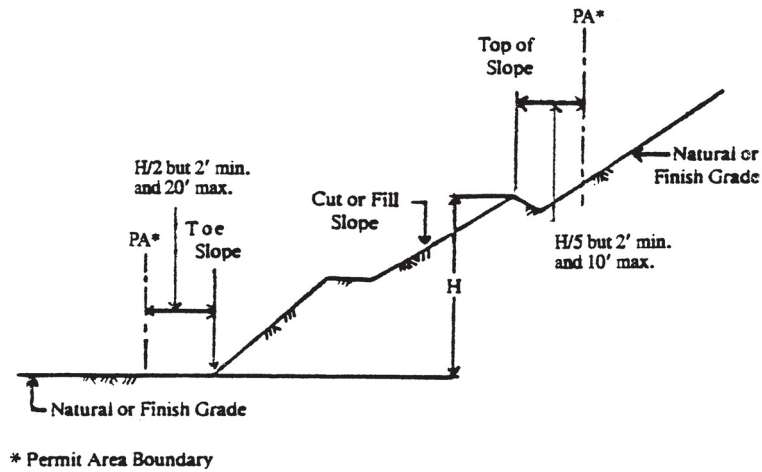


Table No. 24.70-C
Required Setbacks from permit area boundary (in feet)

TABLE 24-70C

H	SETBACKS	
	a	b'
Under 5	0	1
5 - 30	$H/2$	$H/5$
Over 30	15	6

Additional width may be required for interceptor drain.

FIGURE 3 (24.70)

