

UPDATE INFORMATION

Vols. I & II – Portland City Code

March 31, 2016 – Quarterly Update

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Section if you have questions: 503-823-4082.

Previous Update Packet December 31, 2015

CODE OF THE CITY OF PORTLAND, OREGON
Insertion Guide for Code Revisions
Office of the City Auditor 503-823-4082
1st Quarter 2016 (March 31, 2016)

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City Attorney

5.08.180 Effect of Death upon Assignments and Levies.

- A. The Auditor shall recognize no power of Attorney or assignment of wages, salary, disability or retirement benefits, reimbursement of expenses or contributions, or any other monies owing a person by virtue of past or present employment with the City, after the death of that person, notwithstanding Section 5.12.030.

- B. If the Auditor receives notice of garnishment (except from the State Tax Commission of Oregon) or an order for payment of money into any federal or state court in Oregon, which notice or order applies to wages, salary or other monies due an employee of the City, and the employee is deceased or dies at any time before return is made thereon, the Auditor shall hold all monies pending further order of court and shall immediately notify the City Attorney of the notice or order and of the employee's death. Upon receipt of this notice the City Attorney shall file a supplemental pleading in the case wherein the garnishment or levy was undertaken, to advise the court of the employee's death and to obtain an order of court as to what disposition should be made of the monies held by the Auditor. The procedure authorized herein shall be followed notwithstanding Section 5.12.050.

- C. The Auditor shall make a return upon any notice of levy issued by the United States Treasury Department and any notice of garnishment issued by the State Tax Commission of Oregon, of wages, salary or other monies due an employee of the City, if the employee is living at the time the notice is served. If the employee is deceased at the time the notice is served, the Auditor shall:
 - 1. Make payment as provided in Section 5.08.160, advising the recipient thereof, in writing, of the existence of the tax lien; and
 - 2. Notify the taxing authority, in writing, of the fact and date of the employee's death, the date and amount of the payment, the name and address of the recipient thereof, and the recipient's relationship to the deceased. The procedure authorized herein shall be followed notwithstanding Section 5.12.050.

**TITLE 5
REVENUE AND FINANCE**

**CHAPTER 5.09 - DEFERRED
COMPENSATION PLAN**

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

Sections:

5.09.005	Title.
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5.09.155	Rollovers to Plan.
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5.09.157	Purchase of Service Credits.
5.09.160	Unclaimed Assets.
5.09.170	Disclaimers.

5.09.005 Title.

(Amended by Ordinance Nos. 179417, 182168, 185726, 186746 and 187574, effective February 10, 2016.)

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

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- C. Effective Date. The effective date of this Plan, as amended, shall be February 10, 2016.
- D. Service Providers. As of August 11, 2005, the service providers offered by the Plan are:
 - 1. Voya Retirement Insurance and Annuity Company
 - 2. Advantis Credit Union

5.09.010 Definitions.

(Amended by Ordinance Nos. 179417, 182168, 183900, 185726, 186746 and 187574, effective February 10, 2016.) As used in this Chapter, unless the context otherwise requires:

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

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- G. “Deferred Compensation”** means the amount of Compensation otherwise payable to the Participant that the Participant and the City mutually agree shall be deferred in accordance with the provisions of the Plan.
- H. “Employee”** means an elected official of the City, or a full-time or part-time City Employee who is eligible for benefits offered by the City or a benefit eligible employee of the Portland Development Commission. Independent contractors and leased employees are not eligible.
- I. “Includable Compensation”** means the remuneration for service performed for the City which is currently includable in gross income (such amount will not include any amounts excluded from gross income pursuant to this Chapter). Severance pay is excluded. Pay for unused vacation, comp time, and holiday pay is included if deferred prior to a severance from employment and pursuant to this Chapter.
- J. “Normal Retirement Age”** means age 70-1/2 or that age selected in writing by a Participant in accordance with this Subsection. A Participant’s Normal Retirement Age determines the period during which a Participant may defer those amounts described in Subsection 5.09.050 C. Once a Participant has to any extent utilized the “catch up” provisions of Subsection 5.09.050 C., the Participant’s Normal Retirement Age may not be changed. As an alternative to age 70-1/2, a Participant may, at any time prior to Severance from Employment or prior to utilization of the “catch up” provisions of Subsection 5.09.050 C., designate his or her Normal Retirement Age to be any of the following:
- 1.** Any age which is:
 - a.** Not earlier than the earliest age at which the Participant has the right to retire and receive immediate and unreduced retirement benefits from the pension plan of which the Participant is a member (i.e., the Fire and Police Disability, Retirement and Death Benefit Plan for fire fighters and police officers who are members of that Plan and the Public Employee's Retirement System (PERS) for all other Participants); and
 - b.** Not later than the date the Participant attains age 70-1/2.
- K. “Participant”** means any Employee who fulfills the eligibility and enrollment requirements of this Chapter.
- L. “Participating Employer”** means the Portland Development Commission (PDC), or any entity that has adopted the City of Portland Governmental 457(b) Plan, and is legally related to the City of Portland. For employees of a “Participating Employer”, wherever this Chapter references the “City” with respect to the

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employment relationship, services performed and compensation paid, the term “City” shall also mean the “Participating Employer”.

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

 - 1. “Unforeseeable Emergency”** means severe financial hardship to the Participant resulting from

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

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

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

5.09.020 Purpose.

(Amended by Ordinance No. 182168, effective October 3, 2008.) The purpose of this Chapter is to establish a program that has as its purpose the deferral of Compensation to eligible Employees and the deferral of income taxation on the Deferred Compensation. The program established by this Chapter is limited to the terms contained in the Chapter, and as such no other plan provisions are to be implied or assumed, even if such provisions would be permissible under the IRC. Except as specifically set forth otherwise, in the event the terms or provisions of any Component Plan, summary or description of this Plan or of any other instrument are interpreted as being in conflict with the provisions of this Plan, the provisions of this Plan shall be controlling.

5.09.030 Administration.

(Amended by Ordinance Nos. 176426, 179417, 182168, 185341, 185726, 186746 and 187574, effective February 10, 2016.) This Chapter shall be administered by the Bureau of Human Resources Director, or his or her designee, with the assistance of the Deferred Compensation Committee. The Committee shall consist of the Chief Administrative

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Officer of the Office of Management and Finance, the Director of the Bureau of Human Resources, and the City Treasurer or their respective designees. The Committee shall study all matters connected with providing a deferred compensation plan on the best basis possible with relation both to the welfare of the Participants and the City. The Committee shall have authority to devise specifications for deferred compensation plans, advertise for responses and bids, and analyze responses. The Bureau of Human Resources Director, or his or her designee, at the direction of the Committee, is authorized to negotiate and execute all contracts, including contracts with Service Providers. The terms of any contract with the Plan may authorize the assessment of fees to be charged against Service Providers or other contractors that may be necessary to fund the administration of the Plan. The Bureau of Human Resources Director, or his or her designee, at the direction of the Committee, is further authorized to prepare and provide any other documents, materials and support services that may be required to administer the Plan. The Committee members may participate in the Plan established herein if otherwise eligible, but shall not be entitled to participate in decisions relating solely to their own participation.

5.09.035 Education.

(Amended by Ordinance Nos. 186746 and 187574, effective February 10, 2016.) All promotional and City-sponsored employee marketing and education efforts relating to the Plan may be coordinated with other similar efforts sponsored by the Health and Financial Benefits Office within the Bureau of Human Resources. The Committee shall not offer investment advice to employees or plan Participants.

5.09.040 Participation in the Plan.

(Amended by Ordinance Nos. 179417, 182168, 183900, 185726, 186746 and 187574, effective February 10, 2016.)

- A.** Eligibility. Employees shall be eligible to enroll as Participants in the Plan, as provided in this Section, on the first day of the month following the month in which they will have completed 30 days in a paid status. A Participant who terminates his or her employment with the City and then returns to City employment after the expiration of 12 calendar months following said termination date must comply with the eligibility waiting period applicable to such person upon his or her return before being eligible to participate in the Plan again. A Participant's right to participate and to have his or her salary reduced in connection with the Plan shall cease in the event the Participant takes a leave of absence without pay, but any such Participant may continue full participation in the Plan upon returning to pay status with the City. A Participant's right to participate and to have his or her salary reduced in connection with the Plan shall cease while the Participant is receiving distributions in accordance with, and subject to, the restrictions of Sections 5.09.070, 5.09.080, 5.09.090, and 5.09.100.
- B.** Enrollment in the Plan. An eligible Employee may become a Participant and defer Compensation not yet earned by executing a Participation Agreement, and submitting it to the Bureau of Human Resources, Health and Financial Benefits

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Office in an acceptable format. Compensation will be deferred for any calendar month only if a Participation Agreement providing for such deferral has been entered into by the 15th of the preceding month.

- C.** The Participation Agreement shall be in a format provided by the City, which shall include the following:

 - 1.** The Participant's name;
 - 2.** The dollar amount or percent of Compensation to be deferred;
 - 3.** Other relevant statements necessary and appropriate for carrying out the purposes of this Chapter; and
 - 4.** The investment or deposit preference shall be made in a format provided by the City.
- D.** When an eligible Employee executes a Participation Agreement, an Acknowledgement and a Beneficiary Designation shall also be completed. A Participant may change the Beneficiary Designation at any time by completing a new Beneficiary Designation and submitting it to the Bureau of Human Resources, Health and Financial Benefits Office. A change of Beneficiary Designation shall become effective on the date received by the Bureau of Human Resources, Health and Financial Benefits Office, and must be received prior to the date of death.
- E.** The City, upon the request of an eligible Employee, will reduce each pay period the salary of the eligible Employee by an amount of money designated by that Employee in the Employee's Participation Agreement. The City shall pay that amount to the Service Provider designated in the Employee's Participation Agreement.
- F.** Once per month, a Participant may modify his or her Participation Agreement as to the amount of Compensation not yet earned to be deferred during each Plan Year. Any modification as to the amount of Compensation to be deferred by a Participant must be submitted in a format provided by the City, and received by the Bureau of Human Resources, Health and Financial Benefits Office, by the 15th of the month prior to the month in which said modification is to become effective.
- G.** A Participant may revoke the Participation Agreement at any time with respect to any pay period by submitting notification in a format provided by the City, which must be received by the Bureau of Human Resources, Health and Financial Benefits Office, prior to the date upon which the Participant desires the revocation to be effective.
- H.** Prior to severance from employment with the City, a Participant may make a special election to be processed within their final paycheck of their vacation, comp, and/or

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holiday pay-out. A Participant must submit a Participation Agreement before they sever employment and before the amount is available to the employee. The election can be made as a dollar or percentage amount. This election will only apply once on the final paycheck issued. The maximum deferral limits shall apply in accordance with Sections 5.09.050 and 5.09.055. If not previously elected during the calendar year, the participant may elect the 3-year catch-up provision pursuant to Section 5.09.055.

- I.** A Participant who has severed his or her employment or who has revoked the Participation Agreement may again participate in the Plan, provided that he or she is eligible, by submitting a new Participation Agreement.
- J.** For purposes of Plan administration, a revocation of a Participation Agreement will be considered a Participation Agreement modification. The most recent Participation Agreement shall be controlling with respect to all accounts, including amounts deferred under prior agreements.
- K.** Automatic Enrollment in the Plan.
 - 1.** Collective Bargaining Agreements requiring Automatic Enrollment.
 - a.** If the City and a labor organization representing a unit of City employees agree in collective bargaining, the Eligible Employees in such bargaining unit will be automatically deemed to have executed a Participation Agreement. With respect to then currently Eligible Employees such deemed executed Participation Agreement will be effective commencing with the payroll period designated in such collective bargaining agreement. If no payroll period is designated in the collective bargaining agreement, the Participation Agreement will be effective the first payroll period after the effective date of such collective bargaining agreement.
 - b.** New Eligible Employees who are covered by such a collective bargaining agreement will be automatically deemed to have executed a Participation Agreement effective for the first payroll period in which they could complete a Participation Agreement, unless another date is specified in the applicable collective bargaining agreement.
 - c.** Notwithstanding the preceding in this Section, the deemed executed Participation Agreement will not be effective prior to the time described in the required notice described in Subsection 5.09.040 K. 2.

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

5.09.050 Compensation Deferral.

(Amended by Ordinance Nos. 182168, 186746 and 187574, effective February 10, 2016.)

- A. The amount of Compensation which may be deferred by a Participant shall be subject to the following limits:
 1. The minimum amount deferred shall not be less than \$10 per pay period per plan election;
 2. The maximum amount of Compensation which may be deferred during a plan year shall not exceed the lesser of the dollar amount provided under IRC sections 457(e)(15) and 415(d).

5.09.055 Catch-up Provisions

(Amended by Ordinance Nos. 179417, 182168, 186746 and 187574, effective February 10, 2016.)

- A. **Three year catch-up provision:** Notwithstanding the language of Subsection 5.09.050 A.2., during each of a Participant's last three (3) taxable years ending before the Participant attains Normal Retirement Age, the maximum amount deferred shall be the lesser of:
 1. the maximum allowed under Subsection 5.09.050 A. 2. for the current taxable year plus so much of the maximum established for purposes of

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Subsection 5.09.050 A.2. for prior taxable years as has not previously been deferred under Subsection 5.09.050 A.2.; or

2. Two times the applicable dollar amount under Subsection 5.09.050 A.2. above.

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

- B. Age 50 catch-up provision:** All Participants who are eligible to make elective deferrals under the Plan and who have attained age 50 before the close of the calendar year shall be eligible to make catch-up contributions subject to the limitations of IRC Sections 414(v) and 414(v)(6)(c). Additional deferrals under this section of the Plan may be made except during the three (3) years prior to normal retirement age while utilizing the catch-up provision provided for in Subsection 5.09.055 A. of the Plan. Age 50 catch-up contributions will not be taken into account for purposes of determining a participant's underutilized amounts under the three year catch-up provision. The Participant must select the catch-up which results in the higher contribution amount. The amount shall be administered to reflect changes in accordance with the IRC Section 457(e)(15) and 415(d).
- C. Coordination with other plans.** If a Participant participates in more than one deferred compensation plan authorized under IRC Section 457, the maximum deferral under all such plans shall not exceed the applicable deferral limits described in Section 5.09.050, as adjusted by the Secretary of the Treasury (subject to modification by the catch-up limitations described in Section 5.09.055), which also shall apply to all IRC Section Governmental 457(b) Plans in which the Participant participates. If a Participant participates in a plan described in IRC Section 403 (b), 401 (k), 408 (k) or 501 C (18), amounts deferred by the Participant to such plan(s) and excluded from the Participant's gross income in any taxable year under such plan(s) shall not reduce the limitation described in Section 5.09.050 of this Section and the catch-up limitation described in Section 5.09.055.
- D. Uniform Service Provision.** This Plan shall be administered in accordance with Section 414(u) of the IRC for employees who return to work after absences from employment due to military service. Accordingly, notwithstanding the provisions of this section limiting the amount of compensation which may be deferred under the Plan, a Participant who is entitled to reemployment pursuant to the terms of the Uniformed Services Employment and Reemployment Act of 1994 (USERRA) may defer an additional amount under the Plan as provided in that Act for the years of

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his or her service in the uniformed services (as defined in USERRA). Any such deferrals will not be subject to the annual limits on deferrals set forth in this section in the year in which deferred, but shall be subject to the limits for the year to which such deferrals relate. This subsection shall apply retroactively to December 12, 1994.

5.09.056 Excess Deferrals.

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

5.09.060 Deferred Compensation Records.

(Amended by Ordinance Nos. 182168, 186746 and 187574, effective February 10, 2016.)

- A.** The City shall maintain records necessary and appropriate to the efficient administration of this Chapter, and such records shall be maintained by the City until a Participant or his or her designated Beneficiaries have received the payment of such amounts as they are entitled to receive under the terms of the applicable Withdrawal Agreement.
- B.** All amounts of Compensation deferred pursuant to this Chapter, shall be held in a trust, custodial account or contract described in IRC Section 457(g). Any change in the net value of the assets of a Participant invested under the Plan shall result in a commensurate change in the total amount distributable to the Participant or the Beneficiary of the Participant and shall not result in any increase or decrease in the net worth of the City.
- C.** As to those amounts held in trusts, notwithstanding any contrary provision of the Plan, in accordance with IRC Section 457(g), all amounts of compensation deferred pursuant to the Plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights shall be held in trust for the exclusive benefit of Participants and Beneficiaries under the Plan. Any trust under the Plan shall be established pursuant to a written agreement that constitutes a valid trust under the law of the State of Oregon. All amounts of compensation deferred under the Plan shall be transferred to a trust established under the Plan within a period that is not longer than is reasonable for the proper administration of the accounts of Participants.
- D.** As to those amounts held in annuity contracts, notwithstanding any contrary provision of the Plan, including any annuity contract issued under the plan, in accordance with IRC Section 457(g), all amounts of compensation deferred

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pursuant to the Plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights shall be held in one or more annuity contracts, as defined in IRC Section 401(g), issued by an insurance company qualified to do business in the State of Oregon, for the exclusive benefit of Participants and Beneficiaries under the Plan. For this purpose, the term "annuity contract" does not include a life, health or accident, property, casualty, or liability insurance contract. All amounts of compensation deferred under the Plan shall be transferred to an annuity contract described in IRC Section 401(f) within a period that is not longer than is reasonable for the proper administration of the accounts of Participants.

- E.** As to those amounts held in custodial accounts, notwithstanding any contrary provision of the Plan, in accordance with IRC Section 457(g), all amounts of compensation deferred pursuant to the Plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights shall be held in one or more custodial accounts for the exclusive benefit of Participants and Beneficiaries under the Plan. For purposes of this paragraph, the custodian of any custodial account created pursuant to the Plan must be a bank as described in IRC Section 408(n), or a person who meets the nonbank trustee requirements of paragraphs (2)-(6) of Section 1.408-2(e) of the Income Tax Regulations relating to the use of nonbank trustees. All amounts of compensation deferred under the Plan shall be transferred to a custodial account described in IRC Section 401(f) within a period that is not longer than is reasonable for the proper administration of the accounts of Participants.
- F.** When a Participant agrees to participate in the Plan, the Participant may indicate his or her preference with respect to the investment or deposit option to be used in investing or depositing the Participant's deferred income.
- G.** If a Participant newly enrolls in the Plan using the Employee Self Service (ESS) system or the written EZ Enroll form, and does not otherwise designate an investment or deposit preference, the Participant will be defaulted into the Plan's Target Date Fund based on their year of birth.

5.09.070 Payment Options.

(Amended by Ordinance Nos. 186746 and 187574, effective February 10, 2016.)

- A.** Subject to the restrictions on the distribution of benefit payments appearing in Sections 5.09.080, 5.09.090, and 5.09.100, the options available to a Participant or Beneficiary for distributing the value of the Participant's Account are:

 - 1.** Lump Sum
 - 2.** Substantially equal monthly, quarterly, semi- annual or annual installments until the Account is exhausted.

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3. Substantially equal monthly, quarterly, semi- annual or annual payments for a designated period.
4. Periodic payments for the life of the Participant with continuation of the payments or a percentage of the payments for the lifetime of the Participant's spouse.
5. Payments equal to payments made by the issuer of a retirement annuity policy.
6. Such other option as the Participant chooses, and as authorized by this Plan.

5.09.080 Distribution of Benefits Generally.

(Amended by Ordinance Nos. 177367, 179417, 182168, 185341, 185726, 186746 and 187574, effective February 10, 2016.)

- A. With respect to distributions under the Plan made for calendar years beginning on or after January 1, 2002, the Plan will apply the minimum distribution requirements of IRC Section 401(a)(9) in accordance with the regulations under IRC Section 401(a)(9) that were proposed on January 17, 2001, notwithstanding any provision of the Plan to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under IRC Section 401(a)(9) or such other date as may be specified in guidance published by the Internal Revenue Service.
- B. Distribution of a Participant's Account to a Participant or a Beneficiary shall be made in accordance with the manner and method of payments selected in the Withdrawal Agreement, which election may be changed by a Participant or Beneficiary, subject to the restrictions of the Plan.
- C. At the time distribution to a Participant commences, such distribution shall be made in a manner in which the Participant will receive a minimum portion of the amount payable with respect to the Participant during the life expectancy of the Participant (as determined as of the commencement of the distribution). Therefore, distributions to a Participant must be made in accordance with the distribution tables promulgated by the Secretary of the Treasury pursuant to IRC Section 457(d)(2)(B)(i)(I).
- D. A minimum amount shall be distributed during each calendar year. The required minimum distribution for each calendar year shall be determined by dividing the Account balance (as determined under Section 1.104(a)(9)-1, Q&A F-5 of the proposed Federal income tax regulations or any successor to such regulations) by the lesser of the applicable life expectancy (as determined under Q&A F-1A(d) of Section 1.104(a)(9)-1 of the proposed Federal income tax regulations or any successor to such regulations) or the applicable divisor (as determined under Q&A-

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4 of Section 1.104(a)(9)-2 of the proposed Federal income tax regulations or any successor to such regulations).

- E.** Notwithstanding the provisions of Subsection D., distribution of a Participant's Account may be made through an annuity contract that is purchased from an insurance company, with funds from the Participant's Account. Any annuity contract so purchased must satisfy the applicable minimum distribution requirements of Section 1.401(a)(9)-1 of the proposed Federal income tax regulations (and any successor regulations) and the applicable minimum distribution incidental benefit requirement of Section 1.401(a)(9)-2 of the Federal income tax regulations (and any successor regulations). In the event such an annuity contract is purchased, the amount of the annuity payments shall be determined under the annuity contract.
- F.** In no event shall the distribution of a Participant's Account commence earlier than:

 - 1. the calendar year in which the Participant attains his or her Normal Retirement Age as defined in Subsection 5.09.010 K.,
 - 2. the Participant's Severance from Employment, or
 - 3. when the Plan Administrator or designee approves a distribution pursuant to an Unforeseeable Emergency of a Participant.
- G.** Distribution of a Participant's Account to a Participant may commence no later than April 1 of the calendar year following the calendar year in which the Participant attains age 70-1/2 or actually severs from employment.
- H.** Notwithstanding Subsection 5.09.080 J., distributions of a Participant's Account shall cease if the Participant is re-employed by the City.
- I.** All distributions hereunder shall be made in accordance with the regulations under IRC Section 401(a)(9), including Section 1.401(a)(9)-2 of the Federal income tax regulations and such other provisions as are prescribed by the Commissioner of Internal Revenue. Accordingly, no distribution shall be made under any option that does not satisfy IRC Section 401(a)(9), including Section 401(a)(9)(G).
- J.** Participants may elect changes to election dates and/or payment amounts, except for selections made pursuant to Subsection 5.09.070 A.5.
- K.** Voluntary In-Service Distribution: Notwithstanding anything in this chapter to the contrary, a Participant who is an active employee of the City shall receive a distribution of the total amount payable to the Participant under the Plan if the following requirements are met:

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1. the total amount payable to the Participant under the Plan does not exceed \$5,000 (or the dollar limit under IRC Section 411(a)(11), if greater),
 2. the Participant has not previously received an in-service distribution of the total amount payable to the Participant under the Plan pursuant to Subsection 5.09.080 I.
 3. no amount has been deferred under the Plan with respect to the Participant during the two-year period ending on the date of the in-service distribution; and
 4. the Participant elects to receive the distribution.
- L.** Distribution of a Participant's Account shall commence no earlier than Severance from Employment.

5.09.090 Qualified Domestic Relations Orders (QDRO).

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

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

account in the Plan, in which case, the Alternate Payee shall have the same rights as a participant under the Plan.

5.09.100 Determination of Benefits Upon Death

(Replaced by Ordinance No. 179417; amended by Ordinance Nos. 182168, 186746 and 187574, effective February 10, 2016.)

- A.** Upon the death of a Participant, Former Participant or Alternate Payee, the Plan Administrator shall direct that the deceased Participant's, Former Participant's or Alternate Payee's Participant Account, be distributed to the Beneficiary in accordance with the provision of this Section 5.09.100.
- B.** The designation of a Beneficiary shall be made in a manner that is satisfactory to the Plan Administrator. A Participant, Former Participant, or Alternate Payee may at any time revoke his or her designation of a Beneficiary or change his or her Beneficiary by submitting notice prior to the date of death of such revocation or change with the Plan Administrator. In the event no valid designation of Beneficiary exists at the time of the Participant's, Former Participant's, or Alternate Payee's death, the death benefit shall be payable to the Participant's, Former Participant's, or Alternate Payee's estate.
- C.** The Plan Administrator may require such proper proof of death and such evidence of the right of any person to receive payment of the value of the Participant Account of a deceased Participant, Former Participant, Alternate Payee or Beneficiary, as the Plan Administrator may deem appropriate. The Plan Administrator's determination of death and of the right of any person to receive payment shall be conclusive.
- D.** Death benefits payable to a Beneficiary shall be made in a form as selected by the Beneficiary in accordance with the available options. In the event a Beneficiary fails to make an election as to a benefit distribution option, any benefit payable to such Beneficiary shall be distributed in a lump sum payment in accordance with IRC Section 401(a)(9) and any applicable State of Oregon law or statute. The terms of any annuity contract purchased and distributed by the Plan to a Beneficiary shall comply with the requirements of the Plan.
- E.** Notwithstanding any provision in the Plan to the contrary, distributions upon the death of a Participant or Former Participant, shall be made in accordance with the requirements in Subsections F. through J. and shall otherwise comply with IRC Section 401(a)(9) and the Regulations thereunder.
- F.** In accordance with the Beneficiary's election, if minimum payments under IRC Section 401(a)(9) have not begun upon the death of a Participant or Former Participant and the designated Beneficiary is not the Participant's surviving spouse, death benefit payments must:

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1. begin to be distributed to the designated Beneficiary no later than the December 31 of the calendar year immediately following the calendar year of the Participant's or Former Participant's death payable over a period not to exceed the life expectancy of the Beneficiary; or
 2. be distributed no later than the December 31 of the calendar year containing the fifth anniversary of the Participant's or Former Participant's death.
- G.** In accordance with the Beneficiary's election, if the designated Beneficiary is the Participant's or Former Participant's surviving spouse and minimum payments under IRC Section 401(a)(9) have not begun upon the death of a Participant or Former Participant, minimum payments to the surviving spouse as the designated Beneficiary must begin by the later of:
1. December 31 of the calendar year immediately following the calendar year in which the Participant or Former Participant dies, or
 2. December 31 of the calendar year in which the Participant or Former Participant would have attained 70 $\frac{1}{2}$.
- The payments to the surviving spouse as the designated Beneficiary must be made over a period not to exceed the surviving spouse's life expectancy. Notwithstanding the foregoing, for purposes of this subsection, an Alternate Payee who is a spouse or former spouse will be treated as a Participant's or Former Participant's surviving spouse.
- H.** If there is no designated Beneficiary as of September 30 of the year following the year of the Participant's or Former Participant's death, the Participant's or Former Participant's entire interest will be distributed according to State of Oregon law or statute by December 31 of the calendar year containing the fifth anniversary of the Participant's or Former Participant's death.
- I.** If the Participant or Former Participant dies on or after the date distributions begin and there is a designated Beneficiary, distributions shall be based on the longer of the remaining life expectancy of the Participant or Former Participant or the remaining life expectancy of the Participant's or Former Participant's designated Beneficiary.
- J.** Life expectancies calculations will be computed using the factors in the Single Life Table set forth in IRC Section 1.401(a)(9)-9, A-1, as follows:
1. The Participant's or Former Participant's remaining life expectancy is calculated using the age of the Participant or Former Participant in the year of death, reduced by one for each subsequent year.

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

5.09.110 Distribution Commencing After Death of Participant.

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

5.09.120 Unforeseeable Emergency.

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

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received by the Plan Administrator within 30 days of the date of denial. The Committee shall issue a written decision within 90 days of receipt of the appeal by the Plan Administrator. Any decision of the Committee is final.

5.09.130 Non-Assignability.

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

5.09.140 Amendment and Termination.

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

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

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

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

5.09.155 Rollovers to the Plan.

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

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

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

5.09.156 Rollovers From the Plan.

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

- A.** Notwithstanding any provision of the Plan to the contrary, a Participant who is entitled to a distribution under the Plan shall be permitted to elect to have any Eligible Rollover Distribution (as defined in IRC Section 402(c)(4)) paid directly to an Eligible Retirement Plan (as defined in Subsection 5.09.155 B.) specified by the Participant. The Participant shall, in the time and manner prescribed by the Employer, specify the amount to be rolled over and the Eligible Retirement Plan to receive such rollover. Any portion of a distribution which is not rolled over shall be distributed to the Participant.

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

5.09.157 Purchase of Service Credits.

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

5.09.160 Unclaimed Assets.

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

5.09.170 Disclaimers.

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

**CHAPTER 5.10 - CITY CHARITABLE
CAMPAIGN**

(Chapter replaced by Ordinance No. 185656,
effective October 26, 2012.)

Sections:

- 5.10.010 Definitions.
- 5.10.020 Charitable Campaign.
- 5.10.030 Charitable Campaign Advisory Committee.
- 5.10.040 Eligibility for Participation in Charitable Campaign.
- 5.10.050 Administration of Charitable Campaign.

5.10.010 Definitions.

A. 'Charitable Organization' means:

1. An entity organized and operated exclusively for tax-exempt purposes under Section 501(c)(3) of the Internal Revenue Code and registered as a charitable organization with the Oregon Attorney General as required by ORS 128.610 to 128.995; or, an entity that is a State or City created nonprofit that receives donations which may be deducted from taxable income as "charitable contributions" under Section 170(a) and (c) of the Internal Revenue Code;
2. Charitable services must relate to the promotion of: public health, safety and welfare; public education and literacy; environmental and natural resource protection, restoration and conservation; prevention of cruelty to animals or children; civil or human rights; elimination of prejudice and discrimination; public arts and culture; relief of human suffering and poverty; public recreation; or providing community and civic improvement; and,
3. Must be directed by a board of directors or a governing body whose members serve without compensation and have no financial conflict of interest.

B. 'Umbrella Organization' means a Charitable Organization serving as an agent to at least nine member Charitable Organizations to which it disburses funds and has received authorization from these member Charitable Organizations to represent them in the annual Charitable Campaign, or any other Charitable Organization so designated by the City Council through a City ordinance.

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5.10.020 Charitable Campaign.

The purpose of the Charitable Campaign is to encourage and support voluntary charitable contributions by employees, by providing a consolidated opportunity for workplace giving through the ease of payroll deductions benefiting a wide range of Charitable Organizations. The campaign minimizes workplace disruption and reduces the administrative costs to the City and Charitable Organizations in charitable solicitation efforts. Except as provided by City ordinance, only Umbrella Organizations may participate in the annual Charitable Campaign.

Except as otherwise permitted by City ordinance, no charitable solicitation of employees on City property or places of employment may occur without prior written approval of the Chief Administrative Officer (CAO) of the Office of Management and Finance (OMF) or CAO's designee.

Participation in the Charitable Campaign shall not be construed as endorsement, support or advocacy of the beliefs or viewpoints of the participating Charitable Organizations.

5.10.030 Charitable Campaign Advisory Committee.

The Charitable Campaign Advisory Committee ("the Committee") will consist of five members, each of whom will be a City employee serving without additional salary or compensation. Each City Council member shall appoint one of the five Committee members and any replacement members. The Committee shall report to the CAO, provide advice as needed and perform Charitable Campaign program tasks as may be assigned by the CAO, including but not limited to: developing and reviewing application forms for participation in each year's Charitable Campaign; identifying Umbrella Organizations or Charitable Organizations for invitation to participate in the Charitable Campaign; and, developing the annual Charitable Campaign marketing plan.

5.10.040 Eligibility for Participation in Charitable Campaign.

A. In addition to a timely completed application to the Committee, each Umbrella Organization seeking eligibility to participate must provide the following information for itself and its member Charitable Organizations:

1. Documentation of Charitable Organization status and valid registration with the State of Oregon.
2. Equal opportunity and nondiscrimination policy pertaining to:
 - a. Delivery of charitable services;
 - b. Employment opportunities, actions and benefits; and,
 - c. Membership on the organization's governing board; relating to race, color, religion, sex, age, disability, familial status, sexual orientation, national origin and other legally protected characteristics or status. The policy must certify that the Umbrella

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Organization and its member Charitable Organizations have procedures and practices regarding equal opportunity and nondiscrimination that comply with federal, state and local laws including Portland City Code Title 23.

3. Statement of the charitable work performed, describing solicitation activities, operational history, and the geographic region or location where the work is done. The Umbrella Organization and each of its Charitable Organizations must have at least one year of operational history.
 4. Copies of the most recent financial report or statement certified by an independent public accountant, including the source and use of charitable contributions and fundraising activities, Form 990 filed with the Internal Revenue Services for the most recent fiscal year, and certification that each entity accounts for funds in accordance with generally accepted accounting principles. Computation of the percentage of total support and revenue spent on fundraising and administrative expenses must not exceed 25 percent of its unrestricted income. Contributions by City employees shall not constitute restricted income and must be used for the Charitable Organization's mission purpose.
 5. Adopted budget for the current fiscal year.
 6. Current articles of incorporation and by-laws, or other governing instruments.
 7. Certification of compliance with provisions of this Code and all applicable laws.
- B. The CAO or CAO's designee will make the final eligibility determination for each annual Charitable Campaign and will prepare an ordinance for City Council authorizing campaign participants for each year.

5.10.050 Administration of Charitable Campaign.

OMF has administrative responsibility for the Charitable Campaign and will provide administrative support to the Committee. City administrative costs associated with each annual Charitable Campaign will be paid by the participating Umbrella Organizations in proportion to the total contributions received in the Charitable Campaign. OMF will provide each Umbrella Organization with information on the total number of employees who pledged contributions and the total dollar amount of pledged contributions. The City will not be liable for any uncollectible pledges. Pledged contributions will be deducted as voluntary payroll deductions of the participating employees. Umbrella Organizations are responsible for allocating funds to the applicable Charitable Organizations identified in employee pledges and providing written acknowledgement for donors to meet the requirements of the Internal Revenue Code. The CAO or CAO's designee is authorized to

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formulate, approve and issue policies, administrative rules and supplemental regulations related to the management and administration of the Charitable Campaign.

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property is not otherwise to be put to a governmental use, shall not constitute an Improvement Project subject to the provisions of this Chapter.

- B.** Eligible Costs means the Participating Bureau's capitalized costs for completion of an Improvement Project, including costs for capitalized tenant improvements. Eligible Costs do not include costs for: design and engineering, administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising and legal fees. When an improvement project involves the acquisition of real property, costs attributable to land acquisition are not Eligible Costs, while costs attributable to improvements on the real property are Eligible Costs.
- C.** Eligible Funds means a Participating Bureau's monetary contribution to an Improvement Project. The following are not Eligible Funds: private development revenue, federal and state grants that preclude Public Art as an object for expenditure, Local Improvement District revenue, Water Operating Fund revenue, Water Construction Fund revenue, Sewer Systems Operating Fund revenue, Sewer Systems Construction Fund revenue and revenue from any other funding source subject to legal restrictions which preclude Public Art as an object for expenditure.
- D.** Public Art means original artwork which is accessible to the public and/or public employees, and which has been approved as public art by the Regional Arts and Culture Council, acting on behalf of the City of Portland.
- E.** Participating Bureau means a City of Portland Bureau or Commission that funds an Improvement Project within the meaning of this Chapter.
- F.** Selection Panel means a group responsible for reviewing proposed Public Art and making recommendations to the Regional Arts & Culture Council on the selection of Public Art. Selection Panels shall include a representative of the Participating Bureau, the Improvement Project architect or engineer, artists and citizens.

5.74.030 Dedication.

(Amended by Ordinance No. 187570, effective March 4, 2016.) Any City of Portland official or employee acting on behalf of a Participating Bureau who authorizes or appropriates expenditures for an Improvement Project shall include in the capital improvement program of the City's capital budget, and disburse to the Regional Arts & Culture Council, a monetary contribution for Public Art equal to Two percent (2%) of the total Eligible Costs or two percent of the total Eligible Funds of the Improvement Project, whichever is less. The City Budget Office and the Portland Development Commission shall each adopt administrative rules and procedures to implement this section, which to the greatest extent practicable shall set forth the same procedures to be followed by all Participating Bureaus, including the Portland Development Commission.

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5.74.040 Public Art Trust Fund.

The Regional Arts & Culture Council shall maintain a special fund called the Public Art Trust Fund into which funds dedicated to Public Art pursuant to section 5.74.030 shall be deposited.

- A.** Such funds shall be deposited into the Public Art Trust Fund, and shall be allocated as follows:
 - 1.** 63 percent shall be used by the Regional Arts & Culture Council for costs associated with Public Art including, but not limited to the acquisition, fabrication, and installation of Public Art.
 - 2.** 27 percent shall be used by the Regional Arts & Culture Council for costs associated with Public Art, including, but not limited to costs of selection, project management, community education and registration of Public Art.
 - 3.** 10 percent shall be used by the Regional Arts & Culture Council for the maintenance, conservation and deaccessioning of Public Art.
- B.** Such funds shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting is requested by the Participating Bureau or required by law.
- C.** Disbursements from the Public Art Trust Fund shall be made by the Regional Arts & Culture Council.
 - 1.** Disbursements shall be made according to the terms of this Chapter and any guidelines adopted hereunder by the Regional Arts & Culture Council.
 - 2.** If an Improvement Project is funded by revenue sources whose expenditure is restricted by the City Charter or other law, the Regional Arts & Culture Council, prior to making a disbursement for Public Art from such a restricted account in the Public Art Trust Fund, shall adopt written findings demonstrating that the proposed disbursement complies with all applicable restrictions.
 - 3.** The Regional Arts & Culture Council will report annually to Participating Bureaus on the disbursement of funds from the Public Art Trust Fund.

5.74.050 Siting.

Public Art selected pursuant to this Chapter may be sited in, on or about any Improvement Project or other property owned, leased, or rented by, donated to, or otherwise made available to the City of Portland in accordance with any restrictions placed on siting by the Participating Bureau.

5.74.060 Guidelines.

The Regional Arts & Culture Council shall, after consultation with Participating Bureaus, adopt guidelines to:

- A. Provide for annual reporting to Participating Bureaus;
- B. Develop an annual plan for Public Art that takes into account the views of the Participating Bureau;
- C. Provide a method for the appointment of representatives to Selection Panels;
- D. Determine a method or methods of selecting and contracting with artists for the design, execution and siting of Public Art;
- E. Determine the dedication and disbursement process for the Public Art Trust Fund;
- F. Determine a process for the ongoing care, maintenance and conservation of Public Art;
- G. Determine a process to deaccession art;
- H. Set forth any other matter appropriate to the administration of this Chapter.

5.74.070 Ownership.

All Public Art acquired pursuant to this Chapter shall be acquired in the name of the City of Portland, and title shall vest in the City of Portland.

5.74.080 Decisions.

Except as limited by other sections of this Chapter, the Regional Arts & Culture Council's decisions as to the acquisition, fabrication, installation, deaccessioning, management, community education and registration of Public Art, and disbursement of the Public Art Trust Fund, shall be final.

5.74.090 Implementation.

(Amended by Ordinance No. 187570, effective March 4, 2016.) The Regional Arts & Culture Council, or its designee, shall implement the provisions of this Chapter, in cooperation with the City Budget Office and all Participating Bureaus.

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**CHAPTER 5.75 - CLAIMS UNDER ORS
CHAPTERS 195 AND 197**

(Replaced by Ordinance No. 181640, effective
February 28, 2008.)

Sections:

- 5.75.010 Purpose.
- 5.75.020 Definitions.
- 5.75.030 Filing an Amended Claim.
- 5.75.040 Review of Amended Claim by Program Manager.
- 5.75.050 Hearing on Amended Claim by City Council.
- 5.75.060 Filing a New Claim.
- 5.75.070 Review of New Claim by Program Manager.
- 5.75.080 Hearing on New Claim by City Council.
- 5.75.090 Claim Processing Fee.
- 5.75.100 Determination of Common Law Vested Right.
- 5.75.110 Hearing on a Common Law Vested Right By City Council.

5.75.010 Purpose.

The purpose of this Chapter is to establish a procedure by which owners of private real property located within the City of Portland may file claims pursuant to Chapters 195 and 197 of the Oregon Revised Statutes as amended by Ballot Measure 49 (November 6, 2007) (referred to in this chapter as "Measure 49") and to provide for consideration of claims by the City Council.

5.75.020 Definitions.

- A. Appraisal.** A written statement prepared by a person certified under ORS chapter 674 or a person registered under ORS chapter 308 that complies with the Uniform Standards of Professional Appraisal Practice, as authorized by the Financial Institution Reform, Recovery and Enforcement Act of 1989.
- B. Approved Measure 37 Claim.** A claim filed under ORS 197.352 and approved by the City Council before December 6, 2007.
- C. Department.** The Oregon Department of Land Conservation and Development.
- D. Exempt Land Use Regulation.** A land use regulation that:
 - 1. Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;
 - 2. Restricts or prohibits activities for the protection of public health and safety;
 - 3. Is required in order to comply with federal law;

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

7.24.050 Towing Regulations.

(Amended by Ordinance No. 187514, effective January 15, 2016.) Except for towing allowed under ORS 98.854(3), a PPI tower may lawfully tow a vehicle without the registered owner's permission from private property in the City of Portland only if:

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

7.24.060 Towing and Storage Rates.

- A. The Director will issue a schedule of approved maximum fees for PPI towing and storage at the beginning of each permit period. Such schedule will be published annually and supplied to all applicants with the application materials for new permits and renewals. PPI towers may submit a request for an increase in the approved maximum fees not later than two months before the end of any permit

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period. The Director will consider such requests and decide whether such an increase is in the public interest. If changes are made, a public hearing will be held for the purpose of determining fair and reasonable prices prior to making any changes in the PPI rate schedule.

- B.** PPI towers may charge less than the maximum rates allowed. However, PPI towers may not waive the data service fee or City PPI service fee without authorization by the Towing Coordinator.

7.24.070 Conditions.

PPI towers registered under this Section will:

- A.** Perform all PPI tows in a safe manner, taking care not to cause damage to the person or property of others while towing or storing a vehicle; and,
- B.** Practice courtesy and professionalism when dealing with police, Tow Desk, agency personnel, and persons redeeming or seeking to redeem a towed vehicle; and,
- C.** Cooperate fully with any police agency to facilitate processing of any PPI towed vehicle identified as a possible stolen vehicle; and,
- D.** Issue to the person redeeming a PPI towed vehicle a clearly legible receipt complete with all required information and with all fees and considerations itemized; and,
- E.** Prominently display at the vehicle release location a placard, provided by the City of Portland, containing the current list of approved PPI rates; and,
- F.** Prominently display at the vehicle release location a placard, provided by the City of Portland, containing a statement of the rights of the vehicle owner; and,
- G.** Be considered in possession of any vehicle towed under this Section, and therefore entitled to charge a Release at the Scene fee, when the hookup is complete and the tow truck has begun towing the motor vehicle by engaging the tow truck's transmission and moving forward. Until these conditions are met, the PPI tower is not entitled to charge any fee; and,
- H.** Offer to call for or provide transportation to the vehicle owner/operator at a reasonable cost, from within the immediate vicinity of the tow scene to the location of the towed vehicle storage; and,
- I.** Photograph vehicle to be towed and signs posted prior to hookup in order to demonstrate compliance with all PPI regulations and illustrate conditions, such as absence of a parking permit, warranting the tow; and,

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- J.** Have staff or dispatch service available at all times to provide information about the location of a towed vehicle and/or instructions for release of a towed vehicle; and
- K.** Staff the storage facility with an attendant between 10 a.m. and 6 p.m., Monday through Friday, excluding official City holidays, and at all other hours have personnel available at the storage facility to release a vehicle within 30 minutes after an appointment time agreed on by the vehicle owner. Gate fees are not applicable between 8 a.m. and 10 a.m., Monday through Friday; and
- L.** Accept at least the following methods of payment for any fees assessed:

 - 1.** Cash. Adequate cash must be available at all times at the storage facility for the purpose of making change. After hours and on holidays, PPI tower will provide exact change, in person or by mail, not later than the end of the business day following receipt of payment; and,
 - 2.** By any valid credit card or debit card bearing the VISA emblem and issued in the name of the registered owner/owner's agent. PPI tower may also accept credit or debit cards from other issuers.
 - 3.** If for any reason, a PPI tower becomes unable to process payments by credit or debit card, the tower must notify the Towing Coordinator within 24 hours and provide an estimate of when service will resume. During any period when the PPI tower is unable to process credit or debit card payments, the PPI tower must accept personal checks; and,
- M.** At no extra charge, make the vehicle available to the owner/owner's agent for retrieval within 30 minutes of the time of payment, or other time mutually agreed upon; and,
- N.** Notify Portland Police of the intent to tow by a telephone call by the tow driver to the Tow Desk prior to attaching any equipment to a vehicle at a private parking facility; and,
- O.** Notify Portland Police of the location of the vehicle by facsimile transmission to the Tow Desk within one hour after the vehicle is placed in storage; and,
- P.** Provide to Tow Desk all information required for completion of the tow record by facsimile transmission within 60 minutes after the vehicle is placed in storage; and,
- Q.** Notify the local police agency of the release of a vehicle to the registered owner/owner's agent, acceptance of a vehicle title in lieu of payment, or foreclosure of a possessory lien by facsimile transmission to the Tow Desk within 8 hours after the release; and,

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- R.** Review the daily Tow Desk report of PPI tows and releases, and report errors to Tow Desk or the Towing Coordinator within 24 hours of discovery; and,
- S.** Provide verification, or additional information, about a towed vehicle as requested by a police agency within 30 minutes of receiving the request; and,
- T.** Pay a data service fee, in an amount established by the Director, for each vehicle released to the registered owner or owner's agent. Such data service fees are payable to the Tow Desk by the 20th day of each month; and,
- U.** Pay a service fee, in an amount established by the Director, for each vehicle released to the registered owner or owner's agent. Such service fees are payable to the City of Portland by the 20th day of each month; and,
- V.** Accept as proof of ownership vehicle title or registration in addition to valid photo-identification of the person seeking the release. If the registered owner is not available to redeem the towed vehicle, the PPI tower will assist the owner's agent in finding an acceptable alternate proof of ownership, as detailed in PPI administrative rules; and,
- W.** Exercise reasonable care for the welfare of any animal found to be in a PPI towed vehicle, as detailed in PPI administrative rules.

7.24.080 Prohibitions.

PPI towers will not:

- A.** Perform any PPI tows within the city limits of Portland, or from City-owned/operated property, unless the tower is registered with the City of Portland and in compliance with all provisions of this Chapter and administrative rules.
- B.** Charge any fee not listed in, or in excess of, those included in the fee schedule established by the Director.
- C.** Require any vehicle owner/owner's agent to make any statement or sign any document promising not to dispute validity of the tow or fees assessed or relieving the PPI tower from responsibility for the condition of the vehicle or its contents.
- D.** Require any vehicle owner/owner's agent to pay any fee, except a gate fee if after hours, as a condition of allowing them to inspect their vehicle or remove an animal or personal belongings of an emergency nature, within 15 days of the tow.
- E.** Solicit PPI towing business by means of payment of a gratuity, commission or any other consideration, except as provided in this PPI Code, to the private property owner, operator, manager or employee. This violation may result in revocation of the tower's PPI permit, at the Director's discretion.

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- F.** Remove a vehicle from a private parking facility unless the hookup has been completed and all safety equipment has been attached.
- G.** Use predatory practices, as defined in PPI administrative rules, to secure PPI tows.
- H.** Release a vehicle designated as a PPI Police tow without a release or other authorization from the appropriate police agency.
- I.** Assess or collect a penalty or surcharge fee, in lieu of towing, unless the parking lot is registered as a pay and park facility in compliance with Chapter 7.25 "Pay and Park and Non-Pay Private Parking Facilities."
- J.** Make any false statements of material fact, misrepresent information in any document or omit disclosure of material fact in performance of activities regulated by this Code.
- K.** Pursuant to ORS 90.485, PPI towers shall not remove a legally parked vehicle because the vehicle's registration has expired or is otherwise invalid.
- L.** Property owners or operators are prohibited from knowingly allowing an unpermitted PPI tower to impound vehicles from any property within the Portland city limits.
- M.** Property owners or operators may not require, solicit or accept payment from any PPI tower, nor from any person acting on behalf of a PPI tower, in exchange for authorization to tow from a property.
- N.** Pursuant to ORS 87.186, possessory liens by PPI towers may be foreclosed only by public auction held within the county in which the vehicle was towed.
- O.** No person shall attach a mechanical boot or any other immobilization device to any vehicle parked on private property or public right-of-way without consent of the vehicle owner.

7.24.090 Remedies.

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

- A.** Suspension. The Director or designee may suspend a PPI tower's permit if investigation reveals any substantial violation of the PPI Code or the PPI administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods have failed to resolve. Suspension may be for a period of up to 14 calendar days. The suspension will be effective from the date of written notice of a suspension. If the violation is not corrected within the 14 day period, the Director may revoke the permit.

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- B.** Revocation. The Director may revoke a permit for any substantial violation of the PPI Code or the administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods fail to resolve. The revocation will be effective immediately upon issuance of written notice by the City of Portland to the PPI tower. No new application will be accepted from any PPI tower with outstanding penalties or who has been revoked within the current term for the remainder of the current permit period. Prior revocation may be grounds for denial of a permit application.
- C.** A private property owner or operator in the City of Portland is subject to civil penalties up to \$700 per tow from their property for violations including, but not limited to:
1. Knowingly authorizing non-compliant PPI towing to be performed on property they own or operate;
 2. Requiring, soliciting or accepting payment from any PPI tower, or from any person acting on behalf of a PPI tower, in exchange for authorization to tow from a property.
- D.** Civil penalty. The Director may impose a civil penalty of up to \$1,000 for any substantial violation of the PPI Code or the administrative rules, including:
1. Towing any vehicle from private property inside the City of Portland or from City owned or operated property without a PPI permit.
 2. Towing from a property without authorization in the form of a current agreement or owner/operator's signature on the tow invoice.
 3. Late payment of data service fees to Tow Desk. The penalty will be \$100 for each incident.
 4. Late payment of service fees to the City of Portland. The penalty will be \$100 for each incident.
 5. Failure to initiate a tow, as required by administrative rule. The penalty will be refund of all fees assessed to the citizen, plus \$300 penalty for each incident.
 6. Failure to notify Tow Desk of the completion of a tow within one hour of its arrival at the storage facility. The penalty will be \$150 for each incident.
 7. Late report or failure to report a release. The penalty will be \$100 for each incident.

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TITLE 14 - PUBLIC ORDER AND POLICE

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

TITLE 14A
PUBLIC ORDER AND POLICE
General Provisions and Private Citizens

CHAPTER 14A.10 - DEFINITIONS

Section:

14A.10.010 Definitions.

14A.10.010 Definitions.

The following definitions apply throughout Title 14 in its entirety, except as otherwise provided:

- A.** Alcohol, Alcoholic Beverage, and/or Alcoholic Liquor: any liquid or solid containing more than one-half of one percent alcohol by volume and capable of being consumed by a human being.
- B.** Bicycle: any type of vehicle that is designed:
 - 1.** To be operated on the ground or surface on one or more wheels;
 - 2.** To have a seat or saddle for use of the rider; and
 - 3.** To be propelled exclusively by human power.

This definition does not include wheelchairs or similar types of conveyances.

- C.** Chief of Police: the Commanding Officer of the police force empowered to direct the police work of the City, or lawfully appointed subordinate of the Chief of Police acting under the Chief of Police's orders.
- D.** City Engineer: the duly appointed City Engineer or lawfully appointed subordinate of the City Engineer acting under the City Engineer's orders.
- E.** City Traffic Engineer: the duly appointed City Traffic Engineer or lawfully appointed subordinate of the City Traffic Engineer acting under the City Traffic Engineer's orders.
- F.** City Property: any property including but not limited to parks, rights of way, easements, buildings, or other land or physical structures owned or managed by the City.
- G.** Conducting business: the act of selling services or edible or non-edible items for immediate delivery.
- H.** Crosswalk: whether marked or unmarked, any portion of a roadway at an intersection or elsewhere, expressly for pedestrian crossing, as defined in ORS 801.220.

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- I.** Firearm: a pistol, revolver, gun, rifle, or other mechanism, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air.
- J.** Minor: a person under 18 years of age.
- K.** Motor Vehicle or Vehicle: a means of conveyance that is self-propelled or designed for self-propulsion.
- L.** Park: any publicly or privately owned real property, and the buildings, structures and facilities thereon, placed under the jurisdiction of Portland Parks and Recreation for park or recreational purposes, and includes all land granted to the City for such purposes.
- M.** Police Officer: a member of the Oregon State Police, sheriff, constable, marshal, and officer of the Bureau of Police.
- N.** Possess: to have physical possession or otherwise to exercise dominion or control over property.
- O.** Public Place: a publicly or privately owned place to which the general public has access and may include but is not limited to public property and areas of private property open to the public, such as spaces within apartment houses and hotels not constituting rooms or apartments designed for actual residence, schools, places of amusement, parks, playgrounds, and premises used in connection with public passenger transportation.
- P.** Public Property: any property including but not limited to parks, rights of way, easements, buildings, or other land or physical structures owned or managed by the City or other governmental agency.
- Q.** Public Right of Way: any thoroughfare or area intended, designed, or used for vehicular or pedestrian traffic.

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CHAPTER 14A.20 - PROCEDURES

Sections:

- 14A.20.010 General Purpose of Title.
- 14A.20.020 Principles of Construction.
- 14A.20.030 Constitutionality.
- 14A.20.040 Consistency with State Criminal Law.
- 14A.20.050 Prohibited Acts Generally.
- 14A.20.060 Penalty for Violation.
- 14A.20.070 Claims for Rewards.
- 14A.20.080 Restrictions on Rewards.
- 14A.20.090 Council Decisions on Rewards Final.
- 14A.20.100 Ineligibility of Police for Rewards.

14A.20.010 General Purposes of Title.

The general purposes of the provisions set forth in Title 14 are to prevent and prohibit conduct that unjustifiably inflicts or threatens harm to individual or public interests, to safeguard conduct that is without culpability from condemnation as criminal, and to provide fair warning of the nature of the conduct declared to constitute an offense.

14A.20.020 Principles of Construction.

The provisions embodied in Title 14 shall be construed according to the plain meaning of their terms, but when the language is susceptible of differing constructions, the language shall be interpreted to further the general purposes stated in this Chapter and of any special purposes established in the particular provision involved, and shall not contradict state or federal law. Any discretionary powers conferred by this Title shall be exercised to further the general purposes stated here.

14A.20.030 Constitutionality.

If any section, subsection, sentence, clause, or phrase of this Title is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Title. If for any reason any portion of this Title should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

14A.20.040 Consistency with State Criminal Law.

This Title shall be construed so as to render it consistent with state criminal law, and any procedures or defenses made available in the prosecution of the same or similar offenses under state criminal law shall apply in prosecutions under this Title.

14A.20.050 Prohibited Acts Generally.

- A. The doing of any act or thing prohibited or the failing to do any act or thing commanded to be done in this Title within the corporate limits of the City and

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within such other areas as may be specified in this Title is hereby declared to be an offense against the public peace, safety, health, morals, and general welfare of the people of the City.

- B.** Any act or omission made unlawful under this Title shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing any such act or omission.

14A.20.060 Penalty for Violation.

Unless a different penalty is specifically provided, any violation of any provision of this Title shall upon conviction be punished by a fine of not more than \$500, or by imprisonment of not more than 6 months, or by both. However, no greater penalty shall be imposed than allowed under Oregon law.

14A.20.070 Claims for Rewards.

Each claim for a reward offered by this Code shall be made in writing by the claimant or the claimant's authorized representative and filed with the Auditor within 60 days after conviction of the accused in the Circuit Court or, if there has been an appeal, when the judgment of conviction becomes final. If two or more persons are entitled to the same reward, it shall be prorated among them. It shall be the duty of the Chief of Police to fully investigate all claims for reward and report the results of the investigation to the City Attorney. The report shall include copies of all police reports and records pertaining to the case out of which the claim arose, the court disposition, and a statement of facts or circumstances showing why the claimant is or is not entitled to payment of the reward. The City Attorney shall examine the record and report findings and conclusions to the Council, together with the report of the Chief of Police. If the arrest was made by any law enforcement agency other than the Bureau of Police, a report of that agency shall be obtained and submitted to the Council, along with the other reports required herein. The address of the claimant shall not be made public unless necessary to the enforcement of the law.

14A.20.080 Restrictions on Rewards.

- A.** A reward under the provisions of this Code shall not be paid to any United States, state, county, or municipal officer or employee other than a sheriff as outlined in ORS 206.330.
- B.** Bounty hunters are not entitled to rewards under this Chapter.

14A.20.090 Council Decisions on Rewards Final.

The action of the Council shall be final and binding upon any and all persons claiming a reward provided for herein, and the Council shall be the final arbiter in determining the rights, if any, of respective claimants.

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14A.20.100 Ineligibility of Police for Rewards.

No member of the Bureau of Police shall for his or her own benefit under any pretense whatever, receive or share in any present, fee, gift, reward or emolument for public service other than the regular salary and pay except by the consent of the City Council.

**CHAPTER 14A.30 - MISCELLANEOUS ACTS
OF MISCONDUCT**

Sections:

- 14A.30.010 Unlawful Noise Disturbance.
- 14A.30.020 Unlawful Operation of Sound Producing Equipment.
- 14A.30.030 Unauthorized Use of a Police Vehicle.
- 14A.30.040 Unlawful Use of Badges.
- 14A.30.050 Tampering with Animals Used for Law Enforcement Purposes.
- 14A.30.060 Unlawful Possession or Use of Devices Used to Open Coin Boxes.

14A.30.010 Unlawful Noise Disturbance.

It is unlawful to make any excessive, unreasonable, or unusually loud sound which disturbs the peace and quiet of any neighborhood or which injures or endangers the comfort, repose, health, peace, or safety of any person.

14A.30.020 Unlawful Operation of Sound Producing Equipment.

- A.** It is unlawful to operate or use or permit the use of any sound producing equipment:
 - 1.** Between the hours of 10 p.m. and 7 a.m. so as to be plainly audible within any dwelling unit which is not the source of the sound; or
 - 2.** While on public property so as to be plainly audible 100 feet or more from the device.
- B.** Sound producing equipment includes but is not limited to any radio, television set, musical instrument, phonograph, loud speaker, bell or chime.

14A.30.030 Unauthorized Use of a Police Vehicle.

It is unlawful for any person other than a police officer or designee to possess or operate a vehicle marked or identified by the word "police" or any other marking, insignia, or equipment identifying it as a police vehicle.

14A.30.040 Unlawful Use of Badges.

It is unlawful for any person not a regular member of the police force of the City to use in any manner a City of Portland police officer's badge, or any replica or imitation thereof, except by special permission of the Chief of Police.

14A.30.050 Tampering with Animals Used for Law Enforcement Purposes.

It is unlawful for any person to torture, torment, beat, kick, strike, choke, cut, stab, stone, shoot, mutilate, injure, disable, kill, or tamper with any animal while it is being caged, kenneled, transported, exhibited, exercised, or used in discharging or attempting to

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discharge any lawful duty or function or power of office, by any police officer or his or her representative, for any police agency.

14A.30.060 Unlawful Possession or Use of Devices Used to Open Coin Boxes.

It is unlawful for any unauthorized person to have in his or her possession or use any tool, key, implement, or device designed for forcing, breaking, or otherwise gaining entry to a pay telephone coin box, coin vending machine, parking meter or other coin-operated machine or device.

**CHAPTER 14A.40 - INTERFERENCE WITH
PERSONS AND SEXUAL MISCONDUCT**

Sections:

- 14A.40.010 Interfering with Privacy.
- 14A.40.020 Offensive Physical Contact Prohibited.
- 14A.40.030 Indecent Exposure.
- 14A.40.040 Loitering to Solicit Prostitution.
- 14A.40.050 Unlawful Prostitution Procurement Activities.

14A.40.010 Interfering with Privacy.

- A. It is unlawful for any person to look through a window, transom, or door into the dwelling of another with the intent to interfere with the privacy of an occupant.
- B. As used in this Section, “dwelling” includes a building or part of a building in which a person temporarily lodges.

14A.40.020 Offensive Physical Contact Prohibited.

- A. No person shall cause or attempt to cause another person reasonably to apprehend that they will be subjected to any offensive physical contact either to their person or to personal property in their immediate possession.
- B. Violation of this Section is subject to a maximum \$500 fine and/or 10 days in jail.
 - 1. In lieu of the penalty provided for above, a judge may sentence a person found in violation of this Section to community service for such period as is provided for misdemeanors pursuant to ORS 137.126 to ORS 137.129.

14A.40.030 Indecent Exposure.

It is unlawful for any person to expose his or her genitalia while in a public place or place visible from a public place, if the public place is open or available to persons of the opposite sex.

14A.40.040 Loitering to Solicit Prostitution.

- A. For the purposes of this Section, the following definitions apply:
 - 1. Prostitution: engaging in, offering, or agreeing to engage in sexual conduct or sexual contact in return for a fee or paying, offering, or agreeing to pay a fee to engage in sexual conduct or sexual contact.
 - 2. Sexual Conduct: sexual intercourse or deviate sexual intercourse.

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3. Sexual Contact: any touching of one person's sexual organs or other intimate parts, used with the intention of touching another person not married to the actor, for the purpose of arousing or gratifying the sexual desire of either party.
- B.** It is unlawful for any person to loiter in or near any street or public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are that the person repeatedly contacts, stops or attempts to stop pedestrians, or repeatedly stops or attempts to stop motor vehicle operators or passengers by hailing them or gesturing to them.

14A.40.050 Unlawful Prostitution Procurement Activities.

- A.** As used in this Section, "prostitution" means that unlawful conduct defined in Section 14.A40.040 of this Code. As used in this Section, "prostitution procurement activity" means any conduct by any person that constitutes a substantial step in furtherance of an act of prostitution. Such activity includes, but is not limited to, lingering in or near any street or public place, repeatedly circling an area in a motor vehicle, or repeatedly beckoning to, contacting, or attempting to stop pedestrians or motor vehicle operators.
- B.** It is unlawful for any person to engage in any prostitution procurement activity with an intent to induce, entice, solicit, procure, locate, or contact another person to commit an act of prostitution.

**CHAPTER 14A.50 - CONDUCT PROHIBITED
ON PUBLIC PROPERTY**

Sections:

- 14A.50.010 Alcohol on Public Property and Public Rights of Way.
- 14A.50.020 Camping Prohibited on Public Property and Public Rights of Way.
- 14A.50.030 Sidewalk Use.
- 14A.50.035 Pedestrians.
- 14A.50.040 Conducting Business on City Property or Public Rights of Way.
- 14A.50.050 Erecting Permanent or Temporary Structures on Public Property or Public Rights of Way.
- 14A.50.060 Resale of Tickets to Events at Municipal Facilities at Premium Price Prohibited
- 14A.50.070 Misuse of Public Property.
- 14A.50.110 Misuse of a Public Restroom.
- 14A.50.120 Misuse of Public Drinking Fountain.
- 14A.50.130 Misuse of Reservoirs.

14A.50.010 Alcohol on Public Property and Public Rights of Way.

(Amended by Ordinance No. 184596, effective June 17, 2011.)

- A.** It is unlawful for any person to drink alcoholic liquor upon any street, sidewalk, or other public right of way.
- B.** It is unlawful for any person to have in his possession while upon any street, sidewalk, or other public right-of-way any bottle, can, or other receptacle containing any alcoholic liquor which has been opened or a seal broken or the contents of which have been partially removed.
- C.** This Section does not apply to prohibit the consumption of alcoholic liquor in sidewalk cafes which have been issued permits under Chapter 17.25 of this Code.
- D.** This Section does not prohibit the use of alcohol in the street area where a Community Event Street Closure–Alcohol Allowed permit has been issued by the Bureau of Transportation under PCC Chapter 17.44 provided the Permittee is in compliance with all applicable Oregon Liquor Control Commission requirements.

14A.50.020 Camping Prohibited on Public Property and Public Rights of Way.

- A.** As used in this Section:
 - 1.** "To camp" means to set up, or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary place to live.

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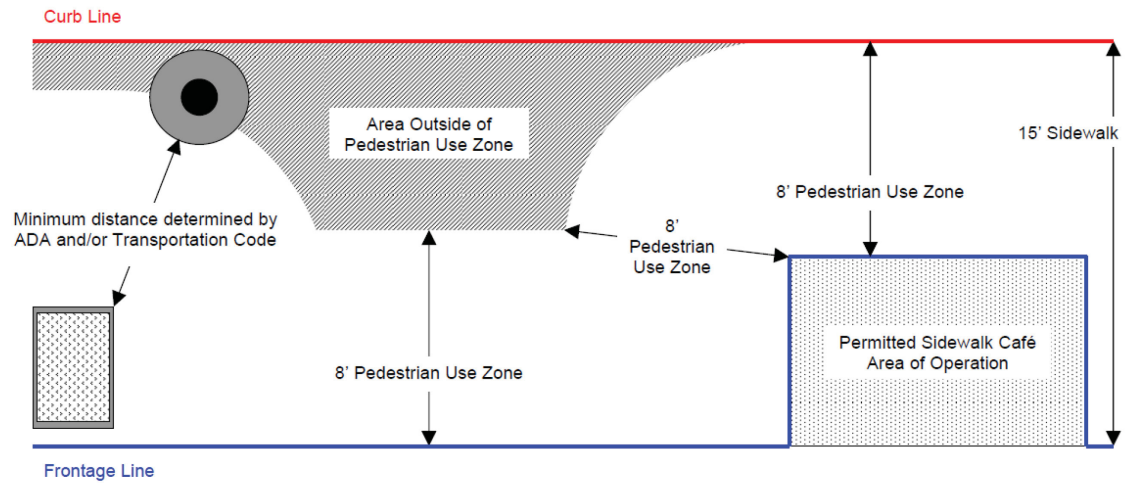
2. "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- B. It is unlawful for any person to camp in or upon any public property or public right of way, unless otherwise specifically authorized by this Code or by declaration by the Mayor in emergency circumstances.
- C. The violation of this Section is punishable, upon conviction, by a fine of not more than \$100 or by imprisonment for a period not to exceed 30 days or both.

14A.50.030 Sidewalk Use.

(Replaced by Ordinance No. 183754; effective May 6, 2010.)

- A. Definitions:
 1. Pedestrian: A person who is on foot or assisted by a mobility device and able to move immediately to accommodate other sidewalk users.
 2. Frontage line: On sidewalks bounded by a street, the frontage line is the edge of the public sidewalk opposite the curb where the area dedicated to sidewalk use by the City meets either private property or public property that is not dedicated to sidewalk use. On sidewalks not bounded by a street and lying between public property and private property, the frontage line is the edge of the public sidewalk bounded by private property. On sidewalks not bounded by a street and bordered on both sides by public property or bordered on both sides by private property, the frontage line is the west or north lateral edge of the sidewalk.
 3. Pedestrian Use Zone: The surface of a public sidewalk extending from the frontage line of the sidewalk and any fixture or use authorized or allowed by City permit or regulation that is centered on the frontage half of the sidewalk. Except as otherwise established and marked by the Director of the Bureau of Transportation, the pedestrian use zone extends eight feet on sidewalks more than ten feet wide and six feet on sidewalks ten feet wide or less. At street corners, the pedestrian use zone encompasses the entire area bounded by the extended frontage lines and the streets.

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4. Mobility device: A wheelchair, crutch, cane, walker or device that functions similarly to allow an injured or disabled person increased mobility for sidewalk travel.
- B. Improper Use Of Sidewalk In A High Pedestrian Traffic Area – Use Of Pedestrian Use Zone By A Person Who Is Not A Pedestrian:**
1. Between 7:00 a.m. and 9:00 p.m., only pedestrians may use the pedestrian use zone in the high pedestrian traffic areas described in Subsection F.
 2. The prohibition in Subsection B.1. does not apply to:
 - a. Persons who use a conveyance to move freight or merchandise.
 - b. Persons crossing the sidewalk pedestrian zone in a conveyance directly to or from an entrance.
 3. It is an affirmative defense to a prosecution under this subsection that the behavior occurred within one foot of the curbside boundary of the pedestrian use zone, that the boundary of the zone was not marked, and the person believed in good faith the person was not in the pedestrian use zone.
- C. Improper Use Of Sidewalk In A High Pedestrian Traffic Area - Placing Objects In Pedestrian Use Zone:** Between 7:00 a.m. and 9:00 p.m., in the high pedestrian traffic areas described in Subsection F., unless authorized or allowed by ordinance, permit or a regulation issued by the Director of the Bureau of Transportation, no person may deposit, install, place, fix or leave any object or item in, on or above a pedestrian use zone except:

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1. Personal baggage or luggage that is within arm's reach of the pedestrian possessor;
 2. Merchandise in course of receipt or delivery that presents a continuous vertical rise of at least 36 inches to the cane of vision-impaired pedestrians, unless that merchandise is permitted to remain upon the sidewalk for a period longer than 2 hours. The vehicle in which merchandise is delivered is subject to all parking regulations as described in Title 16.
 3. It is an affirmative defense to a prosecution under this subsection that the behavior occurred within one foot of the curbside boundary of the pedestrian use zone, that the boundary of the zone was not marked, and the person believed in good faith the object or item was not in the pedestrian use zone.
- D. Improper Use Of Sidewalk In A High Pedestrian Traffic Area – Mismanaging A Dog:** Between 7:00 a.m. and 9:00 p.m., on all parts of sidewalks in the high pedestrian traffic areas described in Subsection F.:
1. All dogs must be in hand or, if leashed, the dog's neck must be within two feet of the handler;
 2. A dog may be present in a pedestrian use zone in the high pedestrian traffic areas described in Subsection F. only if under the control of a pedestrian;
 3. A person who brings a dog onto a public sidewalk or who possesses or controls the dog is responsible for compliance with this Subsection. This Subsection does not apply to police animals.
 4. It is an affirmative defense to a prosecution under Subsection D.2. that the dog was within one foot of the curbside boundary of the pedestrian use zone, that the boundary of the zone was not marked, and the person believed in good faith the dog was not in the pedestrian use zone.
- E. Improper Use Of Sidewalk – Failing To Allow Use By A Disabled Person:** On all sidewalks at all times, at the reasonable request of a person using a mobility device or relying for guidance on a cane, helper or guide animal, all persons must immediately yield use of the sidewalk to allow a reasonable opportunity for passage.
- F. High Pedestrian Traffic Areas:**
1. The Downtown Area, defined as the public sidewalks in the area bounded by the west bank of the Willamette River, I-5 from the west bank of the Willamette River to its junction with I-405, I-405, the north edge of the

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north sidewalk of Northwest Irving Street and a line extended from the northeast corner of the north sidewalk of Northwest Irving Street to the west bank of the Willamette River;

2. The Rose Quarter / Lloyd Area, defined as the public sidewalks in the area bounded by North Interstate Avenue, the north edge of the north sidewalk of Broadway Street, Northeast 16th Avenue and Northeast Lloyd Boulevard.

G. Exceptions

1. The prohibitions in this Section do not apply to a person:
 - a. Unable to comply due to suffering a medical emergency;
 - b. Unable to comply due to physical or mental incapacitation;
 - c. Acting as authorized or allowed by ordinance, permit or a regulation issued by the City Traffic engineer;
 - d. Performing a City-approved public safety, maintenance or construction function;
 - e. Participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to and in compliance with a street use or other applicable permit;
2. The prohibitions in Subsection B. do not apply to a person:
 - a. Sitting on a chair or bench located in a pedestrian use zone supplied or permitted by a public agency;
 - b. Waiting in line for goods or services unless the person refuses to comply with a lawful order of a peace officer to form the line in a way that moderates impact on passage along the sidewalk;
 - c. Performing street music while complying with the Street Musician Partnership Agreement;

H. No person shall be cited under this Section unless the person engages in conduct prohibited by this Section after having been notified in writing by an Oregon peace officer that the conduct violates this Section.

I. The prohibitions in this Section do not apply when they are waived by permit.

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- J.** Nothing in any of the exceptions listed in Subsection G. shall be construed to permit any conduct which is prohibited by PCC 14A.50.035 - Pedestrians.
- K.** Nothing in this Section shall be construed to permit conduct which is prohibited by a lawful order restricting the time, place or manner of speech.
- L.** An object or deposit that is on or above a sidewalk in violation of this Section is hereby declared to be a public nuisance. The Director of the Bureau of Transportation or a police officer may summarily abate any such nuisance, or it may be abated as set forth in Chapter 29.20.
- M.** Violation of this Section subjects a person to a maximum penalty of a \$250 fine only.
- N.** In lieu of the penalty provided for above, a judge may sentence a person found in violation of this Section to community service for such period as is provided for violations pursuant to ORS 137.126 to ORS 137.129.
- O.** This Section shall not apply to any activity otherwise made lawful.

14A.50.035 Pedestrians.

- A.** No person with the intent to interfere with free passage shall block or attempt to block or interfere with any person(s) along the public sidewalks by any means, including but not limited to standing on that part of the sidewalk used for pedestrian travel or by placing any object or vehicle in such area.
- B.** No person with the intent to interfere with the free ingress to or egress from shall block or attempt to interfere with or block pedestrian or vehicular entrances to public or private property abutting the public sidewalk.
- C.** Violation of this Section subjects a person to a maximum penalty of a \$250 fine only.
- D.** In lieu of the penalty provided for above, a judge may sentence a person found in violation of this Section to community service for such period as is provided for misdemeanors pursuant to ORS 137.126 to ORS 137.129.
- E.** This Section shall not apply to any activity otherwise made lawful.

14A.50.040 Conducting Business on City Property or Public Rights of Way.

It shall be unlawful for any person to sell or attempt to sell any merchandise or services in or upon any sidewalk, street, alley, lane, public right of way, or under any bridgeway or viaduct:

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- A. Within the Central City Plan District;
- B. With 250 feet of any:
 - 1. Public library grounds;
 - 2. Public park grounds without a permit from the Bureau of Parks and Recreation;
 - 3. Grounds or stadium while athletic games are being played;
 - 4. Public or private school grounds during the hours of regular school classes or sessions;
 - 5. Vendor already parked or stopped, or any commercial establishment, while open, if the other vendor or establishment offers similar merchandise; unless specifically authorized by ordinance, permit, or other valid City approval. Possession of a valid City business license does not constitute “other valid City approval” within the meaning of this Section.

14A.50.050 Erecting Permanent or Temporary Structures on Public Property or Public Rights of Way.

- A. It shall be unlawful to erect, install, place, leave, or set up any type of permanent or temporary fixture or structure of any material(s) in or upon non-park public property or public right-of-way without a permit or other authorization from the City.
- B. In addition to other remedies provided by law, such an obstruction is hereby declared to be a public nuisance. The City Engineer, City Traffic Engineer, or Chief of Police may summarily abate any such obstruction, or the obstruction may be abated as prescribed in Chapter 29.60 of this Code.
- C. The provisions of this Section do not apply to merchandise in the course of lawful receipt or delivery, unless that merchandise remains upon the public right of way for a period longer than 2 hours, whereupon the provisions of this Section apply.
- D. The provisions of this Section do not apply to depositing material in public right-of-way for less than 2 hours, unless the material is deposited with the intent to interfere with free passage or to block or attempt to block or interfere with any persons(s) using the right-of-way.

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14A.50.060 Resale of Tickets to Events at Municipal Facilities at a Premium Price Prohibited.

Tickets to all events at municipally-owned facilities, including the Memorial Coliseum, PGE Park, and the public plaza at the Rose Quarter, and tickets to all events at the Rose Garden Arena other than season tickets, shall have printed thereon the retail price thereof. It shall be unlawful for any person to sell or offer for sale any ticket for an event at any municipally-owned facility, or for any event at the Rose Garden Arena, at a price greater than the retail price printed thereon or at a price greater than the original retail price. Notwithstanding the above, this Section shall not be construed to prohibit service fees or charges imposed or collected by ticket outlets where service fees or charges are specifically authorized by the management of the facilities.

14A.50.070 Advertising on Streets.

- A.** It is unlawful for any person to scatter notices or advertisements on any street right-of-way or to post a notice or advertisement anywhere on a street right-of-way or upon the exterior of a public building.
- B.** It is unlawful for any person whose name appears upon, or who is responsible for posting, any notice or advertisement posted in violation of this Section to permit the notice or advertisement to remain posted after having received a request to remove it.
- C.** Any notice or advertisement found in violation of this Section may be removed by a peace officer.

14A.50.110 Misuse of a Public Restroom.

- A.** This Section applies to permanent and temporary structures erected or placed for use as a public restroom.
- B.** It is unlawful to stand, climb, sit upon, or lay down on any fixture or floor located inside of or at the entrance of any restroom located in a public building or on public property, unless that fixture or floor is intended to be used for standing, climbing, sitting or lying upon.
- C.** It is unlawful for two or more persons to occupy any restroom that is specifically designed for use by only one person and that is located in a public building or on public property, unless one of those persons is assisting a handicapped person or persons, a child or children under 12 years of age, or an elderly person, or persons in need of assistance.
- D.** It is unlawful to interfere with any attendant in the discharge of his or her duties within any restroom located in a public building or on public property.

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- E.** It is unlawful for any male person to enter a restroom marked “Women.” This Section does not apply to a male child with his mother or female guardian, or an authorized person in the discharge of his regular duties.
- F.** It is unlawful for any female person to enter a restroom marked “Men.” This Section does not apply to a female child with her father or male guardian, or an authorized person in the discharge of her regular duties.
- G.** It is unlawful for any person to engage in disorderly or disruptive conduct inside of or at the entrance to any restroom located in a public building or on public property.
- H.** The above requirements do not excuse a failure to provide reasonable and appropriate accommodations permitting all persons access to restrooms consistent with their expressed gender.

14A.50.120 Misuse of a Public Drinking Fountain.

- A.** It shall be unlawful to deposit material of any kind into a drinking fountain located on public property.
- B.** It shall be unlawful to obstruct the flow of water or tamper in any way with a drinking fountain located on public property or right of way, unless permission to do so is granted by the appropriate City bureau, official, or other authorized person.

14A.50.130 Misuse of Reservoirs.

It is unlawful for any person to throw, dump, or deposit any material or substance in a reservoir maintained by the Bureau of Water Works.

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**CHAPTER 14A.55 - PARADE EVENT
MARKING**

(Chapter added by Ordinance No. 181684, effective
April 18, 2008.)

Sections:

- 14A.55.010 Access to Public Property for Parade Event.
- 14A.55.020 Enforcement and Notice of Violation.
- 14A.55.030 Penalties.
- 14A.55.040 Administrative Review.
- 14A.55.050 Appeals to the Code Hearings Officer.
- 14A.55.060 Further Appeals.
- 14A.55.070 Additional Regulations.

14A.55.010 Access to Public Property for Parade Event.

- A.** It is unlawful to paint, tape, or otherwise mark public property or place objects in the right-of-way for the purpose of reserving space for a parade event.
- B.** City of Portland may remove unauthorized materials left on public property or the right-of-way.
- C.** Camping overnight, to reserve a space in the public right-of-way along side the parade route, may be allowed as set forth in administrative rule. Overnight camping under this section is a limited exception to Portland City Code 14A.50.020 and 14A.50.030.

14A.55.020 Enforcement and Notice of Violation.

- A.** The Director of the Bureau of Development Services, or designee, upon determining that a violation of this code or administrative rule has occurred, may issue a notice of violation by direct delivery of said notice to the violator.
- B.** The violator shall, upon receipt of a notice of violation, correct the violation and pay to the City a civil penalty as set forth in Portland City Code 14A.55.030.

14A.55.030 Penalties.

Violations of this Chapter may be punishable by fines as follows:

- A.** A \$100 fine for the first violation;
- B.** A \$500 fine for each subsequent violation.

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14A.55.040 Administrative Review.

A person, who is issued a notice of violation, may challenge the findings in the notice by requesting an administrative review from the Bureau of Development Services.

14A.55.050 Appeals to the Code Hearings Officer.

A determination issued pursuant to Portland City Code 14A.55.040 may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of Portland City Code.

14A.55.060 Further Appeals.

All appeals from the Code Hearings Officer's determination pursuant to Portland City Code 14A.55.050 shall be by writ of review as authorized by Portland City Code 22.04.010 and ORS 34.010 – 34.100.

14A.55.070 Additional Regulations.

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 14A.60 -WEAPONS AND
EXPLOSIVES**

Sections:

- 14A.60.010 Possession of a Loaded Firearm in a Public Place.
- 14A.60.020 Discharge of a Firearm.
- 14A.60.030 Tear Gas Bombs and Stun Guns.
- 14A.60.040 Explosives and Bottle Bombs.
- 14A.60.050 Endangering a Child By Allowing Access to a Firearm.
- 14A.60.060 Failure to Report Theft.

14A.60.010 Possession of a Loaded Firearm in a Public Place.

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

- A.** It is unlawful for any person to knowingly possess or carry a firearm, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the firearm.
- B.** It is unlawful for any person to knowingly possess or carry a firearm and that firearm's clip or magazine, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the clip or magazine.
- C.** The following are exceptions and constitute affirmative defenses to a violation of this Section:
 - 1.** A police officer or other duly appointed peace officers, whether active or honorably retired.
 - 2.** A member of the military in the performance of official duty.
 - 3.** A person licensed to carry a concealed handgun.
 - 4.** A person authorized to possess a loaded firearm while in or on a public building under ORS 166.370.
 - 5.** A government employee authorized or required by his or her employment or office to carry firearms.
 - 6.** A person summoned by a police officer to assist in making arrests or preserving the peace, while such person is actually engaged in assisting the officer.
 - 7.** A merchant who possesses or is engaged in lawfully transporting unloaded firearms as merchandise.

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8. Organizations which are by law authorized to purchase or receive weapons from the United States or from this state.
 9. Duly authorized military or civil organizations while parading, or their members when going to and from the places of meeting of their organization.
 10. A corrections officer while transporting or accompanying an individual convicted of or arrested for an offense and confined in a place of incarceration or detention while outside the confines of the place of incarceration or detention.
 11. Persons travelling to and from an established target range, whether public or private, for the purpose of practicing shooting targets at the target ranges.
 12. Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.
 13. A person authorized by permit of the Chief of Police to possess a loaded firearm, clip, or magazine in a public place in the City of Portland.
 14. A security guard employed at a financial institution insured by the Federal Deposit Insurance Corporation while the security guard is on duty.
- D.** It is unlawful for any person who possesses a firearm, clip or magazine in or upon a public place, or while in a vehicle in a public place, to refuse to permit a police officer to inspect that firearm after the police officer has identified him or herself as a police officer. This Section does not apply to law enforcement officers or members of the military in the performance of official duties, nor persons licensed to carry a concealed handgun or persons authorized to possess a loaded firearm, clip or magazine while in or on a public building or court facility.
- E.** Penalty
1. In the absence of the aggravating factors listed in Subsection 14A.60.010 E.2., the court may impose a sentence of up to 6 months imprisonment and a fine not to exceed \$500 for violation of this section.
 2. When this offense is committed by carrying a loaded firearm containing ammunition that employs gunpowder as a propellant in a vehicle, including a transit vehicle, the court must impose a mandatory minimum sentence of 30 days for violation of this Section.

14A.60.020 Discharge of a Firearm.

(Amended by Ordinance No. 178428, effective May 26, 2004.)

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- A.** It is unlawful for any person to discharge a firearm in the City or upon its boundaries.
- B.** This Section does not apply to:
 - 1.** A person discharging a firearm in the lawful defense of person or property;
 - 2.** A person discharging a firearm on a public or private shooting range, shooting gallery, or other area designed, built, and lawfully operating for the purpose of target shooting;
 - 3.** A person conducting an athletic contest who fires blank ammunition toward the sky;
 - 4.** A person authorized to fire blank ammunition as part of military or police ceremonies;
 - 5.** A person authorized by permit of the Chief of Police to discharge blank ammunition for a lawful purpose;
 - 6.** Hunter safety instructors of the Oregon State Game Commission or their pupils who are engaged in hunter safety training classes sponsored by the Commission;
 - 7.** A police officer in the performance of official duty;
 - 8.** Employees or contractors of the Port of Portland engaged in flight safety hazard abatement at and around Portland International Airport to comply with FAR Part 139.337.

14A.60.030 Tear Gas and Stun Guns.

- A.** For the purposes of this Section, the following definitions apply:
 - 1.** Tear gas, mace, pepper mace, or any similar deleterious agent: a sternutator, lacrimator, or any substance composed of a mixture of a sternutator or lacrimator, including, but not limited to chloroacetophenone, alpha-chloroacetophenone, phenylchloro-methylketone, orthochloro-benzalmalonitrile, oleoresin capsicum, or any chemical or combination of chemicals, whether in liquid, solid form, or gas capable of generating offensive, noxious or suffocating fumes, gases, or vapor capable of producing temporary discomfort, permanent injury, paralysis, immobilization, tears, nausea, or other illness.

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2. Tear gas weapon: includes but is not limited to any shell, cartridge, or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gas or oleoresin capsicum, mace, pepper mace or other similar deleterious agent.
 3. Stun gun: an electrical device that transmits an electrical charge designed to incapacitate humans or animals.
- B.** It is unlawful for any person, corporation, or association to offer for sale, sell, furnish, transport, carry, possess, or use, within the City limits, any tear gas weapon or stun gun. This Subsection does not apply to:
1. Police officers in the performance of their duties;
 2. Members of the armed forces of the State of Oregon and the United States in the performance of their official duties;
 3. Manufacturers, distributors, or commercial sellers when selling tear gas to any governmental agency for official use;
 4. Manufacturers, distributors, or commercial sellers when selling tear gas to any person, corporation or association when such sale is not in violation of this Section;
 5. Persons involved in the bona fide scientific, educational, or industrial use of tear gas;
 6. Persons, who have not been convicted of any felony, who possess or use tear gas, provided that it is contained in a device that is commercially manufactured to dispense tear gas from an aerosol tube as a self-defense weapon, and is designed to contain not more than 4 fluid ounces per device;
 7. Persons, who have not been convicted of any felony, and who are 18 years of age or older who possess or use a stun gun for the purpose of self-defense.
- C.** Exemptions numbers 4., 5., and 6. of this Subsection, above, do not apply to devices that project tear gas by means of firing any type of cartridge by powder discharge, spring action, compressed air, or any other means.
- D.** It is unlawful for any person to use, or attempt or threaten to use tear gas or a stun gun against any person known to be, or who should reasonably be known to be, a police officer engaged in the performance of official duties.

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14A.60.040 Explosives and Bottle Bombs.

- A.** The following definitions apply to this Section:
 - 1.** Explosive: any substance or material that on ignition by heat, impact, friction, or detonation will explode with such force as to injure a person or damage property in the immediate vicinity of the explosion.
 - 2.** Bottle bomb: any sealed device containing dry ice (CO₂) or other chemically reactive substances assembled for the purpose of causing an explosion by chemical reaction.
- B.** It is unlawful for any person, other than a peace officer or member of the armed forces of this State or of the United States acting in the performance of official duty, to possess or have under his or her control an explosive or bottle bomb.
- C.** This Section does not apply to the possession or use of explosives or bottle bomb by a police officer or member of the armed forces of this State or of the United States, members of regularly organized fire departments while in the performance of their official duties, or where otherwise authorized by Federal Law, Oregon Law, or this Code.

14A.60.050 Endangering A Child By Allowing Access To A Firearm.

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

- A.** A person commits the offense of endangering a child if a person fails to prevent access to a firearm by a minor when the person knew or reasonably should have known that a minor could gain access to the firearm under the following circumstances:
 - 1.** A person possesses or controls an operable firearm, whether loaded or unloaded, within premises under the person's custody or control and a minor gains access to the firearm without the permission of the person, a parent or guardian.
 - 2.** A person possesses or controls an operable firearm, whether loaded or unloaded, within premises under the person's custody or control and a minor gains access to the firearm without the permission of the person, a parent or guardian and the minor carries the firearm off the premises.
- B.** Violation of Subsection A.1. is punishable by incarceration for not more than 10 days and a fine of not more than \$500.
- C.** Violation of Subsection A.2. is punishable by incarceration for not more than 20 days and a fine of not more than \$750.

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- D.** Violation of Subsection A.2. is punishable by incarceration for not more than 30 days and a fine of not more than \$2,500 when the firearm is carried by the child off premises to any school, school-sponsored or school-related event.
- E.** Defenses: This section shall not apply if any one of the following circumstances exists:
 - 1.** The minor obtains the firearm as a result of an illegal entry into any premises by any person.
 - 2.** The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure from entry by the minor.
 - 3.** The firearm is locked with a device that has rendered the firearm inoperable and is designed to prevent minors and unauthorized users from firing the firearm. The device may be installed on the firearm, be incorporated into the design of the firearm, or prevent access to the firearm.

14A.60.060 Failure to Report Theft.

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

- A.** Any person who possesses, owns or controls a firearm in the City of Portland shall report the theft or misplacement of the firearm to the Chief of Police or designee, providing a description of the firearm including serial number, within 48 hours of knowing, or having reason to know, the firearm is stolen or cannot be located through reasonable effort.
- B.** A person who possesses, owns or controls a firearm in the City of Portland and fails to provide the serial number of the firearm when reporting the firearm is stolen or cannot be located is subject to a \$200 administrative fee.
- C.** Violation of Subsection 14A.60.060 A. is punishable by a fine of \$2,500.

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**CHAPTER 14A.70 - GAMBLING, SOCIAL
GAMES, AND UNLAWFUL AMUSEMENT
GAMES OR CONCESSIONS**

Sections:

- 14A.70.010 Definitions.
- 14A.70.020 Unlawful Frequenting of a Place Where Unlawful Gambling Activity is Conducted.
- 14A.70.030 Unlawful Chain Letter or Pyramid Scheme.
- 14A.70.040 Social Games Authorization Limited.
- 14A.70.050 Social Games Permit Required.
- 14A.70.060 Social Games Permit Application Process.
- 14A.70.070 Social Games Permit Issuance and Denial.
- 14A.70.080 Revocation and Suspension of Social Games Permit.
- 14A.70.090 Appeal of Denial, Revocation, or Suspension of Social Games Permit.
- 14A.70.100 Inspection of Premises Permitted for Social Games.
- 14A.70.110 Notice of Social Games Required.
- 14A.70.120 Unlawful Amusement Games and Concessions.

14A.70.010 Definitions.

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

- A.** "Chain letter or pyramid scheme" includes, but is not limited to the following:
 - 1.** Any system, scheme, or device, operated by letters, circulars, cards, or other written or printed instrumentality, or orally, or by any other system, whereby it is represented that upon surrender of any sum of money or any other thing of value, a person may receive in return money or any other thing of value in an amount greater than the sum or value surrendered; or
 - 2.** Receipt of money or other thing of value in a sum greater than the value of the money, or other thing of value surrendered, dependent either wholly or in part, upon that person's surrendering money or any other thing of value; or
 - 3.** Determination of when persons shall receive a greater sum of money or other thing of value, effected by any system or scheme where the names of persons surrendering any sum of money or other thing of value are arranged so that the payment, donation, or contribution to them depends upon a scheme whereby their names appear at the top or other designated place upon a list according to the number order or rotation of such persons who have, or who may thereafter surrender any sum of money or other thing of value in order to participate.

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- B.** "Contest of chance" means any contest, game, gaming schemes, or gaming device in which the outcome materially depends upon an element of chance, notwithstanding that the contestants' skill may also be a factor.
- C.** "Gambling" shall have the same definition as provided in ORS 167.117(7).
- D.** "Lottery" means a game in which:
 - 1.** The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated as winning ones; and
 - 2.** The winning chances are to be determined by a drawing or by some other similar method; and
 - 3.** The holders of the winning chances are to receive something of value.
- E.** "Social game" means a game, other than a lottery, between players in a private home where no house player, house bank or house odds exist and there is no house income from the operation of the social game.
- F.** "Something of value" means any money, item of value, or any form of credit or promise directly or indirectly contemplating transfer of money or thing of value or any interest.

14A.70.020 Unlawful Frequenting of a Place Where Unlawful Gambling Activity is Conducted.

It is unlawful for any person to frequent or remain at any place where unlawful gambling activity is being conducted.

14A.70.030 Unlawful Chain Letter or Pyramid Scheme.

It is unlawful for any person, whether acting as principal, agent, servant or employee to establish, maintain, conduct, manage, profit from, or operate any chain letter or pyramid scheme; or to solicit or advertise any such scheme; or to list persons who have surrendered any sum of money or any other thing of value to any such scheme. It is unlawful for any person, firm, or corporation to let, lease, or rent any real property and allow any such scheme to be established, maintained, conducted, managed or operated therein or thereon.

14A.70.040 Social Games Authorization Limited.

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

- A.** No house player, house bank, or house odds exist; and

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

14A.70.050 Social Games Permit Required.

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

14A.70.060 Social Games Permit Application Process.

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

- A.** The application for a permit to conduct any social game activity shall set forth all information deemed necessary by the Director of the Revenue Division consistent with the regulations provided in this Chapter, including but not limited to a description of the premises subject to the permit, and the fingerprints of the owner(s), officers, principal managing employees, and all employees who are involved in conducting the game activities or operating the game premises of the applicant. The permittee shall notify the Director within 10 days of any change in owners, officers, or principal managing employees that occurs subsequent to permit issuance.
 - 1.** For the purposes of this Section, "principal managing employee" shall include:
 - a.** Any person who is a proprietor or partner of the applying organization;

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- b. Any person who owns or controls 5 percent or more of the outstanding capital stock where the organization is a corporation;
 - c. Any person who has supervisory authority over employees and/or operations of the business as it relates to the conduct of permitted social games; and
 - d. Any person who has the authority to supervise the premises and conditions under which permitted social games are conducted.
 2. Where the permit applicant is a nonprofit membership organization, "principal managing employee" shall also mean the chief elected official of the organization and any other elected official(s) whose authority extends to the supervision or management of permitted social games.
 3. With the concurrence of the Chief of Police or proper designee, the Revenue Division may exempt a corporate stockholder from the definition "principal managing employee" when it is shown that the involvement of such stockholder(s) in the operations of the applying organization is limited to stock ownership and that such stockholder(s) has no role in the conduct of the organization's operations.
 4. All persons required to supply information in the application shall by oath or affirmation swear to the veracity of the information supplied by them.
- B. There shall be no right to renewal of a permit; each application shall be considered as it would be for a new permit notwithstanding that the applicant has previously been issued a permit.
- C. Each application for a permit shall be accompanied by a nonrefundable fee of \$500.
- D. Before issuance of a permit, the Director or appropriate designee shall confer with the Chief of Police or proper designee, who shall advise whether or not and on what basis there exists law enforcement concerns about the particular applicant's suitability to obtain a permit. If the Chief of Police so recommends, then no permit shall be issued, provided that Council may finally determine, upon appeal by the applicant that permit shall be issued.

14A.70.070 Social Games Permit Issuance, Denial.

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

- A. An application for a social game permit shall be denied if the Director of the Revenue Division finds:

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1. That within 5 years of the present application date, the applicant or any person having a financial interest in the private business, private club, or place of public accommodation, or any of the applicant's officers or principal managing employees has been convicted of, or if evidence exists that supports a finding by a preponderance of evidence, that such person has committed any felony or misdemeanor under federal or state law or this Code relating to theft, fraud, gambling, controlled substances, or prostitution activities; or
 2. That the applicant or any person having a financial interest in the private business, private club, or place of public accommodation, or any of the applicant's officers or principal managing employees has falsified any statement in the application for permit.
 3. That any violation of federal or State law or this Code relating to gambling has occurred on the premises described in the application. It shall be prima facie evidence of such violation if any person has forfeited bail on, pleaded nolo contendere to, or been convicted of any offense in violation of federal or State law or this Code relating to gambling or gambling devices where the act charged occurred on the premises described in the permit application.
 4. That the applicant has permitted the commission of any criminal act on the premises described in the application or has failed to maintain the premises in conformance with all the requirements of this Code.
- B.** If one or more grounds for denial of a permit as described in Subsection A. of this Section are not established after investigation of the application by the Director with assistance from the Bureau of Police, then the permit shall be issued as soon as practicable.

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

- A.** The permit required under this Chapter may be temporarily suspended for up to 30 days or revoked by the Revenue Division for any reason that would be grounds for denial of an application for a permit. Additionally, such permit may be suspended or revoked when investigation reveals that:
1. Any violation of the provisions of this Chapter or any violation of federal or State law or City ordinance relating to minors, theft, fraud, gambling, obscenity, controlled substances, prostitution, or alcoholic beverages has occurred on or in such premises, or that any such violation was connected

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in time and manner with the operation of such premises and occurred within the proximity of same; or

2. Conducting of social games in such location as authorized by the permit causes disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other similar problems in the area around the permitted premises.
- B.** Suspension or revocation shall become effective 5 days after the Revenue Division makes reasonable attempts to notify the permittee in writing of the grounds for revocation or suspension. If the permittee gives notice of appeal to the Revenue Division prior to the effective date of the revocation or suspension, suspension or revocation shall not become effective until the appeal is finally determined. If the permittee cannot be found after a reasonable effort to locate him or her has been made, then such notice may be sent by certified mail to the permit address, or posted at the same, and shall be deemed acceptable alternative means of service in lieu of personal service.
- C.** On a case-by-case basis, depending upon the severity of the violation and the likelihood of continued unlawful activity on such premises, in lieu of suspending or revoking a permit or to reduce the penalty period involved, with the concurrence of the permittee and the Chief of Police, the Director may order a fine of up to \$500 per violation of this Code to be paid to the City's General Fund. Failure to pay the fine within 30 days shall be grounds for revocation or suspension of the social games permit.

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

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

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

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to the Council before such time by the aggrieved party. The Council shall hear and determine the appeal based on the record made at the hearing, but may, at its discretion, hear other evidence. In all cases, the decision of the Council shall be final.

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

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

14A.70.110 Notice of Social Games Required.

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

14A.70.120 Unlawful Amusement Games and Concessions.

- A.** It is unlawful for any person to manage, operate, or profit from any unlawful amusement game or concession.
- B.** As used in this Section, "unlawful amusement game or concession" includes the following:
 - 1.** Any amusement concession or game in which any physical limitations affecting the degree of skill necessary to win the amusement concession or game are not readily visible to the player, unless notice disclosing such physical limitations is displayed continuously and conspicuously at the location where the amusement concession or game is played, so as to be readily visible to patrons and contestants.
 - 2.** Any amusement concession or game where winning depends upon the patron or contestant's ability to throw or project an object, unless all such objects available for use by any single patron or contestant are uniform in size and weight.
 - 3.** Any amusement concession or game in which the ability of the patron or contestant to win depends upon throwing or projecting of an object, unless there exists an unobstructed air space of at least 18 inches in height above

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the highest point of any surface, object, or place upon which that object must land to win the amusement concession or game.

4. Any amusement concession or game in which any target, which must be struck, hit, overturned, broken, or passed through is tilted or inclined in any manner so as to give any advantage to the manager or operator.
5. Any amusement concession or game in which any material has been placed on any target so as to give any advantage to the manager or operator.
6. Any amusement concession or game that utilizes any device, other than the target and the objects to be thrown or projected at that target, which increases or decreases the opportunity of any patron or contestant to win the amusement concession or game.
7. Any amusement concession or game in which the patron or contestant is required to shoot a firearm, air gun, pellet gun, BB gun, or similar device at a target in order to win the amusement concession or game, unless all of the ammunition used in such devices is uniform in type, size, and weight, and the devices are physically attached or controlled to ensure that they can only be pointed toward the target area at all times.
8. Any amusement concession or game in which, as a condition of winning the amusement concession or game, a part or all of a target must be destroyed, unless the patron or contestant is permitted, at his or her request, to inspect the target at any time(s) after he or she has paid to play and has concluded such contest but before he or she has left the amusement concession or game location.

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CHAPTER 14A.80 - MINORS

Sections:

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

14A.80.010 Curfew.

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

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

14A.80.020 Truancy Reduction.

- A.** For purposes of this Section, "regular school hours" are the hours of the full-time school that the minor would attend in the school district where the minor resides, on any day that school is in session, or, if the school in the school district of residence is unknown, "regular school hours" are the school hours of the Portland School District No. 1J on any day that school is in session.

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- B.** A minor who is at least seven (7) years of age and under eighteen (18) years of age and who has not completed the 12th grade may not be upon any public property or public right of way during regular school hours except while attending school as required by ORS 339.010 to 339.065, unless the minor is:
1. Absent from the school with the school's permission, but not including students who have been suspended or expelled; or
 2. Engaged in a lawful pursuit or activity that requires the minor's presence somewhere other than school during regular school hours, and which is authorized by the parent, guardian, or other person having legal care and custody of the minor; or
 3. Lawfully emancipated pursuant to ORS 419B.550 to 419B.558; or
 4. Exempt from compulsory school attendance pursuant to ORS 339.030.
- C.** If a police officer has reasonable suspicion to believe that a minor is in violation of this Section, the officer is authorized to detain the minor and make reasonable inquiry regarding a potential violation of Subsection B of this Section.
- D.** If a police officer has probable cause to believe that a minor is in violation of this Section, the officer is authorized to take the minor into protective custody pursuant to ORS 419B.150.

14A.80.030 Unlawful Tattooing of a Minor.

It is unlawful for any person to tattoo a minor or to assist or permit such tattooing, without the written permission of that minor's parent or legal guardian.

14A.80.040 Unattended Minors in Vehicles.

It is unlawful for any person having the care and custody of a minor under 6 years of age to leave the minor unattended in a locked vehicle, or to leave the minor unattended in an unlocked vehicle for more than 15 minutes. A minor is unattended within the meaning of this Section if the oldest person with the minor is under the age of 10 years.

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**CHAPTER 14A.90 - ILLEGAL FIREARMS
USE HOTSPOTS**

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

Sections:

- 14A.90.010 Illegal Firearms Use Hotspots.
- 14A.90.020 Designation of Illegal Firearms Use Hotspots.
- 14A.90.030 Civil Exclusion.
- 14A.90.035 Violation of an Exclusion – Penalties.
- 14A.90.040 Issuance of Exclusion Notices.
- 14A.90.050 Procedure.
- 14A.90.060 Appeal, Review and Variances.
- 14A.90.070 Listing of Illegal Firearms Use Hotspots.

14A.90.010 Illegal Firearms Use Hotspots.

- A.** For the purposes of this chapter, the following definitions apply:
 - 1.** Essential needs: food, physical care, and medical attention.
 - 2.** Reside: to occupy one's principal dwelling; including transient occupancy in a hotel or motel.
 - 3.** Travel: the movement on foot or within or upon a vehicle within a Illegal Firearms Use Hotspot from one point to another without delay other than to obey traffic control devices.
- B.** Illegal Firearms Use Hotspots are those areas of the City as designated by the City Council or designee under Chapter 14A.90 of this Code, which are areas where the number of firearms-related crimes or illegal discharges for a 12 month period within the 18 months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within an Illegal Firearms Use Hotspot.

14A.90.020 Designation of Illegal Firearms Use Hotspots.

- A.** The City Council may designate a geographic area meeting the criteria of Section 14A.90.010 of this Code to be an Illegal Firearms Use Hotspot. If Council makes the designation, it shall do so by ordinance. The designation shall be valid for a period of 3 years and shall be posted on the City's website, the Police Bureau's website, and listed on subsequent notices of exclusion. Notices of exclusion shall require excluded persons to check the City and Police Bureau websites for changes in Hotspot locations and boundaries.

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- B.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least 90 days before the end of the period referred to in Subsection 14A.90.020 A., as to whether there is a need to re-configure the Illegal Firearms Use Hotspots.

14A.90.030 Civil Exclusion.

- A.** A person is subject to exclusion under the process described in this chapter from any City-owned space, public right of way and park within an Illegal Firearms Use Hotspot designated in Code Chapter 14A.90 for the duration of a sentence of probation or parole or the duration of juvenile court jurisdiction over the person if the probation, parole or jurisdiction is based on a court finding the person committed any of the following offenses:
- 1.** Any state firearm use or possession crime; or
 - 2.** Any City of Portland firearm use crime.
- B.** An exclusion from all Illegal Firearms Use Hotspot shall take effect upon the day after conviction or finding of jurisdiction for any of the offenses enumerated in Subsection 14A.90.030 A. of this Section when the person has both been given actual notice prior to the exclusion that the City would impose an exclusion upon conviction or adjudication and notified of the right of appeal and the process for initiating an appeal.
- C.** A person excluded from an Illegal Firearms Use Hotspot under authority of this Section may not enter that Illegal Firearms Use Hotspot except to travel to and from and be present at the events and locations listed below:
- 1.** Attend a meeting with an attorney;
 - 2.** Attend a scheduled initial interview with a social service provider;
 - 3.** Comply with court-ordered or corrections-ordered obligations;
 - 4.** Contact criminal justice personnel at a criminal justice facility;
 - 5.** Attend any administrative or judicial hearing relating to an appeal of:
 - a.** the person's notice of exclusion; or
 - b.** the denial, revocation, or amendment of the person's variance;
 - 6.** Travel through that Illegal Firearms Use Hotspot on a Tri-Met vehicle; or

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7. Travel through that Illegal Firearms Use Hotspot on the I-5, I-84 or I-405 freeways within its boundaries;
 8. Reside in a dwelling or facility;
 9. Satisfy, or attempt to satisfy an essential need by accessing a public or private place that provides an essential need or service when the essential need cannot reasonably be satisfied by the excluded person without entering the Illegal Firearms Use Hotspot;
 10. Obtain social services when:
 - a. the excluded person is in need of social services;
 - b. the social services are sought for reasons relating to the health or well-being of the excluded person; and
 - c. the social services agency has written rules and regulations prohibiting the unlawful use and sale of controlled substances by their clients.
 11. Obtain education by:
 - a. Enrolling as a student at an educational facility; or
 - b. attending school at an educational facility.
 12. Work as the owner, principal, agent or employee at a place of lawful employment;
 13. Perform work directly related to lawful employment;
 14. Be present at any place or event as specified by a variance issued by the Chief of Police or designee pursuant to Subsection 14A.90.060 B.
- D.** An exclusion is valid only if the person to be excluded received actual notice of the exclusion as required by Section 14A.90.050; including notice of the limitations to the exclusion contained in Section 14A.90.020.

14A.90.035 Violation of an Exclusion - Penalties.

- A.** It is unlawful for a person to enter or remain in an Illegal Firearms Use Hotspot in violation of a valid exclusion imposed pursuant to this Code. For violation of this subsection, a court may impose a fine of no more than \$500 or imprisonment of no more than 30 days, or both.

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- B.** A person who enters or remains in an Illegal Firearms Use Hotspot in violation of a valid exclusion issued pursuant to this Code is subject to arrest for Criminal Trespass (ORS 164.245).

14A.90.040 Issuance of Exclusion Notices.

The Chief of Police and/or designees are the persons in charge of City property, the public rights of way and parks in the Illegal Firearms Use Hotspots for purposes of issuing notices of exclusion in accordance with this Chapter.

14A.90.050 Procedure.

- A.** When a court has entered a judgment that a person has committed any of the offenses enumerated in Subsection 14A.90.030 A. and the person is on probation, parole or under the jurisdiction of the court for that offense, the Chief of Police and/or designees may exclude that person from all Illegal Firearms Use Hotspots. The exclusion takes effect immediately once the requirements of this subsection are met.
- B.** At the time a person is issued a notice of exclusion from Illegal Firearms Use Hotspots, the Chief of Police and/or designees may discuss with the excluded person whether the person has a plausible need for a variance and may issue a variance pursuant to the process described in Subsection 14A.90.060 B.
- C.** The notice of exclusion shall be in writing and a copy delivered to the excluded person. The notice of exclusion shall include the following:
- 1.** A description of the areas designated as an Illegal Firearms Use Hotspot from which that person is excluded;
 - 2.** Information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code;
 - 3.** A statement identifying the conviction or adjudication that supports the exclusion;
 - 4.** Notice that the exclusion will remain in effect for the duration of any probation, parole or jurisdiction resulting from the supporting conviction or adjudication; and
 - 5.** Conviction of the offense for which the person was arrested and excluded will result in exclusion for the duration of any resulting probation, parole or juvenile court jurisdiction and information concerning the right to appeal exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

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14A.90.060 Appeal, Review and Variances.

- A. APPEAL.** A person to whom notice of exclusion is issued shall have a right to appeal as follows:
- 1.** Appeals shall be made to the Code Hearings Officer of the City of Portland. Any hearings regarding such appeals shall be conducted in accordance with Chapter 22.10 of this Code.
 - 2.** Copies of documents in the City's control which are intended to be used at the hearing shall be made available, upon request, to the appellant.
 - 3.** An appeal of an exclusion must be filed, in writing, by 5 p.m. of the fifth business day following the date the exclusion takes effect.
 - 4.** An appeal of:
 - a.** a denial of a request for a variance; or
 - b.** a denial of a request for an amendment to a variance; or
 - c.** a revocation or amendment of a variance must be filed, in writing, by 5 p.m. of the fifth business day following the action regarding the variance.
 - 5.** A 1 year conviction-based exclusion shall take effect at 12:01 a.m. on the calendar day following the date of conviction and, notwithstanding an appeal of the exclusion, shall remain in effect unless the Code Hearings Officer issues a contrary decision.
 - 6.** At the hearing on an appeal of an exclusion, the City shall have the burden to show by a preponderance of the evidence that the appellant was convicted of, or found to be within the jurisdiction of the court as a result of having committed, any of the offenses enumerated in Subsection 14A.90.030 A.
 - 7.** At the hearing on an appeal of a denial of a request for a variance as provided in Subsection 14A.90.060 A.4.a., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.
 - 8.** At the hearing on an appeal of a denial of a request for an amendment to a variance as provided in Subsection 14A.90.060 A.4.b., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.

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9. At the hearing on an appeal of a revocation or amendment of a variance as provided in Subsection 14A.90.060 A.4.c., the City shall have the burden to show by a preponderance of the evidence that any of the conditions enumerated in this Section supporting revocation or amendment existed at the time of revocation or amendment.
10. At the hearing on an appeal of a 90 day exclusion, the following shall be prima facie evidence that the exclusion was based on probable cause to believe that the appellant committed any of the offenses enumerated in Subsection 14A.90.030 A.

B. VARIANCES. Variances modify an exclusion, and shall be granted, denied, amended or revoked in accordance with the following provisions:

1. All variances shall be in writing and shall state the purpose for which they are granted and the period of time during which they are effective. A variance that does not describe its period of effectiveness is effective for the duration of the exclusion. A variance allows relief from exclusion only for travel to and from specified locations, activities or events, and presence at specified locations, activities and events within an Illegal Firearms Use Hotspot.
2. All Police Bureau Precincts shall receive and process requests for variances during regular business hours if they are otherwise open to the public. This capability will be maintained at the main precinct station or at a sub-station.
3. Variance. The Chief of Police and/or designees may, for any reason, grant an excluded person a variance from an exclusion at any time during an exclusion period. Except as described in Subsection 14A.90.050 B., the Chief of Police and/or designees shall grant an appropriate variance to an excluded person who presents a plausible need to engage in any non-criminal activity that is not associated with the behavior supporting the person's exclusion. A variance granted under this Subsection allows travel within a Hotspot only in accordance with the terms specified in the variance. The Chief of Police or designees will ask a person requesting a variance to provide and update an address through which the person can be reached for the duration of the variance in the event the City determines there is a need to amend or revoke the variance.

C. REVOCATION OR AMENDMENT OF VARIANCES. A variance may be revoked or amended for the following reasons and in the following manner:

1. The excluded person provided false information in order to obtain the variance;

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2. There is probable cause to believe the person has committed any of the offenses enumerated in Subsection 14A.90.030 A. in a Hotspot subsequent to the issuance of the variance;
3. The circumstances giving rise to the issuance of the variance no longer support a continuation of the variance or a term thereof;
4. If the person presents new circumstances that would support amending the variance; or
5. A revocation or amendment of a variance becomes effective at 5 p.m. of the fifth business day following mailing of notice of the action to the excluded person at the address provided pursuant to Subsection 14A.90.060 B.3. unless the excluded person appeals the determination by following the procedures in Section 14A.90.060.

14A.90.070 Listing of Illegal Firearms Use Hotspots.

The following descriptions shall comprise the boundaries of the Illegal Firearms Use Hotspots listed, and the Hotspots shall include the entire area on and within the listed boundaries.

- A. Central Hotspot: The area encompassed by the west bank of the Willamette River, the centerlines of SW Madison Street, SW Naito Parkway, SW Jefferson Street, the center divider of I-405, the centerline of NW Glisan Street and a line extended from the centerline of NW Glisan to the west bank of the Willamette River.
- B. North / Northeast Hotspot: The area encompassed by the centerlines of N. Interstate Avenue, N and NE Russell, NE Martin Luther King Blvd. and N and NE Lombard.
- C. East Hotspot: The area encompassed by the centerlines of NE Glisan Street, 148th Avenue, SE Stark Street and 162nd Avenue.

**CHAPTER 14A.100 - REGULATIONS
GOVERNING THE SAFETY AND CONDUCT
ON PORTLAND STREETCAR, CITY OF
PORTLAND PROPERTY**

(Chapter added by Ordinance No. 185369, effective
June 29, 2012.)

Sections:

14A.100.010 Purpose.

14A.100.020 Definitions.

14A.100.010 Purpose.

For the safety, convenience and comfort of passengers, and for the safety of personnel and the region, and for the preservation of service quality in pursuit of the City of Portland's duty to provide a cost-effective source of reliable transportation, and to prevent system security vulnerabilities, it is necessary to establish rules and regulations governing conduct on Portland Streetcar system and protection of City of Portland property. Any violations of this Chapter is punishable in accordance with Chapter 14A.110.

14A.100.020 Definitions.

For the purposes of Chapters 14A.100 and 14A.110, the following definitions shall apply:

- A.** "Citations" mean any forms as authorized pursuant to ORS Chapter 153 and issued for violation this Chapter or Chapter 14A.110.
- B.** "City" means the City of Portland, Oregon.
- C.** "Emergency" means an on-board Portland Streetcar vehicle fire, any incident that presents the risk of actual or threatened serious physical injury to persons, any apparently urgent medical need or any other circumstances in which a state of emergency has been declared.
- D.** "Fare Enforcement Agent" means a person authorized by the Director of Transportation to inspect proof of fare payment and to issue citations as provided by Chapters 14A.100, 14A.110 and the associated administrative rules.
- E.** "Fare Instrument" means any fare media, pass or transfer issued by TriMet or the Portland Streetcar authorizing the bearer to ride the Portland Streetcar.
- F.** "Hearings Officer" includes any person designated by the City of Portland to conduct hearings upon the request of a person who has received an exclusion.
- G.** "Honored Citizen" means

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1. transit rider that is 65 or older and has a government-issued photo ID (with proof of age) or a TriMet Honored Citizen ID Card; or
 2. is a person with a physical or mental disability and is the holder of a TriMet Honored Citizen ID Card.
- H.** “Pay Station” means a machine, facility or kiosk where a person may purchase a fare instrument.
- I.** “Peace Officer” means a Portland police officer, sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and such other persons as maybe designated as a peace officer by Oregon law.
- J.** “Portland Streetcar Platform” means an area used exclusively for boarding and de-boarding, or waiting for a Portland Streetcar or TriMet bus (if co-designated as a bus stop), including the designated loading area, stairways, ramps, and shelters.
- K.** “Portland Streetcar Station” means any designated place where streetcars stop to board and de-board passengers, or designated layover zones, including the platform.
- L.** “Portland Streetcar Transit System” means the Streetcar platforms, the Streetcar stations, fare machines, comfort stations, maintenance facilities, vehicles and rails.
- M.** “Portland Streetcar Vehicle” means the rail vehicles used to transport passengers operated on behalf of the City of Portland, and other non rail vehicles operated by Portland Streetcar.
- N.** “Proof of Payment” means a validated fare instrument issued by TriMet or Portland Streetcar including but not limited to a circulator transfer, Portland Streetcar Annual Pass, other fare media fare identification or documentation authorized by Chapters 14A.100 and 14A.110 or the administrative rules.
- O.** “Qualified Exclusion” means an exclusion from use of the Portland Streetcar Transit System with geographic or time exceptions that permit an excluded individual with a disability or a transit-dependent individual to use the Portland Streetcar Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, or to obtain food, clothing and necessary household items, or to access a critical service.
- P.** “Service Animal” means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.
- Q.** “Transit Dependent” means a person who has no independent source of transportation and relies solely on public transit for local movement access.

CHAPTER 14A.110 - PROHIBITED CONDUCT

(Chapter added by Ordinance No. 185369, effective
June 29, 2012.)

Sections:

- 14A.110.005 Purpose.
- 14A.110.010 Failure to Vacate Elderly and Disabled Priority Seating.
- 14A.110.020 Smoking Prohibited.
- 14A.110.030 Food and Beverages.
- 14A.110.040 Sound-Emitting Devices Without Earphones.
- 14A.110.050 Shopping Carts.
- 14A.110.060 Animals.
- 14A.110.070 Noxious Fumes or Foul Smelling Materials or Substances.
- 14A.110.080 Oversize Packages.
- 14A.110.090 Skateboards, Roller skates and In-Line Skates.
- 14A.110.100 Bicycles.
- 14A.110.120 Motorized Human Transporters and other Two Wheeled Transportation Devices.
- 14A.110.130 Excessive Noise.
- 14A.110.140 Display of Lights.
- 14A.110.150 Use of Portland Streetcar System for Non Transit Purposes.
- 14A.110.160 Destructive Conduct Involving a Portland Streetcar Vehicle.
- 14A.110.170 Refuse and Waste.
- 14A.110.180 Destruction of Signs.
- 14A.110.190 Posting of Unauthorized Signs or Notices.
- 14A.110.200 Violation of Signage.
- 14A.110.210 Unlawful Gambling.
- 14A.110.220 Alcoholic Beverages.
- 14A.110.230 Sexual Activity.
- 14A.110.240 Damaging or Defacing Portland Streetcar Property.
- 14A.110.250 Misuse of Portland Streetcar Ticket Vending or Ticket Validating Equipment.
- 14A.110.260 Criminal Activity.
- 14A.110.270 Flammable Substances and Ignition Devices.
- 14A.110.280 Weapons.
- 14A.110.290 Discharge or Detonation of a Weapon.
- 14A.110.300 Activation of the Emergency Stop Device Except in an Emergency.
- 14A.110.310 Interference with or Trespass on Portland Streetcar Trackway.
- 14A.110.320 Hazardous and Toxic Material or Substances.
- 14A.110.330 Harassment and Intimidation.
- 14A.110.340 Explosive Materials or Device.
- 14A.110.350 Interference with Emergency Response.
- 14A.110.360 Abandonment of Packages.
- 14A.110.370 Failure to Pay Fare.

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- 14A.110.380 Possession of Un-validated Transfer.
- 14A.110.390 Administrative Rules.
- 14A.110.400 Exclusion.
- 14A.110.410 Enforcement.
- 14A.110.420 Other Remedies.
- 14A.110.430 Violations Punishable by Fine.
- 14A.110.440 Administrative Rules.

14A.110.005 Purpose.

The purpose of this Chapter is to ensure the safety and comfort of the public and to enhance the orderly administration of the Portland Streetcar, by prohibiting conduct that unreasonably interferes with the administration and lawful use of the Portland Streetcar. The purpose of this Chapter is not to punish any person for prior conduct, but, rather, to provide civil and non-punitive regulations the Council finds necessary to prevent nuisances and to protect the health, welfare and safety of the public using the Portland Streetcar. Any violation of the provisions of this Chapter is punishable in accordance with Chapter 14A.110.

14A.110.010 Failure to Vacate Elderly and Disabled Priority Seating.

No person shall fail to vacate seats on a Portland Streetcar vehicle designated for use by individuals with disabilities and those qualified for an honored citizen fares, when requested to do so by a peace officer, Enforcement Agent, Portland Streetcar employee or other person designated by the Director of Transportation.

14A.110.020 Smoking Prohibited.

No person shall smoke tobacco or any other substance or shall carry any lighted or smoldering substance in any form aboard a Portland Streetcar vehicle, at a Portland Streetcar station or within any space where posted signage prohibits smoking.

14A.110.030 Food and Beverages.

No person shall bring or carry aboard a Portland Streetcar vehicle food or beverages in open containers, nor consume food aboard a Portland Streetcar vehicle.

14A.110.040 Sound-Emitting Devices Without Earphones.

No person unless authorized by the Director of Transportation or the Director's Designee shall operate a sound-emitting device aboard any Portland Streetcar vehicle at a Portland Streetcar station unless the only sound produced by such item is emitted by a personal listening attachment (earphone) and is plainly audible only to the person using the device producing the sound.

14A.110.050 Shopping Carts.

No person shall bring or carry a commercial shopping car aboard any Portland vehicle or to a Portland Streetcar Station.

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14A.110.060 Animals.

No person shall bring or carry aboard a Portland Streetcar vehicle or be present at a Portland Streetcar station with an animal except:

- A.** A person accompanied by a service animal or a person training a service animal and that service animal is under the control of the person by leash, harness or other device made for the purpose of controlling the movement of an animal; or
- B.** A person transporting an animal if:
 - 1.** the animal is kept and held at all times within a secure container appropriate for carrying the size and type of animal; and
 - 2.** the animal can be transported
 - a.** without risk of injury to the animal and without risk of harm or inconvenience to other riders or Portland Streetcar personnel, and
 - b.** in accordance with all other provisions of Chapters 14A.100 and 14A.110.
 - 3.** A trained police dog accompanied by a police officer.

14A.110.070 Noxious Fumes or Foul Smelling Materials or Substances.

No person shall carry aboard a Portland Streetcar vehicle any substance or material emitting a foul smell or releasing noxious fumes.

14A.110.080 Oversize Packages.

No person shall bring or carry aboard a Portland Streetcar vehicle any package or article of a size which cannot be positioned in a way that allows entry and exit through doors and passage in aisles.

14A.110.090 Skateboards, Roller skates and In-Line Skates.

No person shall ride a skateboard, in-line skates or roller-skates at a streetcar station or upon a Portland Streetcar vehicle.

14A.110.100 Bicycles.

No person shall ride a bicycle on a Portland Streetcar vehicle or at a streetcar station unless authorized by the Director of Transportation. No person shall transport a bicycle on a Portland Streetcar vehicle in violation of the Portland Streetcar administrative rules issued by the Director of Transportation or the Director's designee.

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14A.110.120 Motorized Human Transporters and other Two Wheeled Transportation Devices.

No person shall operate or ride upon a motorized human transporter or other two wheeled device upon a Portland Streetcar vehicle or station/platform except in accordance with administrative rules as issued by the Director of Transportation or the Director's designee or otherwise permitted by law.

14A.110.130 Excessive Noise.

No person shall make excessive or unnecessary noise, including boisterous, disruptive and unreasonably loud conduct, within any Portland Streetcar vehicle or Portland Streetcar station that may cause inconvenience or annoyance to the public, Portland Streetcar personnel, designated Enforcement Agents or a police officer, or with a negligent disregard to the risk thereof; or perform vocal or instrumental music, without the prior authorization the Director of Transportation or the Director's designee.

14A.110.140 Display of Lights.

No person shall light a flashlight, scope light, or laser light or object that projects a flashing light or emits a beam of light while inside a Portland Streetcar vehicle except in an emergency.

14A.110.150 Use of Portland Streetcar System for Non Transit Purposes.

No person shall enter or remain upon, occupy or use a Portland Streetcar station for purposes other than boarding, disembarking or waiting for a Portland Streetcar vehicle, in an area where non-transit uses are prohibited by posted signage. A person is in violation of this section only after having occupied a Portland Streetcar station for a period of time that exceeds that which is necessary to wait for, board or disembark a Portland Streetcar vehicle or other designated public transportation vehicle using a designated shared station.

14A.110.160 Destructive Conduct Involving a Portland Streetcar Vehicle.

No person shall interfere with the safe and efficient operation of a Portland Streetcar vehicle through conduct which includes, but is not limited to:

- A.** Extend any portion of his or her body through any door or window of a Portland Streetcar vehicle while it is in motion;
- B.** Attempt to board or de-board a moving Portland Streetcar vehicle;
- C.** Lie down on the floor in a Portland Streetcar vehicle or across the seats of a Portland Streetcar vehicle or station in a manner which inhibits the proper use of seats provided for waiting or boarding riders;
- D.** Unreasonably prevent or delay the closure of an exterior door on a Portland Streetcar vehicle;

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- E.** Strike or hit a Portland Streetcar vehicle, station or shelter; or
- F.** Stop or cross in front of a Portland Streetcar vehicle for the purpose of stopping the vehicle or gaining passage after the vehicle has concluded boarding in any manner hang onto; or attach him or her to, any exterior part of a Portland Streetcar vehicle while the vehicle is resting or in motion.

14A.110.170 Refuse and Waste.

No person shall:

- A.** discard or deposit or leave any rubbish, trash, debris, offensive substance or other solid or liquid waste in or upon a Portland Streetcar vehicle, or Portland Streetcar station, except in receptacles provided for that purpose; or
- B.** spit, defecate or urinate in or upon a Portland Streetcar vehicle or Portland Streetcar station except in the confines of a lavatory where lavatories are available for public use.

14A.110.180 Destruction of Signs.

No person shall mutilate, deface or destroy any sign, notice or advertisement authorized by Portland Streetcar Staff or located on any Portland Streetcar vehicle or any other Portland Streetcar property.

14A.110.190 Posting of Unauthorized Signs or Notices.

Except as otherwise authorized by the Director of Transportation, the Director's Designee, or allowed by Portland Streetcar regulations, no person shall place, permit or cause to be placed any notice or sign upon any Portland Streetcar vehicle or Portland Streetcar station.

14A.110.200 Violation of Signage.

In addition to the prohibitions set forth in Chapter 14A.110, no person shall fail to abide by specific directives authorized by a peace officer or Portland Streetcar staff and provided in the form of a fixed permanent or temporary sign posted in or upon the Portland Streetcar vehicles or station. The Director of Transportation, or the Director's designee, may establish and post such signage in a manner to provide sufficient notice concerning the conduct required or prohibited. Any violation of the specific directives authorized by the Director of Transportation shall constitute a violation of this Subsection.

14A.110.210 Unlawful Gambling.

No person shall engage in illegal gambling, or solicit others to engage in illegal gambling, aboard any Portland Streetcar vehicle or in or upon a Portland Streetcar station, in violation of ORS 167.117 to 167.162

14A.110.220 Alcoholic Beverages.

No person shall:

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- A. possess an open container of alcoholic beverage on a Portland Streetcar vehicle or at a Portland Streetcar station, unless authorized by the Director of Transportation, the Director's Designee, or City of Portland permit; or
- B. be under the influence of alcohol or a controlled substance while on a Portland Streetcar vehicle or at a Portland Streetcar station.

14A.110.230 Sexual Activity.

No person shall engage in sexual conduct as defined under ORS 167.060, including, but not limited to, the physical manipulation or touching of a person's sex organs through a person's clothing in an act of apparent sexual stimulation or gratification.

14A.110.240 Damaging or Defacing Portland Streetcar Property.

No person shall draw graffiti or any other writing on any Portland Streetcar vehicle or Portland Streetcar property; or in any manner damage, destroy interfere with or obstruct in any manner, the property, services or facilities of the Portland Streetcar system.

14A.110.250 Misuse of Portland Streetcar Ticket Vending or Ticket Validating Equipment.

No person shall:

- A. Deface, injure, tamper with, break or destroy or impair the usefulness of any Portland Streetcar Ticket Vending Machine or Ticket Validating machine; or
- B. Remove any coin box or the money content from any Portland Streetcar Ticket Vending Machine or Portland Streetcar property; or
- C. Open or remove the contents of same without lawful authority.

14A.110.260 Criminal Activity.

No person shall engage in activity prohibited by the criminal laws of any state, county or municipality in which the criminal incident occurs, while on a Portland Streetcar vehicle or at a Portland Streetcar station.

14A.110.270 Flammable Substances and Ignition Devices.

No person shall bring, possess or carry aboard onto a Portland Streetcar vehicle or to a Streetcar station any flammable or caustic substance or device that can cause a spark or flame, except for matches and cigarette lighters. No spark or flame may be lit or initiated at any time by any device on a Portland Streetcar vehicle, including matches and lighters.

14A.110.280 Weapons.

No person, except a peace officer, shall bring or carry aboard a Portland Streetcar vehicle or to a station any firearm, knife (except a folding knife with a blade less than 3 ½ inches in length) or any other instrument, article, device, material or substance specifically designed to inflict or cause bodily harm to another. Where possession of such weapons cannot be prohibited by law, a person in possession of a weapon may not display or carry

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the weapon in a manner which is likely to result in fear or alarm by other persons or Portland Streetcar employees.

14A.110.290 Discharge or Detonation of a Weapon.

No person may throw an object at or discharge a bow and arrow, air rifle, rifle gun, revolver or other firearm at a Portland Streetcar vehicle or any part of a Portland Streetcar station, or any person on a Portland Streetcar vehicle or at a Portland Streetcar station, except that a peace officer or other persons authorized this code or the Director of Transportation in the course of employment is exempt from this paragraph.

14A.110.300 Activation of the Emergency Stop Device Except in an Emergency.

No person shall activate the “emergency stop” device of a Portland Streetcar vehicle in the absence of an emergency.

14A.110.310 Interference with or Trespass on Portland Streetcar Trackway.

No person shall:

- A. Enter upon or remain upon the Portland Streetcar trackway so as to create a hazard to that person or interfere with the passage of the Portland Streetcar vehicle; or
- B. Stop or park a vehicle on the Portland Streetcar trackway in such a manner as to interfere with the passage of the Portland Streetcar vehicle; or
 - 1. Fail to obey a Portland Streetcar authorized posted directive or prohibition pertaining to entering, crossing or traveling upon the trackway; or
 - 2. Fail to obey a request by a peace officer, a Portland Streetcar enforcement agent, a Portland Streetcar Superintendent or Manager, or any other person authorized by the Director of Transportation to not enter, cross or travel upon the Portland Streetcar trackway.

14A.110.320 Hazardous and Toxic Material or Substances.

No person shall carry, possess or transport any hazardous material, toxic chemical, combustible liquid, biological contagion or agent, radioactive substance or any other inherently dangerous substance onto a Portland Streetcar vehicle or other Portland Streetcar property unless the person is a Portland Streetcar employee or a person authorized by the Director of Transportation and acting in the course of employment.

14A.110.330 Harassment and Intimidation.

While at a Portland Streetcar station, on a vehicle or on any streetcar property, no person shall engage in a course of conduct:

- A. Which places another person in reasonable fear of imminent physical harm, including, but not limited to, following such person around or about the vehicle or

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platform, or by preventing or delaying the movement or departure of such person through coercion or intimidation; or

- B.** that may reasonably be expected to result in fear, alarm or serious offense to other persons.

14A.110.340 Explosive Materials or Device.

No person may carry, possess or transport any explosive material or device, assembled or disassembled, onto a Portland Streetcar vehicle or other Portland Streetcar property, or state a threat to cause disruption to Portland Streetcar operations through the use of a bomb, explosive, or any other destructive device or weapon, or release of any harmful substance, while on a Portland Streetcar vehicle or other Portland Streetcar property, or state a threat of physical harm to a any person on a Portland Streetcar vehicle, or any peace officer, Portland Streetcar personnel, Fare Enforcement Agent or other person acting in the course of employment and authorized by the Director of Transportation.

14A.110.350 Interference with Emergency Response.

No person may impede the efforts of Portland Streetcar personnel, peace officers, persons authorized by the Director of Transportation or medical responders in the course of an emergency response, including the failure to obey a lawful order uttered in the course of an emergency by Portland Streetcar personnel, peace officers, Enforcement Agents, or other persons authorized by the Director of Transportation.

14A.110.360 Abandonment of Packages.

No person shall knowingly abandon an unauthorized package on a Portland Streetcar vehicle or Portland Streetcar station where the abandonment of such package is likely to cause

- A.** suspicion or alarm about its contents; or
- B.** require the dispatch of emergency response personnel to remove and inspect the package.

14A.110.370 Failure to Pay Fare.

- A.** It is unlawful for any person to occupy, ride in or use, any Portland Streetcar vehicle without paying the applicable fare.
- B.** It shall be unlawful for any person to occupy, ride in or use, any Portland Streetcar Vehicle without carrying proof of fare payment as defined in the Bureau of Transportation's Administrative Rules.
- C.** It shall be unlawful for any person occupying a Portland Streetcar Vehicle, or occupying a streetcar platform upon disembarking a streetcar vehicle, to fail to

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carry or to fail to exhibit proof of fare payment upon demand of an Inspector or a peace officer.

- D.** It shall be unlawful for any person to fail to provide his or her name, address or identification to a Fare Inspector, peace officer or any other person Designated by the Director of Transportation, who requests the information for the purpose of issuance or service of a citation.
- E.** It shall be unlawful for any person, required by Chapter 14A.110 to provide his or her name, address or identification to provide a false name, address or identification.

14A.110.380 Possession of Un-validated Transfer.

- A.** No person shall, without proper authority, possess an un-validated Portland Streetcar or TriMet District fare instrument nor shall any person tender a transfer as proof of fare payment if the transfer was not furnished to that person by a representative of the Portland Streetcar or TriMet District.
- B.** Possession of an un-validated Streetcar or TriMet District passenger transfer by any person whose possession of the transfer is not in the course and scope of employment as a Portland Streetcar or TriMet District employee shall be prima facie evidence that the transfer is stolen and possessed without proper authority.

14A.110.390 Administrative Rules.

The Director of Transportation may adopt such procedures and promulgate rules as may be necessary from time to time for the administration of Chapters 14A.100 and 14A.110.

14A.110.400 Exclusion.

In addition to other measures provided for violation of the laws of the City of Portland or the laws of the State of Oregon, the City may exclude an individual from all or any part of the Portland Streetcar Transit System for a violation of any provision of Chapter 14A.110 or a violation of any criminal law of the City of Portland or State of Oregon while on the Portland Streetcar System, for a period of time not to exceed 180 days.

- A.** A person excluded under Chapter 14A.110 may not during the period of exclusion, enter or remain upon any part of the Portland Streetcar Transit System. Exclusion takes effect on the 5th business day following service of a Notice of Exclusion unless the person initiates the administrative review described in Subsection 14A.110.400 D. Except as specifically authorized by the terms of a qualified exclusion issued pursuant to Subsection 14A.110.400 K., an excluded person who enters or remains upon any part of the Portland Streetcar Transit System may be charged with the crime of Interfering with Public Transportation (ORS 166.116) or the crime of Criminal Trespass in the Second Degree (ORS 164.245).

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- B.** A Notice of Exclusion may be issued by a peace officer or by any person authorized by the Director of Transportation or the Director's Designee based upon probable cause to believe that an individual has engaged in conduct in violation of the laws of the City of Portland or the State of Oregon while on the Portland Streetcar System.
- C.** A Notice of Exclusion shall include:
- 1.** The title or citation of the offense for which the exclusion is issued;
 - 2.** An explanation of the administrative review procedures and timeline, a description of the Code Hearings process, and an explanation of the evidentiary burdens; and,
 - 3.** A statement of the duration of the exclusion, or alternatively, a statement of the mechanism by which the duration of the exclusion may be determined in accordance with Section 14A.110.400.
- D.** Every person who receives a Notice of Exclusion shall be entitled to an administrative review by the Director of Transportation or the Director's Designee. To initiate an administrative review, a person who receives a Notice of Exclusion must submit a request for review within 5 business days of the date of the Notice at the Bureau of Transportation office indicated in the Notice. The Portland Bureau of Transportation shall have 7 business days to perform the administrative review. All exclusions shall be subject to a stay pending administrative review. The purpose of the administrative review shall be to determine whether a Notice of Exclusion conforms to the administrative rules promulgated by the Director of Transportation. If the Director of Transportation or the Director's Designee determines, after conducting an administrative review, that the Notice of Exclusion does not conform to Portland Streetcar administrative rules, the Director of Transportation or the Director's Designee shall notify the individual that the Notice of Exclusion is invalid and withdrawn by contacting the individual at the address they submitted with the review. If the administrative review confirms that a Notice of Exclusion was issued in conformity with Portland City Code and Portland Streetcar administrative rules, it shall be deemed valid and the individual shall be notified at the address submitted with the appeal. If the exclusion is deemed valid the exclusion shall take effect and begin on the 12th business day following the date in which the Notice of Exclusion was issued or 2 business days following mailing or transmission of the decision, whichever is later. If a person does not provide a mailing or electronic address, an upheld exclusion becomes effective 2 business days after the decision is posted at the Portland Bureau of Transportation office indicated in the notice.

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- E.** A person wishing to appeal the result of an administrative review may do so by filing an appeal as provided in Section 22.10.030 within 10 calendar days at the Portland Bureau of Transportation office specified in the exclusion notice. All appeals will be heard by the City of Portland Code Hearings Officer in accordance with the provisions of Title 22 Hearings Officer of this Code. The Hearings Officer shall uphold the exclusion if, upon the Hearings Officer's de novo review, the preponderance of evidence admissible under the provision of Title 22 convinces the Code Hearings Officer that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with the law.
- F.** A person subject to exclusion who has no prior exclusion record shall be excluded for 30 days.
- G.** A person subject to exclusion who has been previously excluded within two years shall be excluded for 90 days.
- H.** A person subject to exclusion who has been previously excluded two or more times within the past two years shall be excluded for 180 days.
- I.** A person subject to exclusion for violation of State criminal law shall be excluded for 180 days.
- J.** No person shall enter the Streetcar Transit System at any time during which there is in effect a notice of exclusion issued under this Section excluding that person from the system.
- K.** Notwithstanding any other provision of Chapters 14A.100 and 14A.110, the Director of Transportation, or the Director's Designee, upon a review of sufficient evidence, and the Hearings Officer, upon review of the Notice of Exclusion or the evidence presented at the hearing, must modify an exclusion under the circumstances provided for below:

 - 1.** An individual with a disability shall not be issued a complete exclusion from the Portland Streetcar Transit System unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, if a Hearings Officer determines that a violation occurred the Hearings Officer shall order a qualified exclusion to permit an individual with a disability to use the Portland Streetcar Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, to obtain food, clothing and necessary household items, or to access any critical service.

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2. A transit dependent person shall not be issued a complete exclusion for the District Transit System unless the person engaged in violent, seriously disruptive, or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, if a Hearings Officer determines that a violation occurred, the Hearings Officer shall order a qualified exclusion to permit a transit dependent individual to use the District Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, to obtain food, clothing and necessary household items, or to access a critical service. Any person asserting the right to a qualified exclusion on the basis of transit dependence shall have the burden of establishing transit dependence by a preponderance of the evidence.
- L. The Director of Transportation may adopt such procedures and promulgate rules as may be necessary from time to time for the administration of this or other chapters.

14A.110.410 Enforcement.

- A. Any peace officer, manager or superintendent and any other persons authorized by the Director of Transportation has the authority to
1. detain and issue a citation; or
 2. refuse entrance to a Portland Streetcar Vehicle or Portland Streetcar station or any property owned or controlled by Portland Streetcar; or
 3. require departure from a Portland Streetcar Vehicle or Portland Streetcar property of any person
 - a. who violates any provision of Chapter 14A.110; or
 - b. has been issued a notice of exclusion.
- B. A streetcar Vehicle Operator has the authority to
1. refuse entrance to a Portland Streetcar Vehicle or Portland Streetcar station or any property owned or controlled by Portland Streetcar; or
 2. require departure from a Portland Streetcar Vehicle or Portland Streetcar property of any person
 - a. who violates any provision of Chapter 14A.110; or
 - b. has been issued a notice of exclusion.

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14A.110.420 Other Remedies.

Nothing herein is intended to compromise or waive the right to enforce concurrently, or in the alternative, other remedies available pursuant to the Oregon Criminal Code or Portland City Code, including those applicable to the crime of Theft of Services or Trespass.

14A.110.430 Violations Punishable by Fine.

Any person who violates any provision this code commits a violation as defined in ORS 153.005 and ORS 153.008 punishable by a fine as outlined in the Administrative Rules of the Bureau of Transportation.

14A.110.440 Administrative Rules.

The Director of Transportation may adopt such procedures and promulgate rules as may be necessary from time to time for the administration of this or other Chapters.

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**CHAPTER 14B.10 - BURGLARY AND
ALARM SYSTEMS**

(Chapter replaced by Ordinance No. 177243,
effective February 5, 2003.)

Sections:

- 14B.10.010 Purpose and Scope.
- 14B.10.020 Definitions.
- 14B.10.030 Alarm Users Permits Required.
- 14B.10.040 Failure to Post Person in Control Information Where Burglar Alarms and Fire Alarm Sprinkler Systems Exist.
- 14B.10.050 Burglary and Alarm System Fines.
- 14B.10.060 No Response to Excessive Alarms.
- 14B.10.070 Special Permits.
- 14B.10.080 User's Instruction.
- 14B.10.090 Automatic Dialing Device - Certain Interconnections Prohibited.
- 14B.10.100 Hearing.
- 14B.10.110 Sound Emission Cutoff Feature.
- 14B.10.120 Confidentiality Statistics.
- 14B.10.130 Enforcement and Penalties.
- 14B.10.140 Liability.

14B.10.010 Purpose and Scope.

- A.** The purpose of this chapter is to encourage alarm users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems, to prevent unnecessary police emergency response to false alarms, and thereby contribute to the protection of the emergency response capability of the City.
- B.** This chapter governs burglary and, robbery alarm systems, requires permits, establishes fees, provides for fines for excessive false alarms, provides for discontinuation of police response to alarms, provides for punishment of violations and establishes a system of administration.

14B.10.020 Definitions.

- A.** "Alarm Business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

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- B.** “Alarm System” means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police may respond. The system may or may not be interconnected to an "automatic dialing device."
- C.** “Alarm User” means the person, firm, partnership, association, corporation, company or organization of any kind which owns, controls or occupies any building, structure or facility wherein an alarm system is maintained.
- D.** “Automatic Dialing Device” means a device that is interconnected between an "alarm system" and a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.
- E.** “Bureau of Emergency Communications” is the City/County facility used to receive emergency and general information from the public to be dispatched to the respective police departments utilizing the Bureau.
- F.** “Burglary Alarm System” means an alarm system signaling an entry or attempted entry into the area protected by the system.
- G.** "Chief" means the Chief of the City of Portland's Bureau of Police or his/her designated representative.
- H.** “Sheriff” means Sheriff of Multnomah County or his designated representative.
- I.** “Coordinator” means the individual designated by the Chief of Police to issue permits and enforce the provisions of this chapter.
- J.** “False Alarm” means an alarm signal which announces a need for emergency services when no such need exists. This does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.
- K.** “Interconnect” means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.
- L.** “Primary Trunk Line” means a telephone line serving the Bureau of Emergency Communications that is designated to receive emergency calls.
- M.** “Robbery Alarm System” means an alarm system signaling a robbery or attempted robbery.

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- N.** “Response” occurs when the Bureau of Emergency Communications treats an alarm signal as a valid alarm. When treating an alarm signal as valid, the Bureau of Emergency Communications may dispatch police officers to investigate the alarm signal as call load, staffing levels, and distance allow.
- O.** “Sound Emission Cutoff Feature” means a feature of an alarm system which will cause an audible alarm to stop emitting sound.
- P.** “System Becomes Operative” means when the alarm system is capable of eliciting a response by police.
- Q.** “Economically Disadvantaged Person” means a person receiving public assistance and/or food stamps.

14B.10.030 Alarm User Permits Required.

(Amended by Ordinance No. 179767, effective November 30, 2005.)

- A.** Every alarm user shall obtain an alarm user’s permit for each system from the Coordinator’s Office within 30 days of the time when the system becomes operative. Users of systems with both robbery and burglary alarm capabilities shall obtain separate permits for each function. Each permit shall bear the signature of the Chief of Police and shall be valid for a 1 (one) year period immediately following issuance of the permit. The permit shall be kept upon the premises using the alarm system and shall be available for inspection by the Chief or Sheriff.
- B.** A yearly alarm permit fee, permit surcharge, late payment fee, and permit renewal fee shall be established by the Bureau of Police. The fees established under this Section shall not become effective until approved by the Commissioner in charge of the Bureau of Police.
- C.** If a residential alarm user is over the age of 62 and/or is an economically disadvantaged person and resides where the permitted alarm is located and if no business is conducted in the residence, a user’s permit may be obtained from the Coordinator’s Office according to Section 14B.10.030 A. without the payment of a fee.
- D.** A surcharge will be charged in addition to the fee provided in Section 14B.10.030 B to a user who fails to obtain a permit within 30 days after the system becomes operative, who is more than 30 days delinquent in renewing a permit, or who is more than 30 days delinquent in payment of an invoice.
- E.** If an alarm user fails to renew a permit within 30 days after the permit expires, the coordinator will notify the alarm user, by mail, that, unless the permit is renewed and all fees and fines are paid within 45 days from the date of expiration, and the

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alarm system remains operative, the user will be considered in violation of 14B.10.030 A.

- F.** Calls for emergency response to an alarm event by an alarm business must include the corresponding alarm permit number.
- G.** Alarm businesses must provide monthly updates of their designated customer list information to the Portland Police Alarm Administration Unit by the 10th day of the following month.

14B.10.040 Failure to Post Person in Control Information Where Burglar Alarms and Fire Alarm Sprinkler Systems Exist.

It is unlawful for a person having control of premises where a burglar alarm or fire alarm sprinkler system exists to fail to have conspicuously posted, where it may be plainly seen by persons outside the premises, the name, address, and telephone number of a person who possesses a key and has access to the premises.

14B.10.050 Burglary and Alarm System Fines.

(Amended by Ordinance Nos. 179726 and 179767, effective November 30, 2005.)

- A.** Fines will be assessed by the Coordinator for excessive false alarms during a permit year as follows:

Second False Alarms	\$50 each
Third False Alarms	\$100 each
Fourth and any additional False Alarms	\$150 each
- B.** The Coordinator will send a Notification of Alarm by regular mail to notify the alarm user and the alarm business of a false alarm and the fine and the consequences of the failure to pay the fine. The Coordinator will also inform the alarm users of their right to appeal the validity of the false alarm to the Chief of Police, as provided in Section 14B.10.100. If the fine has not been received in the Coordinator's Office within 30 days of the day Notice of fine was mailed by the Coordinator and there is no appeal pending on the validity of the false alarm, the Coordinator will send the Notice of fine by mail along with a notice of late fee of \$25. If payment is not received within 10 days of the day the Notice of late fee was mailed, the Coordinator will initiate the no response process according to Section 14B.10.060 and may initiate the enforcement of penalties according to Section 14B.10.130.
- C.** The payment of any fine shall not be deemed to extend the term of the permit.
- D.** The fine assessed by the Coordinator to the Alarm User for failure to apply for an alarm permit will be \$100 per incident.

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- E.** The fine assessed by the Coordinator to an Alarm Business for failure to provide the alarm permit number at the time of requesting emergency service will be \$100 per incident.
- F.** The fine assessed by the Coordinator to an Alarm Business for failure to provide the designated monthly updates of their customer list by the 10th day of the following month will be \$500 per month.

14B.10.060 No Response to Excessive Alarms.

- A.** After the second false alarm the Coordinator shall send a notification to the alarm user by regular mail, which will contain the following information:
 - 1.** That the second false alarm has occurred;
 - 2.** That if four or more false alarms occur within the permit year, the Coordinator will direct the Bureau of Emergency Communications to suspend response to further alarm signals;
 - 3.** That the approval of the Chief of Police of reinstatement of alarm response can only be obtained by applying in writing for reinstatement and that the Chief of Police may reinstate alarm response only upon finding that reasonable effort has been made to correct the false alarms;
 - 4.** That the alarm user has the right to contest the validity of a false alarm determination by requesting a False Alarm Validity Hearing, and that a request for such a hearing will stay the effect of a false alarm determination and must be in writing and filed within ten days of the receipt of the Notice of Alarm.
- B.** After the fourth false alarm within the permit year the Coordinator shall direct the Bureau of Emergency Communications to suspend response to subsequent alarms unless instructed to respond by the of the Chief of Police pursuant to 14B.1.060 D. The Coordinator shall send a Notice of Suspension of Response to:
 - 1.** The Bureau of Emergency Communication; and
 - 2.** The alarm user by certified mail.
- C.** The suspension of response to an alarm shall begin ten days after mailing of the Notice of Suspension of Response to the alarm user unless a written request for a False Alarm Validity Hearing has been made as delivered to the Coordinator.
- D.** The Chief of Police shall order the Coordinator to reinstate an alarm response if the user makes a written application for reinstatement and the Chief finds that

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reasonable effort has been made to correct the problem(s) which led to the false alarms.

14B.10.070 Special Permits.

An alarm user required by federal, state, county or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system shall be subject to Chapter, provided:

- A. A permit shall be designated a special alarm user's permit.
- B. A special alarm user's permit for a system which has four false alarms in a permit year shall not be subject to the no response procedure specified but shall pay the regular fine schedule according to this Chapter.
- C. The payment of any fine provided for in paragraph B of this Subsection shall not be deemed to extend the term of the permit.

14B.10.080 User Instruction.

- A. Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on the premises located in the area subject to this Chapter shall furnish the user with instruction that provides information to enable the user to operate the alarm system at any time. The alarm business shall also inform each alarm user of the requirement to obtain a permit and where it can be obtained.
- B. Standard form instruction shall be submitted by every alarm business to the Coordinator. If the Coordinator reasonably finds such instructions to be incomplete, misleading, unclear or inadequate, the Coordinator may require the alarm business to revise the instruction to comply with this Chapter and then to distribute the revised instruction to its alarm users.

14B.10.090 Automatic Dialing Device: Certain Interconnections Prohibited.

- A. It is unlawful for any person to program an automatic dialing device to select a primary trunk line and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within 12 hours of receipt of written notice from the Coordinator that it is so programmed.
- B. It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the City and it is unlawful for an alarm user to fail to disconnect or reprogram such device within 12 hours of receipt of written notice from the Coordinator that an automatic dialing is so programmed.

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14B.10.100 Hearing.

- A.** An alarm user may challenge the validity of a false alarm determination by the Coordinator by appealing the determination and asking for a hearing on the matter before the Chief of Police. The appeal must be in writing and must be submitted to the Coordinator within ten days of the alarm user having received Notice of False Alarm. Failure to contest the determination in the required time period results in a conclusive presumption that the alarm was false.
- B.** If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the Chief of Police by certified mail at least 10 days prior to the date set for the hearing, which date shall not be more than 21 nor less than 10 days after the filing of the request for hearing.
- C.** The hearing shall be before the Chief of Police or his/her designated representatives. The Coordinator and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the Chief of Police determines that the false alarms alleged have or have not occurred in a permit year, the Chief of Police shall issue written findings waiving, expunging or entering a false alarm designation on an alarm user's record as appropriate. If false alarm designations are entered on the alarm user's record, the Coordinator shall pursue fine collection as set out in this Chapter.
- D.** Failure to appear at a scheduled hearing without providing prior notice and cause for rescheduling a hearing will be justification for immediate suspension of the permit. Thereafter a new hearing may be scheduled after submission of a written request to the Chief of Police.

14B.10.110 Sound Emission Cutoff Feature.

- A.** Alarm systems which can be heard outside the building, structure or facility of the alarm user shall be equipped with a sound emission cutoff feature which will stop the emission of sound 15 minutes or less after the alarm is activated.
- B.** When an alarm system may be heard outside a building, structure or facility for more than 15 minutes continuously or intermittently, and the alarm owner or alarm company is not readily available or able to silence the device, the Portland Police Bureau is authorized to enter the premises and physically disconnect the sounding device. The alarm owner shall be liable for the cost of, or associated with, disconnecting the alarm. Neither the City nor its officers, agents or employees shall be liable for such costs.
- C.** The alarm owner shall be liable for cost of reconnecting the alarm. Neither the City nor its officer, agents or employees shall be liable for such cost.

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14B.10.120 Confidentiality and Statistics.

- A.** All information submitted in compliance with this Chapter shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to ORS 192.502. The Coordinator shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this Chapter.
- B.** Subject to the requirements of confidentiality, the Coordinator shall develop and maintain statistics having the purpose of assisting alarm system evaluation for use by members of the public.

14B.10.130 Enforcement and Penalties.

- A.** Enforcement of this ordinance may be by civil action as provided in ORS 30.315, or by criminal prosecution.
- B.** Violation of this ordinance shall be punishable upon conviction by a fine of not more than \$500.
- C.** The failure or omission to comply with any section of this ordinance shall be deemed a violation and may be so prosecuted, subject to the penalty provided in paragraph B. of this Section.

14B.10.140 Liability.

No liability shall accrue to the City of Portland, the Bureau of Police, or its officers, employees, or agents for any loss or injury due to alleged untimely response or no response to an alarm signal under a valid permit.

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CHAPTER 14B.20 - DRUG-FREE ZONES

(Chapter replaced by Ordinance No. 179995,
effective date April 14, 2006)

Sections:

- 14B.20.010 Drug-Free Zones.
- 14B.20.020 Designation of Drug-Free Zones.
- 14B.20.030 Civil Exclusion.
- 14B.20.035 Violation of an Exclusion – Penalties.
- 14B.20.040 Issuance of Exclusion Notices.
- 14B.20.050 Procedure.
- 14B.20.060 Appeal, Review and Variances.
- 14B.20.070 Listing of Drug-Free Zones.

14B.20.010 Drug-Free Zones.

- A. For the purposes of this chapter, the following definitions apply:
 - 1. Arrest: to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging that person with an offense.
 - 2. Essential needs: food, physical care, and medical attention.
 - 3. Reside: to occupy one's principal dwelling; including transient occupancy in a hotel or motel.
 - 4. Travel: the movement on foot or within or upon a vehicle within a drug-free zone from one point to another without delay other than to obey traffic control devices.
- B. Drug-free zones are those areas of the City as designated by the City Council under Chapter 14B.20 of this Code, which are areas where the number of arrests where there was probable cause to believe a person has committed any of the offenses enumerated in Section 14B.20.030 for a twelve (12) month period within the 18 months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within a drug-free zone.

14B.20.020 Designation of Drug-Free Zones.

(Amended by Ordinance No. 180884, effective April 11, 2007.)

- A. If the City Council designates an area meeting the criteria of Section 14B.20.010 of this Code to be a drug-free zone, Council shall do so by ordinance. The designation shall be valid for a period of three (3) years.

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- B.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the end of the period referred to in section 14B.20.020 A., as to whether there is a need to re-configure the drug-free zones enumerated in 14B.20.070.
- C.** This Chapter, and the procedures and exercise of exclusion authority it contains, are valid until September 30, 2007.
- D.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the expiration of this Chapter as to whether there is a need to re-authorize this Chapter.

14B.20.030 Civil Exclusion.

(Amended by Ordinance No. 180213, effective June 14, 2006.)

- A.** A person is subject to exclusion under the process described in this chapter for a period of ninety (90) days from any public right of way and park within a drug-free zone designated in Code Chapter 14B.20 if that person has been arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the following offenses within that drug-free zone, unless the offense was committed entirely within a private residence:
 - 1.** Attempt to unlawfully possess a controlled substance, in violation of ORS 161.405;
 - 2.** Criminal solicitation to unlawfully possess a controlled substance in violation of ORS 161.435;
 - 3.** Criminal conspiracy to unlawfully possess a controlled substance in violation of ORS 161.450;
 - 4.** Any violation of any of the controlled substance offenses described in:
 - a.** ORS 475.840;
 - b.** ORS 475.846 through 475.894;
 - c.** ORS 475.904; or
 - d.** ORS 475.910; except
 - e.** Possession of less than an ounce of marijuana under ORS 475.864(3) shall not be a basis for exclusion.

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5. Criminal conspiracy to unlawfully deliver a controlled substance in violation of ORS 161.450;
 6. Attempt to unlawfully deliver an imitation controlled substance, in violation of ORS 161.405;
 7. Criminal conspiracy to unlawfully deliver an imitation controlled substance in violation of ORS 161.450; or
 8. Unlawful delivery of an imitation controlled substance, in violation of ORS 475.912.
- B.** A one (1) year exclusion from any public right of way and park within a drug-free zone shall take effect upon the day after conviction for any of the offenses enumerated in Subsection A of this Section if that offense was committed within that drug-free zone and the person was both given actual notice prior to the exclusion that the City would impose a one-year exclusion upon conviction and notified of the right of appeal and the process for initiating an appeal.
- C.** A person excluded from a drug-free zone under authority of this Section may not enter that drug-free zone except to travel to and from and be present at the events and locations listed below:
1. Attend a meeting with an attorney;
 2. Attend a scheduled initial interview with a social service provider;
 3. Comply with court-or corrections-ordered obligations;
 4. Contact criminal justice personnel at a criminal justice facility;
 5. Attend any administrative or judicial hearing relating to an appeal of:
 - a. the person's notice of exclusion; or
 - b. the denial, revocation, or amendment of the person's variance;
 6. Travel through that drug-free zone on a Tri-Met vehicle; or
 7. Travel through that drug-free zone on the I-5, I-84 or I-405 freeways within its boundaries;
 8. Reside in a dwelling or facility;
 9. Satisfy, or attempt to satisfy an essential need by accessing a public or private place that provides an essential need or service when the essential

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need cannot reasonably be satisfied by the excluded person without entering the drug-free zone;

- 10.** Obtain social services when:
 - a.** the excluded person is in need of social services;
 - b.** the social services are sought for reasons relating to the health or well-being of the excluded person; and
 - c.** the social services agency has written rules and regulations prohibiting the unlawful use and sale of controlled substances by their clients.
 - 11.** Obtain education by:
 - a.** Enrolling as a student at an educational facility; or
 - b.** attending school at an educational facility.
 - 12.** Work as the owner, principal, agent or employee at a place of lawful employment;
 - 13.** Perform work directly related to lawful employment;
 - 14.** Be present at any place or event as specified by a variance issued by the Chief of Police or designee pursuant to 14B.20.060 B.
- D.** An exclusion is valid only if the person to be excluded received actual notice of the exclusion as required by 14B.20.050; including notice of the limitations to the exclusion contained in 14B.20.020.
- E.** An exclusion is not valid if the probable cause on which it is based consists of mere use or effects of use of controlled substances rather than criminal acts concerning controlled substances as defined by Oregon statute, whether or not the person subject to exclusion pursues an appeal of the exclusion.

14B.20.035 Violation of an exclusion - penalties.

- A.** It is unlawful for a person to enter or remain in a drug-free zone in violation of a valid exclusion imposed pursuant to this Code. For violation of this subsection, a court may impose a fine of no more than \$500 or imprisonment of no more than 30 days, or both.

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- B.** A person who enters or remains in a drug-free zone in violation of a valid exclusion issued pursuant to this Code is subject to arrest for Criminal Trespass (ORS 164.245).

14B.20.040 Issuance of Exclusion Notices.

The Chief of Police and/or designees are the persons in charge of the public rights of way and parks in the drug-free zones for purposes of issuing notices of exclusion in accordance with this Chapter.

14B.20.050 Procedure.

- A.** If a person is arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the offenses enumerated in Subsection A. of Section 14B.20.030 within a drug-free zone, the Chief of Police and/or designees may exclude that person from that drug-free zone. Every person excluded shall be provided a notice of exclusion and variances substantially similar to Exhibit C attached to Ordinance No. 179995. Additions to the notice of exclusion that increase the scope of the exclusion from that described in Exhibit C render the notice and the exclusion invalid.
- B.** At the time a person is issued a notice of exclusion from a drug-free zone, the Chief of Police and/or designees may discuss with the excluded person whether the person has a plausible need for a variance and may issue a variance pursuant to the process described in subsection B of Section 14B.20.060.
- C.** The notice of exclusion shall be in writing and a copy delivered to the excluded person. The notice of exclusion shall include the following:
 - 1.** A description of the areas designated as a drug-free zone in Section 14B.20.070 from which that person is excluded; and
 - 2.** Information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.
 - 3.** Notice that conviction of the offense for which the person was arrested and excluded will result in a one-year exclusion and information concerning the right to appeal a conviction-based exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

14B.20.060 Appeal, Review and Variances.

- A.** A ninety (90) day exclusion shall take effect at 12:01 a.m. on the 22nd calendar day following issuance of the notice of exclusion if the person issued the notice of exclusion has not filed an appeal as provided in this Chapter and a Code Hearing

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Officer has reviewed a police report documenting the exclusion notice and has found that the report presents credible evidence that supports probable cause to believe the person:

1. committed any of the offenses enumerated in Subsection A of Section 14B.20.030 within a drug-free zone.
 2. received the notice required by 14B.20.050 A.
- B.** If a person issued a notice of exclusion files an appeal as provided in this Chapter, imposition of a ninety (90) day exclusion shall be stayed pending a final, enforceable decision upholding the exclusion.
- C.** **APPEAL.** A person to whom notice of exclusion is issued shall have a right to appeal as follows:
1. Appeals shall be made to the Code Hearings Officer of the City of Portland. Any hearings regarding such appeals shall be conducted in accordance with Chapter 22.10 of this Code.
 2. Copies of documents in the City's control which are intended to be used at the hearing shall be made available, upon request, to the appellant.
 3. An appeal of a ninety (90) day notice of exclusion must be filed, in writing, by 5:00 p.m. of the fifteenth calendar day following issuance of the notice of exclusion.
 4. An appeal of a one (1) year conviction-based exclusion must be filed, in writing, by 5:00 p.m. of the fifth business day following the date of conviction.
 5. An appeal of:
 - a. a denial of a request for a variance; or
 - b. a denial of a request for an amendment to a variance; or
 - c. a revocation or amendment of a variance must be filed, in writing, by 5:00 p.m. of the fifth business day following the action regarding the variance.
 6. A ninety (90) day exclusion shall not take effect during the time that an appeal of the ninety (90) day exclusion is pending.
 7. A one (1) year conviction-based exclusion shall take effect at 12:01 a.m. on the calendar day following the date of conviction and, notwithstanding an

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appeal of the exclusion, shall remain in effect unless the Code Hearings Officer issues a contrary decision.

8. At the hearing on an appeal of a ninety (90) day exclusion, the City shall have the burden to show by a preponderance of the evidence that the appellant committed any of the offenses enumerated in Subsection A. of Section 14B.20.030, and that the conduct supporting the exclusion occurred within a drug-free zone.
9. At the hearing on an appeal of a one (1) year conviction-based exclusion, the City shall have the burden to show by a preponderance of the evidence that the appellant was convicted of any of the offenses enumerated in Subsection A. of Section 14B.20.030, and that the conduct supporting the conviction occurred within a drug-free zone.
10. At the hearing on an appeal of a denial of a request for a variance as provided in 14B.20.060 C.5.a., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.
11. At the hearing on an appeal of a denial of a request for an amendment to a variance as provided in 14B.20.060 C.5.b., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.
12. At the hearing on an appeal of a revocation or amendment of a variance as provided in 14B.20.060 C.5.c., the City shall have the burden to show by a preponderance of the evidence that any of the conditions enumerated in this Section supporting revocation or amendment existed at the time of revocation or amendment.
13. At the hearing on an appeal of a ninety (90) day exclusion, the following shall be prima facie evidence that the exclusion was based on probable cause to believe that the appellant committed any of the offenses enumerated in Section 14B.20.030 A.:
 - a. A determination by a court having jurisdiction over the offense that forms the basis for the exclusion, that probable cause existed to arrest the person to whom the initial ninety (90) day notice of exclusion was issued for violation of any of the offenses enumerated in Section 14B.20.030 A.; or
 - b. An accusatory instrument charging the person to whom a ninety (90) day notice of exclusion was issued, for violation of any of the offenses enumerated in Section 14B.20.030 A.

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14. At the hearing on an appeal of a one (1) year conviction-based exclusion, a judgment of conviction for any of the offenses that formed the basis for the exclusion, as enumerated in Section 14B.20.030 A., shall be conclusive evidence that the described conduct occurred, but, absent a finding of fact by the court of conviction, is not conclusive evidence that the conduct occurred in a drug-free zone.

D. VARIANCES. Variances modify an exclusion, and shall be granted, denied, amended or revoked in accordance with the following provisions:

1. All variances shall be in writing and shall state the purpose for which they are granted and the period of time during which they are effective. A variance that does not describe its period of effectiveness is effective for the duration of the exclusion. A variance allows relief from an exclusion only for travel to and from specified locations, activities or events, and presence at specified locations, activities and events within a drug-free zone.
2. All Police Bureau Precincts shall receive and process requests for Drug-Free or Prostitution Free Zone variances during regular business hours if they are otherwise open to the public. This capability will be maintained at the main precinct station or at a sub-station.
3. Variance. The Chief of Police and/or designees may, for any reason, grant an excluded person a variance from an exclusion at any time during an exclusion period. Except as described in 14B.20.050 B., the Chief of Police and/or designees shall grant an appropriate variance to an excluded person who presents a plausible need to engage in any non-criminal activity that is not associated with the behavior supporting the person's exclusion. A variance granted under this Subsection allows travel within the drug-free zone only in accordance with the terms specified in the variance. The Chief of Police or designees will ask a person requesting a variance to provide and update an address through which the person can be reached for the duration of the variance in the event the City determines there is a need to amend or revoke the variance.

E. REVOCATION OR AMENDMENT OF VARIANCES. A variance may be revoked or amended for the following reasons and in the following manner:

1. The excluded person provided false information in order to obtain the variance;
2. There is probable cause to believe the person has committed any of the offenses enumerated in Section 14B.20.030 A. in the drug-free zone subsequent to the issuance of the variance;

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3. The circumstances giving rise to the issuance of the variance no longer support a continuation of the variance or a term thereof;
4. If the person presents new circumstances that would support amending the variance; or
5. A revocation or amendment of a variance becomes effective at 5:00 p.m. of the fifth business day following mailing of notice of the action to the excluded person at the address provided pursuant to 14B.20.060 B.1. unless the excluded person appeals the determination by following the procedures in 14B.20.060 A.5.c.

14B.20.070 Listing of Drug-Free Zones.

(Amended by Ordinance No. 180125, effective May 10, 2006) The following descriptions shall comprise the boundaries of the drug-free zones listed, and the drug-free zones shall include the entire area on and within the listed boundaries.

- A. Central Zone: Beginning at a point on the north edge of the Steel Bridge directly above the west shore of the Willamette River; thence westerly along the north edge of the Steel Bridge and continuing along the north edge of the northern most off-ramp from the Steel Bridge until it intersects with the east curb line of N.W. 3rd Avenue; thence northerly along an extension of the east curb line of N.W. 3rd Avenue until that line intersects with an extension of the north curb line of N.W. Hoyt Street; thence westerly along the extension of the north curb line of N.W. Hoyt Street until it intersects with the east curb line of N.W. 4th Avenue; thence in a northwesterly direction along the east curb line becoming the north curb line of N.W. 4th Avenue as it intersects with N.W. 5th Avenue and becomes N.W. Irving Street; thence continuing westerly along the north curb line of N.W. Irving Street until it intersects with the west curb line of N.W. Broadway Avenue; thence southerly along the west curb line of N.W. Broadway Avenue until it intersects with the north curb line of N.W. Hoyt Street; thence westerly along the north curb line of N.W. Hoyt Street until it intersects with the west curb line of N.W. 15th Avenue; thence southerly along the west curb line of N.W. 15th Avenue until it intersects with north curb line of N.W. Glisan Street; thence westerly along the north curb line of N.W. Glisan Street until it intersects with the east curb line of N.W. 16th Avenue; thence northerly along the east curb line of N.W. 16th Avenue until it intersects with the north curb line of N.W. Irving Street; thence westerly along the north curb line of N.W. Irving Street until it intersects with the west curb line of N.W. 23rd Avenue; thence southerly along the west curb line of N.W. 23rd Avenue until it intersect with the south curb line of West Burnside Street; thence easterly along the south curb line of West Burnside Street until it intersects with the west curb line of S.W. King Avenue; thence southerly along the west curb line of S.W. King Avenue until it intersects with the south curb line of S.W. Salmon Street; thence easterly along the south curb line of S.W. Salmon Street until it intersects with the west curb line of S.W. 14th Avenue; thence southerly along the west curb

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line of S.W. 14th Avenue until it intersects with the south curb line of S.W. Columbia Street; thence easterly along the south curb line of S.W. Columbia Street until it intersects with the west curb line of S.W. 13th Avenue; thence southerly along the west curb line of S.W. 13th Avenue until it intersects with the south curb line of S.W. Market Street; thence easterly along the south curb line of S.W. Market Street to a point where the extension of the south curb line of S.W. Market Street intersects with the east curb line of S.W. Naito Parkway; thence easterly from that point continuing in a direct line due east to the west shore of the Willamette River; thence northerly along the west shore of the Willamette River until it intersects with the south edge of the Hawthorne Bridge; thence easterly along the south edge of the Hawthorne Bridge until it intersects with the east edge of the area known as the East Bank Esplanade, including the circular ramp on the east end and south side of the Hawthorne Bridge; thence northerly along the east edge of the area known as the East Bank Esplanade, including all of its floating walkways, until it intersects with the south side of the East Bank Esplanade pedestrian overpass to N.E. Lloyd Boulevard; thence easterly along the south edge of the area known as the East Bank Esplanade pedestrian overpass, including the walking ramp, until it intersects with the west curb line of N.E. Lloyd Boulevard; thence southeasterly along the south curb line of N.E. Lloyd Boulevard until it intersects with the west curb line of N.E. Martin Luther King Boulevard; thence southerly along the west curb line of N.E. Martin Luther King Boulevard until it intersects with the north curb line of N.E. Davis Street; thence westerly along the north curb line of N.E. Davis as it crosses N.E. 3rd Avenue and projects in a straight line to a point on the west curb of N.E. 2nd Avenue; thence southerly along the west curb line of N.E. 2nd Avenue as it passes under the Burnside Bridge, including the entire Burnside Bridge, until it intersects with the south curb line of S.E. Belmont Street; thence easterly along the south curb line of S.E. Belmont Street until it intersects with the east curb line of S.E. 12th Avenue; thence northerly along the east curb line of S.E. 12th Avenue as it crosses E. Burnside Street and becomes N.E. 12th Avenue; thence northerly along the east curb line of N.E. 12th Avenue until it intersects with the south curb line of N.E. Lloyd Boulevard; thence easterly along the south curb line of N.E. Lloyd Boulevard until it becomes N.E. 16th Avenue; thence northerly along the east curb line of N.E. 16th Avenue until it becomes N.E. 15th Avenue; thence northerly along the east curb line of N.E. 15th Avenue until it intersects with the north curb line of N.E. Halsey Street; thence westerly along the north curb line of N.E. Halsey Street until it intersects with the west curb line of N.E. Martin Luther King Boulevard; thence southerly along the west curb line of N.E. Martin Luther King Boulevard until it intersects with the north curb line of N.E. Multnomah Street; thence westerly along the north curb line of N.E. Multnomah Street as it merges onto the Steel Bridge; thence westerly along the north edge of the Steel Bridge to a point above the west shore of the Willamette River and continuing down to the point of the beginning.

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- B.** East Zone: Beginning at a point 1000 feet west of the intersection of the north curb line of N.E. Killingsworth and the west curb line of N.E. 82nd Avenue; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of N.E. 82nd Avenue as it crosses E. Burnside Street and becomes S.E. 82nd Avenue; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of S.E. 82nd Avenue to a point that is 1000 feet to the west of the southwest corner of S.E. Crystal Springs Boulevard; thence easterly along the south curb line of S.E. Crystal Springs Boulevard to a point that is 1000 feet to the east of the southeast corner of S.E. Crystal Springs Boulevard; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of S.E. 82nd Avenue as it crosses E. Burnside Street and becomes N.E. 82nd Avenue; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of N.E. 82nd Avenue to a point that is 1000 feet east of the north curb line of N.E. Killingsworth; thence westerly along the north curb line of N.E. Killingsworth continuing to the point of beginning.
- C.** North Zone: Beginning at a point on the southwest corner of N. Fremont Street as it intersects with N. Missouri Avenue; thence easterly along the south curb line of N. Fremont Street until it intersects with the west curb line of N. Vancouver Avenue; thence southerly along the west curb line of N. Vancouver Avenue until it intersects with the south curb line of N. Stanton Street; thence easterly along the south curb line of N. Stanton Street as it crosses N. Williams Avenue and becomes N.E. Stanton Street; thence easterly along the south curb line of N.E. Stanton Street until it intersects with the west curb line of N.E. Rodney Avenue; thence southerly along the west curb line of N.E. Rodney Avenue until it intersects with the south curb line of N.E. San Rafael Street; thence easterly along the south curb line of N.E. San Rafael Street until it intersects with the east curb line of N.E. 7th Avenue; thence northerly along the east curb line of N.E. 7th Avenue until it intersects with the south curb line of N.E. Wygant Street; thence easterly along the south curb line of N.E. Wygant Street until it intersects with the east curb line of N.E. 14th Avenue; thence northerly along the east curb line of N.E. 14th Avenue until it intersects with the south curb line of N.E. Wygant Street; thence easterly along the south curb line of N.E. Wygant Street until it intersects with the east curb line of N.E. 20th Avenue; thence northerly along the east curb line of N.E. 20th Avenue until it intersects with the north curb line of N.E. Killingsworth Street; thence westerly along the north curb line of N.E. Killingsworth Street until it intersects with the east curb line of N.E. 15th Avenue; thence northerly along the east curb line of N.E. 15th Avenue until it intersects with the north curb line of N.E. Ainsworth Street; thence westerly along the north curb line of N.E. Ainsworth Street until it intersects with the east curb line of N.E. 10th Avenue; thence northerly along the east curb line of N.E. 10th Avenue until it intersects with the north curb line of N.E. Portland Boulevard; thence westerly along the north curb line of N.E. Portland Boulevard until it intersects with the west curb line of N.E. 6th Avenue; thence southerly along the west curb line of N.E. 6th Avenue until it intersects with the north curb line of N.E.

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Portland Boulevard; thence westerly along the north curb line of N.E. Portland Boulevard until it intersects with the west curb line of N.E. Martin Luther King Jr. Boulevard; thence southerly along the west curb line of N.E. Martin Luther King Jr. Boulevard until it intersects with the north curb line of N.E. Ainsworth Street; thence westerly along the north curb line of N.E. Ainsworth Street as it crosses N. Williams Avenue and becomes N. Ainsworth Street; thence westerly along the north curb line of N. Ainsworth Street until it intersects with the west curb line of N. Missouri Avenue; thence southerly along the west curb line of N. Missouri Avenue until it intersects with the north curb line of N. Killingsworth Street; thence westerly along the north curb line of N. Killingsworth Street until it intersects with the west curb line of N. Concord Avenue; thence southerly along the west curb line of N. Concord Avenue, including all of the Going Street Pedestrian Bridge until it intersects with the south curb line of N. Skidmore Street; thence easterly along the south curb line of N. Skidmore Street until it intersects with a point extending in a straight line from the west curb line of N. Missouri Avenue where it meets Interstate 5; thence southerly along the west curb line of N. Missouri Avenue to the point of beginning.

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**CHAPTER 14B.30 - PROSTITUTION-FREE
ZONES**

(Chapter replaced by Ordinance No. 179996,
effective April 14, 2006)

Sections:

- 14B.30.010 Prostitution-Free Zones.
- 14B.30.020 Designation of Prostitution-Free Zones.
- 14B.30.030 Civil Exclusion.
- 14B.30.035 Violation of an Exclusion - Penalties.
- 14B.30.040 Issuance of Exclusion Notices.
- 14B.30.050 Procedure.
- 14B.30.060 Appeal, Review and Variances.
- 14B.30.070 Listing of Prostitution-Free Zones.

14B.30.010 Prostitution-Free Zones.

- A.** For the purposes of this chapter, the following definitions apply:
 - 1.** Arrest: to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging that person with an offense.
 - 2.** Essential needs: food, physical care, and medical attention.
 - 3.** Reside: to occupy one's principal dwelling; including transient occupancy in a hotel or motel.
 - 4.** Travel: the movement on foot or within or upon a vehicle within a prostitution-free zone from one point to another without delay other than to obey traffic control devices.
- B.** Prostitution-free zones are those areas of the City as designated by the City Council under Chapter 14B.30 of this Code, which are areas where the number of arrests where there was probable cause to believe a person has committed any of the offenses enumerated in Section 14B.30.030 for a twelve (12) month period within the eighteen (18) months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within a prostitution-free zone.

14B.30.020 Designation of Prostitution-Free Zones.

(Amended by Ordinance No. 180885, effective April 11, 2007.)

- A.** If the City Council designates an area meeting the criteria of Section 14B.30.010 of this Code to be a prostitution-free zone, Council shall do so by ordinance. The designation shall be valid for a period of three (3) years.

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- B.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the end of the period referred to in section 14B.30.020 A., as to whether there is a need to re-configure the prostitution-free zones enumerated in 14B.30.070.
- C.** This Chapter, and the procedures and exercise of exclusion authority it contains, are valid until September 30, 2007.
- D.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the expiration of this Chapter as to whether there is a need to re-authorize this Chapter.

14B.30.030 Civil Exclusions.

- A.** A person is subject to exclusion under the process described in this chapter for a period of ninety (90) days from any public right of way and park within a prostitution-free zone designated in Code Chapter 14B.30 if that person has been arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the following offenses within that prostitution-free zone, unless the offense was committed entirely within a private residence:
 - 1.** Attempted prostitution, in violation of ORS 161.405;
 - 2.** Prostitution, in violation of ORS 167.007;
 - 3.** Attempted promoting prostitution, in violation of ORS 161.405;
 - 4.** Promoting prostitution, in violation of ORS 167.012;
 - 5.** Attempted compelling prostitution, in violation of ORS 161.405;
 - 6.** Compelling prostitution, in violation of ORS 167.017;
 - 7.** Loitering to solicit prostitution, in violation of Portland City Code 14A.40.040; or
 - 8.** Unlawful prostitution procurement activity, in violation of Portland City Code 14A.40.050.
- B.** A one (1) year exclusion from any public right of way and park within a prostitution-free zone shall take effect upon the day after conviction for any of the offenses enumerated in Subsection A. of this Section if that offense was committed within that prostitution-free zone and the person was both given notice prior to the exclusion that the City would impose a one-year exclusion upon conviction and notified of the right of appeal and the process for initiating an appeal.

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- C.** A person excluded from a prostitution-free zone under authority of this Section may not enter that prostitution-free zone except to travel to and from and be present at the events and locations listed below:
- 1.** Attend a meeting with an attorney;
 - 2.** Attend a scheduled initial interview with a social service provider;
 - 3.** Comply with court-or corrections-ordered obligations;
 - 4.** Contact criminal justice personnel at a criminal justice facility;
 - 5.** Attend any administrative or judicial hearing relating to an appeal of:
 - a.** the person's notice of exclusion; or
 - b.** the denial, revocation, or amendment of the person's variance;
 - 6.** Travel through that prostitution-free zone on a Tri-Met vehicle;
 - 7.** Travel through that prostitution-free zone on the I-5, I-84, I-205 or I-405 freeways within its boundaries;
 - 8.** Reside in a dwelling or facility;
 - 9.** Satisfy, or attempt to satisfy an essential need by accessing a public or private place that provides an essential need or service when the essential need cannot reasonably be satisfied by the excluded person without entering the prostitution-free zone;
 - 10.** Obtain social services when:
 - a.** the excluded person is in need of social services;
 - b.** the social services are sought for reasons relating to the health or well-being of the excluded person; and
 - c.** the social services agency has written rules and regulations prohibiting the unlawful use and sale of controlled substances by their clients.
 - 11.** Obtain education by:
 - a.** Enrolling as a student at an educational facility; or
 - b.** Attending school at an educational facility.

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- 12. Work as the owner, principal, agent or employee at a place of lawful employment;
- 13. Perform work directly related to lawful employment;
- 14. Be present at any place or event as specified by a variance issued by the Chief of Police or designee pursuant to 14B.30.060 B.

- D. An exclusion is valid only if the person to be excluded received actual notice of the exclusion as required by 14B.30.050; including notice of the limitations of the exclusion contained in 14B.30.020.

14B.30.035 Violation of an exclusion - penalties.

- A. It is unlawful for a person to enter or remain in a prostitution-free zone in violation of an exclusion imposed pursuant to this Code. For violation of this subsection, a court may impose a fine of no more than \$500 or imprisonment of no more than 30 days, or both.
- B. A person who enters or remains in a prostitution-free zone in violation of an exclusion issued pursuant to this Code is subject to arrest for Criminal Trespass (ORS 164.245).

14B.30.040 Issuance of Exclusion Notices.

The Chief of Police and/or designees are the persons in charge of the public rights of way and parks in the prostitution-free zones for purposes of issuing notices of exclusion in accordance with this Chapter.

14B.30.050 Procedure.

- A. If a person is arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the offenses enumerated in Subsection 14B.30.030 A. within a prostitution-free zone, the Chief of Police and/or designees may exclude that person from that prostitution-free zones. Every person excluded shall be provided a notice of exclusion and variances substantially similar to Exhibit C attached to Ordinance No.179996. Additions to the notice of exclusion that increase the scope of the exclusion from that described in Exhibit C render the notice and the exclusion invalid.
- B. At the time a person is issued a notice of exclusion from a prostitution-free zone, the Chief of Police and/or designees may discuss with the excluded person whether the person has a plausible need for a variance and may issue a variance pursuant to the process described in 14B.30.060 B.

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- C.** The notice of exclusion shall be in writing and a copy delivered to the excluded person. The notice of exclusion shall include the following:
- 1.** A description of the area designated as a prostitution-free zone in Section 14B.30.070 from which that person is excluded;
 - 2.** Information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code; and
 - 3.** Notice that conviction of the offense for which the person was arrested and excluded will result in a one-year exclusion and information concerning the right to appeal a conviction-based exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

14B.30.060 Appeal, Review and Variances.

- A.** A ninety (90) day exclusion shall take effect at 12:01 on the 22nd calendar day following issuance of the notice of exclusion if the person issued the notice of exclusion has not filed an appeal as provided in this Chapter and a Code Hearings Officer has reviewed a police report documenting the exclusion notice and has found that the report presents credible evidence that supports probable cause to believe the person:
- 1.** committed any of the offenses enumerated in Subsection A of Section 14B.30.030, and ;
 - 2.** received the notice required by 14B.30.050 A.
- B.** If a person issued a notice of exclusion files an appeal as provided in this chapter, imposition of a ninety (90) day exclusion shall be stayed pending a final, enforceable decision upholding the exclusion.
- C.** APPEAL. A person to whom a notice of exclusion is issued shall have a right to appeal as follows:
- 1.** Appeals shall be made to the Code Hearings Officer of the City of Portland. Any hearings regarding such appeals shall be conducted in accordance with Chapter 22.10 of this Code.
 - 2.** Copies of documents in the City's control which are intended to be used at the hearing shall be made available, upon request, to the appellant.
 - 3.** An appeal of a ninety (90) day notice of exclusion must be filed, in writing, by 5:00 p.m. of the fifteenth calendar day following issuance of the notice of exclusion.

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4. An appeal of a one (1) year conviction-based exclusion must be filed, in writing, by 5:00 p.m. of the fifth business day following the date of conviction.
5. An appeal of:
 - a. a denial of a request for a variance; or
 - b. a denial of a request for an amendment to a variance; or
 - c. a revocation or amendment of a variance must be filed, in writing, by 5:00 p.m. of the fifth business day following the action regarding the variance.
6. A ninety (90) day exclusion shall not take effect during the time that an appeal of the ninety (90) day exclusion is pending.
7. A one (1) year conviction-based exclusion shall take effect at 12:01 a.m. on the calendar day following the date of conviction and, notwithstanding an appeal of the exclusion, shall remain in effect unless the Code Hearings Officer issues a contrary decision.
8. At the hearing on an appeal of a ninety (90) day exclusion, the City shall have the burden to show by a preponderance of the evidence that the appellant committed any of the offenses enumerated in Subsection 14B.30.030 A., and that the conduct supporting the exclusion occurred within a prostitution-free zone.
9. At the hearing on an appeal of a one (1) year conviction-based exclusion, the City shall have the burden to show by a preponderance of the evidence that the appellant was convicted of any of the offenses enumerated in Subsection 14B.30.030 A., and that the conduct supporting the conviction occurred within a prostitution-free zone.
10. At the hearing on an appeal of a denial of a request for a variance as provided in 14B.30.060 C.5.a., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.
11. At the hearing on an appeal of a denial of a request for an amendment to a variance as provided in 14B.30.060 C.5.b., the City shall have the burden to show by a preponderance of the evidence that the amendment was in accordance with this section.
12. At the hearing on an appeal of a revocation or amendment of a variance as provided in 14B.30.060 C.5.c., the City shall have the burden to show by a

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preponderance of the evidence that any of the conditions enumerated in this Section supporting revocation or amendment existed at the time of revocation or amendment.

- 13.** At the hearing on an appeal of a ninety (90) day exclusion, the following shall be prima facie evidence that the exclusion was based on probable cause to believe that the appellant committed any of the offenses enumerated in Subsection 14B.30.030 A.:

- a.** A determination by a court having jurisdiction over the offense that forms the basis for the exclusion, that probable cause existed to arrest the person to whom the initial ninety (90) day notice of exclusion was issued for violation of any of the offenses enumerated in Subsection 14B.30.030 A.; or
- b.** An accusatory instrument charging the person to whom a ninety (90) day notice of exclusion was issued, for violation of any of the offenses enumerated in Subsection 14B.30.030 A.

- 14.** At the hearing on an appeal of a one (1) year conviction-based exclusion, a judgment of conviction for any of the offenses that formed the basis for the exclusion, as enumerated in Subsection 14B.30.030 A., shall be conclusive evidence that the described conduct occurred but, absent a finding of fact by the court of conviction, is not conclusive evidence that the conduct occurred in a prostitution-free zone.

- D.** **VARIANCES.** Variances modify an exclusion, and shall be granted, denied, amended, or revoked in accordance with the following provisions:

- 1.** All variances shall be in writing and shall state the purpose for which they are granted and the period of time during which they are effective. A variance that does not describe its period of effectiveness is effective for the duration of the exclusion. A variance allows relief from an exclusion only for travel to and from specified locations, activities or events, and presence at specified locations, activities and events within a prostitution-free zone.
- 2.** All Police Bureau Precincts shall receive and process requests for Drug-Free or Prostitution-Free Zone variances during regular business hours if they are otherwise open to the public. This capability will be maintained at the main precinct station or at a sub-station.
- 3.** Variance. The Chief of Police and/or designees may, for any reason, grant an excluded person a variance from an exclusion at any time during an exclusion period. Except as described in 14B.30.050 B., the Chief of Police and/or designees shall grant an appropriate variance to an excluded person

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who presents a plausible need to engage in any non-criminal activity that is not associated with the behavior supporting the person's exclusion. A variance granted under this Subsection allows travel within the prostitution-free zone only in accordance with the terms specified in the variance. The Chief of Police or designees will ask a person requesting a variance to provide and update an address through which the person can be reached for the duration of the variance in the event the City determines there is a need to amend or revoke the variance.

E. REVOCATION OR AMENDMENT OF VARIANCES. Variances may be revoked or amended for the following reasons and in the following manner:

1. The excluded person provided false information in order to obtain the variance;
2. There is probable cause to believe the person has committed any of the offenses enumerated in Subsection 14B.30.030 A. in the prostitution-free zone subsequent to the issuance of the variance;
3. If the circumstances giving rise to the issuance of the variance no longer support a continuation of the variance or a term thereof;
4. If the person has new circumstances that would support amending the variance; or
5. A revocation or amendment of a variance becomes effective at 5:00 p.m. of the fifth business day following mailing of notice of the action to the excluded person at the address provided pursuant to 14B.30.060 B.1. unless the excluded person appeals the determination by following the procedures in 14B.30.060 A.5.c.

14B.30.070 Listing of Prostitution-Free Zones.

The following descriptions shall comprise the boundaries of the prostitution-free zones listed, and the prostitution-free zones shall include the entire area on and within the listed boundaries.

- A.** West Prostitution-Free Zone: Beginning at a point on the northeast corner of N.W. 14th Avenue as it intersects with N.W. Johnson Street; thence westerly along the north curb line of N.W. Johnson until it intersects with the west curb line of N.W. 23rd Avenue; thence southerly along the west curb line of N.W. 23rd Avenue as it crosses West Burnside Street and becomes S.W. Vista Avenue; thence southerly in a straight line to a point that is 500 feet from the intersection of the south curb line of West Burnside Street and the west curb line of S.W. Vista Avenue; thence easterly following a line that is at all times parallel to and 500 feet from the south curb line of West Burnside Street until it intersects with the east curb line of N.W.

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14th Avenue; thence northerly along the east curb line of N.W. 14th Avenue continuing along to the point of the beginning.

- B.** East Prostitution-Free Zone: Beginning at a point at the intersection of the west curb line of N.E. 82nd and the north curb line of N.E. Skidmore; thence westerly along the north curb line of N.E. Skidmore to a point 1000 feet from the point of beginning; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of N.E. 82nd Avenue as it crosses E. Burnside Street and becomes S.E. 82nd Avenue; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of S.E. 82nd Avenue to a point that is 1000 feet to the west of the southwest corner of S.E. Crystal Springs Boulevard; thence easterly along the south curb line of S.E. Crystal Springs Boulevard to a point that is 1000 feet to the east of the southeast corner of S.E. Crystal Springs Boulevard; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of S.E. 82nd Avenue as it crosses E. Burnside Street and becomes N.E. 82nd Avenue; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of N.E. 82nd Avenue to a point that is 500 feet to the south of the south curb line of N.E. Sandy Boulevard; thence easterly following a line that is at all times parallel to and 500 feet from the south curb line of N.E. Sandy Boulevard until it intersects with the west curb line of N.E. 92nd Avenue; thence northerly along the west curb line of N.E. 92nd Avenue until it intersects with the north curb line of N.E. Sandy Boulevard; thence easterly along the north curb line of N.E. Sandy Boulevard to a point that is 200 feet to the east of the centerline of N.E. 92nd Avenue; thence southerly along a line that is at all times parallel to and 200 feet to the east from the centerline of N.E. 92nd Avenue to a point that is 500 feet from the south curb line of N.E. Sandy Boulevard; thence easterly following a line that is at all times parallel to and 500 feet from the south curb line of N.E. Sandy Boulevard to the east curb line of N.E. 122nd Avenue; thence northerly along the east curb line of N.E. 122nd Avenue to a point 500 feet north of the north curb line of N.E. Sandy Boulevard; thence westerly following a line that is at all times parallel to and 500 feet from the north curb line of N.E. Sandy Boulevard until it intersects with the west curb line of N.E. 82nd; thence southerly along the west curb line of N.E. 82nd to the point of beginning.

**CHAPTER 14B.40 - IMPOUNDMENT AND
INVESTIGATION FOR DUII**

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 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.

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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 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

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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
 - 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
 - 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.

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**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.
- 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).

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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.
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.

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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 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

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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 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

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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 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)

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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:

 - 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

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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.
- 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.
- 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.

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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 finding 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.
- 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

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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, 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

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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 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

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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 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:

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- 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 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

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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 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.

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(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 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.

**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 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.

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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 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.

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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.

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CHAPTER 14B.90 - SECONDHAND DEALERS

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

Sections:

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

14B.90.010 Purpose.

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

14B.90.020 Definitions.

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

- A. "Acceptable identification" means either a current driver's license, a State of Oregon Identification Card issued by the Department of Motor Vehicles, or two current United States, state or local government-issued identification cards, one of which has a photograph of the seller.

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- B.** "Acquire" means to take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales; consignments; memoranda between a Dealer and a private party seller; leases; trade-ins; loans; and abandonments. Any acquisition of regulated property by a Dealer will be presumed to be an acquisition on behalf of the Secondhand Dealer business. Notwithstanding the foregoing, "acquire" does not include:
- 1.** Any loans made in compliance with state laws by persons licensed as pawnbrokers by the State of Oregon; or
 - 2.** Memoranda between a Dealer and a person engaged in the business of selling regulated property.
- C.** "Business Location" means any physical location where the Dealer conducts business.
- D.** "Chief of Police" means the Chief of the Portland Police Bureau or his or her designee.
- E.** "Criminal arrests or convictions" refers to any offense defined by the statutes of the State of Oregon or ordinances of the City of Portland, unless otherwise specified. Any arrest or conviction for conduct other than that denoted by the statutes of the State of Oregon or ordinances of the City of Portland, as specified herein, will be considered to be equivalent to one of such offenses if the elements of such offense for which the person was arrested or convicted would have constituted one of the above offenses under the applicable Oregon statutes or Portland ordinance provisions.
- F.** "Dealer".
- 1.** Means any:
 - a.** Sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business and that:
 - b.** Either:
 - (1)** Acquires regulated property at or from business locations within the City of Portland, or on behalf of such a business regardless of where the acquisition occurs, or
 - (2)** Offers for sale regulated property.

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2. Dealers that acquire or offer for sale not more than 50 items of regulated property in any one-year period will be categorized as an “Occasional Secondhand Dealer.” The term "Dealer" in this Chapter and all regulations herein refer to Secondhand Dealers, Occasional Secondhand Dealers and Pawnbrokers unless specifically stated otherwise.
3. “Dealer” does not include:
 - a. A business whose acquisitions of regulated property consist exclusively of donated items and/or purchases from 501(c)3 organizations; or
 - b. A person whose only business transactions with regulated property in the City of Portland consist of the sale of personal property acquired for household or other personal use; or
 - c. A person whose only business transactions with regulated property in the City of Portland consist of a display space, booth, or table maintained for displaying or selling merchandise at any trade show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any calendar year.
- G. "Director" means the Director of the Bureau of Revenue and Financial Services Revenue Division or his or her designee.
- H. "Held Property" means any regulated property that cannot be sold, dismantled or otherwise disposed of for a proscribed period of time as more specifically enumerated in 14B.90.090.
- I. "Investment purposes" means the purchase of personal property by businesses and the retention of that property in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.
- J. "Medication" means any substance or preparation, prescription or over-the-counter, used in treating or caring for ailments and/or conditions in humans or animals.
- K. "New" means anything conspicuously not used.
- L. "Pawnbroker" means any business required by Oregon Revised Statute 726.040 to hold an Oregon pawnbroker's license. Pawnbrokers are required by Chapter 14B.90 to have a Secondhand Dealer Permit. As a Dealer all transactions occurring within their business (loans, buys, or consignments) are subject to all requirements within this Chapter unless otherwise stated.
- M. "Person" means a natural person.

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- N.** “Principal” means any person who will be directly engaged or employed in the management or operation of the Secondhand Dealer business, including any owners and any shareholders with a 5% or greater interest in the company.
- O.** "Receive" means to take property into the inventory, possession, or control of a Dealer.
- P.** "Regulated property" means property of a type that has been determined by the Portland Police Bureau to be property that is frequently the subject of theft, including new items as defined in this section as well as used items such as precious metals, precious gems, watches, sterling silver, electronic equipment, photography equipment, tools, musical instruments and cases, firearms, sporting equipment, and household appliances. A list of regulated property is included in the Administrative Rules and may be updated at any time in order to enhance the Bureau's ability to reduce property crimes and recover stolen goods.
- Q.** “Remanufactured” means that an item has been altered to the degree that the main components are no longer identifiable as the original item.
- R.** "Seller" means any person who:
- 1.** Offers items of regulated property in exchange for money or other property; or as collateral for a loan; or
 - 2.** Donates or abandons items of regulated property.
- S.** “Trade Show” means an event open to the public, held in a venue other than a Dealer’s business location, at which vendors of a specific type of merchandise may exhibit, buy, sell, or trade items that may include regulated property.
- Events commonly known as flea markets or swap meets, in which goods of many types are exhibited, sold or traded, are not considered trade shows for the purpose of this Chapter.
- T.** "Transaction Report" means the record of the information required by 14B.90.080, transmitted to the Police Bureau by the means required in the Administrative Rules.
- U.** "Used" means anything that has been put into action or service.

14B.90.030 Permit Required.

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

- A.** No person or business shall engage in, conduct or carry on a secondhand dealer business in the City without a valid Secondhand Dealer Permit issued by the Revenue Division.

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- B.** Upon acquiring or offering for sale more than 50 items of regulated property during any one-year period, an Occasional Secondhand Dealer shall apply for and obtain a Secondhand Dealer Permit before acquiring any more items of regulated property.
- C.** Any person or business that advertises or otherwise holds him/herself out to be acquiring or offering for sale regulated property within the City will be presumed to be operating as a Dealer subject to the terms of Chapter 14B.90.
- D.** The sale of regulated property at events commonly known as "garage sales," "yard sales," or "estate sales," is exempt from these regulations if all of the following are present:
 - 1.** No sale exceeds a period of 72 consecutive hours; and
 - 2.** No more than four sales are held at the same location in any twelve-month period.

14B.90.035 Minimum Standards.

- A.** No person or business may operate as a Dealer within the City of Portland unless the person or business maintains a fixed physical business location.
- B.** Dealers shall comply with all applicable federal, state, and local regulations.

14B.90.040 Application for Permit.

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

- A.** An applicant for a Secondhand Dealer Permit shall complete and submit an application (including required personal history forms) that sets forth the following information:
 - 1.** The name, address, telephone number, birth date and principal occupation of all owners and any person who will be directly engaged or employed in the management or operation of the business or the proposed business;
 - 2.** The name, address and telephone number of the business or proposed business and a description of the exact nature of the business to be operated;
 - 3.** The web address of any and all web pages used to acquire or offer for sale regulated property on behalf of the Dealer, and any and all internet auction account names used to acquire or offer for sale regulated property on behalf of the Dealer.
 - 4.** Written proof that all principals are at least 18 years of age;

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5. Each principal's business occupation or employment for the 3 years immediately preceding the date of application;
6. The business license and permit history of the applicant in operating a business identical to or similar to those regulated by Chapter 14B.90;
7. A brief summary of the applicant's business history in any jurisdiction including:
 - a. The business license or permit history of the applicant; and,
 - b. Whether the applicant or any principal has ever had any business-related license or permit revoked or suspended, the reasons therefor, and the business activity or occupation of the applicant or principal subsequent to the suspension or revocation.
8. Whether the applicant will be a sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business.
 - a. If a partnership, the application must set forth the names, birth dates, addresses, telephone numbers, and principal occupations, along with all other information required of any individual applicant, of each partner, whether general, limited, or silent, and the respective ownership shares owned by each;
 - b. If a corporation, or limited liability company, the application must set forth the corporate or company name, copies of the articles of incorporation or organization and the corporate by-laws or operating agreement, and the names, addresses, birth dates, telephone numbers, and principal occupations, along with all other information required of any individual applicant, of every officer, director, members or managers, and shareholder (owning more than five percent of the outstanding shares) and the number of shares held by each;
9. If the applicant does not own the business premises, a true and complete copy of the executed lease (and the legal description of the premises to be permitted) must be attached to the application;
10. All arrests or convictions of each principal enumerated in paragraphs 1 through 7 of this Section;

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11. Upon request, principals and employees shall submit to the Portland Police Bureau the following information: fingerprints, passport size photographs, and a copy of the signature initials to be used by persons on transaction report forms. Principals and employees must submit new photos if requested to do so by the Portland Police Bureau;
 12. Any other information that the Director may reasonably feel is necessary to accomplish the goals of this Chapter.
- B. The Dealer shall notify the Revenue Division of any changes in the information required in Section A within ten business days.
- C. New employees of Dealers shall complete and submit the personal history form as required in Section A of this Subsection. Employees may not acquire regulated property until all required information has been reviewed and approved by the Portland Police Bureau. The criteria used to review a new employee will be the same as those used in the review of an initial application in 14B.90.050 B.
- D. The personal and business information contained in the application forms required pursuant to Section 14B.90.040 A. are subject to the requirements of the Oregon Public Records Law, ORS 192.410 et seq.

14B.90.050 Issuance and Renewal of Permit.

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

- A. Upon the filing of an application for a Dealer permit and payment of the required fee, the Chief of Police shall conduct an investigation of the applicant and all principals and employees listed according to the requirements in Section 14B.90.040 A. The Director shall issue the permit within 90 days of receiving the application if no cause for denial exists.
- B. Except as provided in Section 14B.90.050 C. the Director shall deny an application for a Dealer Permit if any of the following apply:
 1. The applicant, or any person who will be directly engaged in the management or operation of the business, or any person who owns a five percent or more interest in the business, has previously owned or operated a business regulated by Chapter 14B.90; and
 - a. the license or permit for the business has been revoked for cause that would be grounds for revocation pursuant to Chapter 14B.90; or
 - b. the business has been found to constitute a public nuisance and abatement has been ordered.

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2. Any person listed on the initial application or renewal application has been convicted of one or more of the offenses listed below or has violated any section of Section 14B.90. The offenses include:
 - a. Any felony.
 - b. Any misdemeanor or violation involving either bribery, controlled substances, deception, dishonesty, forgery, fraud, or theft, or any attempt or conspiracy to commit any of the listed offenses.
 3. The Director finds by a preponderance of the evidence that the applicant or any principal or employee has committed any offense relating to fraud, theft or any attempt or conspiracy to commit theft, or any offense listed in Section 14B.90.120;
 4. The Director finds by a preponderance of the evidence that the applicant or any principal or employee who will be involved in the business has violated any law where the elements of such law are equivalent to the provisions of Chapter 14B.090;
 5. Any statement in the application is false or any required information is withheld; or
 6. The Director finds by a preponderance of the evidence that the applicant, or any person who will be directly engaged or employed in the management or operation of the business, or any person who owns a five percent or more interest in the business, has previously owned or operated a business regulated by Chapter 14B.90 or any laws or statutes equivalent to the provisions of Chapter 14B.90, and the business has violated applicable State, Federal or local requirements, including permitting requirements.
- C. Notwithstanding Section 14B.90.050 B., the Director may grant a permit after consulting with the Chief of Police despite the presence of one or more of the enumerated factors if the applicant establishes to the Director's reasonable satisfaction that:
1. The behavior evidenced by such factor is not likely to recur; or,
 2. The behavior evidenced by such factor is remote in time; or,
 3. The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to the purpose of Chapter 14B.90.
- D. Dealer permits are valid for a term of one year and expire on the first anniversary of their issuance. The permits are nontransferable and are valid only for a single

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business location. When the business location is to be changed, the permit holder shall provide the address of the new location in writing to the Revenue Division for approval at least 14 days prior to the change.

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

14B.90.060 Permit Fees.

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

14B.90.070 Subsequent Locations.

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

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

14B.90.080 Reporting of Secondhand Dealer Transactions.

- A.** Dealers shall provide to the Portland Police Bureau all required information as described in the Administrative Rules for each regulated property transaction (not including sales). The Chief of Police may designate the format for the transfer of this information and may direct that it be communicated to the Special Property Investigations office by means of mail, the internet, or other computer media.

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

14B.90.090 Regulated Property Sale Limitations.

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

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

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

3. Held property requirements do not apply if:

- a.** The property is received from a Dealer regulated by the City of Portland who has already satisfied the holding requirements of this Chapter and the Dealer records the original transaction report number on the transaction report completed for the new transaction, or
- b.** If a customer, who originally purchased property from a Dealer, returns it to that Dealer with the original receipt.

B. Notwithstanding Subsection 14B.90.090 A., the Director may determine that certain types of transactions pose a reduced risk of being an outlet for the sale of stolen property and therefore may modify the hold period and/or reporting requirements for those types of transactions. Those transactions and the modified requirements are described in the Administrative Rules.

C. Upon reasonable belief that an item of regulated property is the subject of a crime, any peace officer may provide notice to any Dealer that a specifically described item of regulated property must be held in a separate Police Hold area for a period not to exceed 30 days from the date of notification, and is subject to the requirements of subsection A.2 above. The hold may be extended an additional 30 days upon notice provided to the Dealer that additional time is needed to determine whether a specific item of regulated property is the subject of a crime. The Dealer shall comply with the hold notice and notify the Portland Police Bureau Special Property Investigations unit of the hold notice not later than five calendar days from the day the notice was received, either by telephone, fax, email, or in person. A Dealer must notify the Special Property Investigations office of their intent to dispose of any item of regulated property under Police Hold at least 10 days prior to doing so.

1. A Police Hold area must meet the following criteria:

- a.** Located out of public view and access, and
- b.** Marked “Police Hold,” and
- c.** Contain only items that have been put on Police Hold.

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

14B.90.100 Tagging Regulated Property for Identification.

Dealers shall affix a tag to every item of regulated property, which must contain a unique, legible number. That unique number must either be the same as the transaction report number for that item or be referenced to the transaction report required by the Portland

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Police Bureau or assigned by the approved reporting method described in the Administrative Rules. After the holding period has expired, the transaction number must remain identifiable on the property until the sale of the property.

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

14B.90.110 Inspection of Property and Records.

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

14B.90.120 Prohibited Acts.

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

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

14B.90.130 Civil Penalties.

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

14B.90.140 Revocation or Suspension of Permit.

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

- A. Along with the other regulatory enforcement authority granted under this Chapter, the Director may, after consulting with the Chief of Police, revoke or suspend any permit issued pursuant to this Chapter:
 - 1. For any cause that would be grounds for denial of a permit; or
 - 2. Upon a finding that any violation of the provisions of this Chapter, federal, state or other local law has been committed and the violation is connected with the operation of the permitted business location so that the person in charge of the business location knew, or should reasonably have known, that violations or offenses were permitted to occur at the location by the

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Dealer or any principal or employee engaged or employed in the management or operation of the business location; or

3. A lawful inspection has been refused; or
 4. If payment of civil penalties has not been received by the Revenue Division within ten business days after the penalty becomes final; or
 5. If any statement contained in the application for the permit is false.
- B.** The Director, upon revocation or suspension of any permit issued pursuant to this Chapter, shall give the Dealer written notice of the revocation or suspension.
1. Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.
 2. Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.
- C.** Revocation will be effective and final ten days after the giving of notice unless the revocation is appealed in accordance with Section 14B.90.150.
- D.** Suspension will be effective immediately upon the giving of notice, for the period of time set in the notice not to exceed 30 days.

14B.90.150 Appeals.

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

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

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

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

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

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1. The Director may adopt rules pertaining to matters within the scope of this Chapter.
2. Before the Director adopts a rule, a public hearing must be conducted. The Director must give notice of the public hearing in a reasonable manner not less than ten nor more than 30 days before the hearing. The notice must include the place and time of the hearing; where copies of the full text of the proposed rules may be obtained; and a brief description of the proposed rules.
3. The Director will consider oral and/or written testimony during the public hearing. The Director shall adopt the proposed rule, modify, or reject the proposed rule, based on the testimony received. Unless otherwise stated, all rules are effective upon adoption by the Director and will be kept on file at the Revenue Division. Copies of all rules will be made available to the public upon request.
4. Notwithstanding paragraphs 2 and 3 of this Section, the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly would result in serious prejudice to the public interest. In so doing, the Director must include the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph will be effective for a period of not longer than 180 days.

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CHAPTER 14B.100 - LIQUOR LICENSE
RECOMMENDATIONS

Sections:

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

14B.100.010 Purpose.

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

14B.100.020 Delegation of Application Recommendation Authority.

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

14B.100.030 Application Procedure.

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

- A.** Any applicant for any license who is required by the OLCC to have a recommendation from the City of Portland concerning the suitability of the application shall present the license application forms prescribed by the OLCC to the Office of Neighborhood Involvement, or its designee, for the purpose of obtaining the recommendation of the Chief of Police concerning the license.
- B.** The Office of Neighborhood Involvement shall accept liquor license applications only when the following conditions are met:
 - 1.** All required forms are properly completed and in order; and
 - 2.** The applicant has obtained a valid City business license; and
 - 3.** The processing fee has been paid. Fees shall be in the maximum amount allowed by Oregon law and shall be nonrefundable.

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- C.** The Office of Neighborhood Involvement shall forward liquor license applications to the Chief of Police with a copy of the City of Portland Liquor Outlet Information form to the Bureau of Licenses within one business day of receipt.
- D.** Except for applications for new licensed premises for railroads, public passenger carriers or boats, health care facilities, or all OLCC wholesale type licenses, in addition to the posting of a conspicuous notice on the licensed premises as required by the OLCC, ONI shall:
- 1.** Notify the following persons by mail that an application has been filed:
 - a.** Property owners and property occupants within 300 feet of the proposed licensed premises;
 - b.** The neighborhood association within whose boundaries the licensed premises will be located.
 - 2.** Post the proposed new licensed premises with a notice indicating the process for public comment.
 - 3.** Request a response in writing from the neighborhood association, property owners and property occupants and allow at least 20 days after the mailing or posting of notification as provided in this Section, to provide a response in writing to ONI. ONI shall notify any person who responds pursuant to this Section of the recommendation made by the Chief of Police to the OLCC.
- E.** The Chief of Police shall conduct an investigation of each application for the purpose of determining the recommendation that shall be made to the OLCC. In addition to the information required by the OLCC application forms, the Chief of Police is authorized to require from the applicant any other pertinent information that the Chief of Police deems appropriate.
- F.** The Chief of Police shall coordinate with ONI and the City Noise Control Officer prior to issuance of a recommendation to determine if there is substantial neighborhood concern or opposition to the application, or if there is evidence that noise is or will be a significant and persistent problem at the licensed premises.
- 1.** If the Chief of Police finds that there are valid grounds to make an unfavorable recommendation to OLCC as provided by Oregon liquor laws, the Chief of Police shall forward an unfavorable recommendation directly to the OLCC.
 - 2.** If there is substantial neighborhood concern or opposition to the application, or there is evidence that noise is or will be a significant and persistent

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problem at the licensed premises, but the Chief of Police, because of time constraints or other factors, does not find sufficient basis for an unfavorable recommendation as provided by Oregon liquor laws, the Chief of Police shall forward a no endorsement recommendation directly to the OLCC, with supporting documentation of neighborhood concern or opposition and/or evidence of noise as provided by ONI, and shall request that the OLCC hear testimony from the neighborhood. ONI shall coordinate neighborhood testimony for OLCC hearings.

3. If the Chief of Police finds no basis for an unfavorable recommendation as provided by Oregon liquor laws, and there is no substantial neighborhood concern or opposition or evidence that noise is or will be a significant and persistent problem at the licensed premises, the Chief of Police shall forward a favorable recommendation directly to the OLCC. The Chief of Police may also attach conditions or restrictions to a favorable recommendation, such as allowing sales only during limited hours, restricting the sale of alcoholic beverages associated with street drinkers, or other conditions or restrictions consistent with the Oregon liquor laws.

- G. The Chief of Police shall notify the applicant of the recommendation.
- H. The process for renewal applications shall be as provided by this Section except that the notification requirements of Subsection D shall not apply.
- I. If ONI believes a good neighbor agreement will alleviate substantial neighborhood concern or opposition, ONI shall attempt to work with the licensed premises and the neighborhood to achieve a good neighbor agreement. ONI shall notify the Chief of Police and the OLCC of any completed good neighbor agreements, or, of its attempts to achieve a good neighbor agreement, in the event ONI is unable to complete a good neighbor agreement within a reasonable period of time.

14B.100.040 Reconsideration of Applications.

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

14B.100.050 Notification of OLCC Proceedings.

ONI shall notify Council of OLCC hearing dates, places and times, and advise Council of applications that will receive unfavorable recommendations, no endorsements

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recommendations, or favorable recommendations with conditions or restrictions. ONI shall advise Council of the OLCC's decisions on applications.

14B.100.060 Impact Areas.

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

 - 1.** To present an unfavorable recommendation to the OLCC on any application for a new licensed premises located in the impact area; or,
 - 2.** To present a favorable recommendation for any existing licensed premises located in the impact area, subject to certain conditions or restrictions, such as allowing liquor sales only during limited hours, restricting the sale of alcoholic beverages associated with street drinkers, or other restrictions consistent with the Oregon liquor laws.
- D.** Impact area recommendations shall not apply to licensed premises wherein the sale of alcoholic beverages is incidental to full service restaurant facilities, with meals prepared on the licensed premises, provided that the liquor license applicant(s) and the restaurant owner(s) are one and the same.
- E.** The following areas are declared by Council to be impact areas:

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1. Burnside District Impact Area. The Burnside District, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For purposes of this Section, the Burnside District is defined as that area bounded by the Willamette River on the East and North, by NW Ninth Avenue to West Burnside Street, by West Burnside Street to SW Fourth Avenue, by SW Fourth Avenue to SW Ankeny Street, by SW Ankeny Street to the Willamette River.
2. Central Eastside Industrial District Impact Area. The portion of the Central Eastside Industrial Area, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For the purposes of this Section, the Central Eastside Industrial Area is defined as that area bounded by the Banfield Freeway to the North, by SE 12th Avenue to the East, by SE Clay Street to the South, and by the Willamette River on the West.
3. Inner North/Northeast Neighborhood Impact Area. The Inner North/Northeast Neighborhood, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For purposes of this Section, the Inner North/Northeast Neighborhood is defined as that area bounded by NE Columbia Blvd. on the North, NE Broadway Blvd. on the South, and Interstate 5 on the West. The area's boundary on the East is NE 42nd Avenue from NE Columbia Blvd. to NE Prescott Street, NE 23rd Avenue from NE Prescott Street to NE Mason Street, NE 21st Avenue from NE Mason Street to NE Fremont Street and NE 7th Avenue from NE Fremont Street to NE Broadway Blvd.

**CHAPTER 14B.110 - AMUSEMENT DEVICES,
GAMES AND MACHINES**

Sections:

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

14B.110.010 Purpose.

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

14B.110.020 Definitions.

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

- A.** “Amusement device” means any machine, device, or game, including foosball or table soccer games, billiards or pool tables, shuffleboard, shooting gallery devices, miniature bowling games, electronic games of skill, video games, and other similar machines, devices, or games:
 - 1.** Which are made available for display or operation; and,
 - 2.** Which require the payment of money or other valuable consideration.
 - 3.** “Amusement device” shall not include:
 - a.** Ping pong tables, music devices, vending machines, or any rides where no element of chance, bonus, or prize is involved; or
 - b.** Video lottery games, game terminals and equipment operated directly by the Oregon Lottery Commission as a state agency.

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- B.** “Amusement Center” means any location where a person makes seven or more amusement devices available for operation or play at any one time, but excluding any location that:
- 1.** Derives at least 50 percent of its gross income from the sale of food; or,
 - 2.** Possesses a current, valid license authorizing the on-premises consumption of alcoholic beverages; or,
 - 3.** Is operated primarily as a movie theater, bowling alley, skating rink, or other similar establishment, which displays or operates amusement devices only during the hours that such establishment makes its primary service or activity available to the public.
- C.** “Director” means the Director of the Bureau of Revenue and Financial Services Revenue Division, or his or her designee.
- D.** “Display or operation” means to make any amusement device available to the public for use or play, for the purposes of displaying or exercising skill or for amusement, at any public or private location.
- E.** “Location” means any business establishment, public or private club, association, or any other site where a person makes any amusement device available for display or operation, excepting only private residences in which such amusement devices are available only for display or operation at no cost to the player.
- F.** “Person” means any real person, or any partnership, association, corporation, or other form of business organization.

14B.110.030 Authorization.

- A.** Enforcement. The Director is authorized to enforce all provisions of this Chapter.
- B.** Procedures and forms. The Director may adopt procedures and forms to implement the provisions of this Chapter.

14B.110.040 Permits Required for Certain Amusement Devices.

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

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- B.** The provisions the this Section shall not exempt any amusement device from any applicable provisions of the Internal Revenue Code requiring federal gaming device tax stamps, or any applicable provisions of the statutes of the State of Oregon.

14B.110.050 Permits Required, Fees.

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

Type of Permit	Number of Devices	Fee Per Location
Class I	1 - 3	\$ 50.00
Class II	4 - 6	100.00
Class III	7 - 9	200.00
Class IV	10 - 19	500.00
Class V	20 or more	1000.00

- B.** It shall be unlawful for any owner of an amusement center to display or make available for operation any amusement device described in Section 14B.110.040 without first obtaining a valid Amusement Center Permit. Amusement Center Permits shall be classified with nonrefundable fees according to the number of devices at the location as set forth above.
- C.** In lieu of all other permits required by this Chapter, any person may make any amusement device described in Section 14B.110.040 available for display or operation, for one continuous time period not exceeding 90 days in any calendar year, by obtaining a Temporary Location Permit, which shall require the payment of a nonrefundable fee of \$250.
- D.** All permits issued under this Chapter, except Temporary Location Permits, shall be valid for the calendar year of issue, and shall expire on December 31 of that year. All permits shall contain information regarding the permittee's identity. No permit issued under this Chapter shall be transferable or assignable under any circumstances.
- E.** No provision in this Chapter shall be construed to permit the use of any amusement device in violation of State or federal law, or of any of the other provisions of this Code other than those specifically referred to herein.

14B.110.060 Permit Application, Issuance, Denial.

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

- A.** Applications for all permits required by this Chapter shall be made to the Revenue Division on forms provided by the Revenue Division. The applicant shall provide all the information relating to the purposes of this Chapter required on the form by

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the Revenue Division. Failure to provide any information requested on this form may be cause to deny the requested permit.

- B.** The Director shall approve issuance of permits after payment of the required fee, completion of the application form and following an investigation of the applicant. However, the Director shall deny a permit application if:
1. The applicant has been convicted of any offense related to minors, juveniles, gambling, obscenity, controlled substances, prostitution or alcoholic beverages;
 2. Any person has been convicted of any offense relating to minors, juveniles gambling, obscenity, controlled substances, prostitution or alcoholic beverages occurring at the location for which the permit is to be obtained;
 3. Any statement in the application is found to be false;
 4. The applicant has been a principal owner, operator, manager or supervisor of an amusement location and the activities or patrons of such business caused a significant increase in harassing, disorderly or violent acts, criminal activity, vandalism, litter, liquor law violations, noise or traffic congestion in or around such business;
 5. In the Director's opinion, after investigation of the proposed location of an amusement location, the proposed site would be reasonably likely to result in an increase in those acts noted in part (4) of this Subsection;
 6. The business operation as proposed by the applicant would not comply with all applicable requirements of this Code, including, but not limited to, the Building, Health, Planning and Zoning and Fire Codes of the City;
 7. The permitted amusement center would be located within 100 feet of any residential zone established by the Planning and Zoning Code or any location within 500 feet of any public or private elementary, junior high or high school or playground, this distance to be measured in a straight line without regard to intervening structures or obstacles from the nearest point of the school property or residential zone to the nearest point of the structure in which the permitted amusement devices would be operated; or,
 8. The proposed location of the business operation requiring a Location Permit, would be a detriment to the immediate vicinity due to congregation of pedestrian or vehicular traffic.

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- C.** Notwithstanding Subsection B. above, the Director with the concurrence of the Chief of Police may issue a conditional permit if the applicant establishes to the Director's satisfaction that:
- 1.** The behavior evidenced by such factor is not likely to recur;
 - 2.** The behavior evidenced by such factor is remote in time; or,
 - 3.** The behavior evidenced by such factor occurred under circumstances which diminish the seriousness of the factor as it relates to the purpose of this Chapter.
 - 4.** Under this Subsection, the Director may only issue a permit containing conditions directed at ensuring that such factor shall not recur.
- D.** Denial of a permit may be appealed by the applicant by filing written notice of an appeal as provided in Section 14B.110.140.

14B.110.070 Requirements of Permit Holders.

- A.** Any person issued any permit for any amusement device shall supervise the use and operation of such device to prevent its use or operation for any purposes contrary to the provisions of this Chapter or any other violation of the provisions of the City Code or applicable State statutes.
- B.** Displaying Permits.
- 1.** All location, amusement center, and temporary location permits issued under this Chapter shall either be:
 - a.** Securely affixed to the permitted amusement device;
 - b.** Displayed so as to be visible to the public at all times such device is in a location open to the public; or,
 - c.** Visible to the public in the same room as the permitted amusement device.
 - 2.** If affixed to the amusement device, the permit must be visible for inspection without removing any portion of the amusement device, or any other obstacle, and without physically moving the amusement device from its normal operating position.
 - 3.** The entire face of any displayed permit shall be visible. The permit shall be displayed or affixed during its entire term.

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- C.** Any person issued a Location Permit, or a permit to operate an amusement center, shall operate, maintain and supervise the permitted business and its premises, including parking facilities, to prevent:
 - 1.** Violations of the provisions of the Portland City Code, state, or federal law, relating to juveniles, minors, alcoholic beverages, gambling, obscenity, controlled substances, prostitution, or crimes against persons or property as defined by the Oregon Revised Statutes, that are connected in a time and manner with the operation and proximity of such premises;
 - 2.** Harassing or disorderly acts on, in, or around such premises; and,
 - 3.** Any significant increase in litter, noise, vehicular or pedestrian traffic congestion, or other locational problems in the area around such business.

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

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

- A.** Any person issued permits under this Chapter, or who controls any location in which a permitted amusement device is located, shall permit any Revenue Division representative or Bureau of Police officer upon presentation of official identification, to enter such location for the limited purposes of inspecting all records, amusement devices and premises regulated under this Chapter, to which the public has access, to ensure compliance with the provisions of this Chapter.
- B.** Inspections under this Section shall be authorized only during normal business hours.
- C.** Failure to permit an inspection authorized under this Section shall be grounds for suspension or revocation of any permit required under this Chapter.

14B.110.090 Prohibited Conduct.

- A.** It shall be unlawful for any person to make an amusement device available for use or operation without first obtaining all permits required pursuant to this Chapter.
- B.** It shall be unlawful for any person in control of an amusement device to display an expired permit.
- C.** It shall be unlawful for any person to possess or control an amusement device which has any paper, sticker, tag or other device affixed, attached or placed on the device which purports to be a permit issued by the City or implies that the City has issued a permit when the paper, sticker, tag or other device was not issued by the City.
- D.** It shall be unlawful to knowingly or intentionally use or permit the use or operation of an amusement device for any gambling purposes, whether by operation of the

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amusement device or based upon results obtained through use or operation of the device.

- E.** It shall be unlawful for any owner to transfer ownership of any amusement location permitted under this Chapter without first removing the permit from the location.
- F.** It shall be unlawful for any person to sell, rent, give, loan or otherwise assign or transfer any permit issued under this Chapter.
- G.** It shall be unlawful for any person to operate an amusement center without having a permit issued pursuant to this Chapter.

14B.110.100 Permit Suspension, Revocation.

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

14B.110.110 Violations, Sealing Prohibited Amusement Devices.

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

- A.** Upon a determination that any provision of this Chapter has been violated, the Director shall issue a written Notice of Violation and assess civil penalties. The notice shall state the nature of the violation, the date of the violation, and the date by which such violation must be corrected and any civil penalties which must be

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paid to prevent the amusement device from being sealed. The person responsible for the violations shall be allowed 5 days in which to correct the violation.

B. Sealing of Amusement Devices.

1. If a violation is not corrected and civil penalties paid within the time period allowed in Subsection A. above, the Director may seal the coin slot of any amusement device involved in the violation. If an amusement device is sealed, the Director may remove the seal only if the person responsible for the violations has corrected the violations and paid any penalties imposed under this Chapter.
2. It shall be unlawful for any other person other than the Director to remove or alter a seal. If a seal is unlawfully removed or altered, the sealed amusement device shall be subject to seizure and destruction pursuant to this Section.
3. If within a single calendar year a permittee has been issued a Notice of Violation, the Director may seal any amusement device and impose penalties for all further violations by that permittee within that calendar year without first issuing a Notice of Violation or allowing time to correct the violations.

C. A sealed amusement device shall be subject to seizure and destruction as a public nuisance if:

1. The violation is not corrected and all penalties paid within 5 days of sealing; or
2. Upon the occurrence of any subsequent violations of this Section by any one owner or lessor within any calendar year.

D. The Bureau of Police shall assist the Revenue Division in the seizure of the amusement device. The City Attorney is authorized to bring any suit or action for the destruction of the amusement device as a public nuisance.

E. The owner of any amusement device seized for destruction may, within 10 days of the permittee being served with written notice of such seizure, file a written notice of appeal as provided in Section 14B.110.140.

14B.110.120 Civil Penalties.

A. The Director may impose civil penalties for violations of the provisions of this Chapter according to the following schedule:

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1. Sealed amusement device removed from location: the penalty shall be up to \$50 per amusement device.
2. Failure to obtain proper location permit: the penalty shall be up to \$50 per amusement device.
3. The unlawful removal of seal from amusement device: the amusement device shall be subject to seizure and destruction pursuant to Section 14B.110.110.

B. Calculation of Civil Penalties.

1. In calculating the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Director shall consider:
 - a. The extent and nature of the person's involvement in the violation;
 - b. The economic or financial benefit accruing or likely to accrue as a result of the violations;
 - c. Whether the violations were repeated or continuous, or isolated and temporary;
 - d. The magnitude and seriousness of the violation;
 - e. The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
 - f. Any other factor the Director deems to be relevant.
2. The Director shall provide notice of the assessment of civil penalties in the Notice of Violation under Section 14B.110.110 A.

- C. No person assessed a penalty under this Section shall be issued a permit under this Chapter until all such penalties have been paid in full.
- D. Civil penalties imposed pursuant to this Section shall be the only penalties authorized for such violations.
- E. Any person assessed a penalty may, within 10 days of receiving such written order, file a written notice of appeal as provided in Section 14B.110.140.

14B.110.130 Criminal Penalties.

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

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14B.110.140 Appeals.

- A.** The filing of a notice of appeal to the Code Hearings Officer, as set out in Chapter 22.10 of this Code, of revocation or suspension of a permit, or of any civil penalty imposed by the Director under this Chapter, or of any seizure of an amusement device for destruction, shall stay the effective date of the action until the appeal is determined by the Code Hearings Officer.
- B.** The notice of appeal shall be in writing. The notice shall state the name and address of the appellant to which all required notices may be mailed. The notice shall also indicate the reasons why the appealed action was wrong and what the correct determination should be.

**CHAPTER 14B.120 - TIME, PLACE AND
MANNER REGULATION OF
ESTABLISHMENTS THAT SELL AND
SERVE ALCOHOLIC BEVERAGES**

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

Sections:

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

14B.120.010 Purpose.

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

14B.120.020 Definitions.

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

- A. "Alcoholic Beverage" means any liquid or solid containing more than one-half of one-percent alcohol and capable of being consumed by a human being.

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- B.** "Director" means the Director of the Office of Neighborhood Involvement, or the Director's designee.
- C.** "Chief of Police" means the Chief of Police of the Portland Police Bureau.
- D.** "Licensee" means any person holding a license issued by the Oregon Liquor Control Commission.
- E.** "Establishment" means any location licensed under ORS Chapter 471 and includes all enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas where patrons are permitted to be present. "Establishment" also includes areas outside of a building that the Oregon Liquor Control Commission has specifically approved for serving alcoholic beverages.
- F.** "Nuisance activity" means any of the following:
 - 1.** Operation of sound producing equipment, as prohibited by City Code Section 14A.30.020.
 - 2.** Disorderly conduct as defined in ORS 166.025 (2003).
 - 3.** Offensive littering as defined in ORS 164.805 (2003).
 - 4.** Drinking on public rights of way, unless officially authorized, as prohibited by City Code Section 14A.50.010.
 - 5.** Interference with vehicle ingress and egress as prohibited by City Code Section 14A.50.035.
 - 6.** Alcoholic beverage violations in parks, as prohibited by City Code Section 20.12.040, where the violation relates to a specific licensee.
 - 7.** Discharge of a firearm at the establishment, as prohibited by City Code Section 14.A.60.020.
 - 8.** Illegal Drug activity as defined by ORS Chapter 475.840 sections (1) – (4).
 - 9.** Unlawful Prostitution Procurement Activities or loitering for the purpose of prostitution as defined in City Code Sections 14A.40.040 or 14A.40.050 or Illegal prostitution as defined in ORS 167.007.
 - 10.** Criminal homicide as defined in ORS 163.005(2) and 163.095-163.149.

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11. Assault by means of a weapon or motor vehicle as defined in ORS 163.160(1)(b), 163.165(1)(a), 163.165(1)(c), 163.175(b)-(c), 163.185(a) and 163.185(d).
12. Assault that causes serious physical injury as defined in ORS 163.165(b) and 163.175(a).
13. Recklessly endangering another person as defined in ORS 163.195.
14. Any felony sexual offense in the first degree as defined in ORS 163.375-163.427.
15. Unlawful Use of a Weapon as defined in ORS 166.220.

G. "Serve" or "serving" means to furnish, provide or supply alcoholic beverages to patrons or customers.

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

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

14B.120.030 Nuisance Activity Violations.

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

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

14B.120.040 Notice.

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

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

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shall send written notice to the licensee. The written notice shall contain at least the following information:

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

14B.120.050 Nuisance Abatement Plan.

- A.** If the licensee responds to the Director or the Chief of Police within ten (10) business days of the date of the notice, with a proposed course of action for abating the nuisance activities, the Director or the Chief of Police shall review the proposal. If the Director or the Chief of Police determines that the proposal will reasonably abate the nuisance activities, the Director or the Chief of Police and the licensee shall enter into an enforceable agreement, specifying the terms and conditions of the abatement plan.
- B.** At a minimum, the agreement shall identify the nature of the nuisance activities, the specific steps the licensee will undertake to abate the nuisance activity and the related resources the licensee will commit to the abatement, if applicable, and a mechanism for the Director or the Chief of Police to monitor compliance with the plan.
- C.** Any such agreement shall be executed by the licensee and the Director or the Chief of Police within thirty (30) days of the date of the licensee's written response to the Director or the Chief of Police's notice. The Director or the Chief of Police may,

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upon request, extend this thirty-day period if it appears that the parties are working diligently to come to agreement.

14B.120.055 Responsible Neighbor Program.

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

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

14B.120.060 Enforcement.

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

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

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14B.120.070 Hearings.

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

14B.120.080 Remedies.

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

- A.** Limiting the hours or days during which the establishment may operate.
- B.** Requiring the establishment to provide resources to monitor, control and respond to patron behavior at and around the establishment, including but not limited to, hiring adequate security personnel to patrol the establishment.
- C.** Restricting the activities at the establishment to prevent the reoccurrence of nuisance activities, including but not limited to restrictions upon the time and manner in which entertainment is offered.
- D.** Ordering the licensee to undertake other actions reasonably necessary to abate the nuisance activities or mitigate the effects thereof, including but not limited to, modifying the establishment to include noise insulation to prevent and abate nuisance activities related to noise.

**CHAPTER 14B.130 - MARIJUANA
REGULATORY LICENSE PROCEDURE AND
REQUIREMENTS**

(Chapter added by Ordinance No. 187359, effective
September 30, 2015.)

Sections:

- 14B.130.010 Purpose.
- 14B.130.020 Definitions.
- 14B.130.030 License Required.
- 14B.130.040 Minimum Standards.
- 14B.130.050 Application Procedure.
- 14B.130.060 Notice.
- 14B.130.070 Issuance and Renewal of the License.
- 14B.130.080 Requirements.
- 14B.130.090 Inspection of Property and Records.
- 14B.130.100 Penalties.
- 14B.130.110 Revocation or Suspension of License.
- 14B.130.120 Review by the Director and Appeals to the Code Hearings Officer.
- 14B.130.130 Severability.

14B.130.010 Purpose.

The purpose of this Chapter is to protect and preserve the public health, safety, and general welfare of Portland communities by setting requirements for the licensing and siting of businesses that produce, process, sell or transfer marijuana and marijuana items. The standards and procedures exercise the City's authority in accordance with applicable Oregon statutes and administrative rules. This Chapter is adopted pursuant to authority under Oregon statutes, as well as in exercise of the City Charter home rule authority, to regulate business operations in producing, processing, selling or transferring marijuana and marijuana items within the City. Nothing in this Chapter is intended to promote or condone the sale, transfer, distribution, possession or use of marijuana in violation of applicable laws.

14B.130.020 Definitions.

(Amended by Ordinance No. 187557, effective January 20, 2016.) As used in this Chapter, unless the context requires otherwise, the following definitions apply:

- A. "Applicant" means any individual that is directly involved in the management and operation of, or has at least 10 percent ownership interest in, the marijuana business or medical dispensary in the City.
- B. "Cannabinoid concentrates" means any substance obtained by separating cannabinoids from marijuana by;

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1. A mechanical extraction process;
 2. A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;
 3. A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or
 4. Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.
- C.** “Cannabinoid edibles” means food or potable liquids into which a cannabinoid concentrate, extract, or dried marijuana leaves or flowers have been incorporated.
- D.** “Cannabinoid extracts” means a substance obtained by separating cannabinoids from marijuana by;
1. A chemical extraction process using hydrocarbon-based solvent, such as butane, hexane, or propane;
 2. A chemical extraction process using the hydrocarbon based solvent carbon dioxide, if the process uses high heat or pressure, or;
 3. Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.
- E.** “Cannabinoid Product” means an edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contain cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include;
1. Usable marijuana by itself;
 2. A concentrate by itself;
 3. A cannabinoid extract by itself;
 4. Industrial Hemp, as defined in ORS 571.300.
- F.** “Chief of Police” means the Chief of the Bureau of Police, or the Chief’s designee.
- G.** “Consumer” means a person who purchases, acquires, owns, holds, or uses marijuana items other than for the purpose of resale.

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- H.** "Director" means the Director of the Office of Neighborhood Involvement, or the Director's designee.
- I.** "Financial consideration" or "For consideration" means value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions or donations.
- J.** "Licensee" means a person who holds a license issued under PCC Chapter 14B.130.
- K.** "Licensee representative" means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.
- L.** "Licensed premises" means all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms; all areas outside a building that the City has specifically licensed for the production, processing, wholesale sale, retail sale or transfer of marijuana and marijuana items.
- M.** "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in ORS 571.300.
- N.** "Marijuana Business" means any location within the City that is licensed or has submitted an application to be licensed by the Oregon Liquor Control Commission as any of the following;
- 1.** "Marijuana processor" means a person who processes marijuana items in this City.
 - 2.** "Marijuana producer" means a person who produces marijuana in the City.
 - 3.** "Marijuana retailer" means a person who sells or makes available for purchase marijuana or marijuana items in the City.
 - 4.** "Marijuana wholesaler" means a person who purchases marijuana or marijuana items in this state for resale to a person other than a consumer.
- O.** "Marijuana items" means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.
- P.** "Marijuana Laboratory" means any person who is conducting tests of marijuana under Oregon law.

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- Q.** “Marijuana Regulatory License” means a license issued by the City to produce, process, sell or transfer marijuana and marijuana items.
- R.** “Medical Dispensary” means a business located within the City that is registered with the Oregon Health Authority under ORS 475.314 and authorized to transfer usable marijuana, marijuana items and immature marijuana plants, or a site for which an applicant has submitted an application for registration under ORS 475.314.
- S.** “Sale”, “Sales” or “Sold” means any transfer, exchange or barter, in any manner or by any means, for consideration, and includes all sales made by any person including gifts for the purposes of advertising by marijuana businesses.
- T.** “Research Certificate Holder” means any person authorized under Oregon law to receive marijuana items for the purpose of medical or public health and safety research.

14B.130.030 License Required.

- A.** No person shall establish, conduct, maintain or operate a medical dispensary or marijuana business in the City without a valid marijuana regulatory license issued by the Office of Neighborhood Involvement.
- B.** Any person that advertises or otherwise holds themselves to be producing, processing or offering marijuana or marijuana items for sale or financial consideration within the City will be presumed to be a medical dispensary or marijuana business subject to the terms of Chapter 14B.130.
- C.** No medical dispensary or marijuana business may lawfully exist in the City absent the issuance of a state license and full regulatory oversight of the marijuana establishment by the State as well as the City. Compliance with the requirements of this Chapter does not provide a defense to criminal prosecution under otherwise applicable law.

14B.130.040 Minimum Standards.

(Amended by Ordinance Nos. 187391 and 187557, effective January 20, 2016.)

- A.** A marijuana regulatory license may only be issued for specific fixed locations which shall be considered the licensed premises. The licensed premises must be within a building or structure subject to permit review and approval under the Oregon Structural Specialty Code, fire code and related building codes as promulgated by the Oregon Department of Consumer and Business Services. Licensee must obtain the appropriate permits and remain in compliance with fire and building codes.

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- B.** If the location is a medical dispensary, the location may be no closer than 1,000 feet of another medical dispensary. The distance between the dispensaries shall be computed by direct measurement of the nearest portion of the building in which one medical dispensary is located to the nearest portion of the building in which the other medical dispensary is located.
- C.** If the location is a marijuana retailer, the location may be no closer than 1,000 feet of another marijuana retailer. The distance between the retailers shall be computed by direct measurement of the nearest portion of the building in which one marijuana retailer is located to the nearest portion of the building in which the other marijuana retailer is located.
- D.** Distance Restrictions for Dispensaries and Retailers.

 - 1.** A marijuana regulatory license will not be granted for a medical dispensary or a marijuana retailer that is within 1,000 feet of another medical dispensary or another marijuana retailer. The distance between the dispensaries and retailers shall be computed by direct measurement of the nearest portion of the building in which one medical dispensary or marijuana retailer is located to the nearest portion of the building in which the other medical dispensary or marijuana retailer is located.
 - 2.** The distance requirement in Subsection 14B.130.040 D.1. shall not apply for applications for medical dispensary licenses received by the Director between November 1, 2015 and January 29, 2016, that meet the following criteria:

 - a.** The medical dispensary has been:

 - (1)** Registered, operating and in good standing with the Oregon Health Authority since on or before July 1, 2015 and had a valid City of Portland Business License on or before July 1, 2015.
 - (2)** Registered and in good standing with the Oregon Health Authority since on or before September 30, 2015, if the Director finds that the applicant demonstrates that they incurred significant financial obligations prior to that date, such as entering a lease, hiring employees, or obtaining fixtures and equipment, and had a valid City of Portland Business License on or before September 30, 2015.
 - b.** The medical dispensary has no outstanding compliance issues pending with the Oregon Health Authority.

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- c. The application for the medical dispensary has not submitted for or obtained a marijuana regulatory license for a marijuana retailer within 1,000 feet of the location to be licensed under this exception; and
 - d. The applicant meets all other requirements of this Chapter.
3. The requirements of Subsection D.1. shall not apply to current, valid renewal applications for medical dispensary licenses issued under Subsection D.2.
4. The distance requirement in Subsection 14B.130.040 D.1. shall not apply for applications for marijuana retail licenses received by the Director that meet the following criteria:
 - a. The application is from an existing medical dispensary licensee operating under a current, valid medical dispensary located within the City of Portland;
 - b. The marijuana retail license application is for the same address at which the medical dispensary is currently operating;
 - c. The medical dispensary has no outstanding compliance issues pending with the Oregon Health Authority;
 - d. The applicant surrenders its medical dispensary license to the City of Portland and the Oregon Health Authority within 5 business days of receiving notice from the State of the issuance of a marijuana retail license;
 - e. The applicant meets all other requirements of this Chapter.
- E. No medical dispensary or marijuana retailer may operate or conduct business within 1,000 feet of:
 1. Any public elementary or secondary school for which attendance is compulsory under ORS 339.020 (2013); or
 2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1) (a) (2013).
 3. The distance from a school to a medical dispensary or a marijuana business retailer shall be computed by direct measurement from the nearest property line of the land used for the school to the nearest portion of the building in which the medical dispensary or marijuana retail business is located.

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- F.** No medical dispensary, marijuana business, marijuana laboratory, or research certificate holder may be located in residential zones RF through RH or where otherwise not allowed per City Code.
- G.** A person or business operating a medical dispensary, marijuana business, marijuana laboratory, or research certificate holder must comply with all state and local regulations that apply.

14B.130.050 Application Procedure.

- A.** Applications for marijuana regulatory licenses will be processed in the order they are received by the Director. The application shall not be considered received until all the required information and documentation has been submitted and the application fee has been paid. An applicant for a marijuana regulatory license shall complete an application that includes the following information:
 - 1.** All completed forms fully executed and signed, including:
 - a.** Personal history forms, as developed by the Office of Neighborhood Involvement, for any person who will be directly involved in the management or operation of the proposed medical dispensary or marijuana business for review of the application under Subsection 14B.130.070 C.
 - b.** An information form, as developed by the Office of Neighborhood Involvement that includes a description of the planned business operations and a security plan describing how the applicant intends to comply with the requirements of Section 14B.130.080.
 - c.** If the application is for a medical dispensary or marijuana retailer, a Marijuana Control Plan to address security protocols, potential nuisance activities and other public safety concerns.
 - 2.** A Business License Certificate of Compliance as provided in Section 7.02.300, and;
 - 3.** A change of use permit as required by City code when a change in the designated use or a change in the occupancy occurs.
 - 4.** Documentation of having applied for or obtained an alarm permit for the premise's security system.
 - 5.** Proof of ownership or legal possession of the premises to be licensed for the term of the proposed license. If the licensed premises will be leased, the application shall include, a true and complete copy of the executed lease

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showing the property owner has authorized the use as a medical dispensary or marijuana business.

6. If the application is for a marijuana processor or marijuana producer, documentation of having applied for or obtained all necessary permits from the Portland Fire & Rescue and Bureau of Development Services.
7. A non-refundable application fee as stated in the fee schedule adopted by City Council. Fees will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Office of Neighborhood Involvement.
8. The Director may, at the Director's discretion, require additional documentation associated with the application as may be relevant to the requirements of this Chapter. To the extent any materials have been included with the applicant's state license application and forwarded to the City by the state licensing authority, the Director may rely upon the information forwarded from the state without requiring submittal of the same materials in conjunction with the marijuana regulatory license application.
9. The licensee shall notify the Office of Neighborhood Involvement of any changes in the information required in Subsections 14B.130.050 A.1.a.-c. within 10 business days of the change.

- B. Applications for renewal of marijuana regulatory licenses must demonstrate compliance with Subsections 14B.130.050 A.1.-7. on a form provided by the Office of Neighborhood Involvement and pay an annual fee as stated in the fee schedule adopted by City Council.

14B.130.060 Notice.

- A. The Director shall provide notice of an application before a final decision is made to the Bureau of Police, Portland Fire & Rescue, Bureau of Revenue and Financial Services, and Bureau of Development Services.
- B. For medical dispensaries and marijuana business retailers, the Director shall provide notice of an application before a final decision is made to:
 1. Property owners and property occupants within 300 feet of the proposed licensed premises except for renewal applications and locations previously licensed for the proposed use with change in ownership;

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2. The District Coalition Office and Neighborhood Association in which the marijuana regulatory Licensee is located, or proposed to be located.
3. Area residents by posting a public notice where the marijuana regulatory licensee is located, or proposed to be located.

14B.130.070 Issuance and Renewal of the License.

- A. Upon filing of an application and payment of the required application fee, the Director shall ensure that the location proposed to be licensed or registered meets the minimum standards as defined in Section 14B.130.040. If the proposed location meets the minimum standards the Director shall proceed with processing the application. If the location does not meet the minimum standards the Director shall deny the application.
- B. If the proposed location meets the minimum standards as defined in Section 14B.130.040, the Director in consultation with the Chief of Police, shall conduct an investigation of the application and all principals listed according to the requirements in Subsection 14B.130.050 A. If no cause exists for denial, the Director shall issue the license after the following has been received;
 1. Proof that a state license or registration has been issued.
 2. The license fee as stated in the fee schedule adopted by City Council. Fees will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Office of Neighborhood Involvement.
- C. Except as provided for in Subsection 14B.130.070 D., the Director shall deny an initial or renewal application for a marijuana regulatory license if any of the following apply.
 1. The applicant, or any person engaged in the direct management and operation of the medical dispensary or marijuana business, or anyone with 10 percent or more interest in the business has previously owned or operated a business regulated by Chapter 14B.130; and
 - a. The license has been revoked for cause that would be grounds for revocation pursuant to Chapter 14B.130.
 - b. The Director has determined that the business has contributed to crime or livability incidents in the area where the medical dispensary or marijuana business is located.
 2. Any statement in the application is false or any required information is withheld;

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3. If the application is for a medical dispensary, the location is not registered with the state under ORS 475.314;
 4. If the application is for a marijuana business, the location is not licensed with the Oregon Liquor Control Commission;
 5. The Director finds by preponderance of the evidence that the applicant or any person directly engaged in the management and operation of the medical dispensary or marijuana business has violated local or State law including a permitting or licensing requirement.
- D.** Notwithstanding Subsection 14B.130.070 B., the Director may grant a license after consulting with the Chief of Police despite the presence of one or more factors as outlined in Subsection 14B.130.070 C., if the applicant establishes to the Director's satisfaction that,
1. The behavior evidenced by such factor is not likely to reoccur;
 2. The behavior evidenced by such factor is remote in time; or
 3. The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to this Chapter.
- E.** Marijuana regulatory licenses are valid for a term of 1 year and a renewal schedule will be established by rule. The license is non-transferable and valid only for a single fixed location.
1. When the business location is to be changed, the licensee shall provide the address of the new location in writing to the Director to review for compliance with the requirements of this Chapter at least 60 days prior to the change.
 2. A person with multiple dispensaries or business locations must apply for and obtain a license for each separate location.
- F.** Upon denial of an application for a marijuana regulatory license, the Director shall give the applicant written notice of the denial in accordance with the minimum requirements of Chapter 3.130 of Portland City Code.
1. Service of the notice will be accomplished by mailing the notice to the applicant by certified mail, return receipt requested.
 2. Mailing of the notice will be prima facie evidence of receipt of the notice.
- G.** The denial will be effective the date the notice is sent.

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- H.** Denial of a marijuana regulatory license may be appealed by filing written notice of an appeal within 10 days of the date of denial in accordance with Section 14B.130.120.

14B.130.080 Requirements.

(Amended by Ordinance Nos. 187391 and 187611, effective March 2, 2016.)

- A.** A marijuana regulatory licensee must comply with the following regulations:
- 1.** Licensee must display the marijuana regulatory license at the business location in a manner readily visible to patrons.
 - 2.** Licensee may not allow consumption of marijuana or marijuana items on the premises licensed under Chapter 14B.130, except as specifically authorized by Oregon law for employees of medical marijuana dispensaries who are valid, current registry identification cardholders.
 - 3.** Licensee must install and maintain in proper working order at the licensed premises a security system including alarms, safes, and surveillance cameras.
 - a.** Licensee must maintain camera surveillance data backup offsite.
 - b.** Licensee must retain camera surveillance data for a minimum of 30 days.
 - 4.** Except for marijuana producer or processor, sales, transfers and distribution of any marijuana or marijuana items by a Licensee shall occur only upon the licensed premises, and the Licensee shall not provide delivery of marijuana or marijuana items off site, except as expressly allowed under Oregon law regarding delivery off site to holders of Medical Marijuana Patient or Caregiver cards as established under ORS 475.314.
- B.** Any person with a marijuana regulatory license for a medical dispensary or marijuana retailer must comply with the following regulations:
- 1.** Licensee must designate personnel at the entrance intended for consumers to require all persons entering the premises to produce an approved form of identification according to ORS 614.24.1.a-e in order to ensure that no one under the age of 21 is allowed on the premises, except as provided for under ORS 475.314.
 - 2.** Licensee must maintain hours of operation no earlier than 8 a.m. and no later than 10 p.m.

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3. Licensee must not make marijuana or marijuana items available for sale from a vendor cart, temporary structure, or satellite location, or through exterior openings of the licensed premises, such as drive-thru facilities or walk up windows.
 4. Licensee must install and maintain an air filtration system to ensure odor impacts upon neighboring properties are minimized.
- C. Any person with a processor marijuana regulatory license must comply with the following requirements:
1. Licensee must not allow the licensed location to be open to the general public.
 2. Licensee must adhere to applicable state and local regulations for food production, ensuring that marijuana items made for consumption by eating or drinking are processed in a licensed facility.
- D. Any person with a producer or wholesaler marijuana regulatory license must comply with the following requirements:
1. Licensee must not allow the licensed location to be open to the general public.
 2. Licensee must install and maintain an air filtration system to ensure odor impacts upon neighboring properties are minimized.

14B.130.090 Inspection of Property and Records.

- A. Upon presentation of proper credentials, a Licensee shall allow any representative of the Bureau of Police or the Office of Neighborhood Involvement to enter the business location to ensure compliance with the provisions of Chapter 14B.130. The inspection will be for the limited purpose of inspecting the property and related records as provided in this Chapter and the administrative rules. Except by mutual agreement with the Licensee or by court order, any inspection under this Section may occur only during the Licensee's normal business hours.
1. The Director shall first present proper credentials and demand entry to the property. If entry is refused, the Director may attempt to secure entry by any legal means.
 2. If the Director has first obtained an inspection warrant to secure entry onto the property, no owner or occupant shall refuse, fail or neglect, after proper request, to promptly permit entry by the Director to the property.

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- B.** It shall be unlawful for any owner or occupant to refuse to permit entry by the Director to inspect the property under this Chapter after an inspection warrant has been obtained.
- C.** Grounds for Issuance of inspection warrants.
- 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 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 probable cause to believe that a condition of nonconformity with this Chapter 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 this Chapter.
- D.** Procedure for Issuance of inspection warrants.
- 1.** Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness 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 describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8 a.m. and 6 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.
 - 3.** Police Assistance. In issuing an inspection warrant on unoccupied property, including inspection warrants pursuant to Section 14B.130.090, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to

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enter the described property to ensure the safety of the Director or representative of the bureau in completing the inspection.

- 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, 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 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 warrant shall be conspicuously posted upon the property.
 - 3.** 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 10 working days from its date of execution. After the expiration of the time prescribed by this Subsection, the warrant unless executed is void.

14B.130.100 Penalties.

(Amended by Ordinance No. 187557, effective January 20, 2016.)

- A.** The Director may assess civil penalties in an amount up to \$5,000 for any violation of this Chapter.
- B.** Procedure.
- 1.** Having made a determination that a violation of this Chapter has occurred, the Director shall give written notice of a decision to assess civil penalties. The Director's written notice shall be in accordance with the minimum requirements of Chapter 3.130 of the Portland City Code.
 - 2.** Service of the notice will be accomplished by mailing the notice by certified mail, return receipt requested to the mailing address provided by the licensee.
 - 3.** Mailing of the notice will be prima facie evidence of receipt of the notice.

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4. The civil penalty will be due 10 days from the date of the notice unless appealed in accordance with Section 14B.130.120.
- C. In determining the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Director 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 Director may deem to be relevant.

14B.130.110 Revocation or Suspension of License.

- A. The Director may, after consulting with the Chief of Police, revoke or suspend any license issued pursuant to this Chapter.
1. For any cause that would be grounds for denial of a license; or,
 2. Upon finding that any violation of the provisions of this Chapter, State, or local law has been committed and the citation is connected with the operation of the licensed business location so that the person in charge of the business location knew, or should reasonably have known, that violations or offenses were permitted to occur at the location.
 3. If payment of civil penalties has not been received within 10 business days by the Office of Neighborhood Involvement.
- B. The Director, upon revocation or suspension of any license issued pursuant to this Chapter, shall give the Licensee written notice of the revocation or suspension in accordance with the minimum requirements of Chapter 3.130 of Portland City Code.
1. Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.

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- 2. Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.
- C. Revocation will be effective and final 10 days after the date of notice unless the revocation is appealed in accordance with Section 14B.130.120.
- D. Suspension will be effective immediately upon the date of the notice, for the period of time set in the notice not to exceed 30 days.

14B.130.120 Review by the Director and Appeals to the Code Hearings Officer.

- A. Any determination issued pursuant to Sections 14B.130.070, 14B.130.100 or 14B.130.110 believed to be made in error may be reviewed by the Director if requested by the recipient. The request must be submitted in writing within 15 days of the determination, and must include all evidence that supports the request. The Director's determination shall be served by regular mail.
- B. The Director's determination may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of Portland City Code.
- C. The filing of a notice of appeal of revocation or suspension of a license, or of a civil penalty imposed by the Director under this Chapter, will stay the effective date of the action until the Code Hearings Officer issues an opinion.

14B.130.130 Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, void, illegal or unconstitutional, either on its face or as applied, such decision shall not affect the applicability, constitutionality, legality or validity of any remaining portions of this chapter. The Council hereby declares its intention to have adopted this chapter, and each section, subsection, sentence, clause, and phrase of this chapter, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid, void, illegal or unconstitutional, and that the same would have been adopted by the Council had such invalid, void, illegal or unconstitutional sections, subsections, sentences, clauses, or phrases, if any, not been included in this Chapter.

**CHAPTER 14C.10 - POLICE DUTIES TO
INVENTORY PROPERTY**

Sections:

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

14C.10.010 Purpose.

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

14C.10.020 Definitions.

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

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

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- E.** “Police officer” means any police officer employed or acting at the direction of or in collaboration with the Portland Bureau of Police and any officer of the Port of Portland Police Department.

14C.10.030 Inventories of Impounded Vehicles.

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

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

14C.10.040 Inventories of Persons In Police Custody.

- A.** A police officer will inventory the personal property in the possession of a person taken into police custody and such inventory will be conducted whenever:
 - 1.** Such person will be either placed in a secure police holding room or transported in the secure portion of a police vehicle; or
 - 2.** Custody of the person will be transferred to another law enforcement agency, correctional facility, or "treatment facility" as that phrase is used in ORS 426.460 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statute.
- B.** The purpose of the inventory of a person in police custody will be to:
 - 1.** Promptly identify property to establish accountability and avoid spurious claims to property; or
 - 2.** Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the police officer for safekeeping; or
 - 3.** Assist in the prevention of theft of property; or
 - 4.** Locate toxic, flammable or explosive substances; or
 - 5.** Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; or

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6. Reduce the danger to persons and property.
- C.** Inventories of the personal property in the possession of such persons will be conducted according to the following procedures:
1. An inventory will occur prior to placing such person into a holding room or a police vehicle, whichever occurs first. However, if reasonable suspicion to believe that the safety of either the police officer(s) or the person in custody or both are at risk, an inventory will be done as soon as safely practical prior to the transfer of custody to another law enforcement agency or facility.
 2. To complete the inventory of the personal property in the possession of such person, the police officer will remove all items of personal property from the clothing worn by such person. In addition, the officer will also remove all items of personal property from all open containers in the possession of such person.
 3. A closed container in the possession of such person will have its contents inventoried only when:
 - a. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room;
 - b. Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or
 - c. The closed container is designed for carrying money and/or small valuables on or about the person including, but not limited to, closed purses, closed coin purses, closed wallets and closed fanny packs.
- D.** Valuables found during the inventory process will be noted by the police officer in a report as directed by the Chief of such officer's department.
- E.** All items of personal property neither left in the immediate possession of the person in custody nor left with the facility or agency accepting custody of the person, will be handled in the following manner:
1. A property receipt will be prepared listing the property to be retained in the possession of the respective police department and a copy of that receipt will be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person;

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2. The property will be dealt with in such manner as directed by the Chief of such officer's department.
- F.** All items of personal property neither left in the immediate possession of the person in custody nor dealt with as provided in Subsection 14.10.040 E. above, will be released to the facility or agency accepting custody of the person so that they may:
1. Hold the property for safekeeping on behalf of the person in custody, and
 2. Prepare and deliver a receipt, as may be required by ORS 133.455, for any valuables held on behalf of the person in custody.

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CHAPTER 14C.20 - POLICE BUREAU
PROPERTY/EVIDENCE DIVISION DUTIES

Sections:

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

14C.20.010 Maintenance of Property/Evidence Division.

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

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

14C.20.020 Receipts for Property.

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

14C.20.030 Records.

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

14C.20.040 Evidence Property.

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

- A. All property received by the property/evidence division as evidence shall be held subject to use as evidence in the appropriate court(s). Currency received by the division may be held as cash or deposited into a trust fund. Upon final disposition of the case(s) for which such property was seized as evidence, the Bureau of Police shall make a reasonable attempt to return all lawful property still held by the property/evidence division to its legal owner or rightful possessor. The property/evidence division may return currency in the form of cash.

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- B.** The Bureau of Police shall make a reasonable attempt to give notice to the legal owner or rightful possessor that the property will be released to him or her. The notice shall state that the legal owner or rightful possessor has 60 days within which to claim the property at the Bureau of Police. All property received from the property/evidence division requires the signature of the legal owner or rightful possessor.
- C.** Upon attempted notice, if property is not claimed within 60 days, the property may be disposed of by the Bureau of Police in the manner provided by law. Payment on disputed claims shall be authorized either by an appropriate court order approved by the City Attorney or by ordinance.

14C.20.060 Found Property.

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

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**CHAPTER 14C.30 - GENERAL
PROCEDURES AND AUTHORITY OF THE
BUREAU OF POLICE**

Sections:

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

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

- A.** Whenever a threat to the public health or safety is created by any emergency, a Portland police officer may restrict or deny access to any persons to the area where such threat exists, for the duration of such threat, when the officer reasonably believes the presence of such persons would constitute a danger to themselves or others or would substantially interfere with the performance of the police or other emergency services. For purposes of this Section, an emergency includes, but is not limited to an escaped prisoner, a natural disaster, a fire, an explosion, an accident, a riot, the presence of an armed person, a hostage incident or a bomb threat.
- B.** Whenever it appears to be reasonably necessary to investigate, or to preserve or collect evidence of criminal acts, a police officer may restrict or deny access to any area.
- C.** As used in this Section, "restrict or deny access" means that a police officer has the authority to regulate or prohibit the presence or movement of persons or vehicles to, from, and within any area, to evacuate persons and to move or remove any property therefrom, until the reason for such restriction or denial of access no longer exists.
- D.** It is unlawful for any person to enter or to refuse to leave any area closed or restricted in access pursuant to Subsections (A) or (B) above, unless such person has specific statutory authority, or the permission of the on-scene ranking police officer, to be within such area.
- E.** In accordance with the authority granted by this Section, and in consideration of the law enforcement and emergency services needs involved, provision shall be

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made for reasonable access to such areas by members of the media for the purpose of news gathering and reporting.

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

(Amended by Ordinance No. 184522, 185448 and 186053, effective January 1, 2015.)
Police officers, as defined in this Title, are authorized to arrest, issue a citation, or take other enforcement action for violations of the following City Code provisions:

- A. All provisions of Title 11, Tree Regulations;
- B. All provisions of Title 14, Public Order and Police;
- C. All provisions of Title 16, Vehicles and Traffic;
- D. All provisions of Title 18, Noise Control; and
- E. All provisions of Title 20, Parks and Recreation.

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

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

14C.30.040 Seizure and Disposition of Weapons.

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

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- C.** If the name and address of a person entitled to claim possession of a weapon under Subsection B. is known to the Bureau of Police, the Bureau shall give that person notice as provided in Portland City Code 14C.20.
- D.** If the weapon is not claimed under the provisions of Subsection B. or was possessed, carried or used unlawfully by the owner, it is a nuisance. Subject to a court order to the contrary, the weapon shall be disposed of as provided in Subsection E. to G.
- E.** Subject to approval of the, Property/Evidence Division, if the weapon is a firearm suitable for use by the Bureau of Police, it shall be added to the inventory of the Bureau.
- F.** Subject to Subsection C. if the weapon is a shotgun or rifle, it shall be delivered to the Property/Evidence Division, which shall dispose of it in the same manner as surplus property. However, disposal shall be only to persons who have prequalified with the Property/Evidence Division as being licensed to sell firearms at retail.
- G.** Any weapon described in Subsection D. that is not disposed of as ordered by the court, or as provided in Subsection E. or F., shall be destroyed by the Property/Evidence Division.

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

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

14C.30.060 Caretaking of Property.

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

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

- A.** Tri-Met may make and enforce such ordinances and regulations as it deems necessary regarding misuse of transit shelters and transit loading platforms for the purpose of exclusion and criminal trespass.
- B.** For the purposes of this Section, the following definitions apply:
 - 1.** Transit Shelter: the area within the drip line of any transit shelter within the limits of the City of Portland, except the Pioneer Square North and South stations.

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2. Transit loading platform: the area that extends the entire length of the tactile bricks where Tri-Met operated trains and trolleys load and unload within the limits of the City of Portland. This area extends from the tracks to one foot past the rear of the Tri-Met ticket vending machines, or to the farthest drip line of the transit shelter, whichever is farthest from the tactile bricks.

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

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

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Chapter 16.30

TOWING & DISPOSITION OF VEHICLES

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TITLE 16 - VEHICLES AND TRAFFIC

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

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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.

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.

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16.10.060 Citations and Nuisances.

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

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

16.10.080 Altering or Erecting Traffic Control Devices.

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

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

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

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- A.** The traffic line yellow paint may extend across the apron (throat) of the driveway.
- B.** The wing, radius, and/or apron paint may only be painted up to a width of the curb or to a maximum width of eight inches as measured from and beginning at the face of the wing, radius, and/or throat.
- C.** The wings, curb returns, and/or aprons of driveways at locations that are officially designated as prohibitive or restrictive parking, such as “No Parking At Any Time,” “No Parking In This Block,” “Truck Loading All Hours/All Days” zones may not be painted.

The City Traffic Engineer may paint driveway clearances and stencil “No Parking” on the apron and paint keys in the road area of any driveway in the city to facilitate access upon receipt of a signed application and appropriate fee.

16.10.100 Road Authority.

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

16.10.200 Duties of the City Traffic Engineer.

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

- A.** Implement ordinances, resolutions and directions of the City Council and orders of the Commissioner-In-Charge of the Bureau of Transportation by installing, removing, and altering traffic control devices.
- B.** Establish, remove, or alter traffic controls, including but not limited to:
 - 1.** crosswalks, traffic lanes, one-way streets, stop intersections or places, and no passing zones;
 - 2.** intersection channelization and areas where vehicle drivers may not make right, left, or U-turns, and the time when the prohibition applies;
 - 3.** parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal);
 - 4.** regulated parking zones;
 - 5.** traffic control signals and any device that regulates a traffic control signal;

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- 6. bicycle lanes and traffic controls for such facilities; and
 - 7. other regulatory, warning, and guide signs.
- C. Issue vehicle parking permits that authorize specified parking privilege.
- D. Temporarily reserve portions of the street area according to regulations found in Section 16.20.500.
- E. Issue vehicle permits for the movement of over dimensional vehicles on or over City streets.
- F. Designate certain streets where certain classes of over dimensional vehicles may move on or over without a permit.
- G. Designate streets where certain classes of vehicles may not move on or over except for local access.
- H. Temporarily reduce speed limits when allowed by the provisions of ORS 810.180.
- I. Designate certain streets as bridle paths and prohibit horses and animals on other streets.
- J. Determine the location, design, and construction of streetlights.
- K. Designate transit lanes and street locations where certain transit vehicles may proceed in a manner prohibited to other traffic.
- L. Require the removal or pruning of any street tree, vegetation or other obstruction in the public right-of-way that obscures the visibility of or for drivers, bicyclists, or pedestrians, or in any way presents a safety hazard.
- M. Regulate the installation and presence of banner signs on lighting poles owned by the City.
- N. Install temporary traffic control devices when traffic conditions constitute a danger to the public.
- O. Whenever specifically provided in the Title, the City Traffic Engineer may assess civil penalties for violations of the provisions of Title 16. The City Traffic Engineer shall adopt rules, procedures, and forms to be used in assessing such civil penalties. In determining the amount of any civil penalty to be assessed, the City Traffic Engineer shall consider the following criteria:
 - 1. The extent and nature of the violation;

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2. The benefits, financial or otherwise, accruing or likely to accrue as a result of the violations;
 3. Whether the violations were repeated and continuous, or isolated and temporary;
 4. The magnitude and seriousness of the violation;
 5. The City's cost of investigating the violation and correcting or attempting to correct the violation; and
 6. Any other relevant factors.
- P. The City Traffic Engineer's assessment of civil penalties may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.10.300 Administrative Rules and Procedures.

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

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

16.10.400 Regulation Standards.

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

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

16.10.500 Fees and Charges.

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

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

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

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

16.10.650 Parking Code Enforcement Officers.

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

- 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.

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- 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.

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.
16.20.470	Injury to or Theft from Meters; Unauthorized Possession of Implement, Invalid Receipt.
16.20.500	General Parking Permits.
16.20.501	Purpose.
16.20.503	Current Approval Required Before Use.
16.20.505	All Traffic Laws Apply to Permit Holder.

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16.20.510	Construction Area Permit.
16.20.520	Maintenance Hood Permit.
16.20.530	Temporary Truck Loading Area Permit.
16.20.540	Angle Loading Permit.
16.20.550	Travel Lane Parking Permit.
16.20.560	Special Use Permit.
16.20.595	Improper Use.
16.20.600	Vehicle Parking Permits.
16.20.601	Purpose.
16.20.603	Current Approval Required Before Use.
16.20.605	All Traffic Laws Apply to Permit Holder.
16.20.610	Media Permit.
16.20.620	Commercial Permit.
16.20.621	Disabled Resident Permit.
16.20.622	Disabled Employee Permit.
16.20.630	Delivery Permit.
16.20.640	Disabled Person Placard – Metered Districts.
16.20.641	Disabled Person Placard – Non-Metered Regulated Parking Zone.
16.20.645	Wheelchair User Disabled Person Parking Placard.
16.20.650	Government Permit.
16.20.660	Nonprofit Permit.
16.20.670	Carpool Permit for Metered Parking.
16.20.675	Carpool Zone Permit.
16.20.680	Other Permit.
16.20.695	Improper Use.
16.20.800	Area Parking Permit Program.
16.20.801	Purpose.
16.20.810	Definitions.
16.20.830	Area Eligibility.
16.20.840	Process.
16.20.850	Program Administration.
16.20.860	Violation and Enforcement.
16.20.900	City Owned Parking Garages.
16.20.910	Rules of Conduct.
16.20.920	Garage Parking Rates.

16.20.001 Purpose.

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

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

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

16.20.100 General Parking Methods.

16.20.110 Generally.

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

- A.** Emergency vehicles may stop or park in any manner necessary at any time while serving an emergency.
- B.** No person may park or stop a vehicle other than in the direction of traffic.
- C.** When parking spaces are designated on a street with parking space markings, the vehicle must be parked in such a manner that the entire vehicle is located within official parking space markings.
- D.** When parking spaces are not designated on a street with parking space markings and when angle parking is not lawful, the vehicle must be parked in such a manner that both the front and rear tires closest to the curb or curb line are located not more than 1 foot from the curb or curb line.

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A two or three wheeled vehicle may park at an angle or perpendicular to traffic flow if its tire closest to the curb or curb line is located not more than one foot from the curb or curb line and the vehicle does not extend more than eight feet from the curb or curb line.

- E.** The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street or public lot has priority to park in that space, and no other vehicle operator or person may attempt to interfere.
- F.** When the operator of a vehicle discovers the vehicle is parked adjacent to a building to which the fire department has been summoned, the operator must immediately remove the vehicle from the area unless directed otherwise by police or fire officers.

16.20.120 Prohibited Parking or Stopping of a Vehicle.

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

- A.** While such vehicle is equipped with a vehicle alarm unless such system is designed to, and does in fact, cease emitting an intermittent or constant sound after an aggregate time of 3 minutes within a 15 minute period on any public right-of-way or in a public park.
- B.** To angle load/unload (except within a legal angle parking space) on any street unless specifically authorized by an angle loading permit. Unauthorized angle loading is hereby declared to be a traffic hazard and is subject to summary abatement.
- C.** At an angle to traffic flow except:
 - 1.** Where angle parking is designated by official parking space markings or other traffic control devices.
 - 2.** That a two or three wheeled vehicle may park in a legal parking area at an angle or perpendicular to traffic flow in accordance with 16.20.110 C. and D.
- D.** Outside of or across an official line or mark designating a parking space, or between such lines in a maneuvering area.
- E.** So as to prevent the free passage of other vehicles, including rail vehicles and bicycles, on any street, alley or City of Portland owned or operated property.
- F.** On or over an official fog or edge line.

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- G.** Adjacent to a curb painted or taped yellow if the paint or tape is authorized by the City Traffic Engineer.
- H.** When the vehicle is: a truck, a truck trailer, a motor bus, a recreational vehicle, a utility trailer, a drop box or storage container, or has two or more rear axles in the public right-of-way adjacent to or directly across from residential, public park, church, or school property, except:

 - 1. When loading/unloading property belonging to the occupants of or performing a service on the adjacent residence, for a period not to exceed 8 hours; or
 - 2. A recreation vehicle when servicing or loading/unloading the vehicle for a period not to exceed 8 hours.
 - 3. That a vehicle may park adjacent to or directly across from public park property if authorized by a written permit from the Bureau of Parks and Recreation.
- I.** When the vehicle is: a truck, truck trailer, a motor bus, recreational vehicle, a utility trailer, a drop box or storage container, or has two or more rear axles in the public right-of-way adjacent to or directly across from commercial or industrial property, except:

 - 1. Between the hours of 6 a.m. and 4 p.m. for a period not to exceed 4 hours; or
 - 2. Between the hours of 4 p.m. and 6 a.m. when adjacent to a business or industry normally operating a regular work shift during these hours while loading/unloading a vehicle in conjunction with the operation of this business for a period not to exceed 2 hours.
- J.** On the roadway side of a vehicle which is stopped or parked:

 - 1. In an officially designated parking space; or
 - 2. Adjacent to the curb line of a street.
- K.** Alongside or opposite a street excavation or obstruction when stopping or parking would obstruct traffic.
- L.** That is required by state law to be registered that is not registered, whose registration has expired or that does not have a current permit in lieu of registration, or fails to display current registration.
- M.** Without doing all of the following if leaving the vehicle unattended:

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1. Stopping the engine;
 2. Turning the front wheels to the curb or side of the street when on any grade;
 3. Locking the ignition;
 4. Removing the key from the ignition; and
 5. Effectively setting the brake on the vehicle.
- N.** If the vehicle is a drop box parked during the hours of sunset to sunrise without reflective devices on the edge or side of the vehicle nearest the center of the street. The reflective device must be plainly visible for a distance of 200 feet in either direction from the drop box, parallel with the center of the street.
- O.** If the vehicle is a drop box within 50 feet of an intersection without permission of the City Engineer, City Traffic Engineer, or the Bureau of Development Services. This regulation does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.
- P.** In the public right-of-way, public park, or city-owned or operated property if the vehicle is abandoned.
- Q.** In a manner that creates a traffic hazard impeding the safe movement of vehicular or pedestrian traffic.
- R.** That is required by law to display two registration plates if a plate is not displayed on the front and the rear of the vehicle.
- S.** Which is a government vehicle, in a parking space where government vehicles are prohibited.
- T.** Any violation of the City of Portland, Transportation Administrative Rule is subject to citation or fine for each violation.

16.20.130 Prohibited in Specified Places.

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

- A.** Within 50 feet of an intersection when:
1. The vehicle or a view obstructing attachment to the vehicle is more than 6 feet in height; or

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2. Vehicle design, modification, or load obscures the visibility or view of approaching traffic, any traffic control sign, any traffic control signal, or any pedestrian in a crosswalk.

This regulation does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.

- B. Within 15 feet of a driveway to any fire station unless allowed by official signs or markings.
- C. Within 10 feet of any fire hydrant, even when not marked by traffic control devices, except attended taxi cabs lawfully occupying properly signed taxi zones.
- D. In front of any portion of a handicap access ramp.
- E. In front of and 10 feet on either side of a rural (vehicle) delivery mail box between 8 a.m. and 6 p.m., except Sundays and official postal holidays.
- F. Within any city park or golf course except in officially designated parking areas during the time the park is open to the public. This provision does not apply to City or City-authorized vehicles used in park or golf course service, or to vehicles authorized by a written permit from the Bureau of Parks and Recreation.
- G. In violation of the provisions of any area parking permit program as defined in 16.20.800.
- H. On any mass transit lane or street as defined in Section 16.50.
- I. On any planting strip, sidewalk, or pedestrian way.
- J. On a shoulder unless a clear and unobstructed traffic lane of the roadway adjacent to the vehicle is left for the passage of other vehicles, and:
 1. The stopped or parked vehicle is visible from a distance of 200 feet in each direction upon the roadway; or
 2. A person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the parked vehicle by use of flag persons, flags, signs or other signals.
- K. On the approaches to or upon any restricted access highway, bridge, viaduct, or other elevated structure, unless permitted by authority of this Title.
- L. On City-owned or City-operated property designated for vehicle parking by authorized City personnel only, without consent of the City, if there is in plain view on such property a sign prohibiting or restricting public parking.

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- M.** Over, upon, or in such manner as to prevent access to any water meter, gate valve, or other appliance in use on any water meter connection of the Portland Water Bureau, located on public property, the public right-of-way or private property.
- N.** On any municipal terminal except in the place and manner permitted by official signs or markings.
- O.** On any pier or dock of a municipal terminal except when loading/unloading freight in compliance with any official signs or markings.
- P.** On or within an intersection.
- Q.** On or within a crosswalk.
- R.** Within any tunnel unless parking in officially designated spaces.
- S.** Within 7 feet of the nearest rail of a railroad track or within 25 feet of the center line of any set of tracks at any railroad or light rail crossing unless parking in officially designated spaces.
- T.** In the area between roadways of a divided street or highway.
- U.** On or within a bicycle lane, path, or trail.
- V.** In front of any portion of a driveway ingress/egress to the public right-of-way.

16.20.150 Prohibited Practices.

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

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

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

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

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- A.** It is unlawful for any public vehicle parking business, vehicle sales, repair, or servicing business to cause or permit a vehicle to be parked on a street, alley, lane, or other public right of way while such vehicle is in the custody, control, or possession of the business for the purpose of being parked, offered for sale, repaired, or serviced.
- B.** As used in this Section, “public vehicle parking business” means the business of offering off-street vehicle parking or storage for a fee; “vehicle sales, repair, or servicing business” means the business of offering new or used vehicles for sale, lease, or rent, or of offering vehicle repairs or servicing; “vehicle” means any device, including any major portion or part thereof, in, on, upon, or by which any person or property may be transported or drawn upon a public highway except a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.
- C.** If a vehicle is parked on a street, alley, or lane, or other public right of way while in the custody, control, or possession of a public vehicle parking business or a vehicle sales, repair, or servicing business for the purpose of being parked or stored, offered for sale, lease, or rent, or being serviced or repaired, it is prima facie evidence that the person engaged in such business caused or permitted such vehicle to be so parked.
- D.** Except for vehicles associated with accessory home occupations per Chapter 33.203, it is unlawful for any business entity to store more than one vehicle on any block face between the hours of 8:00 p.m. and 6:00 a.m. It is unlawful for the operator of any accessory home occupation to park or store more than one vehicle used in association with the home occupation in the public right-of-way at any time. The maximum size of the vehicle used in association with the home occupation is a pickup truck in the medium truck category as defined in Chapter 33.910.
- E.** The owner of the business, operator of the business, or the owner of the property where the business is located shall be the party responsible for any violation of this Section.

16.20.170 Storing Property on Street Prohibited.

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

- A.** No person may store, or permit to be stored, a vehicle or other personal property on public right-of-way or other public property in excess of 24 hours without permission of the City Engineer, the City Traffic Engineer, or the Bureau of Development Services.
- B.** Failure to operate and move a vehicle or move nonvehicular property off of the block face within a 24-hour period constitutes prima facie evidence of storage and may be abated.

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- C.** Nonvehicular property stored for any amount of time in a metered space or regulated parking zone is a nuisance and may be summarily abated.
- D.** Notwithstanding section A above, vehicles described in section 16.20.120 H and I are subject to the limitations established in those sections.

16.20.190 Successive Violations.

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

16.20.200 Regulated Parking Zones.

16.20.201 Purpose.

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

16.20.203 Regulated Parking Zone Designations.

- A.** Anyone may request that the City Traffic Engineer designate a regulated parking zone on any particular street or highway.
- B.** When evaluating designation of a regulated parking zone, factors the City Traffic Engineer may consider include:
 - 1.** The nature of land use within the block;
 - 2.** The volume of traffic;
 - 3.** The volume of parking;
 - 4.** The width of surface of the street;

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- 5. The relationship between the need for parking space for the land use in the block, for the use of the regulated parking zone, and the need for parking space for the general public;
 - 6. Patrons and prospective patrons of the places within the block or area to be served by the parking zone; and
 - 7. The hours of day or night when use of the parking zone is necessary or most convenient.
- C. The standard for determining the location and size of any regulated parking zone will be the public welfare.

16.20.205 Enforcement of Regulated Parking Zones.

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

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

16.20.210 No Parking Zones.

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

16.20.213 No Stopping or Parking Zone.

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

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16.20.215 Theater Zone.

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

16.20.220 Truck Loading Zones.

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

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

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

16.20.230 Bus Zone.

Only a motor bus may park in a bus zone.

16.20.235 Tri-Met Bus Zone.

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

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

16.20.240 Taxi Zone.

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

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

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

16.20.250 Disabled Person/Wheelchair User Zone.

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

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

16.20.260 Time Zones.

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

16.20.270 Carpool Zone.

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

16.20.280 Official/Reserved Zones.

- A.** An official/reserved zone is a parking area reserved for specific vehicles.
- B.** No vehicle may park in an official/reserved zone unless authorized as indicated by the sign or markings of the zone.

16.20.400 Metered Parking Zones.

(Amended by Ordinance No. 179141, effective March 23, 2005.)

16.20.401 Purpose.

Parking meters are authorized by the City of Portland as a means to increase vehicle turnover in parking spaces, to encourage short-term parking in the metered area, and to improve safety in the public right-of-way.

16.20.405 Enforcement of Metered Parking Spaces.

(Amended by Ordinance No. 179141, effective March 23, 2005.)

- A. Parking meters are in effect during all hours indicated on the meter and/or sign.
- B. All vehicles must adhere to parking meter regulations while stopped or parked in an officially designated metered parking space unless obeying the direction of an authorized officer or unless authorized for specific actions by a vehicle or general parking permit.
- C. Emergency vehicles may stop or park in any metered space at any time while serving an emergency.
- D. It is unlawful to store nonvehicular property in a metered parking space. Any nonvehicular property stored in a metered parking space is a nuisance and may be summarily abated.

16.20.410 Administration of Meters, City of Portland Owned and Operated Property.

(Amended by Ordinance No. 179141, effective March 23, 2005.)

- A. Changes to or establishment of parking meter areas, including but not limited to surface parking lots, parking structures and designated parking areas, is initiated at the sole discretion of the City Traffic Engineer.
- B. The City Traffic Engineer is authorized to enter into agreements with City Bureaus or other public bodies in order to operate their surface parking lots, parking structures or designated parking areas within the City of Portland.

16.20.420 Determination of Meter District Boundaries.

(Amended by Ordinance Nos. 173627, 179141 and 182389, effective January 2, 2009.)

- A. Changes to or establishment of a parking meter district is initiated at the sole discretion of the City Traffic Engineer.
- B. Before expanding or establishing a new parking meter district on public-right-of-way, the City Traffic Engineer must conduct a public hearing on the proposed meter district. All properties within 400 feet of and all City recognized neighborhood and

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business associations within 1000 feet of the proposed meter district shall be mailed notice of the public hearing at least 20 days prior to the hearing.

- C.** Meter district boundaries will be proposed in the text of a report to the City Council. All persons registering their attendance at the public hearing shall be mailed notice of the City Council meeting at least 20 days prior to the meeting.
- D.** The City Traffic Engineer may consider the following factors when determining a parking meter district boundary:
 - 1.** The amount of area presently under parking sign controls.
 - 2.** Adjacent property owner and property tenant demand and interest in having metered parking control.
 - 3.** Need for increased turnover of parking spaces and public right-of-way management.
 - 4.** Mitigation of traffic and parking impact on adjacent areas.
 - 5.** Impact on current parking meter district enforcement.
- E.** Current meter district boundaries shall be listed in the Bureau of Transportation's Rules and Procedures Manual.

16.20.430 Meter Time (on City of Portland Right-of-Way).

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

- A.** It is unlawful for any person to park any vehicle in any parking meter space during the hours of operation of the meter without paying the parking meter fee, or to permit any vehicle in their control or custody to remain in any parking meter space longer than the time designated time limit.
- B.** At short-term meters, it is unlawful to extend the parking time beyond the designated limit for parking in the metered space.
- C.** Upon expiration of the designated time limit, as indicated by the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face unless it has moved 500 or more lineal feet as measured along the curb or edge line.
- D.** Upon leaving a metered space a vehicle may not return to a parking meter in the same block face for a 3-hour period, unless it is a metered space in the same block face that is more than 500 lineal feet, as measured along the curb or curb line, from the previously used metered space.

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- E.** Upon expiration of the designated time limit indicated by the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face unless:
- 1.** The vehicle has moved 500 or more lineal feet, measured along the curb or edge line;
 - 2.** The vehicle has moved to an unregulated parking area in the same block face; or
 - 3.** The vehicle has vacated the block face for a period of 3 hours.
- F.** A vehicle may not be parked in any space with a broken or “out of order” meter for a period of time longer than the time limit indicated on the meter. Payment or a valid receipt is required at all spaces regardless of whether the closest device is functioning.

16.20.431 City of Portland Owned or Operated Property.

(Added by Ordinance Nos. 179141 and 182389, effective January 2, 2009.)

- A.** It is unlawful for any person to park any vehicle in any parking space during the hours of operation without paying the parking meter fee, or displaying a valid receipt, or to permit any vehicle in their control or custody to remain parked without payment of meter fees or displaying a valid receipt.
- B.** It is unlawful for any person to park any vehicle with an invalid or unrenewed permit or failure to display the valid permit according to the City of Portland, Bureau of Transportation Administrative Rules.
- C.** Improper use of a permit by a permit holder will result in cancellation of that permit.
- D.** After a citation for violation has been issued and the cited vehicle remains parked or stopped, when cited for the previous violation, a separate violation occurs upon the expiration of each successive maximum period of parking time as designated by official signs, markings, or meters. A separate citation may be issued for each successive violation.

16.20.440 Meter Fees.

(Amended by Ordinance Nos. 176394 and 186575, effective July 1, 2014.) A sign or legend which indicates the interval of time for which parking is permitted and the fee payable for the time interval must be posted on all meters. The parking meter fee must be paid with U.S. coins, payment card or any other authorized payment method by the person within the vehicle, except:

- A.** During all the days and the hours that a meter fee is not required as indicated on the meter.

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- B.** A vehicle with a commercial or delivery permit and a vehicle allowed to use truck loading zones by right may use any metered parking space without meter fee on any day between the hours of 8 a.m. and 10:30 a.m. for a maximum of 30 minutes while engaged in loading/ unloading merchandise; or
- C.** Any government vehicle, so identified by public registration plates, may park without meter fee for the maximum time limit allowable at any metered parking space.
- D.** A vehicle with a current permit authorizing parking at a meter without payment of the meter fee, as defined in Sections 16.20.500 and 16.20.600.
- E.** A vehicle, for the sole purpose of loading/unloading passengers, for a period not to exceed 30 seconds.

16.20.445 Pay Stations.

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

- A.** It is unlawful to park or permit to be parked any vehicle in a space metered by a pay station without properly displaying proof of payment.
- B.** Proper display of proof of payment means affixing the receipt to the interior of the curbside window of the vehicle in such a manner that the expiration time and date are readily visible from the exterior. For motorcycles, receipts shall be affixed where clearly visible.

16.20.450 Obstruction of Meters.

No vehicle or other property may obstruct access to a parking meter in a manner which prevents deposit of coins in the meter, visibility of the meter instructions or time limit, or visibility of any signs mounted on the meter pipe. A vehicle or other property in violation of this section is hereby declared to be a nuisance and is subject to summary abatement.

16.20.460 Parking Space Reservation.

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

- A.** A parking space may be reserved by securing a meter hood over a single-space parking meter or by placing a space reservation marker on the sidewalk near the curb of the parking space according to the permit's administrative regulations.
- B.** A vehicle parked prior to placement of a space reservation device will not be considered parked in violation until it is parked longer than the time limit indicated on the meter.
- C.** The issuance and use of parking meter hoods is permissive and will not be construed to vest any privilege or property right to the permittee. Hoods, padlocks, and keys remain the property of the City.

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- D.** The permittee will be charged a fee for replacement and administrative costs for parking meter hoods which are lost, damaged or vandalized.
- E.** A fee will be charged to the permittee when a meter hood is not returned on the date designated.
- F.** The permittee will be charged an additional fee for each hood which is retrieved by City personnel.
- G.** The sign(s), meter hoods, or other devices designating a reserved area may only be used to reserve the number of parking spaces or total street frontage as allowed by the permit.

16.20.470 Injury to or Theft from Meters; Unauthorized Possession of Implements, Invalid Receipt.

(Added by Ordinance No. 170923; amended by Ordinance Nos. 176394 and 179141, effective March 23, 2005.)

- A.** It is unlawful for any person to deface, injure, tamper with, willfully break, destroy, or impair the usefulness of any parking meter installed in public streets, public places, or elsewhere in the City, or to open or remove the same without lawful authority.
- B.** It is unlawful for any person without lawful authority to remove any coin box or the money content of such coin box or the contents of any parking meter or part thereof.
- C.** It is unlawful for any person to knowingly manufacture, duplicate, possess, or use any tool, key, implement or device designed to force, break, unlock, or otherwise gain entry to any parking meter maintained by the City unless authorized to do so by the City Traffic Engineer.
- D.** Injury to or theft from each meter as described in Subsection A and possession of each item described in Subsections B and C is a separate offense. For each such offense, in addition to the penalties otherwise provided in this Code, a court may order restitution to the City of the damages incurred for repair or re-keying parking meters as a result of injury to the meters or the use or possession of the items described in Subsection C.
- E.** It is unlawful for any person to duplicate, copy, use or otherwise falsify a parking payment receipt.
- F.** It is unlawful for any person to damage, deface, or remove a space reservation device.

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16.20.500 General Parking Permits.

16.20.501 Purpose.

General parking permits may be issued to reserve public right-of-way areas for use by designated parties. The City Traffic Engineer may issue permits, parking meter hoods, signs, or other devices to temporarily reserve public right-of-way areas outside of the Special Traffic Control District (17.23). Within the Special Traffic Control District, the City Engineer may issue a general parking permit. General parking permits may apply in designated parking zones, at parking meters, or elsewhere depending on the specifications of the permit. This section will describe each general parking permit and the regulations for enforcement of the permit.

16.20.503 Current Approval Required Before Use.

- A.** All general parking permits, including meter hoods, must have current approval of the City Engineer or the City Traffic Engineer at the time the permit is used by the permittee.
- B.** The City Traffic Engineer or City Engineer may deny a general parking permit application based on a demonstrated history of improper use by the applicant during the previous 12 months.
- C.** No permit will be issued to any applicant who has an outstanding balance due for prior violation(s) of or outstanding fees for permits issued by the City Traffic Engineer.
- D.** The City Traffic Engineer may require insurance to indemnify the City from liability before issuing a general parking permit.
- E.** Replacement permit cards may be issued by the City Traffic Engineer upon receipt of a fee from the permittee.
- F.** A decision of the City Traffic Engineer regarding the issuance of a general parking permit may be appealed to the Code Hearings Officer according to Title 22 of the Portland City Code.

16.20.505 All Traffic Laws Apply to Permit Holder.

All permit holders and permitted vehicles are subject to all traffic laws and regulations not explicitly superseded by the permit.

16.20.510 Construction Area Permit.

- A.** A construction area permit will only be issued to a person with an official street use permit, a street opening permit, a temporary street closure permit, or who is performing minor modifications or clean-up activities.

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- B.** A construction area permit allows placement of building materials, equipment, or commercial vehicles necessary for the performance of the work in the public right-of-way. A meter hood/sign may only be used to establish a construction area when the parking of the vehicle is essential to the performance of the construction work. A vehicle not allowed by right to park in truck loading zone and vehicles being used to transport small tools are not essential in this regard and are not allowed in any construction area unless specifically authorized by the permit.
- C.** No vehicle may park in a construction area unless authorized by the construction area permit. Identification cards may be required for authorization of the vehicle.

16.20.520 Maintenance Hood Permit.

A maintenance hood permit allows a person to secure parking meter hoods on parking meters near areas where work is being performed. Permit users must obey administrative regulations of the permit and regulations regarding parking meter hood use (16.20.460).

16.20.530 Temporary Truck Loading Area Permit.

- A.** A temporary truck loading permit may be issued to any person proving need for the permit. The temporary truck loading area must be designated by portable signs or parking meter hoods or as otherwise designated by the administrative instructions of the permit. The signs, meter hoods, or other devices designating the area may only be used where allowed by the permit.
- B.** No vehicle may park in a temporary truck loading area unless authorized by the temporary truck loading area permit.

16.20.540 Angle Loading Permit.

An angle loading permit may be granted by the City Traffic Engineer to facilitate the loading/unloading of vehicles, subject to the following provisions:

- A.** When angle parked, the permittee must be actively engaged in loading/ unloading the vehicle.
- B.** The permit will be authorized when necessary because of the weight or size of the merchandise being loaded/unloaded and the physical constraints of the loading area.
- C.** Angle loading/unloading will be subject to the time limit established by the City Traffic Engineer for each individual permit.
- D.** In the case of a tractor and trailer combination, the tractor may be required to be removed and parked separately.
- E.** The City Traffic Engineer may require a traffic control plan to be implemented as a condition of the permit.

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- F.** The City Traffic Engineer may require insurance to indemnify the City for liability related to permit use.

16.20.550 Travel Lane Parking Permit.

(Amended by Ordinance No. 165594, effective July 8, 1992.)

- A.** A street closure permit must be obtained from the City Engineer per Title 17.44.020 for the following purposes:
 - 1.** Facilitating construction, demolition or installation of facilities on public or private property.
 - 2.** Restricting vehicular use of an unimproved street for the protection of the public or to eliminate a neighborhood nuisance.
 - 3.** Providing for special events, such as block parties or neighborhood fairs.
- B.** The City Traffic Engineer may issue a travel lane closure permit for any other purpose, and, as a condition of the permit, require:
 - 1.** A traffic control plan to be implemented; and
 - 2.** Insurance to indemnify the City for liability related to permit use.

16.20.560 Special Use Permit.

(Amended by Ordinance Nos. 173627 and 182389, effective January 2, 2009.)

- A.** Special use permits will be limited to uses where the firm or individual requires reserved parking lane space to perform a specific task. Permitted uses may include: crane placement or operation, bus loading, mobile medical facilities, funeral vehicles, wedding vehicles, special events, security for visiting dignitaries, and other special restrictions deemed necessary by the Police Bureau or Bureau of Transportation. Special use permits will not be issued to allow the display or sale of merchandise.
- B.** No vehicle may park in a special use permit area unless authorized by the special use permit.

16.20.595 Improper Use.

(Amended by Ordinance Nos. 170923 and 179141, effective March 23, 2005.)

- A.** It is a violation to improperly use a permit, meter hood, sign, or curb marking, and will be cause for the revocation of the permit, meter hood, sign, or curb marking. A citation or a civil penalty will be assessed of up to \$1,000 by the City Traffic Engineer. Upon notice of revocation, the permit and/or meter hood(s) must immediately be returned to the City Traffic Engineer.

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- B.** The permit applicant is fully responsible for any violation of the conditions of the permit.
- C.** All fees paid will be forfeited in the event of revocation. All fines are due within 30 days after the fine is levied. All civil penalties assessed by the City Traffic Engineer are due within 30 days unless an appeal is made.
- D.** Decisions of the City Traffic Engineer regarding the revocation of a general parking permit may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.20.600 Vehicle Parking Permits.

16.20.601 Purpose.

A vehicle permit may be issued to allow a vehicle to legally park in violation of specific parking regulations. A vehicle permit may apply in a designated parking zone, parking meter, or elsewhere depending on the specifications of the permit.

16.20.603 Current Approval Required Before Use.

- A.** All vehicle permits, including meter hoods, must have current approval of the City Traffic Engineer at the time the permit is used by the permittee.
- B.** The City Traffic Engineer may deny a vehicle permit application based on a demonstrated history of permit abuse by the applicant during the previous 12-month period.
- C.** Unless otherwise specified, all vehicle permits issued by authority of this Section will expire January 1, following the calendar year in which the permit was issued.
- D.** A duplicate permit may be issued by the City Traffic Engineer upon receipt of a replacement application and fee from the permittee.
- E.** No permit will be issued to any applicant who has an outstanding balance due for prior violation(s) of permits issued by the City Traffic Engineer.
- F.** Decisions of the City Traffic Engineer regarding the issuance of vehicle permits may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.20.605 All Traffic Laws Apply to Permit Holder.

All permit holders and permitted vehicles are subject to all traffic laws and regulations not explicitly superseded by the permit.

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16.20.610 Media Permit.

(Amended by Ordinance No. 176394, effective April 17, 2002.) A media permit allows parking in any area designated by the permit. This permit may be issued to a radio or television station and to a newspaper. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.620 Commercial Permit.

A commercial permit allows parking in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.621 Disabled Resident Permit.

(Added by Ordinance No. 186575, effective July 1, 2014.) A Disabled Resident Permit allows parking in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.622 Disabled Employee Permit.

(Added by Ordinance No. 186575, effective July 1, 2014.) A Disabled Employee Permit allows parking in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.630 Delivery Permit.

A delivery permit allows parking in any area designated by the permit. This permit may contain restrictions deemed necessary by the City Traffic Engineer.

16.20.640 Disabled Person Placard – Metered Districts.

(Amended by Ordinance Nos. 166575, 170923, 179141, 181507, 181914, 182345, 182935, 184628, 185036, 185785, 186096, 186394 and 186575, effective July 1, 2014.)

- A.** A vehicle with an official State-issued disabled person registration plate, placard, permit or decal, must adhere to all applicable meter regulations, including payment, and may park:
 - 1.** In any space designated for a vehicle with a disabled person parking placard with a designated time limit of 1 hour, 90 minutes, or 2 hours, a person must pay for the time parked if under the maximum meter time limit, or pay up to the maximum meter time limit allowed and the vehicle may remain parked in that space for up to 3 hours;
 - 2.** In any metered space with a designated time limit of 1 hour, 90 minutes, or 2 hours, a person must pay for the time parked if under the maximum meter limit, or pay up to the maximum meter time limit allowed and the vehicle may remain parked in that space for up to 3 hours;
 - 3.** In any metered space with a designated time limit less than 1 hour, a person must pay for the time parked if under the meter time limit, or pay up to the

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maximum meter time limit allowed and the vehicle may remain parked in that space for up to the maximum meter time limit; or

4. In any metered space with a designated time limit of 3 hours or longer a person must pay for the time parked if under the maximum meter time limit, or pay up to the maximum meter time limit allowed, and the vehicle may remain parked in that space for up to the maximum meter time limit.

B. Use of invalid disabled person parking permit; penalty.

1. A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:
 - a. Has been previously reported as lost or stolen;
 - b. Has been altered;
 - c. Was issued to a person who is deceased at the time of the citation;
 - d. Has not been issued under ORS 811.602;
 - e. Is a photocopy or other reproduction of a permit, regardless of the permit status; or
 - f. Is mutilated or illegible.

C. Unlawful use of disabled person parking permit; penalty.

1. A person commits the offense of unlawful use of a disabled person parking permit if the person:
 - a. Is not a person with a disability and is not transporting the holder of a disabled person parking permit to or from the parking location; and
 - b. Uses a disabled person parking permit described under ORS 811.602 OR 811.606 to exercise any privileges granted under ORS 811.635.

D. Misuse of program placard; penalty.

1. A person commits the offense of misuse of a program placard if the person:
 - a. Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and

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- b.** Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

16.20.641 Disabled Person Placard – Non-Metered Regulated Parking Zone.

(Added by Ordinance No. 186575, effective July 1, 2014.)

- A.** A vehicle with an official State-issued disabled person registration plate, placard, permit or decal, must adhere to all applicable non-meter regulated parking zone regulations, and may park:
 - 1.** In any non-metered regulated parking zone designated for a vehicle with a disabled person parking placard for any amount of time (subject to on-street storage regulations);
 - 2.** In any non-metered regulated parking zone with a designated time limit of 30 minutes or more for any amount of time; or
 - 3.** In any non-metered regulated parking zone with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit.
- B.** Use of invalid disabled person parking permit; penalty.
 - 1.** A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:
 - a.** Has been previously reported as lost or stolen;
 - b.** Has been altered;
 - c.** Was issued to a person who is deceased at the time of the citation;
 - d.** Has not been issued under ORS 811.602;
 - e.** Is a photocopy or other reproduction of a permit, regardless of the permit status; or
 - f.** Is mutilated or illegible.
- C.** Unlawful use of disabled person parking permit; penalty.
 - 1.** A person commits the offense of unlawful use of a disabled person parking permit if the person:

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- a. Is not a person with a disability and is not transporting the holder of a disabled parking permit to or from the parking location; and
 - b. Uses a disabled parking permit described under ORS 811.602 or 811.606 to exercise any privileges granted under ORS 811.635,
- D. Misuse of program placard; penalty.
 1. A person commits the offense of misuse of a program placard if the person:
 - a. Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and
 - b. Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

16.20.645 Wheelchair User Disabled Person Parking Placard.

(Added by Ordinance No. 181507; amended by Ordinance No. 186575, effective July 1, 2014.)

- A.** A vehicle with an official State-issued “Wheelchair User” plate, placard, permit or decal, may park:
1. In any space designated for a vehicle with a “Wheelchair User” placard or decal for any amount of time (subject to on-street storage regulations);
 2. In any metered or non-metered space with a designated time limit of 30 minutes or more for any amount of time without fee; or
 3. In any metered or non-metered space with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit with fee, if applicable.
 4. In an Area Parking Permit Program Zone for any amount of time and without fee.
- B.** A vehicle with an official State-issued “Wheelchair User” plate, placard, permit or decal, may not;
1. Park in any space reserved for special types of vehicles or activities including, but not limited to, truck loading zones, carpool zones, no parking zones, and reserved zones.
- C.** Use of invalid disabled person parking permit; penalty.

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- 1.** A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:
 - a.** Has been previously reported as lost or stolen;
 - b.** Has been altered;
 - c.** Was issued to a person who is deceased at the time of the citation;
 - d.** Has not been issued under ORS 811.602;
 - e.** Is a photocopy or other reproduction of a permit, regardless of the permit status; or
 - f.** Is mutilated or illegible.
- D.** Unlawful use of disabled person parking permit; penalty.
 - 1.** A person commits the offense of unlawful use of a disabled person parking permit if the person:
 - a.** Is not a person with a disability and is not transporting the holder of a disabled parking permit to or from the parking location; and
 - b.** Uses a disabled parking permit described under ORS 811.602 or 811.606 to exercise any privileges granted under ORS 811.635,
- E.** Misuse of program placard; penalty.
 - 1.** A person commits the offense of misuse of a program placard if the person:
 - a.** Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and
 - b.** Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

16.20.650 Government Permit.

A government permit allows a vehicle displaying the permit to park in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.660 Nonprofit Permit.

A nonprofit vehicle permit allows a vehicle displaying the permit to park in any area designated by the permit. This permit may be issued to a charitable organization when permit parking activities directly serve a charitable function. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.670 Carpool Permit for Metered Parking.

A vehicle with a carpool permit may park without payment of the meter fee only at any long-term metered parking space, or at spaces reserved for carpool permit parking.

16.20.675 Carpool Zone Permit.

A vehicle with a carpool zone permit may park in the area designated on the permit according to the rules of the permit.

16.20.680 Other Permit.

An other permit allows parking in any area designated on the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.695 Improper Use.

- A. The improper use of a permit, meter hood, or sign will be cause for the revocation of the permit, meter hood, or sign and/or for a fine to be levied by the City Traffic Engineer. Upon notice of revocation, the permit and/or meter hood(s) must immediately be returned to the City Traffic Engineer.
- B. The vehicle permit applicant is fully responsible for any violation of the conditions of the permit.
- C. All fees paid will be forfeited in the event of revocation. All fines will be due within 30 days after the fine is levied.
- D. Decisions of the City Traffic Engineer regarding the revocation of a vehicle permit may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.20.800 Area Parking Permit Program.

16.20.801 Purpose.

- A. The area parking permit program is intended to increase access to residents and businesses, reduce traffic congestion, increase traffic/pedestrian safety, reduce air pollution, reduce noise pollution, prevent blighted areas, and promote the use of mass transit, car pooling, and other alternative modes of transportation.
- B. The area parking permit program will reduce commuter traffic that originates from outside the permit area and has no apparent connection or business within the

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permit area. A guest who originates from outside the permit area but is visiting a resident or conducting business within the permit area may be provided a guest permit by the area permittee.

- C. Each area that implements the parking permit program will have a unique set of parking needs. These needs will be based in part on the extent of the parking congestion; the cause(s) of the congestion; the proximity of the neighborhood to the parking generator(s); the mix of residential/nonresidential use; the number of guests visiting the area; the frequency of guests visiting the area; the availability of off-street parking; the types of parking problems in surrounding areas; the availability of alternative modes of transportation; the possibility of alternative parking solutions; and the physical layout and boundaries of the area.
- D. Each area must meet the eligibility criteria (16.20.830) and follow the prescribed process (16.20.840) in order to form a permit program.
- E. Area residents and businesses will be allowed to purchase a permit granting on-street parking privileges in the area where they reside or have their places of business. A permit will allow a vehicle under the legal control of a resident, worker, or visitor, with a properly displayed permit decal or card, to exceed the area permit parking program time limits that are posted within a designated area.

16.20.810 Definitions.

(Amended by Ordinance Nos. 165594 and 176394, effective April 17, 2002.)

- A. **“Address”** is the street number and applicable apartment number for each dwelling unit, business, or other use. Each apartment or commercial unit is regarded as a unique address.
- B. **“Annual permit fee”** is the annual fee for each business, guest, or resident permit decal. If a permit is issued on or after the first day of the seventh month in the permit year, the fee will be one half of the yearly permit fee. Replacement permits will be one half of the current permit fee.
- C. **“Area business”** is any professional establishment or nonresident property owner whose business property is located within a permit area.
- D. **“Area Parking Committee”** is the group of not less than two people and not more than five people (excluding alternates) appointed by the neighborhood association and business district association which implements an Area Permit Parking Program or, when a proposed permit program area is not within the boundaries of a listed business district association, by the neighborhood association whose residents represent the greatest number of addresses within a permit area. Area Parking Committees will assist the City Traffic Engineer in establishment of the

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Area Permit Parking Program, development of a Supplemental Plan Description, and ongoing review of the program.

- E.** “**Area resident**” is any person who resides within the permit area.
- F.** “**Area vehicle**” is one that originates from inside the permit area and/or has an apparent connection or business within the permit area.
- G.** “**Business District Association**” is any group listed by the Office of Neighborhood Associations to represent businesses of a geographic area within the City.
- H.** “**Business permit decal**” is the decal issued by the City Traffic Engineer for assignment to vehicles under the legal control of workers, customers, clients, or others while conducting business in the area.
- I.** “**Complimentary Hours Permit**” is the permit(s) granted to each area program permit holder for guest parking for special occasions.
- J.** “**Effective hours**” are the days and hours during which the area permit program applies as defined by each individual Supplemental Plan.
- K.** “**Guest permit decal**” is the decal issued by the City Traffic Engineer to a permittee to identify any vehicle(s) under the legal control of guests during periods when guests are actually visiting at the permittee’s address.
- L.** “**Improper use**” has occurred when a permit holder violates the provisions described on the permit application. Improper use will lead to penalties as described in 16.20.860.
- M.** “**Neighborhood association**” is any group recognized by the Office of Neighborhood Associations to represent residents of a geographic area within the City.
- N.** “**Non-permitted vehicle**” is any vehicle which does not display a current permit decal for the Area Permit Parking Program Area in which it is parked.
- O.** “**Permit area**” is any area as designated by an initiating petition or as modified in the boundary description.
- P.** “**Permit decal**” (generally) means any resident, business, and guest decal issued by the City Traffic Engineer to residents and businesses in permit areas. Permit decals must be clearly identified as belonging to a specific permit area, for use during a specified permit year, and proper for only one of the following permits: resident, business, or guest. These decals must be displayed in the manner described in the administrative rules for Area Parking Permit decals. Permit decals expire on the last day of the permit year in which they are issued.

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- Q.** “**Permit program**” is any Area Permit Parking Program created and administered under this Code Chapter 16.20.800.
- R.** “**Permit year**” is the 12-month period set for the administration of an Area Permit Parking Program by consent of the City Traffic Engineer and the Area Parking Committee.
- S.** “**Permitted vehicle**” is any vehicle which properly displays the correct permit decal, or temporary permit issued by the City Traffic Engineer for use on such vehicle.
- T.** “**Program administrator**” is designated by the City Traffic Engineer to administer an Area Permit Parking Program. Program administrator responsibilities include routine program administration, consulting with the Area Parking Committee to amend or interpret the Supplemental Plan Description, and giving approval or denial to proposed permit program provisions.
- U.** “**Resident permit decal**” is a decal issued by the City Traffic Engineer to a resident to identify the vehicle(s) under the resident’s legal control as permitted vehicle(s).
- V.** “**Supplemental plan description**” is the document established by the Area Parking Committee and the program administrator. It details the Area Parking Permit Program policies and procedures in accordance with Code Chapter 16.20.800.
- W.** “**Temporary permit**” is used in lieu of an annual permit decal on vehicles. The purpose of a temporary permit is for display in a vehicle under the legal control of an applicant without sufficient proof to obtain a permanent permit, for the usage of complimentary hours, or for construction projects. Applicants will be charged a fee for each vehicle they register with the exception of complimentary permit hours. The Area Parking Committees may establish any additional terms and conditions for use of temporary permit cards.
- X.** “**Unauthorized permit**” is the display of any permit decal not assigned to that vehicle as defined in the supplemental plan description.
- Y.** “**Vehicle of record**” is the vehicle which a permit holder has registered for a permit decal with the Program Administrator.

16.20.830 Area Eligibility.

All of the following eligibility criteria must be met before the area will be considered for the area parking permit program:

- A.** There must exist at some time during the day an occupancy rate of 75 percent or more of the existing on-street parking spaces. Twenty-five percent (25%) of the vehicles occupying the on-street spaces must be other than area vehicles. Vehicles that originate from outside the proposed permit program area but are visiting a

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resident or conducting business in the proposed permit program area will not be considered a commuter vehicle. This occupancy rate must occur at least 4 days per week and the neighborhood association, the business district association, and the City Traffic Engineer must agree that this occupancy will occur for a minimum of 9 months per year.

- B.** The requesting area must consist of a minimum of 40 block faces or 8,000 lineal feet of curb space.
- C.** An area that feels it is adversely affected by parking and is requesting permit parking must work through its neighborhood association or business district association as defined in City Code Section 3.96.020 and 3.96.030. If the area is not formally organized, it should directly contact the Office of the Neighborhood Associations for assistance. The Office of the Neighborhood Associations must review the request and discuss the eligibility of that area to form a neighborhood association or business district association in conformance with the criteria established.
- D.** The City Traffic Engineer must agree that the area permit parking program would promote benefits within the designated area.
 - 1.** Benefits may include, but are not limited to: increased access to area residents and businesses, reduced traffic congestion, increased traffic/pedestrian safety, reduced air/noise pollution, prevention of blighted areas, increased neighborhood unity, and promoting the use of alternative modes of transportation.
 - 2.** Adverse effects that may prevent implementation include, but are not limited to: transferring the problem to a different area, inability to effectively enforce program restrictions, lack of alternative modes of transportation, availability of simpler, cheaper solutions, and the legal existence of more than one firm with 50 or more employees that could not operate under the permit system constraints.

16.20.840 Process.

(Amended by Ordinance No. 170923, effective March 21, 1997.) The following process must be followed to establish area permit parking programs:

- A.** An area may apply to participate in a permit program through a community-initiated petition with signatures representing 50 percent of the affected addresses (one signature per address) to be submitted to the neighborhood association and the business district association. This petition shall include:
 - 1.** The parking problem;
 - 2.** The probable cause of the problem;

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3. The proposed boundaries of the congested area;
 4. The number of individual addresses in the congested area; and
 5. The permit fees of the program.
- B.** The neighborhood association and business district association shall discuss the request with the City Traffic Engineer to determine if there are any conditions (as specified in 16.20.830 D above) that would prevent the implementation of a area permit parking program. If the City Traffic Engineer recommends that the application process continue, the neighborhood association and the business district association must work with the area to determine its eligibility and appoint an area parking committee.
- C.** Upon receipt of the petition, the City Traffic Engineer must initiate a preliminary investigation to verify that the area meets the criteria.
- D.** Based on the findings of the investigations, the City Traffic Engineer will determine if a proposed area is eligible for an area parking permit program.
- E.** If an area is approved as eligible, the City Traffic Engineer may propose a program and mail this program and notice of a public meeting to all addresses in the proposal area. After the public meeting, the proposal will be refined and a ballot prepared. The City Traffic Engineer may expand or contract (if larger than the minimum) the proposed area to conform to major physical boundaries such as arterial roadways, rivers, hills, ridges, or political boundaries such as neighborhood boundaries or to protect projected impact areas as determined by the professional engineering or planning staff.
- F.** A ballot will be mailed to all addresses within the proposed area within 30 days after the last public meeting. The legal occupant of an address is eligible to vote. This ballot must be received by the City Traffic Engineer on or before the date specified in the mailing. A minimum of 50 percent of the ballots must be received, of which 60 percent must be “yes” votes, to approve the program.
- G.** If the vote in Paragraph F. is negative, a minimum of 12 months must elapse before any new proposal can be initiated.
- H.** If the vote in Paragraph F. of this Section is positive, the City Traffic Engineer will submit to the City Council an ordinance authorizing the permit system and required funding. If approved by Council, the City Traffic Engineer will notify all addresses of the approval and enclose application materials. Permit fees from at least 50 percent of the addresses must be collected prior to the installation of signs.
- I.** The program will renew annually, unless:

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1. The City Traffic Engineer receives a petition, representing 50 percent of the addresses within the designated permit program area, requesting termination of the program. After receipt of a valid petition, the City Traffic Engineer will mail a ballot to the program area according to subsection F. The vote must be completed before the program will be terminated; or
 2. The designated area does not meet the rules or procedures established by the City Traffic Engineer.
- J.** Changes to boundaries of existing permit areas desired by area residents must be made according to the following procedure:
1. The City Traffic Engineer must determine that the resulting permit area will meet the minimum standards for permit areas established in 16.20.830.
 2. The changes must be approved by the City Traffic Engineer and by a majority of the Area Parking Committee.
 3. The City Traffic Engineer will mail a ballot to the addresses of the area to be annexed into or deleted from the permit area. The completed ballot must be received by the City Traffic Engineer on or before the date specified in the mailing. A minimum of 50 percent of the ballots must be received, of which 60 percent must be “yes” votes, to approve the changes.
 4. If the vote in is negative, a minimum of 12 months must elapse before any new proposal can be initiated.

16.20.850 Program Administration.

(Amended by Ordinance Nos. 177006 and 183829, effective July 1, 2010.)

- A.** For each Area Permit Parking Program, the City Traffic Engineer will guide the area in establishment, evaluation, revision, or termination of the Area Permit Parking Program by:
1. Meeting with the Area Parking Committee;
 2. Planning and coordinating registration and enforcement; and
 3. Completing any other such duties described in the Supplemental Plan Description.
- B.** Annual Review of Program Fees: Services charges and fees are reviewed annually and updated per the City’s financial policy, and are effective with the adoption of the annual budget.

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Notification of Fee Changes and Permit Renewal: A current listing of service charges and fees will be made available to the public.

- C. It is the obligation of area residents and businesses to apply for permit decals in a timely manner and in accordance with Code Chapter 16.20 and the appropriate Supplemental Plan Description. Applicants must present authorized documentation to the City Traffic Engineer as follows:
 - 1. An area resident must present proof of current occupancy and current proof of vehicle control. A person using a vehicle owned by another must present a notarized statement from the owner stating that the vehicle has been assigned to the applicant for their personal use.
 - 2. An area business must present proof of current occupancy and a payroll record or a list of employees and the hours each employee works per week.
- D. An area business is eligible to purchase business permit decals for workers in accordance with the supplemental plan description. The number of business permit decals which may be issued to an area business must be defined in each permit area's supplemental plan description.
- E. One guest permit decal may be issued to each address for an area permit decal. A guest permit decal may not be converted to a business permit decal. Additional guest permit decals may be issued to an address according to the rules of each Supplemental Plan Description.
- F. It is the obligation of the permit holder to notify the City Traffic Engineer of loss or theft of a permit decal within 3 business days. The permit holder may purchase a replacement for one half of the current fee, unless the City Traffic Engineer has disallowed purchase by the purchase holder under the penalty provision of 16.20.860.

16.20.860 Violation and Enforcement.

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

- A. A permitted vehicle which is parked in accordance with posted Area Permit Parking Program signing and in accordance with parking regulations generally (Chapter 16.20) is permitted to be parked in excess of the visitor parking time limit. An area parking permit does not allow parking in restricted parking zones (16.20.200).
- B. Display of an area parking permit does not convey any privileges other than that of exceeding the posted permit parking visitor time limit. It does not authorize parking in any other restricted zone. Permitted vehicles are subject to the provisions of 16.20.170. (Storing Property on street is prohibited.)
- C. During permit designated hours, it is unlawful for a nonpermitted vehicle to:

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1. Exceed the maximum visitor time limit allowed within the signed permit area;
 2. Return to the signed permit area for a period of 12 hours after parking for any time period.
- D.** The permit holder is responsible for all improper use (16.20.810 L.) of any assigned permit decal(s), unless previously reported as lost or stolen. If investigation verifies improper use, the permit holder will be penalized as described below.
1. A fine will be assessed for each permit decal in violation. This fine shall be payable and due within 30 days following the violation.
 2. No additional permits will be issued to the permit holder until all fines have been paid.
- E.** It is unlawful for a vehicle to display an unauthorized permit. A vehicle displaying an unauthorized permit may be cited, or a fine assessed for each violation. The fine shall be payable and due within 30 days of the violation.
- F.** Improper use of a decal by a permit holder will result in cancellation of that permit decal for a period of 12 months. Further improper use of a permit decal by that permit holder within a 24-month period will additionally render the permit holder disqualified from purchasing any Area Parking Program Permit for two subsequent permit years.
- G.** Decisions of the City Traffic Engineer regarding the revocation or refusal to issue a permit may be appealed to the Code Hearings Office according to the provisions of Title 22 of the Portland City Code.
- H.** It is unlawful for a vehicle to improperly display any authorized permit, as outlined in the City of Portland, Transportation Administrative Rule.

16.20.900 City Owned Parking Garages.

(Added by Ordinance No. 183979; amended by Ordinance No. 185351, effective June 22, 2012.)

16.20.910 Rules of Conduct.

(Added by Ordinance No. 185351, effective June 22, 2012.) The Bureau of Transportation Business Services Division Manager shall be authorized to develop and enforce Rules of Conduct for City Parking Garages and require all persons to obey the Rules of Conduct. City Parking Garages include any publicly or privately owned real property, and the buildings, structures and facilities thereon, placed under the jurisdiction of the City for parking garage purposes, and includes all land granted to the City for such purposes. Any person who fails to comply with the Rules of Conduct for City Parking Garages or the reasonable direction of the Person in Charge, may be excluded as provided in this Section.

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- 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 City Parking Garage pursuant to any contract with the City, or with any person, firm or corporation managing City parking garages or City leased properties on the City's behalf; and/or,
 - 3.** Any person specifically designated in writing as the Person in Charge by the Commissioner in Charge of the Bureau of Transportation or by the Transportation Business Services Division Manager.
- B.** City Parking Garage Exclusions. Any Person in Charge may exclude any person who violates any Rule of Conduct while in or upon any City Parking Garage, from all City Parking Garages for a period of 180 days.
- 1.** The notice of exclusion shall be in writing, given to the person excluded and signed by the Person in Charge. It shall specify the dates and places of exclusion. It shall contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.
 - 2.** A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of the Code to have the notice of exclusion rescinded. Notwithstanding the provisions of Title 22, the appeal to the Code Hearings Officer shall be filed within 5 days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Person in Charge who issued the notice of exclusion shall be used as evidence on appeal, unless the appellant requests, in writing, the presence of the Person in Charge at the appeal hearing.
- C.** City Parking Garages Rules of Conduct
- 1.** No person shall violate federal, state, or city law.
 - 2.** No person shall enter or remain for any purpose other than to park or retrieve a motor vehicle or do business with a City parking garage retail tenant.
 - 3.** No person shall possess any weapon or any similar instrument that can be used to inflict injury upon a person or damage to property, except to the extent permitted by Oregon law.

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4. No person shall use City parking garages for the purpose of housing or camping, including but not limited to, sleeping, bathing, cooking, or use as a restroom.
5. No person shall deface, damage, or destroy City parking garages.
6. Unless authorized by the City of Portland, no person shall post or place on cars any handbills, flyers, or posters of any kind within City parking garages.
7. No person shall engage in sexual conduct as defined by ORS 167.060 (10).
8. Other than at City of Portland authorized events, no person shall possess an open container of alcohol or consume alcoholic beverages.
9. Other than at City of Portland authorized events, no person shall play or use amplified or audio equipment at a level that disturbs others.
10. Other than at City of Portland authorized events, no person shall participate in parties, rave parties, or other similar gatherings.
11. No person shall use City parking garages and/or their structures and fixtures, including but not limited to, walls, railings, banisters, stairs, or ventilation fixtures, in ways they were not intended to be used, including but not limited to, sitting, standing, lying kneeling, skating, or skateboarding.
12. No person shall smoke or carry any lighted smoking instrument while in the elevator or any enclosed portion of City parking garages.
13. No person shall engage in conduct that disrupts or interferes with normal operations of City parking garages, or any tenant of a City parking garage, or that disturbs employees or patrons of City parking garages, including but not limited to, conduct that involves the use of abusive or threatening language or gestures, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior.
14. No person shall interfere with free passage of patron or employees of City parking garages, including but not limited to, placing objects such as bicycles, backpacks, carts or other items in a manner that interferes with free passage.
15. No person shall refuse to obey any posted parking signs or any reasonable direction of a Parking Garage Officer.

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16.20.920 Garage Parking Rates.

(Added by Ordinance No. 185351, effective June 22, 2012.) The Bureau of Transportation Director shall be authorized to set parking rates at City-owned Parking Garages without first returning to City Council, subject to the following provisions:

- A.** Portland City Council shall set the hourly parking rate for the first four hours at all City Parking Garages.
- B.** The Transportation Director may set different parking rates at different locations and may consider the following factors when setting parking rates:
 - 1.** Rate changes may reflect an amount intended to reach a desired occupancy rate in each location;
 - 2.** Rate changes may reflect the annual consumer price index (CPI) for inflation in the Portland Metropolitan Area;
 - 3.** Rate changes may reflect market conditions in the Portland Central City;
 - 4.** Rate changes may accommodate specific site characteristics and seasonal events; and
 - 5.** Rate changes may reflect parking conditions, including without limitation the availability and desirability of reserved and non-reserved parking spaces.
- C.** Parking rates may not exceed the following rate maximums without Council approval:
 - 1.** Weekday daily maximum: \$25
 - 2.** Weekday evening maximum: \$10
 - 3.** Weekend daily maximum: \$25
 - 4.** Weekend evening maximum: \$10
 - 5.** Monthly general access: \$250
 - 6.** Monthly reserved: \$350
 - 7.** Monthly carpool: \$200
 - 8.** Monthly motorcycle: \$150
 - 9.** Event maximum: \$20

**CHAPTER 16.30 - TOWING & DISPOSITION
OF VEHICLES**

Sections:

16.30.001	Purpose.
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16.30.620	Sale of Vehicles.
16.30.700	Moving Vehicles for Street and Utility Maintenance and for Emergencies.
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16.30.800	Regulation of Towers.
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16.30.820	Obstructing Traffic.
16.30.830	Failure to Remove Injurious Substance.

16.30.001 Purpose.

This Section describes when a vehicle may or will be towed for parking violation(s), the manner of the towing, storage of the vehicle, and the release or disposition of the vehicle.

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16.30.100 Authority to Tow Vehicles and Establish Hearing Procedures.

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

- A.** Any officer authorized by the City Council or by City Code may order a vehicle towed as provided in this Title.
 - 1.** Impoundment of a vehicle does not preclude issuance of a citation for violation of this Title.
 - 2.** Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
- B.** The authority to establish procedures in this Title for the disposition of towed vehicles is authorized by Oregon law. Disposition of vehicles towed under authority of this Title must follow the procedures established by this Title.
- C.** If any person tows a vehicle from the public streets without authority under the City Code, the City Towing Coordinator may assess a civil penalty of up to \$1,000 for each vehicle towed to be paid to the City Towing Coordinator and deposited to the City's general fund.

16.30.200 Vehicle Towing.

16.30.210 When a Vehicle May be Towed.

(Amended by Ordinance Nos. 172788, 179141 and 187261, effective July 15, 2015.) A vehicle may be towed and held at the expense of the owner or person entitled to possession thereof from:

- A.** Any public right-of-way, city owned or operated property, parking lot, public park or other public place or property, when:
 - 1.** The vehicle is parked in violation of a temporary or permanent parking restriction;
 - 2.** The vehicle is parked unlawfully or in a manner that may be hazardous to traffic;
 - 3.** The vehicle is parked on City-owned or operated property without express City permission;
 - 4.** The vehicle was used in committing a traffic or parking violation for which an unserved warrant or citation is on file with the clerk of the Circuit court;
 - 5.** The vehicle has been reported stolen;

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6. The vehicle or its contents is to be used as evidence in traffic or criminal prosecutions;
 7. The vehicle is in possession of a person taken into custody by a law enforcement agency;
 8. The vehicle is parked in a space that is marked as reserved for disabled persons unless such vehicle conspicuously displays appropriate decals, insignia, or registration plates as required by state statutes;
 9. The vehicle is parked in violation of any parking regulation;
 10. The vehicle is an abandoned vehicle, as defined in 16.90.005; or
 11. The vehicle is stored on the street in violation of 16.20.170.
- B.** Permanent parking restrictions may be enforced by tow 24 hours after placement in any meter or non meter areas.
- C.** Private property if:
1. The vehicle is parked or stopped without the permission of the person in control of such property; or
 2. In violation of this Title.
- D.** Temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area.
- E.** Temporary parking restrictions may be enforced by tow in any meter district if the space reservation device and/or signs are in place, and verified during the prior day before or:
1. By 12:30 p.m. if the meters are in effect until 6 p.m. within the meter district; or,
 2. By 1:30 p.m. if the meters are in effect until 7 p.m. or later within the meter district.

16.30.220 Towing Without Prior Notice.

(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

- A.** The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;

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- B.** The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane;
- C.** The vehicle is parked in front of a rural-type mailbox and has been cited within the previous 30 days for violation of Section 16.20.130 E;
- D.** The vehicle poses an immediate danger to the public safety;
- E.** The vehicle is illegally parked within 10 feet of a fire hydrant.
- F.** A police officer reasonably believes that the vehicle is stolen;
- G.** A police officer reasonably believes that the vehicle or its contents constitute evidence of any offense, if such towing is reasonably necessary to obtain or preserve such evidence;
- H.** The vehicle was in possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle is available;
- I.** The vehicle is parked or stopped in violation of 16.20.120 A and the vehicle alarm system disturbs, injures, or endangers, or is likely to disturb, injure, or endanger, the peace, quiet, comfort, repose, health, or safety of the public or any person; or
- J.** The vehicle is in the possession of a person arrested for any felony traffic offense, as defined by Oregon Revised Statutes.
- K.** A police officer has probable cause to believe that the vehicle's operator has committed any of the following offenses:
 - 1.** Driving uninsured (ORS 806.010);
 - 2.** Driving while suspended or revoked (ORS 811.175 or ORS 811.182);
 - 3.** Operating a vehicle without driving privileges or in violation of license restrictions (ORS 807.010) and the operator's license has been expired for 60 days or more, or that the operator has not had a valid driver's license within the previous 60 days.
 - 4.** Driving while under the influence of intoxicants (ORS 813.010);
 - 5.** Fleeing or attempt to elude police officer (ORS 811.540);
 - 6.** Speed racing on highway (ORS 811.125); or

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- 7. Reckless driving (ORS 811.140).
- L. A police officer has probably cause to believe that the vehicle has been used or is possessed for the purpose of being used to commit or conceal the commission of one or more of these offenses:
 - 1. Prostitution (ORS 167.007), Promoting prostitution (ORS 167.012), or Compelling prostitution (ORS 167.017) or any attempt, solicitation or conspiracy of one of these offenses; or
 - 2. Unlawful delivery of imitation controlled substance (ORS 475.991), Unlawful possession, delivery, or manufacture of controlled substance (OR 472.992), Unlawful distribution of controlled substance to minors (ORS 475.995), Unlawful manufacture or delivery of controlled substance within 1,000 feet of school (ORS 475.999), or any attempt, solicitation, or conspiracy of one of these offenses.

16.30.225 Towing with 24 Hour or 72 Hour Notice.

(Added by Ordinance No. 166947; amended by Ordinance Nos. 170923, 172788 and 179141, effective March 23, 2005.)

- A. A vehicle may be towed 24 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is an abandoned vehicle which is an immediate threat to the public health or safety because of its condition.
- B. A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is an abandoned vehicle; or
- C. A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is in violation of 16.20.120 H or I or 16.20.170.
- D. Notice shall be mailed after tow as provided in 16.30.320.

16.30.230 When Notice Required Before Towing.

(Repealed by Ordinance No. 172788, effective November 13, 1998.)

16.30.240 Towing upon Order of Circuit Court.

(Amended by Ordinance No. 173369, effective May 12, 1999.) Vehicles that have been used in the commission of a traffic or parking violation, for which an unserved warrant or citation is on file with the Circuit Court clerk, may be towed upon order of the Circuit Court.

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16.30.300 Notice of Vehicle Tow.

16.30.310 Notice Prior to Tow.

(Amended by Ordinance No. 172788, effective November 13, 1998.)

- A.** Except where shorter notice is allowed by this title, notice for vehicles which require prior notice before towing must be provided by:
 - 1.** Affixing a tow warning to the vehicle at least 10 days prior to the tow; and
 - 2.** Mailing a notice to the registered owner(s) and any other persons who reasonably appear to have an interest in the vehicle within 48 hours, Saturdays, Sundays, and holidays excluded, after the tow warning is affixed to the vehicle.
- B.** The tow warning and the mailed notice will state that:
 - 1.** The vehicle is parked in violation of City Code;
 - 2.** The City intends to tow and remove the vehicle if the violation is not corrected; and
 - 3.** A hearing is available to contest the validity of the intended tow, and the method of requesting a hearing, including the date by which a hearing may be requested.
- C.** If a timely request for hearing is received pursuant to Subsection 16.30.400, the vehicle will not be towed until the Tow Hearings Officer makes a determination.

16.30.320 Notice After Vehicle Tow.

- A.** After a vehicle has been towed pursuant to this Chapter, notice will be provided to the registered owner(s) and any other person(s) who reasonably appear to have an interest in the vehicle. Notice will be mailed to such persons within 48 hours after the tow of the vehicle, Saturdays, Sundays, and holidays excluded, and will state:
 - 1.** That the vehicle has been towed;
 - 2.** The location of the vehicle and that it may be reclaimed only upon evidence that the claimant is the owner or person entitled to possession;
 - 3.** The address and telephone number of the person or facility that may be contacted for information on the charges that must be paid before the vehicle will be released and the procedures for obtaining the release of the vehicle;

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4. That the vehicle and its contents are subject to a lien for the towing and storage charges; that if the vehicle is not claimed within 15 days after the mailing date of the notice, the vehicle and its contents will be subject to sale by the City or the towing and storage facility where the vehicle is located and that failure to reclaim the vehicle within such time will constitute a waiver of all interest in the vehicle; and
 5. Unless notice of the availability of a hearing to contest the tow has been provided prior to towing as prescribed in Section 16.30.310, the notice will state that a hearing may be requested to contest the validity of the tow and will set forth the time in which a hearing must be requested and the method of requesting a hearing.
- B.** If a vehicle has been reclaimed prior to the mailing of the notice, no notice need be mailed or provided, but the person or persons reclaiming the vehicle must be provided with written notice of the opportunity for a hearing to contest the tow pursuant to Section 16.30.350.
- C.** In those circumstances in which it can reasonably be anticipated that mailing of notice may hinder or prevent the apprehension of a suspect in an ongoing criminal investigation, the mailing of notice may be delayed until such time as will not prejudice that investigation or apprehension.

16.30.340 Unidentifiable Vehicle.

No notice need be mailed pursuant to Subsections 16.30.310 or 16.30.320 when:

- A.** A vehicle does not display license plates or other identifying markings by which the registration or ownership of the vehicle can be determined, or;
- B.** When the identity of the owner of the vehicle is not available from the appropriate motor vehicle licensing and registration authority and when the identity and address of the owner and/or other persons with an interest in the vehicle cannot otherwise be reasonably determined.

16.30.350 Notice to Contest Tow When Vehicle Claimed.

Written notice of the opportunity to contest the validity of the tow of a vehicle, together with a statement of the time in which a hearing may be requested and the method of requesting a hearing, must be given to each person who seeks to redeem a vehicle which has been towed pursuant to this Chapter. This information will be made available by the tow company or other facility holding such vehicle.

16.30.400 Tow Hearing Procedure.

16.30.410 Request for Hearing.

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

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- A.** After a vehicle has been towed pursuant to subsection 16.30.220 or 16.30.225 and prior to towing pursuant to subsection 16.30.230, the owner(s) and any other persons who reasonably appear to have an interest in the vehicle are, upon timely application filed with the Tow Hearings Officer, entitled to request a hearing to contest the validity of the tow or intended tow of the vehicle.

 - 1.** In the case of a vehicle towed pursuant to Subsection 16.30.220 or 16.30.225, such application must be filed with and received by the Tow Hearings Officer not later than 10 days after the vehicle was towed.
 - 2.** In the case of a vehicle proposed to be towed pursuant to Subsection 16.30.230, such application must be filed with and received by the Tow Hearings Officer not later than 10 days after the affixing of the tow warning to the vehicle.
- B.** The Tow Hearings Officer may, for good cause shown, grant a request for hearing filed after the foregoing time requirements have expired. If the mailing of the towed vehicle notice was delayed pursuant to Subsection 16.30.310, the Tow Hearings Officer will grant a request for hearing received and filed within 10 days of the mailing date of the notice or 10 days of the date the vehicle was reclaimed, whichever first occurs.
- C.** The request for hearing must be in writing and will state the grounds upon which the person requesting the hearing believes the tow or proposed tow invalid, or, for any other reason, unjustified. The request for hearing will also contain such other information, relating to the purposes of this Chapter, as the Tow Hearings Officer may require.
- D.** The Tow Hearings Officer will set and conduct an administrative hearing on the matter within 14 days of receipt of a proper request filed pursuant to this Section. In all cases where a vehicle has been towed and not yet released, however, the Tow Hearings Officer will set and conduct the hearing within 72 hours, not including Saturdays, Sundays, or holidays, on receipt of the request.

16.30.420 Hearing Procedure.

- A.** The hearing shall afford a reasonable opportunity for the person(s) requesting it to demonstrate by the statements of witnesses and other evidence, that the tow and/or storage of the vehicle was or would be invalid, or for any other reason not justified.
- B.** The Tow Hearings Officer will make necessary rules and regulations regarding the conduct of such hearings, consistent with this Section.

16.30.430 When Tow Found Invalid.

If the Tow Hearings Officer finds the tow and/or storage was or would be invalid or not justified, the Tow Hearings Officer will order the vehicle:

- A. Be immediately released if already towed. The owner(s) or any other person(s) who have an interest in the vehicle are not liable for the tow and/or storage charges and any money paid for tow and/or storage charges will be returned, as appropriate.
- B. Not be towed if such vehicle is about to be towed.

16.30.440 When Tow Found Valid.

(Amended by Ordinance No. 176352, effective March 27, 2002.) If the Tow Hearings Officer finds the towing and/or storage was or would be valid, the Tow Hearings Officer will order the vehicle, if still held, continue to be held until all towing and storage charges and an administrative fee are paid.

If such vehicle is about to be towed, pursuant to Subsection 16.30.230, the Tow Hearings Officer will order such vehicle to be towed and impounded if the violation involving that vehicle has not been completely corrected.

16.30.450 Hearing Administration.

- A. The decision of the Tow Hearings Officer is a quasi-judicial decision and is final, and is not appealable to the City Council.
- B. Any person who has a hearing scheduled pursuant to this Section and fails to appear at such hearing without good cause shown, as determined by the Tow Hearings Officer, will not be entitled to have such hearing rescheduled.
- C. The owner(s) and any other person(s) who have an interest in the vehicle are only entitled to one hearing for each tow of that vehicle.
- D. Owners of vehicles towed by order of the District Court pursuant to Subsection 16.30.240 are not entitled to a hearing pursuant to this Chapter.
- E. The Code Hearings Officer, appointed pursuant to Title 22, will act as Tow Hearings Officer pursuant to this Chapter. Subject to the approval of the Commissioner In Charge, the Code Hearings Officer may, in writing, designate one or more persons to act as Tow Hearings Officer during the absence or unavailability of the Code Hearings Officer.

16.30.500 Fee Payments and Vehicle Release Procedure.

16.30.510 Towing and Storage Rates.

The towing and storage charges that are to be paid before release of a vehicle towed by authority of this Chapter, if towed by a private company at the request of a City officer or employee, will be the charges fixed by City contract for private towing and storage. If a

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vehicle is towed by City equipment and personnel, the charges will be fixed by a schedule approved by the Council.

16.30.520 Charges and Release of Vehicle.

(Amended by Ordinance Nos. 165980, 167222, 175648 and 176352, effective March 27, 2002.)

- A.** Any private company that tows and stores any vehicle pursuant to this Chapter, shall have a lien on the vehicle, in accordance with ORS 87.152, for the just and reasonable charges for the tow and storage services performed. The company may retain possession of that vehicle, consistent with this Chapter, until towing and storage charges and an administrative fee have been paid.
- B.** If the required towing and storage charges and an administrative fee have been paid, the vehicle must be immediately released to the person(s) entitled to lawful possession. A vehicle towed pursuant to Section 16.30.220 K. shall be immediately released to the person(s) entitled to lawful possession upon proof that a person with valid driving privileges will be operating the vehicle, proof of insurance and payment of towing, storage and payment of an administrative fee to the police agency. If towing and storage charges and an administrative fee have not been paid, a vehicle will not be released, except upon order of the Towing Hearings Officer.
- C.** A vehicle towed pursuant to this Chapter may only be released to the owner, or to the person who was lawfully in possession or control of the vehicle at time it was towed, or to a person who purchased the vehicle from the owner and who produces written proof of ownership. In all cases, adequate evidence of the right to possession of the vehicle as determined by the City Towing Board of Review, must be presented prior to release of the vehicle.

16.30.530 When Tow Found Invalid.

- A.** The accrued towing and storage charges assessed under Section 16.30.520, will be waived by the Hearings Officer if the tow is found to be invalid or for any other reason not justified, after a hearing has been held pursuant to Section 16.30.400.
- B.** A person's inability to pay the towing and storage charges, in and of itself, is not a sufficient basis for the waiving of such charges.
- C.** If the charges are owed to a private company, the City will pay them if, after a hearing, the tow is found to be invalid or for any other reason not justified and the charges have not previously been paid.

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16.30.540 When Tow Found Valid.

(Amended by Ordinance No. 176352, effective March 27, 2002.) If the Tow Hearings Officer finds the towing and/or storage was valid, the person entitled to possession of the vehicle will be responsible for all towing and storage charges.

16.30.550 Storage Charges at Completion of Hearing.

After the Tow Hearings Officer makes a public determination on a vehicle tow hearing, the vehicle must be picked up by the person entitled to possession within 24 hours to avoid further storage charges. If the vehicle is not claimed within this time period, it will not be released until the additionally accrued storage charges, if any, are paid.

16.30.600 Selling Abandoned Vehicles.

16.30.610 When a Vehicle May be Sold.

- A.** Whenever any vehicle is taken into custody pursuant to this Chapter, the vehicle will be held at the expense and risk of the owner or person lawfully entitled to possession.
- B.** At any time within 15 days after any such notice has been sent, as required in Section 16.30.300, the owner or person lawfully entitled to possession of any such vehicle may claim the vehicle by:
 - 1.** presenting satisfactory proof of ownership or right to possession; and
 - 2.** paying the charges and expenses, if any, incurred in the preservation and custody of the vehicle.

16.30.620 Sale of Vehicles.

(Amended by Ordinance No. 166575, effective June 2, 1993.)

- A.** As often as is necessary, the City Traffic Engineer will be provided with a list of all unclaimed vehicles which have been towed and stored by or for the City which:
 - 1.** Have been in storage 15 days or longer and have been appraised at a value of \$750 or less, or;
 - 2.** Have been in storage for 30 days or longer.
- B.** The City Traffic Engineer will, as soon as convenient, authorize the sale of, or sell such vehicles in accordance with the provisions of any contract authorized by the Council. If there is no such contract, the City Traffic Engineer will sell such vehicle at public auction.
 - 1.** If a vehicle is sold in accordance with the provisions of a contract, the Director of the City Traffic Engineer will ensure, at the time of sale, a

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certificate of sale in substantially the following form is issued to the purchaser:

“CERTIFICATE OF SALE

This is to certify that under the provisions of the Traffic Regulations of the City, I did on the day of , 19 sell to of for the consideration Dollars (\$) the following described personal property:

(Brief description of property)

Dated this day of , 19

.....

City Traffic Engineer

NOTE: The City of Portland assumes no responsibility as to condition or Title of the above described property. In case this sale is for any reason invalid, the liability of the City is limited to return of the purchase price.”

2. If the City Traffic Engineer decides to sell any vehicles held pursuant to this Chapter at public auction, notice of the time and place of such auction sale must be given by publication in the official paper of the City for a period of at least 10 days prior to the date of such sale. Such vehicles must be sold to the highest bidder for cash.

- C. The proceeds of such sale will be first applied to payment of the cost of such sale and expense incurred in the preservation and custody of such vehicles and the balance, if any, will be credited to the Transportation Operating Fund of the City.

16.30.700 Moving Vehicles For Street and Utility Maintenance and For Emergencies.

16.30.710 Authority To Move Vehicles.

(Amended by Ordinance No. 175564, effective May 9, 2001.) This Section applies when:

- A. The City has restricted parking in an area on a temporary basis and the signs, barriers, or other notice have been removed by someone other than the owner of the vehicle to be towed so that the vehicle owner has not had notice of the parking restriction;
- B. There is an emergency and a legally parked vehicle must be moved in order to attend to the emergency; or
- C. Vehicles are blocking the operation of Portland Streetcar.

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16.30.720 When a Vehicle May be Moved.

(Amended by Ordinance Nos. 175564 and 179141, effective March 23, 2005.) Any vehicle parked on a public right-of-way, or on City of Portland owned or operated property, may be towed according to the provisions of 16.30.730 upon the order of an authorized City official, or designee, without prior notice to the owner of the vehicle, when removal of the vehicle is required:

- A. To provide immediate access for street or utility repair;
- B. To facilitate the operations by fire, police, ambulance, or other emergency personnel or vehicles;
- C. To provide safe clearance for special events such as parades, marches, or motorcades;
- D. To provide clear access for areas specifically reserved by City permit; or
- E. To provide clear access for operation of the Portland Streetcar.

16.30.730 Manner of Moving Vehicle.

(Amended by Ordinance No. 165594, effective July 8, 1992.)

- A. The City officer or employee ordering a vehicle to be towed may direct that the vehicle be towed and parked at any legal parking space on the public right-of-way at any storage facility designated by the City.
- B. The City officer or employee is not limited to the City Tow Contract rotation and may enter into agreements with any towing or other firm for removing vehicles.
- C. The City officer or employee ordering a vehicle to be towed pursuant to this Section will notify the Police Bureau of the location of the towed vehicle within 1 hour after the completion of the tow.
- D. The costs of towing and storing the vehicle for a period not to exceed 72 hours will be paid by:
 - 1. The City in the case of a tow requested by a City officer or employee, or
 - 2. The permittee in the case of a tow requested by a permittee.
- E. The owner of the vehicle may be charged a reasonable storage fee for the storage of the vehicle if the vehicle is towed and stored at a private storage facility and the owner fails to remove the vehicle from the private storage facility within 72 hours after the vehicle was towed.

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16.30.800 Regulation of Towers.

16.30.810 Solicitation of Towing Business at Accidents Prohibited.

(Amended by Ordinance No. 165594, effective July 8, 1992.)

- A.** Except as otherwise provided herein, no person with a direct or indirect interest in any business engaged in the towing or recovery of motor vehicles for a profit nor any person employed by such a business nor any person receiving any fee or remuneration from such a business, may solicit or attempt to solicit towing business at or near the site of a motor vehicle accident.
- B.** The prohibitions set forth in Subsection A do not prohibit any person from providing or offering to provide towing services if:
 - 1.** The services are provided without charge, fee, or other remuneration;
 - 2.** The services are provided or offered at the direction or request of a police officer;
 - 3.** The services have been requested by the owner, operator, or other person in charge of the vehicle by radio or telephone communication or otherwise at a location other than the accident site; or
 - 4.** Allowed by government contract or franchise.
- C.** “Solicit or attempt to solicit towing business” means to offer or attempt to offer motor vehicle towing or recovery services for a fee or remuneration.
- D.** Violation of subsection A of this section is a traffic infraction, punishable by a fine not to exceed \$500.

16.30.820 Obstructing Traffic.

- A.** The operator of a wrecker or tow truck may stop a vehicle where it obstructs traffic when the operator:
 - 1.** Is engaged in the recovery of another vehicle; and
 - 2.** Takes the precautionary measures required by this Section.
- B.** A person commits the offense of failure to take precautions when obstructing traffic with a tow vehicle or wrecker engaged in the recovery of another vehicle if the operator does not do all of the following:
 - 1.** Determine that the recovery operation requires stopping the tow or recovery vehicle in the roadway; and

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2. Activate tow vehicle warning lights described in ORS 816.280.

16.30.830 Failure to Remove Injurious Substance.

A person commits the offense of tow vehicle operator failure to remove injurious substance if the person is operating a tow vehicle that is removing a wrecked or damaged vehicle from a roadway and the person fails to remove any glass or other injurious substance dropped upon the roadway from such vehicle.

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CHAPTER 16.35 - DESIGNATED PARKING MANAGEMENT PLAN DISTRICTS

(Chapter added by Ordinance No. 187261, effective
July 15, 2015.)

Sections:

- 16.35.010 Purpose.
- 16.35.020 Controlling Requirements for Parking.
- 16.35.100 Upper Northwest Parking Area Regulations.
- 16.35.110 Upper Northwest Parking Definitions.
- 16.35.120 Upper Northwest Permit Violation and Enforcement.
- 16.35.130 Upper Northwest Meter Violation and Enforcement.
- 16.35.200 Central Eastside Industrial Area Permit Parking Regulations.
- 16.35.210 Central Eastside Industrial Area Permit Parking.
- 16.35.220 Central Eastside Industrial Area (CEID) Violations and Enforcement.

16.35.010 Purpose.

Chapter 16.35 is added to Title 16 to address parking challenges presented in congested inner neighborhoods of the City, while striving to maintain livability and business vitality in those designated parking districts. Parking Management Plan Districts seek to balance these various aspects through such mechanisms as residential and business parking permits, varying times for parking meters and flexibility for visitors to the districts.

16.35.020 Controlling Requirements for Parking.

Except where explicitly addressed in Chapter 16.35, the provisions of Title 16 shall control parking of motor vehicles. The Council separately establishes Parking Area Management Plans. The City Traffic Engineer has authority under Title 16 to adjust boundaries within Parking Area Management Plans for meters and permit requirements through signage within the boundaries of established Parking Area Management Plans.

16.35.100 Upper Northwest Parking Area Regulations.

Sections 16.35.100 through 16.35.130 contains regulations addressing parking within the Upper Northwest Parking Area.

16.35.110 Upper Northwest Parking Definitions.

- A. Upper Northwest Long-Term Parking Meter - Any parking meter with a designated time limit of 1 hour or more, as regulated by signage within the Upper Northwest Parking Area.
- B. Upper Northwest Metered District - The portion of all block faces which are regulated by signage as time zones requiring meter payment within Zone M.

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- C.** Upper Northwest Parking Area - The area with boundary lines depicted on the Northwest Parking Management Plan Map, which shall be maintained in the files of the City Traffic Engineer as the official map for the Area. The Upper Northwest Parking Area is contiguous with Zone M, and overlays Zone M permit parking regulations with right-of-way parking regulations established in this Chapter. Within the Upper Northwest Parking Area, the City Traffic Engineer may control parking by signage. Zone M parking permits and meter regulations apply within a portion of the Upper Northwest Parking Area.
- D.** Upper Northwest Parking Permit Area - The area within the Upper Northwest Parking Area which is outside the Upper Northwest Metered District, as regulated by signage.
- E.** Upper Northwest Parking Permit Meter Area - Any parking spaces regulated by signage as metered parking within the Upper Northwest Parking Permit Area.
- F.** Upper Northwest Short-Term Parking Meter - Any parking meter with a designated time limit of less than one hour, as regulated by signage within the Upper Northwest Parking Area.
- G.** Upper Northwest Zone M Permit - A currently valid area parking permit applicable to Zone M and properly displayed in a permitted vehicle.
- H.** Zone M - The parking permit area established by Council within the Northwest Parking Area Management Plan, identified in the Northwest Parking Area Management Plan Map. Within Zone M, the City Traffic Engineer may control parking by signage.

16.35.120 Upper Northwest Permit Violation and Enforcement.

Violations established in this Section will be cited as Upper Northwest Permit Violations:

- A.** Within the Upper Northwest Parking Permit Area during permit designated hours, it is unlawful for any person to park any vehicle without a valid Upper Northwest Zone M Permit to either:

 - 1.** Exceed the maximum visitor time limit allowed within the Upper Northwest Parking Permit Area; or,
 - 2.** Return to the same Upper Northwest Parking Permit Area block face for a period of 4 hours after parking for any time period.
- B.** Within the Upper Northwest Parking Permit Meter Area, except for vehicles displaying a valid Upper Northwest Zone M Permit:

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1. It is unlawful for any person to park any vehicle in any parking meter space during the hours of operation of the meter without paying the applicable parking meter fee; and,
2. Upon expiration of the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face.

16.35.130 Upper Northwest Meter Violation and Enforcement.

Violations established in this Section will be cited as Upper Northwest Meter Violations.

- A. At any parking space signed for an Upper Northwest Long-Term Meter, it is unlawful for any person to park a vehicle during the hours of operation of the meter without paying the applicable parking meter fee.
- B. Upon expiration of an Upper Northwest Long-Term Parking Meter a citation may be issued if a vehicle remains parked or stopped on the same block face.
- C. A vehicle in an Upper Northwest Long-Term Parking Meter space may remain in said space longer than the time designated time limit upon payment of the applicable parking meter fee.
- D. It is unlawful for any person to park any vehicle in an Upper Northwest Short-Term meter space during the hours of operation of the meter without paying the applicable parking meter fee.
 1. It is unlawful for any person to extend the parking time beyond the designated limit for parking in the Upper Northwest Short-Term Meter space.
 2. Upon expiration of the designated time limit, for the Upper Northwest Short-Term Meter space, a citation may be issued if a vehicle remains parked or stopped on the same block face unless it has moved 500 linear feet , as measured along the curb or edge line.
 3. Upon leaving an Upper Northwest Short-Term Meter space, a vehicle may not return to an Upper Northwest Short-Term Meter space in the same block face for a 3-hour period, unless it has moved more than 500 linear feet as measured along the curb or edge line from the previously used Upper Northwest Short-Term Meter space.
- E. Successive Violations. Within the Upper Northwest Parking Area, if a citation has been issued for any Northwest Parking Meter Violation:
 1. To a vehicle parked or stopped at an Upper Northwest Short-Term Parking Meter space, and the cited vehicle remains parked or stopped on the same block face, a separate violation occurs upon the expiration of each

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successive maximum period of parking as designated by official signs, markings or meters. A separate citation may be issued for each successive violation.

2. To a vehicle parked or stopped at an Upper Northwest Long-Term Parking Meter space, and the cited vehicle remains parked or stopped at the same space, a separate violation occurs upon the expiration of a parking receipt for the vehicle at that space as designated by official signs, markings or meters. A separate citation may be issued for each successive violation.

16.35.200 Central Eastside Industrial Area Permit Parking Regulations.

Sections 16.35.200 through 16.35.220 contains regulations addressing parking within the Central Eastside Industrial Area Permit Parking.

16.35.210 Central Eastside Industrial Area Permit Parking.

The Central Eastside Industrial Area (CEID) includes the area with boundary lines depicted on the CEID Plan Map, which shall be maintained in the files of the City Traffic Engineer as the official map for the Area. The Central Eastside Industrial Area is contiguous with Zone G and Zone N, and overlays Zone G and Zone N permit parking regulations with right-of-way parking regulations established in this Chapter. Within the Central Eastside Industrial Area (CEID), the City Traffic Engineer may control parking by signage. Zone G and N Parking permits apply within a portion of the Central Eastside Industrial Area (CEID).

16.35.220 Central Eastside Industrial Area (CEID) Violations and Enforcement.

Violations established in this Section will be cited as Central Eastside Industrial Area (CEID) violations:

- A. Within the Central Eastside Industrial Area (CEID) Parking Permit Area during permit designated hours, it is unlawful for a non-permitted vehicle to:
 1. Exceed the maximum visitor time limit allowed within the Parking Permit Area; or,
 2. Return to the same Parking Permit Area block face for a period of 3 hours after parking for any time period.

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**CHAPTER 16.40 - PRIVATE FOR-HIRE
TRANSPORTATION REGULATIONS**

(Chapter replaced by Ordinance No. 187472,
effective January 1, 2016.)

Sections:

16.40.010	PFHT Program Purpose and Provisions.
16.40.020	Chapter Applies to all Companies, Drivers and Vehicles.
16.40.030	Definitions.
16.40.100	Taxi Services Permits Required.
16.40.110	Taxi Company Permit Application Standards for Approval and/or Denial and Certification Requirements.
16.40.120	Taxi Services Permit Fees and Civil Penalty Fines.
16.40.130	Taxi Company Insurance Requirements.
16.40.140	Taxi Company Operating Responsibilities and Prohibitions.
16.40.150	Taxicab Vehicle Certification Requirements.
16.40.160	Taxicab Vehicle Operating Requirements and Prohibitions.
16.40.170	Taxi Driver Certification Requirements.
16.40.180	Taxi Driver Conduct, Requirements and Prohibitions.
16.40.190	Accessible Service Requirements.
16.40.200	Transportation Network Company Services Permits Required.
16.40.210	TNC Company Permit Application Standards for Approval and/or Denial and Certification Requirements.
16.40.220	TNC Services Permit Fees and Civil Penalty Fines.
16.40.230	TNC Insurance Requirements.
16.40.240	TNC Company Operating Responsibilities and Prohibitions.
16.40.250	TNC Vehicle Certification Requirements.
16.40.260	TNC Vehicle Operating Requirements and Prohibitions
16.40.270	TNC Driver Certification Requirements.
16.40.280	TNC Driver Conduct Requirements and Prohibitions.
16.40.290	Accessible Service Requirements.
16.40.300	Executive Town Car Service Permits Required.
16.40.310	Executive Town Car Company Permit Application Standards for Approval and/or Denial and Certification Requirements.
16.40.320	Executive Town Car Services Permit Fees.
16.40.330	Executive Town Car Company Insurance Requirements.
16.40.340	Executive Town Car Company Operating Responsibilities and Prohibitions.
16.40.350	Executive Town Car Vehicle Certification Requirements.
16.40.360	Executive Town Car Vehicle Operating Requirements and Prohibitions.
16.40.370	Executive Town Car Driver Certification Requirements.
16.40.380	Executive Town Car Driver Conduct Requirements and Prohibitions.
16.40.400	Shuttle Services Permits Required.
16.40.410	Shuttle Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

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16.40.420	Shuttle Services Permit Fees.
16.40.430	Shuttle Company Insurance Requirements.
16.40.440	Shuttle Company Operating Responsibilities and Prohibitions.
16.40.450	Shuttle Vehicle Certification Requirements.
16.40.460	Shuttle Vehicle Operating Requirements and Prohibitions.
16.40.470	Shuttle Driver Certification Requirements.
16.40.480	Shuttle Driver Conduct Requirements and Prohibitions.
16.40.490	Accessible Service Requirements.
16.40.600	LPT Service Permits Required.
16.40.610	LPT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.
16.40.620	LPT Services Permit Fees.
16.40.630	LPT Company Insurance Requirements.
16.40.640	LPT Company Operating Responsibilities and Prohibitions.
16.40.650	LPT Vehicle Certification Requirements.
16.40.660	LPT Vehicle Operating Requirements and Prohibitions.
16.40.670	LPT Driver Certification Requirements.
16.40.680	LPT Driver Conduct Requirements and Prohibitions.
16.40.700	NEMT Services Permits Required.
16.40.705	NEMT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.
16.40.710	NEMT Services Permit Fees and Civil Penalty Fines.
16.40.715	NEMT Company Insurance Requirements.
16.40.720	NEMT Company Operating Responsibilities and Prohibitions.
16.40.725	NEMT Vehicle Certification Requirements.
16.40.730	NEMT Vehicle Operating Requirements and Prohibitions.
16.40.735	NEMT Driver Certification Requirements.
16.40.740	NEMT Driver Conduct, Requirements and Prohibitions.
16.40.745	Pedicab Services Permits Required.
16.40.750	Pedicab Company Permit Application Standards for Approval and/or Denial and Certification Requirements.
16.40.755	Pedicab Services Permit Fees.
16.40.760	Pedicab Insurance Requirements.
16.40.765	Pedicab Operating Responsibilities and Prohibitions.
16.40.770	Pedicab Vehicle Certification and Operating Requirements.
16.40.775	Pedicab Driver Certification and Operating Requirements.
16.40.780	Pedicab Driver Conduct Requirements and Prohibitions.
16.40.800	Horse-Drawn Carriage Driver Permits Required – Application Process and Requirements.
16.40.810	Horse-Drawn Carriage Company Permits Required – Application Process and Requirements.
16.40.820	Horse-Drawn Carriage Permit and Plate Required - Application Process and Requirements.
16.40.830	Horse-Drawn Carriage Insurance Requirements.

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- 16.40.840 Horse-Drawn Carriage Temperature, Time and Place Restrictions.
- 16.40.850 Operation of Horse-Drawn Carriages: Requirements and Prohibitions.
- 16.40.860 Care of Carriage Horses.
- 16.40.870 Horse-Drawn Carriage Regulations.
- 16.40.880 Horse-Drawn Carriage Penalties.
- 16.40.900 Compliance with Federal, State and Local Laws.
- 16.40.910 Permit Fees and Civil Penalty Fines.
- 16.40.920 Paid Passenger Referrals Prohibited.
- 16.40.930 Civil Penalties and Penalty Table.
- 16.40.940 Company and Driver Permit Suspension and Revocation.
- 16.40.950 Criminal Penalties and General Appeals.
- 16.40.960 PFHT Advisory Committee.
- 16.40.970 Director and Committee Authority and Process.
- 16.40.980 Currently Permitted Companies, Vehicles and Drivers Grandfathered; Renewal Process.
- 16.40.995 Severability.

16.40.010 PFHT Program Purpose and Provisions.

- A.** To ensure the safety and reliability of for-hire transportation services as a matter of public concern, The City of Portland has the authority, delegated by ORS 221.495, to license, control and regulate privately owned vehicles for hire operating within the City of Portland. 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, and 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 to:
 - 1.** Promote innovation and adaption within the for-hire transportation industry to meet evolving consumer demand; and
 - 2.** Allow fair competition, so long as public safety and the public interest is served thereby.

16.40.020 Chapter Applies to all Companies, Drivers and Vehicles.

- A.** It is not a defense to any regulatory action (including penalties and fines) to assert that the City cannot act because a PFHT service operator does not possess a valid, City-issued permit, certification, decal or taxiplat.

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- B.** 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 service operators, whether or not legally and validly permitted.

16.40.030 Definitions.

- A.** “Approved Blue Seal Shop” means a mechanic shop recognized officially by the National Institute of Automotive Service Excellence (ASE) as being an ASE Blue Seal Automotive Shop.
- B.** “Approved Mechanic” means a mechanic who meets all the following criteria:
- 1.** Does not own, lease or drive a vehicle for-hire;
 - 2.** Has no financial interest in any for-hire transportation company operating within the States of Oregon or Washington;
 - 3.** Has received and maintains a current, valid Automotive Service Excellence (ASE) Master Technician Certification or ASE A-Series certification between relevant areas of ASE A4-A8.
 - 4.** Is not employed by any for-hire transportation company.
- C.** “Branded Vehicle” (aka “Reconstructed Vehicle”) means any vehicle that has been declared a total loss by an insurer typically due to a crash, fire or flood damage, and the value of the vehicle is considered less than the cost to repair the vehicle.
- D.** “Bureau” means the Portland Bureau of Transportation of the City of Portland.
- E.** “Carriage” means any vehicle or conveyance that is drawn, pulled or propelled by a horse or other animal(s).
- F.** “Certificate of Safety” means a document from an approved mechanic certifying that a vehicle meets all requirements set forth in this Chapter and/or administrative rules.
- G.** “Certification List” means a list drivers and vehicles submitted by a private for-hire company for approval as permitted if certified by the Director as meeting all requirements set forth in this Chapter and/or administrative rules.
- H.** “Committee” means the private for-hire advisory committee
- I.** “Company Permit” means the permit issued to a private for-hire Transportation Company under the terms of this Chapter and/or administrative rules.

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- 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.
- 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.** “Director” means the Director of the Portland Bureau of Transportation or the Director’s designee, including the Private for-hire Transportation Program Manager.
- P.** “Downtown Core” means the area formerly known as the “Fareless Square” or “Free Rail Zone” as defined by TriMet as follows: The area to the west of the Willamette River shall be bounded on the North by NW Irving, except that at the intersection of NW Irving and NW Station Way it shall be bounded on the North by NW Station Way to NW Broadway and then by NW Broadway south to NW Irving and continuing west on NW Irving to the Stadium (I-405) Freeway, on the West and South by the Stadium (I-405) Freeway and on the East by the Willamette River. The area to the east of the Willamette River shall be bounded on the West by North Interstate Avenue, on the North by NE Multnomah to 125 feet east of 13th Avenue, on the East by 13th Avenue and on the South by NE Holladay.
- Q.** “Driver Permit” means the documentation issued by the Director affirming the driver is approved and certified as a private for-hire transportation driver under the terms of this Chapter.
- R.** “Driver” means a for-hire transportation driver, including taxi drivers, TNC drivers, shuttle drivers, executive sedan drivers, LPT drivers, pedicab drivers and horse drawn carriage drivers.

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- S.** “Dynamic Pricing” means the pricing as impacted by market demand which can be an upward or downward deviation from the fare rates established by the private for-hire companies and approved by the Director.
- T.** “Executive Town Car Company” means any entity operating an Executive Town Car Vehicles 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.
- U.** “Executive Town Car Company Driver” means any person operating an Executive Town Car Vehicle as a driver for any Taxi Company.
- V.** “Executive Town Car Company Services” means private for-hire transportation offered or provided for compensation to passengers by an Executive Town Car Driver and Executive Town Car Driver Vehicle on behalf of or by an affiliated Executive Town Car Driver Company.
- W.** “Executive Town Car Company Vehicle” means a sedan or sports utility vehicle (SUV) widely recognized as a luxury make and model.
- X.** “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).
- Y.** “Horse-Drawn Carriage Driver Permit” means the permit issued to a horse-drawn carriage driver under the terms of this Chapter.
- Z.** “Limousine” means a vehicle 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”.
- AA.** “Limousine, Party Bus or Tour Bus (LPT) Company” means any entity operating LPT Vehicles 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.
- BB.** “LPT Driver” means any person operating a Limousine, Party Bus Vehicle or Tour Bus Vehicle as a driver for any LPT Company.
- CC.** “LPT Services” means private for-hire transportation offered or provided for compensation to passengers by a LPT Driver and LPT Vehicle on behalf of or by an affiliated LPT Company.

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- DD.** “Non-Emergency Medical Transportation (NEMT) Company” means any entity that offers and/or provides for-hire transportation services used for agency-sponsored, contracted transportation as defined in OAR 410-136-3000.
- EE.** “Non-Emergency Medical Transportation (NEMT) Driver” means any person operating a vehicle for compensation to offer and/or provide NEMT Services.
- FF.** “Non-Emergency Medical Transportation (NEMT) Services” means any for-hire transportation services used for agency-sponsored, contracted transportation as defined in OAR 410-136-3000.
- GG.** “Non-Emergency Medical Transportation (NEMT) Vehicle” means any vehicle driven to offer and/or provide NEMT Services.
- HH.** “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.
- II.** “Party Bus” means a van or luxury bus modified to carry 10 or more people and less than 26,000 pounds in GVWR primarily for recreation and/or sightseeing purposes.
- JJ.** “Passenger” means a person traveling in a for-hire transportation vehicle that is not the operator of that vehicle.
- KK.** “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.
- LL.** “Pedicab Driver Permit” means the permit issued to a pedicab driver under the terms of this Chapter.
- MM.** “Permittee” means a person or business entity that has been issued a driver or company permit under the terms of this Chapter.
- NN.** “Permitted” means that a for-hire transportation company, driver or vehicle has a valid City-issued permit, decal, taxiplate or certification.
- OO.** “Person” means any individual, partnership, joint venture, association, club, trust, estate, corporation, or other form of business organization recognized by Oregon Law.

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- PP.** “Plate” means the numbered identification plate issued by the City and affixed to a horse-drawn carriage or pedicab.
- QQ.** “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 Director may establish the amount of time required between asking and receiving transportation services to allow a presumption that the services were “prearranged”.
- RR.** “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 including transportation that is regulated entirely by the state of Oregon or the federal government.
- SS.** “Private for-hire vehicle” means a 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, TNC vehicles, executive sedans, shuttles, NEMTs, pedicabs, and horse-drawn carriages; but does not include school buses, charter buses or ambulances.
- TT.** “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.
- UU.** “Shuttle Transportation” means transportation provided in a vehicle over a fixed route and time schedule.
- VV.** “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. A suspension may also apply to a Private for-hire driver.
- WW.** “Tour Bus Vehicle” means any van or bus modified to carry 10 or more people and less than 26,000 pounds in GVWR primarily for recreation and/or sightseeing purposes and driven by a Tour Bus Driver to offer and/or provide Tour Bus Services.
- XX.** “Taxi Company” means any entity operating Taxi Vehicles 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.
- YY.** “Taxi Driver” means any person operating a Taxi Vehicle as a driver for any Taxi Company.

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- ZZ.** “Taxi Vehicle” means any vehicle driven by a Taxi Driver to offer and/or provide Taxi Services.
- AAA.** “Taxi Services” means private for-hire transportation offered or provided for compensation to passengers by a Taxi Driver and Taxi Vehicle on behalf of or by an affiliated Taxi Company.
- BBB.** “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.
- CCC.** “Taxiplate” means the numbered metal identification plate issued by the City and permanently affixed to the rear of a taxicab.
- DDD.** “Transportation Network Company” (TNC) means any entity or organization, whether a corporation, partnership, sole proprietor, that connects with passengers with affiliated TNC Drivers and TNC Vehicles through an Internet based digital or software platform/application operated by the Transportation Network Company
- EEE.** “Transportation Network Company (TNC) 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 an affiliated Transportation Network Company.
- FFF.** “Transportation Network Company (TNC) Services” means any private for-hire transportation offered or provided to passengers for compensation by a TNC Driver and TNC Vehicle on behalf of or by an affiliated Transportation Network Company.
- GGG.** “Transportation Network Company (TNC) Vehicle” means any vehicle driven by a Transportation Network Company Driver to offer and/or provide Transportation Network Company Services.
- HHH.** “Week” means the 7-day period from Monday through Sunday.
- III.** “Wheelchair Accessible Vehicle (WAV)” 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.

16.40.100 Taxi Services Permits Required.

The operation of a Taxi Company is a privilege and not a right. For taxi services to be provided in the City of Portland, the Taxi Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Taxi Company Vehicles and Taxi Company Drivers have met all certification and operating requirements.

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- A.** Taxi Company Permit Requirements. No person or entity shall conduct business as a Taxi 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 16.40.930 through 16.40.950.
- B.** Taxi Driver Certification Requirements. No person or entity shall conduct business as a Taxi Driver in the City of Portland without certification by the Director prior to being authorized to provide taxi services on behalf of an affiliated Taxi Company. Drivers not meeting all required conditions will not be certified as Taxi Driver and will not be allowed to operate as a Taxi Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.
- C.** Taxi Vehicle Certification Requirements. No vehicle shall be operated to conduct business as a Taxi Vehicle in the City of Portland without certification by the Director prior to being used to provide Taxi services by an affiliated Taxi Company. Vehicles not meeting all required conditions will not be certified as Taxi Vehicle and will not be allowed to operate as a Taxi Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.110 Taxi Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

- A.** Application. An applicant for a Taxi Company permit shall submit to the Director:

 - 1.** A completed application on a form supplied by the Director;
 - 2.** Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
 - 3.** Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 - 4.** A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
 - 5.** If the applicant Taxi Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
 - 6.** If the applicant Taxi Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or

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to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;

7. The applicant Taxi Company's Zero-Tolerance Drug Policy;
 8. The applicant Taxi Company's User Terms of Service;
 9. The applicant dispatch contact information, confirmation that dispatch is available 24 hours, seven days a week and if applicable, Taxi Dispatch App general use information;
 10. Contact information of the Taxi Company's Agent of Service and Customer Service Support;
 11. A description and photo or rendering of the unique branding and exterior color scheme that the applicant Taxi Company proposes to use for its fleet of affiliated Taxi Vehicles;
 12. Company proposed fare rates, and;
 13. A nonrefundable application fee.
- B.** All fines and penalties must be paid prior to issuing or reissuing a Taxi Company permit.
- 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.
- D.** Insurance. All Taxi Company permit holders shall comply with taxi insurance requirements pursuant to Section 16.40.130. All Taxi Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- E.** Director Review Process. After receiving a completed Taxi Company application form and upon successful completion of all the requirements pursuant to Section 16.40.110, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- F.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Taxi Company permit.
- G.** Application Denial. The Application shall be denied for any of the following:
1. The Taxi Company applicant fails to submit all required information and documentation, including valid proof of insurance;

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2. The Taxi Company applicant provides dispatch services to anyone other than affiliated taxi drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
 3. The Taxi Company applicant leases, permits, or otherwise allows other entities not affiliated with the Taxi Company and certified by the Director to operate Taxi Services;
 4. The Taxi Company applicant affiliates with and provides dispatch services to drivers operating vehicles without Taxi Vehicle certification by the Director.
 5. The application has a material misstatement or omission, and;
 6. The Taxi Company application is incomplete.
- H.** Denial Appeal. If the application is denied, the applicant Taxi Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- I.** Providing Taxi Services. Taxi Services shall only be provided by a permitted Taxi Company.
- J.** Certification of Taxi Drivers. The Taxi Company shall regularly provide a list of applicant drivers affiliated with the permitted Taxi for Director certification that drivers meet requirements in Section 16.40.170, on a form approved by the Director. Drivers shall be certified by the Director prior to providing Taxi Services on behalf of the affiliated Taxi Company and Taxi Drivers not meeting all required conditions will not be certified as a permitted Taxi Driver and will not be allowed to operate as a Taxi Driver. Such requirements include:
1. Criminal and Driver Background Checks;
 2. Personal Automobile Liability Insurance;
 3. Valid Driver License;
 4. Taxi Driver Business License Number; and
 5. Driver training and testing within 30 calendar days of a Taxi Driver's certification by the Director.
- K.** Term of Certified Taxi Driver. Certifications for Taxi Drivers provided by a Taxi Company to the Director shall be valid for one year from the date of the initial certification. The affiliated Taxi Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director

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- L.** Taxi Driver Re-certification. The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Taxi Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Taxi Driver certification requirements pursuant to Sections 16.40.100. Drivers not meeting all such conditions will not be re-certified as a Taxi Driver and shall not be allowed to operate as a Taxi Driver.
- M.** Certification of Taxi Vehicles. The Taxi Company shall regularly provide a list of applicant vehicles affiliated with the permitted Taxi Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.150 and 16.40.160 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Taxi Company prior to providing Taxi Services. Vehicles not meeting all required conditions will not be certified as a permitted Taxi vehicle and will not be allowed to operate as a Taxi Vehicle. Such requirements include:

 - 1.** Vehicle safety inspection;
 - 2.** Vehicle registration and licensing;
 - 3.** Vehicle condition, and;
 - 4.** Taxi Company general liability and automobile liability insurance.
- N.** Term of Certification of Taxi Vehicles. Certifications for Taxi Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.
- O.** Taxi Vehicle Re-certification. The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the Taxi Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Taxi Vehicle certification requirements pursuant to Section 16.40.100 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Taxi Vehicle and shall not be allowed to operate as a Taxi Vehicle.
- P.** Denial Appeal. If a Taxi Driver or Taxi Vehicle certification is denied, suspended or revoked by the Director, the applicant driver or vehicle owner may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- Q.** Right to a Permit. The Taxi Company's ability to satisfy the criteria for a Taxi Company permit does not create a right to a Taxi Company permit.
- R.** Transferring Permits. Transferring permits shall be prohibited.

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- S.** Removal of Taxi Drivers and Vehicles from affiliated Taxi Company. Taxi Companies shall provide to the Director regular notification of affiliated Taxi Drivers that have been prohibited from providing Taxi Services by the affiliated Taxi Company and Taxi Vehicles that have been removed from the fleet of the affiliated Taxi Company.
- T.** Operating at the Port of Portland. Taxi Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

16.40.120 Taxi Services Permit Fees and Civil Penalty Fines.

- A.** Permit Fees. Taxi Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.930 and 16.40.950.
- B.** Permit Issuance. No Taxi Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

16.40.130 Taxi Company Insurance Requirements.

- A.** In order to provide protection to the public, the Taxi Company shall provide levels of insurance in accordance with all requirements of Chapter 16.40.
- B.** Providing Taxi Services. The Taxi vehicle shall be covered by a general commercial liability and primary automobile insurance policy provided by the Taxi Company, the Taxi Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a Taxi Company receiving a Taxi Company permit.
- C.** Additional Insured and Notification of Policy Changes. The Taxi Company shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).
- D.** Ensuring Driver and Vehicle Insurance. Taxi Drivers shall be responsible for ensuring the Taxi Driver and Taxi Vehicle have appropriate insurance coverage as required by State law.
- E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

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- F.** Commercial Business Insurance. Taxi Company permit holders shall secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, Bodily Injury, and Property Damage, in the course of the permit holder's work under a for-hire transportation permit.
- G.** Automobile Insurance. All Taxi Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:

 - 1.** 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.
- H.** Certification of Auto Insurance. Taxi Companies shall provide proof of current, valid insurance for Director certification that all affiliated Taxi Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.
- I.** Insurance Limits Subject to Statutory Changes. 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;
- J.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.
- K.** Continuous and Uninterrupted Coverage. The permit holder shall 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.
- L.** Insurance Rating. All insurance companies issuing policies within this Section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.
- M.** Additional Policy Conditions: Policies required under Subsections 16.40.130 F. and/or 16.40.130 G. must also contain, include, provide for or comply with the following:

 - 1.** 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

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insurance coverage and limits and conditions as outlined in Subsections 16.40.130 D - H. The same certificate of liability and additional insured endorsement requirements will apply.

2. 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 16.40.130 D. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

16.40.140 Taxi Company Operating Responsibilities and Prohibitions.

- A. Minimum Standards of Service. A permitted Taxi Company shall comply with the following minimum standards:
 1. A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
 2. Acceptance of any request for Taxi Service received from any location within the City including requests made by persons with disabilities and requests for wheelchair accessible service pursuant to Section 16.40.190.
 3. Service city-wide, 24 hours a day, 7 days a week.
 4. A minimum fleet of 15 Taxi Vehicles.
- B. Zero Tolerance for Drug and Alcohol Use. All permitted Taxi Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Taxi Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.
- C. User Terms of Service. It must be stated within a disclaimer or limitation of liability in a Taxi Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a Taxi Company shall be governed by Oregon tort law in effect at the time of the claim.
- D. Fare Rate Transparency. All Taxi fare rates shall be established by the Taxi Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride. Fare rates for WAV service shall be comparable with fare rates for non-WAV service. Changes to fare rates shall be submitted by the permitted Taxi Company and approved by the Director prior to implementation.

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- E.** Receipts. All taxi passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Taxi Company, Taxi Driver, Taxi Company customer service support contact information and the City of Portland's PFHT complaint phone number.
- F.** Limitation or Prohibition on Dynamic pricing. The Director may limit or prohibit dynamic pricing by any Taxi Company or Taxi Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040. Dynamic pricing is prohibited at all times for WAV service.
- G.** Agent of Service Requirements. Taxi Companies will maintain, during all times when the Taxi Company Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.
- H.** Customer Service Support Requirements. Taxi Companies will maintain, during all times when the Taxi Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- I.** Reporting Requirements. Each Taxi Company shall regularly report the following to the Director:
 - 1.** Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
 - 2.** Report the number and type of crimes against drivers to the extent known;
 - 3.** The arrest or conviction for any criminal offense of any affiliated Taxi driver involving the operation of Taxi service in the City of Portland;
 - 4.** The filing of any lawsuit against or on behalf of the Taxi Company related to the operation of the company and its services in the City of Portland;
 - 5.** The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company, and;
 - 6.** Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Taxi Company.
- J.** Data Requirements.
 - 1.** Any permitted Taxi Company shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:

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- a. Number, date and time of fulfilled requests;
 - b. Number, date and time of unfulfilled requests;
 - c. Number, date and time of trips;
 - d. Trip origin zip code;
 - e. Trip destination zip code;
 - f. Trip wait time, and;
 - g. Trip duration and miles traveled.
 - 2. Taxi Companies shall submit data, in aggregate form, pursuant to any applicable data sharing agreement with the City and permitted companies.
 - 3. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
 - 4. In the event disclosure of such data is required by law, the City will provide Taxi Companies notice prior to any disclosure of such data.
 - 5. Upon request, the Taxi Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.
- K. Digital Record Requirements.** Digital records shall provide a verifiable way to identify drivers and riders for investigatory purposes. A permitted Taxi Vehicle must maintain either secure, digital records with contact information from Taxi Drivers and Taxi passengers or a digital security camera system in accordance with the following requirements:
- 1. Digital security cameras are required in every permitted taxicab or secure digital records with contact information from the passenger must be maintained by the Taxi Company. Taxi Companies own the cameras or secure digital records and are responsible for their maintenance and the records produced by them.
 - 2. Taxi Companies must perform inspection and testing of the cameras according to the recommended product specifications, requirements and schedule.
 - 3. No Taxi Driver may tamper with, damage, disturb, remove or disable a digital security camera system in a taxicab or any digital records maintained by the Taxi Company.

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4. Taxi Drivers must utilize the digital security camera and immediately notify the Taxi Company if a digital security camera system is or appears to be damaged, stolen or inoperative. When a digital security camera is utilized, signage must be visible to passengers within the Taxi Vehicle that states the following: YOU ARE ON CAMERA. IT IS A FELONY IN OREGON TO ASSAULT A TAXICAB DRIVER.
5. If any law enforcement officer requests access to any record necessary to assist in the investigation of any crime after following appropriate legal process, the Taxi Company shall respond to the request within 24 hours and promptly disclose records to pursuant to the investigation request.
6. No Taxi Company or Driver may allow any person to intentionally access any records produced by the digital security camera or record systems.
7. The Taxi Company shall notify the City of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.

L. Taxi Company Records Management and Mandatory Compliance.

1. Taxi Companies will be required to keep documentation of all certified Taxi Drivers and Taxi Vehicles. Such records shall be kept on file during the term of the Taxi Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, Taxi Company records shall be provided to the Director and/or law enforcement officers.
2. Taxi Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.150 Taxicab Vehicle Certification Requirements.

- A. Taxi Vehicle Certification. The Taxi Company shall regularly provide a list of applicant vehicles affiliated with the permitted Taxi Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Taxi Company prior to being used to provide taxi service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Taxi Vehicle.
- B. Term of Certified Taxi Vehicle. Certifications for Taxi Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The Taxi Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.

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- C.** Application Process. Applications for Taxi Vehicle certification shall be made directly to an affiliated Taxi Company. The Taxi Company will regularly provide to the Director a Taxi Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Taxi Vehicle on a form approved by the Director.
- D.** Vehicle Registration, Licensing, and Insurance. All Taxi Vehicles shall maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.
- E.** Vehicle Age Requirements. No vehicle will be allowed to operate as a Taxi Vehicle following ten years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a Taxi Vehicle.
- F.** Vehicle Safety Inspections. Each Taxi Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

 - 1. Is more than one year old, based on model year, or
 - 2. Has 10,000 miles or more on its odometer, or
 - 3. Has the “check engine” light illuminated, regardless of model year or mileage.
- G.** Taxi Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Taxi Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.
- H.** Vehicle Condition. Each Taxi Vehicle shall meet the following requirements:

 - 1. Be kept in safe condition and good repair;
 - 2. Be kept clean and in good appearance;
 - 3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher; and
 - 4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

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- I.** Taxi Vehicle Re-certification. The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director one month prior to the Taxi Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Taxi Vehicle certification requirements pursuant to Sections 16.40.150 and 16.40.160 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Taxi Vehicle and shall not be allowed to operate as a Taxi Vehicle.

16.40.160 Taxicab Vehicle Operating Requirements and Prohibitions.

- A.** No vehicle shall operate as a Taxi Vehicle unless it has been certified by the Director and is affiliated with a permitted Taxi Company and Taxi Driver.
- B.** Vehicle Registration, Insurance, and Business License. A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every Taxi Vehicle, pursuant to ORS 806.011. In addition, the City requires proof of a Taxi Driver's business license registration, as required by Chapter 7.02, and shall be kept in every Taxi Vehicle.
- C.** Identification of Taxi Vehicles. Every Taxi Vehicle shall meet the following identification requirements to operate as a Taxi Vehicle:
 - 1.** 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".
 - 2.** Every Taxi Vehicle affiliated with a Taxi Company must have a design scheme of that affiliated Taxi Company in a manner that clearly identifies the Taxi Company, as approved by the Director.
 - 3.** Every Taxi Vehicle must prominently display on both sides of the vehicle the following information:
 - a.** The full name of the Taxi Company;
 - b.** The company-assigned Taxi Vehicle number;
 - c.** The telephone number of the Taxi Company where services can be requested, and;
 - d.** Word "taxi", "cab" or "taxicab".
- D.** Every Taxi Vehicle 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. Taximeters shall meet the following requirements:

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1. 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 and must include the following:
 - a. The identifying number of the taximeter;
 - b. The make, model and license number of the Taxi Vehicle in which the taximeter is installed;
 - c. The name of the taxicab company;
 - d. The date of inspection, and;
 - e. A statement that the taximeter has been inspected and approved as operating within the acceptable limits and rates as specified by the Director and on file.
 - f. The signature of the individual making the certification.
 2. Taxi Companies must keep on file copies of all certificates of inspection until the taximeter is recalibrated and the certificate is no longer accurate.
 3. 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.
 4. 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.
 5. Certificates of inspection may be examined or a taximeter re-inspected by the Director or law enforcement officers at any time during normal business hours.
- E.** The consumption any intoxicant or smoking of any substance shall be prohibited in any Taxi Vehicle.
- F.** Vehicle Operating Conditions. In determining whether a Taxi Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:
1. All Taxi Vehicle equipment and devices shall be properly equipped and maintained in good working order.

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2. At all times, Taxi Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, taximeter, top light, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions.
 3. The Taxi Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors.
 4. Taxi Vehicles shall be free of dirt, grease, grime, glue or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body.
 5. The Taxi Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and shall not be equipped with studded tires.
 6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.
- G.** Mandatory Compliance. Taxi Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.170 Taxi Driver Certification Requirements.

- A.** Taxi Driver Certification. The Taxi Company shall regularly provide a list of applicant drivers affiliated with the permitted Taxi Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a permitted Taxi Company prior to operating a Taxi Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Taxi Driver. Taxi Companies regularly provide a current list of affiliated Taxi Drivers and Taxi Vehicles.
- B.** Term of Certified Taxi Driver. Certifications for Taxi Drivers provided by a Taxi Company to the Director shall be valid for one year from the date of the initial certification. The affiliated Taxi Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.

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- C.** Application Process. Applications for Taxi Driver certification shall be made directly to an affiliated Taxi Company. The Taxi Company will regularly provide to the Director Taxi Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a Taxi Driver on a form approved by the Director.
- D.** Taxi Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Taxi Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
1. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and
 2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state, and;
 3. Dru Sjodin National Sex Offender Public Registry.
- E.** Taxi Driver Criminal and Driving History Disqualifications. A driver will not be certified as a Taxi Driver and cannot provide Taxi Services if any of the following conditions exist:
1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred, and;
 3. The applicant is a match in the Dru Sjodin National Sex Offender Public Registry.
 4. During the 5-year period preceding the submission of the application, based on the conviction date, 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.

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5. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations 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;
 6. During the 3-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.
 7. The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
 8. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
 9. The applicant does not have at least one year's worth of continuous driving experience with a valid driver's license in a United States jurisdiction immediately prior to the date of the application's submission;
 10. The applicant is less than 21 years old, or;
 11. The applicant is unable to obtain car insurance for any reason.
- F.** All Taxi Driver Criminal and Driving Histories are subject to review by the Director.
- G.** Taxi Driver Training. Taxi Drivers shall successfully complete Director approved trainings within 30 days of Taxi Driver certification by the Director in each of the following subject areas:
1. Relevant City Code provisions and Administrative Rules;
 2. Vision Zero principles of traffic safety;
 3. Portland-area attractions, and;
 4. Customer Service.
- H.** Insurance Requirements. All Taxi Drivers affiliated with a Taxi Company shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

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- I.** Business License Requirements. All Taxi Drivers affiliated with a Taxi Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a Taxi Vehicle. Any Taxi Driver without a valid City of Portland Business License cannot be certified as a Taxi Driver and will not be allowed to operate as a Taxi Driver until such Business License is obtained.
- J.** Taxi Driver Re-certification. The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Taxi Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Taxi Driver certification requirements pursuant to Section 16.40.100. Drivers not meeting all such conditions will not be re-certified as a Taxi Driver and shall not be allowed to provide Taxi Services.
- K.** Suspension or Revocation of Certified Taxi Drivers. If a Taxi certification is suspended or revoked by the Director, the affiliated Taxi Company shall be notified. Taxi Drivers and Taxi Vehicles without current, valid certification by the Director shall not be allowed to operate as a Taxi Driver or Taxi Vehicle.

16.40.180 Taxi Driver Conduct, Requirements and Prohibitions.

- A.** Transferring Credentials. Transferring Taxi Driver or Taxi Vehicle credentials from one driver or vehicle to another shall be prohibited.
- B.** Taxi Drivers shall carry while operating as a Taxi Driver upon request of a law enforcement officer provide the following:
 - 1.** A non-digital fax or photocopy proof of Taxi Company insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a Taxi Driver.
 - 2.** Portland Business License. Taxi Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02, for a City-issued Driver Permit, at all times while operating as a Taxi Driver.
- C.** Driver Conduct. No Taxi Driver shall:
 - 1.** Allow another person to use his/her Taxi Driver certification;
 - 2.** Drive or allow another person to drive a Taxi Vehicle without a valid driver's license while the vehicle is being used to provide Taxi Services;
 - 3.** Operate any Taxi Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;

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4. Operate any for-hire transportation vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
 5. Use a vehicle in the commission of any crime;
 6. Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
 7. Consume any intoxicant or smoke of any substance while operating a Taxi Vehicle;
 8. Allow any passenger to consume an intoxicant or smoke any inside a Taxi Vehicle;
 9. Defraud a passenger in any way;
 10. Be discourteous to a passenger;
 11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
 12. Drive passengers to their destination by any other than the most safe and efficient route, unless requested to do so by the passenger;
 13. Operate any Taxi Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
 14. Refuse to transport to a requested destination within the City of Portland to any passenger of proper demeanor whose request for service has been accepted by Taxi dispatch or Taxi Driver, and;
 15. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.
- D.** Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.
- E.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.
1. A Taxi Driver may accept street-hails to include taxi stands and hotel zones
 2. Other than for drop off, a Taxi Driver may not park a Taxi Vehicle in a Hotel Zone or Loading/Unloading Zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance to Section 16.40.140 and available for review by the Director or law enforcement officer;

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- F.** Mandatory Compliance. Taxi Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- G.** Driver Reporting. Every Taxi Driver shall report any of the following events to the Director and to all affiliated Taxi Companies within 24 hours of its occurrence:
 - 1.** Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
 - 2.** Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
 - 3.** Any vehicle crash 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.
- H.** Suspension or Revocation of Certified Taxi Drivers. If a Taxi Driver or Taxi Vehicle certification is suspended or revoked by the Director, the affiliated Taxi Company shall be notified. Taxi Drivers and Taxi Vehicle without current, valid certification by the Director shall not be allowed to operate as a Taxi Driver or Taxi Vehicle.

16.40.190 Accessible Service Requirements.

Taxi companies shall provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments and passengers with mobility devices.

- A.** Accommodations to passengers accompanied by a service animal.
 - 1.** Requests for service from a passenger accompanied by a service animal may not be refused.
 - 2.** Taxi Drivers who are unable to reasonably accommodate passengers accompanied by service animals must notify the affiliated Taxi Company so that an alternate Taxi Driver may be promptly dispatched to fulfill the passenger's request for service.
- B.** Accommodations to passengers with hearing and visual impairments.

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1. Taxi Companies shall maintain at all times dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
 2. Taxi Companies shall maintain customer service support services pursuant to Subsection 16.40.140 H. in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility
- C. Accommodations to passengers with mobility devices.
1. Taxi Companies shall reasonably accommodate passengers with canes, walkers or other mobility devices that can readably fit within a non-wheelchair accessible Taxi Vehicle.
 2. Taxi Companies shall maintain at all times dispatch services available to customers that accept requests for a wheelchair accessible vehicle.
 3. Taxi Companies are required to provide wheelchair accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair accessible Taxi Vehicles, contracting with a permitted operator of wheelchair accessible private for-hire vehicles or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
 4. Fare rates for wheelchair accessible vehicles shall not exceed fare rates for comparable non-wheelchair accessible Taxi Vehicles, be reported to the Director and shall not be subject to dynamic pricing.
 5. Wheelchair accessible vehicle services must comply with WAV Service Performance Guidelines established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability. Service performance guidelines may include best practices pertaining to the following:
 - a. Vehicle specifications;
 - b. Wheelchair loading and securement;
 - c. Customer service and communication with customers;
 - d. Driver training, and;
 - e. Estimated wait times.
 6. Any permitted Taxi Company shall enter into an agreement with the City to regularly provide aggregated and anonymized data relevant to WAV

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service. Examples of relevant data may include, but not be limited to, the following:

- a. number, date and time of WAV fulfilled requests;
- b. number, date and time of WAV unfulfilled requests;
- c. number, date and time of WAV trips;
- d. WAV trip origin zip code;
- e. WAV trip destination zip code;
- f. WAV trip wait time, and;
- g. WAV trip duration.

7. The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund.

- a. The Accessible Transportation Fee rate shall be established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability for the purpose of funding the Accessible Transportation Fund;
- b. The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and mitigating the higher costs of providing WAV service compared to comparable non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually.

16.40.200 Transportation Network Company Services Permits Required.

The operation of a Transportation Network Company is a privilege and not a right. For transportation network services to be provided in the City of Portland, the Transportation Network Company shall be required to obtain a permit. The Bureau shall certify that all affiliated TNC Vehicles and TNC Drivers have met all certification and operating requirements.

- A. Transportation Network Company Permit Requirements. No person or entity shall 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 16.40.930 through 16.40.950.

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- B.** Transportation Network Driver Certification Requirements. No person or entity shall conduct business as a Transportation Network Driver in the City of Portland without certification by the Director prior to being activated on the affiliated TNC platform. Drivers not meeting all required conditions will not be certified as TNC Driver and will not be allowed to operate as a TNC Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Transportation Network Vehicle Certification Requirements. No vehicle shall be operated to conduct business as a Transportation Network Vehicle in the City of Portland without certification by the Director prior to being activated on the affiliated TNC platform. Vehicles not meeting all required conditions will not be certified as TNC Vehicle and will not be allowed to operate as a TNC Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.210 TNC Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

- A.** Application. An applicant for a TNC permit shall submit to the Director:
 - 1.** A completed application on a form supplied by the Director;
 - 2.** Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
 - 3.** Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 - 4.** A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
 - 5.** If the applicant TNC is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
 - 6.** If the applicant TNC is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 - 7.** The applicant TNC’s Zero-Tolerance Drug Policy;
 - 8.** The applicant TNC’s User Terms of Service;

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9. TNC App description with general use information and customer instructions for requesting a wheelchair accessible vehicle;
 10. Contact information of the TNC's Agent of Service and Customer Service Support;
 11. The trade dress the applicant TNC proposes to use for each affiliated driver's vehicle, with a photo of the trade dress submitted with the application;
 12. A nonrefundable application fee, and;
 13. All fines and penalties must be paid prior to issuing or reissuing a TNC permit.
- B.** 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.
- C.** Insurance. All TNC permit holders shall comply with TNC insurance requirements pursuant to Section 16.40.230. All TNCs shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- D.** Director Review Process. After receiving a completed TNC company application form and upon successful completion of all the requirements pursuant to Section 16.40.210, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- E.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a TNC Company permit.
- F.** Application Denial. The Application shall be denied for any of the following:
1. The TNC applicant fails to submit all required information and documentation, including valid proof of insurance;
 2. The TNC applicant provides TNC App services to anyone other than TNC Drivers meeting the requirements set forth in Chapter 16.40;
 3. The TNC applicant leases, permits, or otherwise allows other entities not affiliated with the TNC and certified by the Director to operate TNC services;
 4. The TNC applicant affiliates with and provides a TNC App to drivers operating vehicles without a TNC Vehicle certification;

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5. The application has a material misstatement or omission, and;
 6. The TNC application is incomplete.
- G.** Denial Appeal. If the application is denied, the applicant TNC may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- H.** Providing Transportation Network Services. TNC Services shall only be provided by a permitted Transportation Network Company.
- I.** Certification of TNC Drivers. The Transportation Network Company shall regularly provide a list of applicant drivers affiliated with the permitted TNC for Director certification that drivers meet requirements in Section 16.40.270, on a form approved by the Director Drivers shall be certified by the Director prior to being activated on the affiliated TNC platform and drivers not meeting all required conditions will not be certified as a permitted TNC Driver and will not be allowed to operate as a TNC Driver. Such requirements include:
 1. Criminal and Driver Background Checks;
 2. Personal Automobile Liability Insurance;
 3. Valid Driver License;
 4. TNC Driver Business License Number; and
 5. Driver training within 30 calendar days of a TNC Driver's certification by the Director.
- J.** Term of Certification of TNC Drivers. Certifications for TNC Drivers provided by the Director shall be valid for a term of one year from date of Director certification.
- K.** TNC Driver Re-certification. The Transportation Network Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the TNC Driver certification expiration, on a form approved by the Director Applicant drivers shall meet all conditions and be consistent with TNC Driver certification requirements pursuant to Section 16.40.200. Drivers not meeting all such conditions will not be re-certified as a TNC Driver and shall not be allowed to operate as a TNC Driver.
- L.** Certification of TNC Vehicles. The Transportation Network Company shall regularly provide a list of applicant vehicles affiliated with the permitted TNC for Director certification that vehicles meet requirements in Section 16.40.200, on a form approved by the Director Vehicles shall be certified by the Director and affiliated with a certified TNC driver prior to being activated on the affiliated TNC. Vehicles not meeting all required conditions will not be certified as a permitted

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TNC vehicle and will not be allowed to operate as a TNC vehicle on a TNC platform. Such requirements include:

1. Vehicle safety inspection;
 2. Vehicle registration and licensing;
 3. Vehicle condition;
 4. TNC Commercial Automobile Liability Insurance;
 5. Personal Automobile Liability Insurance, as required by state law.
- M.** Term of Certification of TNC Vehicles. Certifications for TNC Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.
- N.** TNC Vehicle Re-certification. The Transportation Network Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the TNC Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with TNC Vehicle certification requirements pursuant to Section 16.40.250 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a TNC Vehicle and shall not be allowed to operate as a TNC Vehicle.
- O.** Denial Appeal. If a TNC Driver or TNC Vehicle certification is denied, suspended or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- P.** Right to a Permit. The TNC's ability to satisfy the criteria for a TNC permit does not create a right to a TNC permit.
- Q.** Transferring Permits. Transferring permits shall be prohibited.
- R.** Removal of TNC Drivers and TNC Vehicles from affiliated TNC Platform. A TNC shall regularly provide to the Director notification of affiliated TNC Drivers and TNC Vehicles that have been permanently deactivated from the TNC Platform or prohibited from providing TNC Services by the affiliated TNC.
- S.** Operating at the Port of Portland. TNCs, TNC Drivers, and TNC Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

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16.40.220 TNC Services Permit Fees and Civil Penalty Fines.

- A.** Permit Fees. TNC Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.
- B.** Permit Issuance. No TNC Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

16.40.230 TNC Insurance Requirements.

- A.** TNC Service Periods Defined. In order to provide protection to the public, the Transportation Network Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40. Transportation Network Service is defined by three distinct periods:
 - 1.** Period 1: The TNC Driver has logged into the App. The App is open and the driver is waiting for a match.
 - 2.** Period 2: A passenger match has been accepted – the passenger is not yet picked up (i.e. the driver is on his/her way to pick up the passenger).
 - 3.** Period 3: The Passenger is in the vehicle and until the passenger exits the vehicle at the destination.
- B.** Providing TNC Services. All periods of TNC Service shall be covered by a general commercial liability and primary automobile insurance policy secured by the TNC, the TNC Driver, or a combination of both. Evidence of TNC insurance requirements shall be received and approved by the City prior to a TNC receiving a TNC permit.
- C.** Additional Insured and Notification of Policy Changes. The TNC shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).
- D.** Ensuring Driver and Vehicle Insurance. TNC Drivers shall be responsible for ensuring appropriate personal motor vehicle liability insurance required by State law.
- E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

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- F.** Commercial Business Insurance. TNC permit holders shall secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, Bodily Injury, and Property Damage, in the course of the permit holder's work under a for-hire transportation TNC permit.
- G.** Automobile Insurance. All TNC permit holders shall provide the City with proof of the following coverages:
- 1.** Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury and \$25,000 for property damage, plus any other state compulsory coverage to the extent required by law. Coverage is to be maintained by the TNC.
 - 2.** Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1 million in combined single limit coverage for death, personal injury and property damage per incident; and \$1 million in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident. Coverage is to be maintained by the TNC.
 - 3.** The required Automobile Liability policy shall specifically recognize the driver's provision of TNC services or other for hire transportation and shall comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.
- H.** Certification of Auto Insurance. TNCs shall provide proof of current, valid insurance for Director certification covering all affiliated TNC Drivers and Vehicles operating for such company and satisfying the minimum requirements of Periods 1, 2 and 3 in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.
- I.** Insurance Limits Subject to Statutory Changes. 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;
- J.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.
- K.** Continuous and Uninterrupted Coverage. The permit holder shall 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.

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- L.** Insurance Rating. All insurance companies issuing policies within this Section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better;
- M.** Additional Policy Conditions: Policies required under Section 16.40.230 must also contain, include, provide for or comply with the following:
 - 1.** A TNC shall not require or encourage a TNC Driver to secure a primary personal automobile insurance policy providing coverage for TNC activities as a condition to becoming affiliated on the TNC's digital network, nor shall a TNC provide any incentive to any TNC Driver who secures a primary personal automobile insurance policy providing coverage for TNC activities in periods as defined in Subsection 16.40.230 G.
 - 2.** A TNC shall disclose in writing to affiliated TNC Drivers that drivers are not required to purchase or maintain an insurance policy that provides coverage for TNC activities in any periods as defined in Section 16.40.230 G as a condition of providing TNC Services on behalf of an affiliated TNC. Additionally, a TNC shall disclose in writing to affiliated TNC Drivers that securing such a policy will not result in any material benefit or incentive of any kind provided by the affiliated TNC to the TNC Driver. A TNC shall disclose in writing to affiliated TNC Drivers that insurance maintained by the TNC pursuant to Section 16.40.230 does not include collision coverage for affiliated TNC Drivers, unless the policy secured and maintained by the TNC expressly states otherwise.
 - 3.** A TNC shall disclose in writing to affiliated TNC Drivers the insurance coverage, including the types of coverage and limits for each coverage that the TNC provides while the affiliated TNC Driver uses an affiliated TNC Vehicle to provide TNC Services. The TNC shall also advise affiliated TNC Drivers in writing that the driver's personal automobile insurance policies may be subject to cancellation in accordance to ORS 742.562 or might not provide coverage because the driver uses a vehicle in connection with an affiliated TNC, as specified by the terms of the policy. A TNC shall provide written disclosure to the affiliated TNC Driver that coverage required pursuant to Subsection 16.40.230 G. shall be provided by the affiliated TNC on a primary basis from the first dollar of every claim, unless a policy secured and maintained by a TNC Driver expressly states otherwise.
 - 4.** A TNC Driver is not prohibited from voluntarily securing a primary automobile insurance policy covering the TNC Vehicle and providing coverage in any period as defined in Subsection 16.40.230 G. A TNC Driver's or the TNC Vehicle owner's personal automobile insurance policy may only provide coverage during periods as defined by Section 16.40.230 to the driver, vehicle owner or any third party, if the policy expressly

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provides coverage for TNC activities during periods defined by Section 16.40.230 as specified by the terms of the policy.

5. Failure to comply with all requirements defined in Section 16.40.230 shall result in the issuance of civil penalties pursuant to Section 16.40.930 and/or the suspension or revocation of a TNC permit pursuant to Section 16.40.940.

16.40.240 TNC Company Operating Responsibilities and Prohibitions.

- A. Minimum Standards of Service. A permitted TNC shall comply with the following minimum standards:
 1. A TNC App in operation 24 hours each day capable of providing reasonably prompt service in response to requests. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
 2. Acceptance of any request for TNC Service received from any location within the City including requests made by persons with disabilities and requests for wheelchair accessible service pursuant to 16.40.290.
 3. The TNC App used to connect drivers to riders shall display an accurate picture of the TNC Driver and a picture or description of the type of TNC Vehicle, as well as the license plate number of the TNC Vehicle.
- B. Zero Tolerance for Drug and Alcohol Use. All permitted TNC Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all TNC Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.
- C. User Terms of Service. It must be stated within a disclaimer or limitation of liability in a TNC's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a TNC shall be governed by Oregon tort law in effect at the time of the claim.
- D. Fare Rate Transparency. All TNC fares rates shall be made available in a clear and transparent way to the TNC passenger on the TNC App prior to the TNC passenger accepting a ride.
- E. Receipts. All TNC passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of TNC, name of TNC Driver, TNC customer service support contact information and the City of Portland's PFHT complaint phone number.

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- F.** Limitation or Prohibition on Dynamic pricing. The Bureau Director will limit or prohibit dynamic pricing by any TNC or TNC Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040.
- G.** Agent of Service Requirements. TNCs will maintain, during all times when the TNC Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.
- H.** Customer Service Support Requirements. TNCs will maintain, during all times when the TNC Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- I.** Reporting Requirements. Each TNC shall regularly report the following to the Director:
 - 1.** Any crash and its claim status (open or closed) on a form approved by the Director;
 - 2.** The number and type of crimes against drivers to the extent known;
 - 3.** The arrest or conviction for any criminal offense of any affiliated TNC driver involving the operation of TNC service in the City of Portland;
 - 4.** The filing of any lawsuit against or on behalf of the TNC related to the TNC services of the affiliated TNC, TNC Driver or TNC Vehicle in the City of Portland;
 - 5.** The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company, and;
 - 6.** Any information required to be disclosed by Chapter 16.40 that comes to the attention of the TNC.
- J.** Data Requirements.
 - 1.** TNCs shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:
 - a.** Number, date and time of fulfilled requests
 - b.** Number, date and time of unfulfilled requests
 - c.** Number, date and time of trips

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- d. Trip origin zip code;
 - e. Trip destination zip code;
 - f. Trip wait time, and;
 - g. Trip duration.
 - 2. TNCs shall submit data, in aggregate form, pursuant to a data sharing agreement with the City and permitted companies;
 - 3. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties;
 - 4. In the event disclosure of such data is required by law, the City will provide TNCs notice prior to any disclosure of such data, and;
 - 5. Upon request, the TNC shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.
- K.** Digital Record Requirements. Secure, digital records with contact information from TNC Drivers and TNC passengers shall be maintained by the TNC. Such records shall provide a verifiable way to identify drivers and riders for investigatory purposes. Secure digital records must be maintained in accordance with the following requirements:
 - 1. Secure digital records with contact information from the TNC Driver and passenger must be maintained by the TNC. TNCs own the secure digital records and are responsible for their maintenance and the records produced by them;
 - 2. If any law enforcement officer requests access to any record necessary to assist in the investigation of any crime after following appropriate legal process, the TNC shall respond to the request within 24 hours and promptly disclose records pursuant to the investigation request;
 - 3. No TNC Company or Driver may allow any unauthorized person to intentionally access any records produced by the digital record systems, and;
 - 4. The TNC shall notify the City of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.
- L.** TNC Records Management and Mandatory Compliance.

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1. TNCs will be required to keep documentation of all certified TNC Drivers and TNC Vehicles. Such records shall be kept on file during the term of the TNC Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, TNC records shall be provided to the Bureau Director and/or law enforcement officers.
2. TNCs shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel or law enforcement officers pursuant to Chapter 16.40.

16.40.250 TNC Vehicle Certification Requirements.

- A. The Transportation Network Company may not dispatch a vehicle unless the designated Trade Dress includes a visible Portland Business License identification number specific to each PFHT Vehicle.
- B. TNC Vehicle Certification. The Transportation Network Company shall regularly provide a list of applicant vehicles affiliated with the permitted TNC for Director certification that drivers meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a certified TNC driver prior to being activated on the affiliated TNC platform. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a TNC Vehicle.
- C. Term of Certified TNC Vehicle. Certifications for TNC Vehicles provided by the Director shall be valid for one year from the date of the initial certification. Transportation Network Company shall provide a re-certification to the Director, as they occur, prior to the certification expiration and within one month of the expiration date.
- D. Application Process. Applications for TNC Vehicle certification shall be made directly to an affiliated TNC. The TNC shall regularly provide to the Director a TNC Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a TNC Vehicle on a form approved by the Director.
- E. Vehicle Registration, Licensing, and Insurance. All TNC Vehicles will maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.
- F. Vehicle Age Requirements. No vehicle older than 10 years will be allowed to operate as a TNC Vehicle following ten years after the vehicle manufactured date regardless of when the vehicle was purchased or put into service as a TNC Vehicle.

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- G.** Vehicle Safety Inspections. Each TNC Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle
1. Is more than one year old, based on model year, or
 2. Has 10,000 miles or more on its odometer, or
 3. Has the “check engine” light illuminated, regardless of model year or mileage.
- H.** TNC Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the TNC Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.
- I.** Vehicle Condition. Each TNC Vehicle shall meet the following requirements:
1. Each TNC Vehicle shall:
 - a. Be kept in safe condition and good repair;
 - b. Be kept clean and in good appearance;
 - c. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher;
 - e. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.
- J.** TNC Vehicle Re-certification. The TNC shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the TNC Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with TNC Vehicle certification requirements pursuant to Section 16.40.250 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a TNC Vehicle and shall not be allowed to operate as a TNC Vehicle.

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16.40.260 TNC Vehicle Operating Requirements and Prohibitions.

- A.** No vehicle shall operate as a TNC Vehicle unless it has been affiliated with an approved TNC Company and TNC Driver.
- B.** Vehicle Registration, Insurance, and Business License. A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every TNC Vehicle, pursuant to ORS 806.011. In addition, the City requires proof of TNC insurance and proof of a TNC Driver's business license number be kept in every TNC Vehicle.
- C.** Trade Dress Signage. Trade Dress Signage is required for each TNC Vehicle in operation. The Trade Dress Signage shall be clearly visible from the front and rear of the vehicle from a distance of 20 feet and shall be placed on the interior or exterior of vehicle body, but not on the roof and shall not obscure any of the driver's views, vehicle lights, or obscure the view of any mirrors, and cannot exceed four square feet.
- D.** The consumption of alcohol and smoking of any substance, including but not limited to e-cigarettes, vapor cigarettes or prescription drugs that may impair your ability to operate a vehicle safely, shall be prohibited in any TNC Vehicle.
- E.** Vehicle Operating Conditions. In determining whether a TNC vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:
 - 1.** All TNC Vehicle equipment and devices shall be properly equipped and maintained in good working order;
 - 2.** At all times, TNC Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions;
 - 3.** The TNC Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, and reflectors;
 - 4.** The TNC Vehicle shall be free of dirt, grease, grime, glue, rips, stains or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body;
 - 5.** The TNC Vehicle shall not include missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles,

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windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and shall not be equipped with studded tires while providing TNC Services, and;

6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

- F. **Mandatory Compliance.** TNC Vehicle shall be made available to compliance audits and enforcement actions upon request by the Director, authorized city personnel or law enforcement officers pursuant to Chapter 16.40.

16.40.270 TNC Driver Certification Requirements.

- A. **Driver Certification.** The Transportation Network Company shall regularly provide a list of applicant drivers affiliated with the permitted TNC for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a certified TNC Vehicle prior to being activated on the affiliated TNC platform. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a TNC Driver.
- B. **Term of Certified TNC Driver.** Certifications for TNC Drivers provided by a TNC to the Director shall be valid for one year from the date of the initial certification. Transportation Network Company shall provide a re-certification to the Director within one month prior to the certification expiration.
- C. **Application Process.** Applications for TNC Driver certification shall be made directly to an affiliated TNC. The TNC will regularly provide to the Director TNC Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a TNC Driver on a form approved by the Director.
- D. **TNC Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually, based on the drivers anniversary date, on behalf of the affiliated TNC by a third party accredited by the National Association of Professional Background Screeners that shall include:
 1. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search);
 2. All motor vehicle records associated with the applicant driver available pursuant to record laws of each state, and;
 3. Dru Sjodin National Sex Offender Public Registry.

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- E.** TNC Driver Criminal and Driving History Disqualifications. A TNC Driver will not be certified and cannot provide Transportation Network Services if any of the following conditions exist:
- 1.** The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
 - 2.** The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
 - 3.** The applicant is a match in the Dru Sjodin National Sex Offender Public Registry;
 - 4.** During the 5-year period preceding the submission of the application, based on the conviction date, 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.
 - 5.** During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 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;
 - 6.** During the 3-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;
 - 7.** The applicant has two or more traffic violations as defined in ORS 801.557, of any kind, within the previous 12 months from the date of the application;
 - 8.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
 - 9.** The applicant does not have at least one year's worth of continuous driving experience with a valid driver's license in a United States jurisdiction immediately prior to the date of the application's submission;

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10. The applicant is less than 21 years old;
 11. The applicant is unable to obtain car insurance for any reason;
 12. All TNC Driver criminal and driving histories are subject to review by the Director.
- F.** TNC Driver Training. TNC Drivers shall successfully complete Director approved trainings as administered by the Director or an approved TNC within 30 days of TNC Driver certification by the Director in each of the following subject areas:
1. Relevant City Code provisions and Administrative Rules;
 2. Vision Zero principles of traffic safety;
 3. Portland-area attractions, and;
 4. Customer Service.
- G.** Insurance Requirements. All TNC Drivers affiliated with a TNC shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.
- H.** Business License Requirements. All TNC Drivers affiliated with a TNC shall comply with all provisions of the Business License Law, Chapter 7.02 prior to being activated on the TNC App. Any TNC Driver without a valid City of Portland Business License cannot be certified as a TNC Driver and will not be allowed to operate as a TNC Driver until such Business License is obtained.
- I.** TNC Driver Re-certification. The TNC shall provide a list of applicant drivers for re-certification to the Director within one month prior to the TNC Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with TNC Driver certification requirements pursuant to Section 16.40.200. Drivers not meeting all such conditions will not be re-certified as a TNC Driver and shall not be allowed to operate as a TNC Driver.
- J.** Suspension or Revocation of Certified TNC Drivers. If a TNC Driver or TNC Vehicle certification is suspended or revoked by the Director, the affiliated TNC shall be notified by the Director. TNC Drivers and TNC Vehicles without current, valid certification by the Director shall not be allowed to provide TNC Services.
- 16.40.280 TNC Driver Conduct Requirements and Prohibitions.**
- A.** Transferring Credentials. Transferring TNC Driver or TNC Vehicle credentials from one driver or vehicle to another shall be prohibited.

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- B.** TNC Drivers shall carry a non-digital fax or photocopy proof of TNC insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a TNC Driver. Upon request of the Director or law enforcement officer, TNC Drivers shall present proof of a valid TNC primary automobile insurance policy and vehicle registration.
- C.** Portland Business License. TNC Drivers shall carry documentation of the driver's City of Portland Business License as required by Chapter 7.02 at all times while operating as a TNC Driver.
- D.** Driver Conduct. No TNC Driver shall:
- 1.** Allow another person to use his/her TNC Driver certification
 - 2.** Drive or allow another person to drive a TNC Vehicle without a valid driver's license while the vehicle is being used to provide TNC Services;
 - 3.** Operate any TNC Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
 - 4.** Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs or medications;
 - 5.** Use a vehicle in the commission of any crime;
 - 6.** Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
 - 7.** Consume any intoxicant or smoke of any substance while operating a TNC Vehicle;
 - 8.** Allow any passenger to consume an intoxicant or smoke any inside a TNC Vehicle;
 - 9.** Defraud a passenger in any way;
 - 10.** Be discourteous to a passenger;
 - 11.** Drive passengers to their destination by any other than the most safe and efficient route, unless requested to do so by the passenger;
 - 12.** Operate any TNC Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);

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13. Refuse to transport to a requested destination within the City of Portland to any passenger of proper demeanor whose request for service has been accepted on the TNC App, and;
 14. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.
- E.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.
1. A TNC Driver shall only accept rides booked through an affiliated TNC App and shall not solicit or accept street-hails or stop in any City-approved taxi zones, and;
 2. A TNC Driver may not park a TNC Vehicle in a Hotel Zone or Loading/Unloading Zone.
- F.** Mandatory Compliance. TNC Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel or law enforcement officers pursuant to Chapter 16.40.
- G.** Driver Reporting. Every TNC Driver shall report any of the following events to the Director and to all affiliated TNCs within 24 hours of its occurrence:
1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
 2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
 3. Any vehicle crash 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.
- H.** Suspension or Revocation of Certified TNC Drivers. If a TNC certification is suspended or revoked by the Director, the affiliated TNC shall be contacted by the Director. TNC Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a TNC Driver and shall not have access as a TNC Driver to the affiliated TNC app.

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16.40.290 Accessible Service Requirements.

TNCs shall provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments and passengers with mobility devices.

- A.** Accommodations to passengers accompanied by a service animal.
 - 1.** Requests for service from a passenger accompanied by a service animal may not be refused.
 - 2.** TNC Drivers who are unable to reasonably accommodate passengers accompanied by service animals must notify the affiliated TNC so that an alternate TNC Driver may be promptly dispatched to fulfill the passenger's request for service.
- B.** Accommodations to passengers with hearing and visual impairments.
 - 1.** TNCs shall maintain at all times mobile apps or online dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
 - 2.** TNCs shall maintain customer service support services pursuant to Subsection 16.40.240 H. in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
- C.** Accommodations to passengers with mobility devices.
 - 1.** TNCs shall reasonably accommodate passengers with canes, walkers or other mobility devices that can readably fit within a non-wheelchair accessible TNC Vehicle.
 - 2.** TNCs shall maintain at all times mobile apps or online dispatch services available to customers that accept requests for a wheelchair accessible vehicle.
 - 3.** TNC Vehicles are required to provide wheelchair accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair accessible TNC vehicles, contracting with a permitted operator of wheelchair accessible private for-hire vehicles or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
 - 4.** Fare rates for wheelchair accessible vehicles shall not exceed fare rates for comparable non-wheelchair accessible TNC Vehicles, be reported to the Director and shall not be subject to dynamic pricing.

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5. Wheelchair accessible vehicle services must comply with WAV Service Performance Guidelines established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability. Service performance guidelines may include best practices pertaining to the following:
 - a. Vehicle specifications;
 - b. Wheelchair loading and securement;
 - c. Customer service and communication with customers;
 - d. Driver training, and;
 - e. Estimated wait times.
6. Any permitted TNC shall enter into any applicable agreement with the City to regularly provide aggregated and anonymized data relevant to WAV service. Examples of relevant data may include, but not be limited to, the following:
 - a. Number, date and time of WAV fulfilled requests;
 - b. Number, date and time of WAV unfulfilled requests;
 - c. Number, date and time of WAV trips;
 - d. WAV trip origin zip code;
 - e. WAV trip destination zip code;
 - f. WAV trip wait time, and;
 - g. WAV trip duration.
7. The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund.
 - a. The Accessible Transportation Fee rate shall be established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability for the purpose of funding the Accessible Transportation Fund.
 - b. The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and

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mitigating the higher costs of providing WAV service compared to commensurate non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually.

16.40.300 Executive Town Car Service Permits Required.

The operation of an Executive Town Car Company is a privilege and not a right. For Executive Town Car Services to be provided in the City of Portland, the Executive Town Car Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Executive Town Car Vehicles and Executive Town Car Drivers have met all certification and operating requirements.

- A.** Executive Town Car Company Permit Requirements. No person or entity shall conduct business as an Executive Town Car 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 16.40.930 through 16.40.950.
- B.** Executive Town Car Driver Certification Requirements. No person or entity shall conduct business as an Executive Town Car Driver in the City of Portland without certification by the Director prior to being authorized to provide Executive Town Car services on behalf of an affiliated Executive Town Car Company. Drivers not meeting all required conditions will not be certified as an Executive Town Car Driver and will not be allowed to operate as an Executive Town Car Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Executive Town Car Vehicle Certification Requirements. No vehicle shall be operated to conduct business as an Executive Town Car Vehicle in the City of Portland without certification by the Director prior to being used to provide Executive Town Car services by an affiliated Executive Town Car Company. Vehicles not meeting all required conditions will not be certified as Executive Town Car Vehicle and will not be allowed to operate as an Executive Town Car Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.310 Executive Town Car Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

- A.** Application. An applicant for an Executive Town Car Company permit shall submit to the Director:
 - 1.** A completed application on a form supplied by the Director;

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2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
 3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
 5. If the applicant Executive Town Car Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
 6. If the applicant Executive Town Car Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 7. The applicant Executive Town Car Company’s Zero-Tolerance Drug Policy;
 8. The applicant Executive Town Car Company's User Terms of Service;
 9. The applicant dispatch or passenger reservation contact information;
 10. Contact information of the Executive Town Car Company’s Agent of Service and Customer Service Support;
 11. The trade dress the applicant Executive Town Car Company proposes to use for each affiliated driver's vehicle, with a photo of the trade dress submitted with the application;
 12. Fare rates shall be provided to and approved by the Director prior to implementation, and;
 13. A nonrefundable application fee.
- B.** All fines and penalties must be paid prior to issuing or reissuing an Executive Town Car company permit.
- 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.

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- D.** Insurance. All Executive Town Car permit holders shall comply with Executive Town Car insurance requirements pursuant to Section 16.40.330. All Executive Town Car Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- E.** Director Review Process. After receiving a completed Executive Town Car Company application form and upon successful completion of all the requirements pursuant to Section 16.40.310, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- F.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue an Executive Town Car Company permit.
- G.** Application Denial. The Application shall be denied for any of the following:

 - 1.** The Executive Town Car Company applicant fails to submit all required information and documentation, including valid proof of insurance;
 - 2.** The Executive Town Car Company applicant leases, permits, or otherwise allows other entities not affiliated with the Executive Town Car Company and certified by the Director to operate Executive Town Car services;
 - 3.** The application has a material misstatement or omission, and;
 - 4.** The Executive Town Car Company application is incomplete.
- H.** Denial Appeal. If the application is denied, the applicant Executive Town Car Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- I.** Providing Executive Town Car Services. Executive Town Car Services shall only be provided by a permitted Executive Town Car Company.
- J.** Certification of Executive Town Car Drivers. The Executive Town Car Company shall regularly provide a list of applicant drivers affiliated with the permitted Executive Town Car for Director certification that drivers meet requirements in Section 16.40.300 on a form approved by the Director. Drivers shall be certified by the Director prior to providing Executive Town Car services on behalf of the affiliated Executive Town Car Company and Executive Town Car drivers not meeting all required conditions will not be certified as a permitted Executive Town Car Driver and will not be allowed to operate as a Executive Town Car Driver. Such requirements include:

 - 1.** Criminal and Driver Background Checks;

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2. Personal Automobile Liability Insurance;
 3. Valid Driver License;
 4. Driver training within 30 calendar days of an Executive Town Car Driver's certification by the Director.
- K.** Executive Town Car Driver Re-certification. The Executive Town Car Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Executive Town Car Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Executive Town Car Driver certification requirements pursuant to Section 16.40.300. Drivers not meeting all such conditions will not be re-certified as a Executive Town Car Driver and shall not be allowed to operate as an Executive Town Car Driver.
- L.** Certification of Executive Town Car Vehicles. The Executive Town Car Company shall regularly provide a list of applicant vehicles affiliated with the permitted Executive Town Car Company for Director certification that vehicles meet requirements pursuant to Section 16.40.300 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Executive Town Car Company prior to providing Executive Town Car Services. Vehicles not meeting all required conditions will not be certified as a permitted Executive Town Car vehicle and will not be allowed to operate as an Executive Town Car Vehicle. Such requirements include:
1. Vehicle safety inspection;
 2. Vehicle registration and licensing;
 3. Vehicle condition;
 4. Executive Town Car Company general and motor vehicle liability insurance;
 5. Personal Automobile Liability Insurance, as required by state law.
- M.** Term of Certification of Executive Town Car Vehicles. Certifications for Executive Town Car Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.
- N.** Executive Town Car Vehicle Re-certification. The Executive Town Car Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the Executive Town Car Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Executive Town Car Vehicle certification requirements pursuant to

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Section 16.40.300 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an Executive Town Car Vehicle and shall not be allowed to operate as an Executive Town Car Vehicle.

- O.** Denial Appeal. If an Executive Town Car Driver or Executive Town Car Vehicle certification is denied, suspended or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- P.** Right to a Permit. The Executive Town Car Company's ability to satisfy the criteria for an Executive Town Car Company permit does not create a right to an Executive Town Car Company permit.
- Q.** Transferring Permits. Transferring permits shall be prohibited.
- R.** Removal of Executive Town Car Drivers and Vehicles from affiliated Executive Town Car Company. Executive Town Car Companies shall provide to the Director notification of affiliated Executive Town Car Drivers that have been prohibited from providing Executive Town Car services by the affiliated Executive Town Car Company and Executive Town Car Vehicles that have been removed from the fleet of the affiliated Executive Town Car Company as changes occur.
- S.** Operating at the Port of Portland. Executive Town Car Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

16.40.320 Executive Town Car Services Permit Fees.

- A.** Permit Fees. Executive Town Car Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.
- B.** Permit Issuance. No Executive Town Car Company permit shall be issued until all fees have been received by the City.

16.40.330 Executive Town Car Company Insurance Requirements.

- A.** In order to provide protection to the public, the Executive Town Car Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.
- B.** Providing Executive Town Car Services. The Executive Town Car vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the Executive Town Car Company, the Executive Town Car Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to an Executive Town Car Company receiving an Executive Town Car Company permit.

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- C.** Additional Named Insured and Notification of Policy Changes. The Executive Town Car Company shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).
- D.** Ensuring Driver and Vehicle Insurance. Executive Town Car Drivers shall be responsible for ensuring the Executive Town Car Driver and Executive Town Car Vehicle have appropriate personal insurance coverage as required by State law.
- E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.
- F.** Commercial Business Insurance. Executive Town Car Company permit holders shall secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, Bodily Injury, and Property Damage, in the course of the permit holder's work under a for-hire transportation permit.
- G.** Automobile Insurance. All Executive Town Car Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:

 - 1.** 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.
- H.** Certification of Auto Insurance. Executive Town Car Companies shall provide proof of current, valid insurance for Director certification that all affiliated Executive Town Car Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.
- I.** Insurance Limits Subject to Statutory Changes. 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;
- J.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.

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- K.** Continuous and Uninterrupted Coverage. The permit holder shall 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.
- L.** Insurance Rating. All insurance companies issuing policies within this Section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.
- M.** Additional Policy Conditions: Policies required under Subsections 16.40.330 F. and/or 16.40.330 G. must also contain, include, provide for or comply with the following:
 - 1.** 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 coverage and limits and conditions as outlined in Subsections 16.40.330 F. - H. The same certificate of liability and additional insured endorsement requirements will apply.
 - 2.** 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 16.40.330 F. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

16.40.340 Executive Town Car Company Operating Responsibilities and Prohibitions.

- A.** Executive Town Car Companies shall accept all requests for Executive Town Car Service received from any location within the City.
- B.** Zero Tolerance for Drug and Alcohol Use. All permitted Executive Town Car Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Executive Town Car Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.
- C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in an Executive Town Car Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against an Executive Town Car Company shall be governed by Oregon tort law in effect at the time of the claim.

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- D.** Fare rate Transparency. Executive Town Car fare rates shall be established by the Executive Town Car Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.
- E.** Receipts. All Executive Town Car passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Executive Town Car Company, Executive Town Car Driver, Executive Town Car Company customer service support contact information and the City of Portland's PFHT complaint phone number.
- F.** Limitation or Prohibition on Dynamic pricing. The Bureau Director may limit or prohibit dynamic pricing by any Executive Town Car Company or Executive Town Car Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040.
- G.** Agent of Service Requirements. Executive Town Car Companies will maintain, during all times when the Executive Town Car Company Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.
- H.** Customer Service Support Requirements. Executive Town Car Companies will maintain, during all times when the Executive Town Car Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- I.** Reporting Requirements. Each Executive Town Car Company shall regularly report the following to the Director:

 - 1.** Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
 - 2.** Report the number and type of crimes against drivers to the extent known;
 - 3.** The arrest or conviction for any criminal offense of any affiliated Executive Town Car driver involving the operation of Executive Town Car service in the City of Portland;
 - 4.** The filing of any lawsuit against or on behalf of the Executive Town Car Company related to the operation of the company and its services in the City of Portland;
 - 5.** The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and

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- 6.** Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Executive Town Car Company.

J. Data Requirements.

- 1.** Any permitted Executive Town Car Company may enter into any applicable agreement with the City to regularly provide relevant aggregated and anonymized data. Examples of relevant data may include, but not be limited to, the following:
 - a.** Number, date and time of fulfilled requests;
 - b.** Number, date and time of unfulfilled requests;
 - c.** Number, date and time of trips;
 - d.** Trip origin zip code;
 - e.** Trip destination zip code;
 - f.** Trip wait time, and;
 - g.** Trip duration and miles traveled
- 2.** The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
- 3.** In the event disclosure of such data is required by law, the City will provide Executive Town Car Companies notice prior to any disclosure of such data.
- 4.** Upon request, the Executive Town Car Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

K. Executive Town Car Company Records Management and Mandatory Compliance.

- 1.** Executive Town Car Companies will be required to keep documentation of all certified Executive Town Car Drivers and Executive Town Car Vehicles. Such records shall be kept on file during the term of the Executive Town Car Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, Executive Town Car Company records shall be provided to the Director and/or law enforcement officers.

2. Executive Town Car Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.350 Executive Town Car Vehicle Certification Requirements.

- A. Executive Town Car Vehicle Certification. The Executive Town Car Company shall regularly provide a list of applicant vehicles affiliated with the permitted Executive Town Car Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Executive Town Car Company prior to being used to provide Executive Town Car service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as an Executive Town Car Vehicle.
- B. Term of Certified Executive Town Car Vehicle. Certifications for Executive Town Car Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The Executive Town Car Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.
- C. Application Process. Applications for Executive Town Car Vehicle certification shall be made directly to an affiliated Executive Town Car Company. The Executive Town Car Company will regularly provide to the Director an Executive Town Car Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as an Executive Town Car Vehicle on a form approved by the Director.
- D. Vehicle Registration, Licensing, and Insurance. All Executive Town Car Vehicles shall maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.
- E. Vehicle Requirements. Executive Town Car Vehicles shall widely be recognized as luxury vehicles and no vehicle will be allowed to operate as an Executive Town Car Vehicle following 10 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as an Executive Town Car Vehicle.
 1. Notwithstanding Subsection 16.40.350 E., the Director may, at the recommendation of the PFHT Advisory Committee pursuant to Section 16.40.970, adopt Executive Town Car Vehicle administrative rules and standards to allow Executive Town Car Vehicles with manufacturing dates beyond 10 years to operate and considered to be “Classic” and safe, clean and in good working order.

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- F.** Vehicle Safety Inspections. Each Executive Town Car Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:
- 1.** Is more than one year old, based on model year, or
 - 2.** Has 10,000 miles or more on its odometer, or
 - 3.** Has the “check engine” light illuminated, regardless of model year or mileage.
- G.** Executive Town Car Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Executive Town Car Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.
- H.** Vehicle Condition. Each Executive Town Car Vehicle shall meet the following requirements:
- 1.** Each Executive Town Car Vehicle shall:
 - a.** Be kept in safe condition and good repair;
 - b.** Be kept clean and in good appearance;
 - c.** Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher;
 - d.** Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.
- I.** Executive Town Car Vehicle Re-certification. The Executive Town Car Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the Executive Town Car Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Executive Town Car Vehicle certification requirements pursuant to Subsections 16.40.310 G. – I. and Section 16.40.360 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an Executive Town Car Vehicle and shall not be allowed to operate as an Executive Town Car Vehicle.

16.40.360 Executive Town Car Vehicle Operating Requirements and Prohibitions.

- A.** No vehicle shall operate as an Executive Town Car Vehicle unless it has been certified by the Director and is affiliated with a permitted Executive Town Car Company and Executive Town Car Driver.
- B.** Vehicle Registration, Insurance, and Business License. A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every Executive Town Car Vehicle, pursuant to ORS 806.011.
- C.** Identification of Executive Town Car Vehicles. Every Executive Town Car Vehicle shall meet the following identification requirements to operate as an Executive Town Car Vehicle:

 - 1.** Upon successful completion of the Executive Town Car Company permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing a bar code and the City Seal for each certified Executive Town Car Vehicle.
 - 2.** Executive Town Car decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated Executive Town Car Company permit. Fees for decals that are not issued contemporaneously with an Executive Town Car Company permit will be prorated to equal the cost of the number of months remaining until the Executive Town Car Company permit expires.
 - 3.** Executive Town Car decals must be affixed to the vehicle's front and back window in a manner outlined by administrative rule.
 - 4.** Executive Town Car decals that are intentionally destroyed or damaged by an Executive Town Car Company or Executive Town Car Driver prior to renewal and without the City's authorization are not subject to renewal.
 - 5.** Voided Executive Town Car Vehicle decals are not renewable in the year following their voidance. Once an Executive Town Car Vehicle decal is voided, an Executive Town Car Company may not renew that decal and instead must complete the initial application process if the Executive Town Car Company seeks a decal for that Executive Town Car Vehicle.
 - 6.** Executive Town Car Vehicle decals issued by the Director shall not be leased, sold, transferred or assigned in any manner.
 - 7.** Executive Town Car Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and is an actionable offense in a court of competent jurisdiction.

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- D.** The consumption any intoxicant or smoking of any substance shall be prohibited in any Executive Town Car Vehicle.
- E.** Vehicle Operating Conditions. In determining whether an Executive Town Car Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:
- 1.** All Executive Town Car Vehicle equipment and devices shall be properly equipped and maintained in good working order;
 - 2.** At all times, Executive Town Car Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions;
 - 3.** The Executive Town Car Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors;
 - 4.** Executive Town Car Vehicles shall be free of dirt, grease, grime, glue or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body;
 - 5.** The Executive Town Car Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and shall not be equipped with studded tires while providing Executive Town Car Services;
 - 6.** Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.
- F.** Mandatory Compliance. Executive Town Car Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.370 Executive Town Car Driver Certification Requirements.

- A.** Executive Town Car Driver Certification. The Executive Town Car Company shall regularly provide a list of applicant drivers affiliated with the permitted Executive Town Car Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a certified Executive Town Car Vehicle

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prior to being operating an Executive Town Car Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as an Executive Town Car Driver. Executive Town Car companies shall provide a current list to the Director as changes occur.

- B.** Term of Certified Executive Town Car Driver. Certifications for Executive Town Car Drivers provided by an Executive Town Car Company to the Director shall be valid for one year from the date of the initial certification. The affiliated Executive Town Car Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.
- C.** Application Process. Applications for Executive Town Car Driver certification shall be made directly to an affiliated Executive Town Car Company. The Executive Town Car Company will regularly provide to the Director Executive Town Car Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate an Executive Town Car Driver on a form approved by the Director.
- D.** Executive Town Car Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Executive Town Car Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

 - 1. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and
 - 2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state.
 - 3. Dru Sjodin National Sex Offender Public Registry
- E.** Executive Town Car Driver Criminal and Driving History Disqualifications. A driver will not be certified as an Executive Town Car Driver and cannot provide Executive Town Car Services if any of the following conditions exist:

 - 1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
 - 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
 - 3. The applicant is a match in the Dru Sjodin National Sex Offender Public Registry

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4. During the 5-year period preceding the submission of the application, based on the conviction date, 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;
 5. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations 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;
 6. During the 3-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.
 7. The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
 8. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
 9. The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
 10. The applicant is less than 21 years old; or
 11. The applicant is unable to obtain car insurance for any reason.
- F.** All Executive Town Car Driver Criminal and Driving Histories are subject to review by the Director.
- G.** Executive Town Car Driver Training. Executive Town Car Drivers shall successfully complete Director approved trainings within 30 days of Executive Town Car Driver certification by the Director in each of the following subject areas:
1. Relevant City Code provisions and Administrative Rules;

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2. Vision Zero principles of traffic safety;
 3. Portland-area attractions, and;
 4. Customer Service.
- H.** Insurance Requirements. All Executive Town Car Drivers affiliated with an Executive Town Car Company shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.
- I.** Business License Requirements. All Executive Town Car Drivers affiliated with an Executive Town Car Company shall comply with all provisions of the Business License Law as required by Chapter 7.02 prior to operating an Executive Town Car Vehicle. Any Executive Town Car Driver without a valid City of Portland Business License cannot be certified as an Executive Town Car Driver and will not be allowed to operate as an Executive Town Car Driver until such Business License is obtained.
- J.** Executive Town Car Driver Re-certification. The Executive Town Car Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Executive Town Car Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Executive Town Car Driver certification requirements pursuant to Sections 16.40.370 and 16.40.380. Drivers not meeting all such conditions will not be re-certified as an Executive Town Car Driver and shall not be allowed to provide Executive Town Car Services.
- K.** Suspension or Revocation of Certified Executive Town Car Drivers. If an Executive Town Car certification is suspended or revoked by the Director, the affiliated Executive Town Car Company shall be notified by the Director. Executive Town Car Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as an Executive Town Car Driver.

16.40.380 Executive Town Car Driver Conduct Requirements and Prohibitions.

- A.** Transferring Credentials. Transferring Executive Town Car Driver or Executive Town Car Vehicle credentials from one driver or vehicle to another shall be prohibited.
- B.** Executive Town Car Drivers shall carry a non-digital fax or photocopy proof of company insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as an Executive Town Car Driver. Upon request of the Director or law enforcement officer, Executive Town Car Drivers shall present proof of a valid primary automobile insurance policy and vehicle registration.

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- C.** Portland Business License. Executive Town Car Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02 at all times while operating as an Executive Town Car Driver.
- D.** Driver Conduct. No Executive Town Car Driver shall:
- 1.** Allow another person to use his/her Executive Town Car Driver certification;
 - 2.** Drive or allow another person to drive an Executive Town Car Vehicle without a valid driver's license while the vehicle is being used to provide Executive Town Car Services;
 - 3.** Operate any Executive Town Car Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
 - 4.** Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs or medications;
 - 5.** Use a vehicle in the commission of any crime;
 - 6.** Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
 - 7.** Consume any intoxicant or smoke of any substance while operating a Executive Town Car Vehicle;
 - 8.** Allow any passenger to consume an intoxicant or smoke any inside a Executive Town Car Vehicle;
 - 9.** Defraud a passenger in any way;
 - 10.** Be discourteous to a passenger;
 - 11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
 - 12.** Operate any Executive Town Car Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
 - 13.** Refuse to provide Executive Town Car Services to any passenger of proper demeanor whose request for service has been accepted by the Executive Town Car Company Dispatch, or reservation service or Executive Town Car Driver from a designated hotel zone, and;

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- 14. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.
- E. Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.
- F. Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.
 - 1. All requests for service shall be received and accepted through the dispatch or online and/or mobile app reservation services.
 - 2. An Executive Town Car Driver may not accept street-hails received within in the City of Portland, with the exception of from designated hotel zones and as approved by the Port of Portland at the Portland International Airport.
 - 3. Other than for drop off, an Executive Town Car Driver may not park an Executive Town Car Vehicle in a Hotel Zone or Loading/Unloading Zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance to Section 16.40.340 and available for review by the Director or law enforcement officer.
- G. Mandatory Compliance. Executive Town Car Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- H. Driver Reporting. Every Executive Town Car Driver shall report any of the following events to the Director and to all affiliated Executive Town Car Companies within 24 hours of its occurrence:
 - 1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
 - 2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
 - 3. Any vehicle crash 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.
- I. Suspension or Revocation of Certified Executive Town Car Drivers. If an Executive Town Car certification is suspended or revoked by the Director, the

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affiliated Executive Town Car Company shall be notified by the Director. Executive Town Car Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as an Executive Town Car Driver.

16.40.400 Shuttle Services Permits Required.

The operation of a Shuttle Company is a privilege and not a right. For Shuttle services to be provided in the City of Portland, the Shuttle Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Shuttle Company Vehicles and Shuttle Company Drivers have met all certification and operating requirements.

- A.** Shuttle Company Permit Requirements. No person or entity shall conduct business as a Shuttle 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 16.40.930 through 16.40.950.
- B.** Shuttle Driver Certification Requirements. No person or entity shall conduct business as a Shuttle Driver in the City of Portland without certification by the Director prior to being authorized to provide Shuttle services on behalf of an affiliated Shuttle Company. Drivers not meeting all required conditions will not be certified as Shuttle Driver and will not be allowed to operate as a Shuttle Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Shuttle Vehicle Certification Requirements. No vehicle shall be operated to conduct business as a Shuttle Vehicle in the City of Portland without certification by the Director prior to being used to provide Shuttle services by an affiliated Shuttle Company. Vehicles not meeting all required conditions will not be certified as Shuttle Vehicle and will not be allowed to operate as a Shuttle Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.410 Shuttle Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

- A.** Application. An applicant for a Shuttle Company permit shall submit to the Director:
 - 1.** A completed application on a form supplied by the Director;
 - 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,
 5. If the applicant Shuttle Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
 6. If the applicant Shuttle Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 7. The applicant Shuttle Company’s Zero-Tolerance Drug Policy;
 8. The applicant Shuttle Company's User Terms of Service;
 9. The applicant dispatch or passenger reservation contact information;
 10. Contact information of the Shuttle Company’s Agent of Service and Customer Service Support;
 11. A description and photo or rendering of the unique branding and exterior color scheme that the applicant Shuttle Company proposes to use for its fleet of affiliated Shuttle Vehicles;
 12. A detailed description of the Shuttle Company’s fixed route and time schedule;
 13. A nonrefundable application fee, and;
 14. All fines and penalties must be paid prior to issuing or reissuing a Shuttle company permit.
- B.** 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.
- C.** Insurance. All Shuttle permit holders shall comply with Shuttle insurance requirements pursuant to Section 16.40.430. All Shuttle Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- D.** Director Review Process. After receiving a completed Shuttle Company application form and upon successful completion of all the requirements pursuant to Section

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16.40.410, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

- E.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Shuttle Company permit.
- F.** Application Denial. The Application shall be denied for any of the following:
 - 1.** The Shuttle Company applicant fails to submit all required information and documentation, including valid proof of insurance;
 - 2.** The Shuttle Company applicant leases, permits, or otherwise allows other entities not affiliated with the Shuttle Company and certified by the Director to operate Shuttle services;
 - 3.** The application has a material misstatement or omission, or;
 - 4.** The Shuttle Company application is incomplete;
- G.** Denial Appeal. If the application is denied, the applicant Shuttle Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- H.** Providing Shuttle Services. Shuttle Services shall only be provided by a permitted Shuttle Company.
- I.** Certification of Shuttle Drivers. The Shuttle Company shall regularly provide a list of applicant drivers affiliated with the permitted Shuttle for Director certification that drivers meet requirements in Section 16.40.400 on a form approved by the Director. Drivers shall be certified by the Director prior to providing Shuttle services on behalf of the affiliated Shuttle Company and Shuttle drivers not meeting all required conditions will not be certified as a permitted Shuttle Driver and will not be allowed to operate as a Shuttle Driver. Such requirements include:
 - 1.** Criminal and Driver Background Checks;
 - 2.** Personal Automobile Liability Insurance;
 - 3.** Valid Driver License, and;
 - 4.** Driver training within 30 calendar days of a Shuttle Driver's certification by the Director.
- J.** Shuttle Driver Re-certification. The Shuttle Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Shuttle Driver certification expiration, on a form approved by the Director.

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Applicant drivers shall meet all conditions and be consistent with Shuttle Driver certification requirements pursuant to Section 16.40.400. Drivers not meeting all such conditions will not be re-certified as a Shuttle Driver and shall not be allowed to operate as a Shuttle Driver.

- K.** Certification of Shuttle Vehicles. The Shuttle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Shuttle Company for Director certification that vehicles meet requirements pursuant to Section 16.40.400 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Shuttle Company prior to providing Shuttle Services. Vehicles not meeting all required conditions will not be certified as a permitted Shuttle vehicle and will not be allowed to operate as a Shuttle Vehicle. Such requirements include:
1. Vehicle safety inspection;
 2. Vehicle registration and licensing;
 3. Vehicle condition;
 4. Shuttle Company general and motor vehicle liability insurance, and;
 5. Automobile Liability Insurance, as required by state law.
- L.** Term of Certification of Shuttle Vehicles. Certifications for Shuttle Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.
- M.** Denial Appeal. If a Shuttle Driver or Shuttle Vehicle certification is denied, suspended or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- N.** Right to a Permit. The Shuttle Company's ability to satisfy the criteria for a Shuttle Company permit does not create a right to a Shuttle Company permit.
- O.** Transferring Permits. Transferring permits shall be prohibited.
- P.** Removal of Shuttle Drivers and Vehicles from affiliated Shuttle Company. Shuttle Companies shall provide to the Director notification of affiliated Shuttle Drivers that have been prohibited from providing Shuttle services by the affiliated Shuttle Company and Shuttle Vehicles that have been removed from the fleet of the affiliated Shuttle Company as changes occur.
- Q.** Operating at the Port of Portland. Shuttle Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

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16.40.420 Shuttle Services Permit Fees.

- A.** Permit Fees. Shuttle Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.
- B.** Permit Issuance. No Shuttle Company permit shall be issued until all fees have been received by the City.

16.40.430 Shuttle Company Insurance Requirements.

- A.** In order to provide protection to the public, the Shuttle Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.
- B.** Providing Shuttle Services. The Shuttle vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the Shuttle Company, the Shuttle Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a Shuttle Company receiving a Shuttle Company permit.
- C.** Additional Named Insured and Notification of Policy Changes. The Shuttle Company shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).
- D.** Ensuring Driver and Vehicle Insurance. Shuttle Drivers shall be responsible for ensuring the Shuttle Driver and Shuttle Vehicle have appropriate personal insurance coverage as required by State law.
- E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.
- F.** Commercial Business Insurance. Shuttle Company permit holders shall secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, Bodily Injury, and Property Damage, in the course of the permit holder's work under a for-hire transportation permit.
- G.** Automobile Insurance. All Shuttle Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:

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1. 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.
- H. Certification of Auto Insurance. Shuttle Companies shall provide proof of current, valid insurance for Director certification that all affiliated Shuttle Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.
- I. Insurance Limits Subject to Statutory Changes. 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;
- J. Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.
- K. Continuous and Uninterrupted Coverage. The permit holder shall 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.
- L. Insurance Rating. All insurance companies issuing policies within this Section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.
- M. Additional Policy Conditions: Policies required under Section 16.40.430 must also contain, include, provide for or comply with the following:
 1. 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 coverage and limits and conditions as outlined in Section 16.40.430. The same certificate of liability and additional insured endorsement requirements will apply.
 2. 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 Section 16.40.430, and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

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16.40.440 Shuttle Company Operating Responsibilities and Prohibitions.

- A.** A permitted Shuttle Company shall adhere to the fixed route and time schedule approved by the Director. Changes to the Shuttle Company's fixed route and time schedule shall be submitted and approved by the Director prior to implementation of a revised fixed route and time schedule.
- B.** Shuttle Companies shall accept all requests for Shuttle Service received from any location within the City including requests made by persons with disabilities and requests for wheelchair accessible service pursuant to Section 16.40.490.
- C.** Zero Tolerance for Drug and Alcohol Use. All permitted Shuttle Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Shuttle Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.
- D.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in a Shuttle Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect in the City of Portland, and that any tort claim against a company shall be governed by Oregon tort law in effect at the time of the claim.
- E.** Fare rate Transparency. Shuttle fare rates shall be established by the Shuttle Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.
- F.** Receipts. All Shuttle passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Shuttle Company, Shuttle Driver, Shuttle Company customer service support contact information and the City of Portland's PFHT complaint phone number.
- G.** Limitation or Prohibition on Dynamic pricing. The Bureau Director may limit or prohibit dynamic pricing by any Shuttle Company or Shuttle Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040.
- H.** Agent of Service Requirements. Shuttle Companies will maintain, during all times when the Shuttle Company Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.
- I.** Customer Service Support Requirements. Shuttle Companies will maintain, during all times when the Shuttle Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and

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the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

J. Reporting Requirements. Each Shuttle Company shall regularly report the following to the Director:

1. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
2. Report the number and type of crimes against drivers to the extent known;
3. The arrest or conviction for any criminal offense of any affiliated Shuttle driver involving the operation of Shuttle service in the City of Portland;
4. The filing of any lawsuit against or on behalf of the Shuttle Company related to the operation of the company and its services in the City of Portland;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company, and;
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Shuttle Company.

K. Data Requirements.

1. Any permitted Shuttle Company may enter into any applicable agreement with the City to regularly provide relevant aggregated and anonymized data. Examples of relevant data may include, but not be limited to, the following:
 - a. Number, date and time of fulfilled requests;
 - b. Number, date and time of unfulfilled requests;
 - c. Number, date and time of trips;
 - d. Trip origin zip code;
 - e. Trip destination zip code;
 - f. Trip wait time, and;
 - g. Trip duration and miles traveled.
2. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.

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3. In the event disclosure of such data is required by law, the City will provide Shuttle Companies notice prior to any disclosure of such data.
4. Upon request, the Shuttle Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

L. Shuttle Company Records Management and Mandatory Compliance.

1. Shuttle Companies will be required to keep documentation of all certified Shuttle Drivers and Shuttle Vehicles. Such records shall be kept on file during the term of the Shuttle Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, Shuttle Company records shall be provided to the Director and/or law enforcement officers.
2. Shuttle Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.450 Shuttle Vehicle Certification Requirements.

- A. Shuttle Vehicle Certification. The Shuttle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Shuttle Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Shuttle Company prior to being used to provide Shuttle service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Shuttle Vehicle.
- B. Term of Certified Shuttle Vehicle. Certifications for Shuttle Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The Shuttle Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.
- C. Application Process. Applications for Shuttle Vehicle certification shall be made directly to an affiliated Shuttle Company. The Shuttle Company will regularly provide to the Director a Shuttle Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Shuttle Vehicle on a form approved by the Director.
- D. Vehicle Registration, Licensing, and Insurance. All Shuttle Vehicles shall maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.

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- E.** Vehicle Age Requirements. No vehicle will be allowed to operate as a Shuttle Vehicle following ten years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a Shuttle Vehicle.
- F.** Vehicle Safety Inspections. Each Shuttle Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

 - 1.** Is more than one year old, based on model year,
 - 2.** Has 10,000 miles or more on its odometer, or
 - 3.** Has the “check engine” light illuminated, regardless of model year or mileage.
- G.** Shuttle Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Shuttle Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician certified in any of the areas of ASE A4-A8 shall be completed on a form approved by the Director.
- H.** Vehicle Condition. Each Shuttle Vehicle shall meet the following requirements:

 - 1.** Each Shuttle Vehicle shall:

 - a.** Be kept in safe condition and good repair;
 - b.** Be kept clean and in good appearance;
 - c.** Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher;
 - d.** Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.
- I.** Shuttle Vehicle Re-certification. The Shuttle Company shall provide a list of applicant vehicles for re-certification to the Director one month prior to the Shuttle Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Shuttle Vehicle certification requirements pursuant to Sections 16.40.410 and 16.40.460 for re-

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certification. Vehicles not meeting all such conditions will not be re-certified as a Shuttle Vehicle and shall not be allowed to operate as a Shuttle Vehicle.

16.40.460 Shuttle Vehicle Operating Requirements and Prohibitions.

- A.** No vehicle shall operate as a Shuttle Vehicle unless it has been certified by the Director and is affiliated with a permitted Shuttle Company and Shuttle Driver.
- B.** Vehicle Registration, Insurance, and Business License. A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every Shuttle Vehicle, pursuant to ORS 806.011.
- C.** Identification of Shuttle Vehicles. Every Shuttle Vehicle shall meet the following identification requirements to operate as a Shuttle Vehicle:
 - 1.** Every Shuttle Vehicle must prominently display on both sides of the vehicle the following information:
 - a.** The full name of the Shuttle Company;
 - b.** The company-assigned Shuttle Vehicle number;
 - c.** The telephone number of that Shuttle Company where services can be requested, and;
 - d.** Word "shuttle."
 - 2.** Upon successful completion of the Shuttle Company permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing a bar code and the City Seal for each certified Shuttle Vehicle.
 - 3.** Shuttle decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated Shuttle Company permit. Fees for decals that are not issued contemporaneously with a Shuttle Company permit will be prorated to equal the cost of the number of months remaining until the Shuttle Company permit expires.
 - 4.** Shuttle decals must be affixed to the vehicle's front and back window in a manner outlined by administrative rule.
 - 5.** Shuttle decals that are intentionally destroyed or damaged by a Shuttle Company or Shuttle Driver prior to renewal and without the City's authorization are not subject to renewal.

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6. Voided Shuttle Vehicle decals are not renewable in the year following their voidance. Once a Shuttle Vehicle decal is voided, a Shuttle Company may not renew that decal and instead must complete the initial application process if the Shuttle Company seeks a decal for that Shuttle Vehicle.
 7. Shuttle Vehicle decals issued by the Director shall not be leased, sold, transferred or assigned in any manner.
 8. Shuttle Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and is an actionable offense in a court of competent jurisdiction.
- D.** The consumption any intoxicant or smoking of any substance shall be prohibited in any Shuttle Vehicle.
- E.** Vehicle Operating Conditions. In determining whether a Shuttle vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:
1. All Shuttle Vehicle equipment and devices shall be properly equipped and maintained in good working order.
 2. At all times, Shuttle Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions.
 3. The Shuttle Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors.
 4. Shuttle Vehicles shall be free of dirt, grease, grime, glue or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body.
 5. The Shuttle Vehicle shall not include missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and shall not be equipped with studded tires.
 6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

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- F.** Mandatory Compliance. Shuttle Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.470 Shuttle Driver Certification Requirements.

- A.** Shuttle Driver Certification. The Shuttle Company shall regularly provide a list of applicant drivers affiliated with the permitted Shuttle Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a certified Shuttle Vehicle prior to being operating a Shuttle Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Shuttle Driver. Shuttle companies shall provide a current list to the Director as changes occur.
- B.** Term of Certified Shuttle Driver. Certifications for Shuttle Drivers provided by a Shuttle Company to the Director shall be valid for one year from the date of the initial certification. The affiliated Shuttle Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.
- C.** Application Process. Applications for Shuttle Driver certification shall be made directly to an affiliated Shuttle Company. The Shuttle Company will regularly provide to the Director Shuttle Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a Shuttle Driver on a form approved by the Director.
- D.** Shuttle Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Shuttle Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
- 1.** Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search);
 - 2.** All motor vehicle records associated with the applicant driver available pursuant to records laws of each state, and;
 - 3.** Dru Sjodin National Sex Offender Public Registry.
- E.** Shuttle Driver Criminal and Driving History Disqualifications. A driver will not be certified as a Shuttle Driver and cannot provide Shuttle Services if any of the following conditions exist:

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1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
3. The applicant is a match in the Dru Sjodin National Sex Offender Public Registry;
4. During the 5-year period preceding the submission of the application, based on the conviction date, 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;
5. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations 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;
6. During the 3-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;
7. The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
8. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
9. The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
10. The applicant is less than 21 years old; or
11. The applicant is unable to obtain car insurance for any reason.

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12. All Shuttle Driver Criminal and Driving Histories are subject to review by the Director.
 - F. Shuttle Driver Training. Shuttle Drivers shall successfully complete Director approved trainings within 30 days of Shuttle Driver certification by the Director in each of the following subject areas:
 1. Relevant City Code provisions and Administrative Rules;
 2. Vision Zero principles of traffic safety;
 3. Portland-area attractions, and;
 4. Customer Service.
 - G. Insurance Requirements. All Shuttle Drivers affiliated with a Shuttle Company shall maintain current, valid automobile insurance that meets the State of Oregon requirements.
 - H. Business License Requirements. All Shuttle Drivers affiliated with a Shuttle Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a Shuttle Vehicle. Any Shuttle Driver without a valid City of Portland Business License cannot be certified as a Shuttle Driver and will not be allowed to operate as a Shuttle Driver until such Business License is obtained.
 - I. Shuttle Driver Re-certification. The Shuttle Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Shuttle Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Shuttle Driver certification requirements pursuant to Sections 16.40.470 and 16.40.480. Drivers not meeting all such conditions will not be re-certified as a Shuttle Driver and shall not be allowed to provide Shuttle Services.
 - J. Suspension or Revocation of Certified Shuttle Drivers. If a Shuttle certification is suspended or revoked by the Director, the affiliated Shuttle Company shall be notified by the Director. Shuttle Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a Shuttle Driver.
- 16.40.480 Shuttle Driver Conduct Requirements and Prohibitions.**
- A. Transferring Credentials. Transferring Shuttle Driver or Shuttle Vehicle credentials from one driver or vehicle to another shall be prohibited.
 - B. Shuttle Drivers shall carry a non-digital fax or photocopy proof of company insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a Shuttle Driver. Upon request of the Director or law

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enforcement officer, Shuttle Drivers shall present proof of a valid Shuttle primary automobile insurance policy and vehicle registration.

- C.** Portland Business License. Shuttle Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02 at all times while operating as a Shuttle Driver.
- D.** Driver Conduct. No Shuttle Driver shall:
1. Allow another person to use his/her Shuttle Driver certification;
 2. Drive or allow another person to drive a Shuttle Vehicle without a valid driver's license while the vehicle is being used to provide Shuttle Services;
 3. Operate any Shuttle Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
 4. Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs or medications;
 5. Use a vehicle in the commission of any crime;
 6. Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
 7. Consume any intoxicant or smoke of any substance while operating a Shuttle Vehicle;
 8. Allow any passenger to consume an intoxicant or smoke any inside a Shuttle Vehicle;
 9. Defraud a passenger in any way;
 10. Be discourteous to a passenger;
 11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
 12. Drive Shuttle Vehicles on a route or time schedule other than fixed route and time schedule of the Shuttle Company, as approved by the Director;
 13. Operate any Shuttle Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);

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14. Refuse to Shuttle Services to any passenger of proper demeanor whose request for service has been accepted by the Shuttle Company or Shuttle Driver along the fixed route and time schedule of the Shuttle Company, as approved by the Director, and;
 15. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.
- E.** Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.
- F.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.
1. A Shuttle Driver may accept street-hails, to include from hotel zones, received along the fixed route of the Shuttle Company as approved by the Director.
 2. Other than for drop off along the Shuttle Company's fixed route and time schedule, a Shuttle Driver may not park a Shuttle Vehicle in a Hotel Zone or Loading/Unloading Zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance to Subsection 16.40.440 K.1. and available for review by the Director or law enforcement officer;
- G.** Mandatory Compliance. Shuttle Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- H.** Driver Reporting. Every Shuttle Driver shall report any of the following events to the Director and to all affiliated Shuttle Companies within 24 hours of its occurrence:
1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
 2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
 3. Any vehicle crash 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.

- I.** Suspension or Revocation of Certified Shuttle Drivers. If a Shuttle certification is suspended or revoked by the Director, the affiliated Shuttle Company shall be notified by the Director. Shuttle Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a Shuttle Driver.

16.40.490 Accessible Service Requirements.

Shuttle Companies shall provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments and passengers with mobility devices.

- A.** Accommodations to passengers accompanied by a service animal.
- 1.** Requests for service from a passenger accompanied by a service animal may not be refused.
 - 2.** Shuttle Drivers who are unable to reasonably accommodate passengers accompanied by service animals must notify the affiliated Shuttle Company so that an alternate Shuttle Driver may be promptly dispatched to fulfill the passenger's request for service.
- B.** Accommodations to passengers with hearing and visual impairments.
- 1.** Shuttle Companies shall maintain at all times mobile apps or online dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
 - 2.** Shuttle Companies shall maintain dispatch services available to customers pursuant to Subsection 16.40.440 H. in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility
- C.** Accommodations to passengers with mobility devices.
- 1.** Shuttle Companies shall reasonably accommodate passengers with canes, walkers or other mobility devices that can readably fit within a non-wheelchair accessible Shuttle Vehicle
 - 2.** Shuttle Companies shall maintain at all times mobile apps or online dispatch services available to customers that accept requests for a wheelchair accessible vehicle
 - 3.** Shuttle Companies are required to provide wheelchair accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair accessible Shuttle vehicles, contracting with a permitted operators of wheelchair accessible private for-hire vehicles or a

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combination thereof. It is a rebuttable presumption that any time beyond 30 minutes of the established time schedule is unreasonable.

- 4.** Fare rates for wheelchair accessible vehicles shall not exceed fare rates for commensurate non-wheelchair accessible Shuttle Vehicles, be reported to the Director and shall not be subject to dynamic pricing.
- 5.** Wheelchair accessible vehicle services must comply with WAV Service Performance Guidelines as established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability. Service performance guidelines may include best practices pertaining to the following:
 - a.** Vehicle specifications;
 - b.** Wheelchair loading and securement;
 - c.** Customer service and communication with customers;
 - d.** Driver training, and;
 - e.** Estimated wait times.
- 6.** Any permitted Shuttle shall enter into an agreement with the City to regularly provide aggregated and anonymized data relevant to WAV service. Examples of relevant data may include, but not limited to, the following:
 - a.** Number, date and time of WAV fulfilled requests;
 - b.** Number, date and time of WAV unfulfilled requests;
 - c.** Number, date and time of WAV trips;
 - d.** WAV trip origin zip code;
 - e.** WAV trip destination zip code;
 - f.** WAV trip wait time; and
 - g.** WAV trip duration.
- 7.** The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund

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- a.** The Accessible Transportation Fee rate shall be established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability for the purpose of funding the Accessible Transportation Fund;
- b.** The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and mitigating the higher costs of providing WAV service compared to commensurate non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually.

16.40.600 LPT Service Permits Required.

The operation of an LPT Company is a privilege and not a right. For LPT Services to be provided in the City of Portland, the LPT Company shall be required to obtain a permit. The Bureau shall certify that all affiliated LPT Vehicles and LPT Drivers have met all certification and operating requirements.

- A.** LPT Company Permit Requirements. No person or entity shall conduct business as an LPT Company or serve as a broker for any related LPT service 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 16.40.930 through 16.40.950.
- B.** LPT Driver Certification Requirements. No person or entity shall conduct business as an LPT Driver in the City of Portland without certification by the Director prior to being authorized to provide LPT services on behalf of an affiliated LPT Company. Drivers not meeting all required conditions will not be certified as an LPT Driver and will not be allowed to operate as an LPT Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.
- C.** LPT Vehicle Certification Requirements. No vehicle shall be operated to conduct business as a LPT Vehicle in the City of Portland without certification by the Director prior to being used to provide LPT services by an affiliated LPT Company. Vehicles not meeting all required conditions will not be certified as LPT Vehicle and will not be allowed to operate as a LPT Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

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16.40.610 LPT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

- A.** Application. An applicant for a LPT Company permit shall submit to the Director:
1. A completed application on a form supplied by the Director;
 2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
 3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
 5. If the applicant LPT Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
 6. If the applicant LPT Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 7. The applicant LPT Company’s Zero-Tolerance Drug Policy;
 8. The applicant LPT Company's User Terms of Service;
 9. The applicant dispatch or passenger reservation contact information;
 10. Contact information of the LPT Company’s Agent of Service and Customer Service Support;
 11. A description and photo or rendering of the unique branding and exterior color scheme that the applicant LPT Company proposes to use for its fleet of affiliated LPT Vehicles;
 12. Fares shall be established and approved by the Director Prior to implementation;
 13. A nonrefundable application fee.

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- B.** All fines and penalties must be paid prior to issuing or reissuing a LPT company permit.
- 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.
- D.** Insurance. All LPT permit holders shall comply with LPT insurance requirements pursuant to Section 16.40.630. All LPT Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- E.** Director Review Process. After receiving a completed LPT Company application form and upon successful completion of all the requirements pursuant to Section 16.40.610, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- F.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a LPT Company permit.
- G.** Application Denial. The Application shall be denied for any of the following:
 - 1.** The LPT Company applicant fails to submit all required information and documentation, including valid proof of insurance;
 - 2.** The LPT Company applicant leases, permits, or otherwise allows other entities not affiliated with the LPT Company and certified by the Director to operate LPT services;
 - 3.** The application has a material misstatement or omission, or;
 - 4.** The LPT Company application is incomplete.
- H.** Denial Appeal. If the application is denied, the applicant LPT Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- I.** Providing LPT Services. LPT Services shall only be provided by a permitted LPT Company.
- J.** Certification of LPT Drivers. The LPT Company shall regularly provide a list of applicant drivers affiliated with the permitted LPT for Director certification that drivers meet requirements in 16.40.600 on a form approved by the Director. Drivers shall be certified by the Director prior to providing LPT services on behalf of the affiliated LPT Company and LPT drivers not meeting all required conditions will not be certified as a permitted LPT Driver and will not be allowed to operate as a LPT Driver. Such requirements include:

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1. Criminal and Driver Background Checks;
 2. Automobile Liability Insurance;
 3. Valid Driver License;
 4. Driver training within 30 calendar days of a LPT Driver's certification by the Director.
- K.** LPT Driver Re-certification. The LPT Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the LPT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with LPT Driver certification requirements pursuant to Section 16.40.600. Drivers not meeting all such conditions will not be re-certified as a LPT Driver and shall not be allowed to operate as a LPT Driver.
- L.** Certification of LPT Vehicles. The LPT Company shall regularly provide a list of applicant vehicles affiliated with the permitted LPT Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.650 and 16.40.660 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted LPT Company prior to providing LPT Services. Vehicles not meeting all required conditions will not be certified as a permitted LPT vehicle and will not be allowed to operate as a LPT Vehicle. Such requirements include:
1. Vehicle safety inspection;
 2. Vehicle registration and licensing;
 3. Vehicle condition;
 4. LPT Company general and motor vehicle liability insurance;
 5. Automobile Liability Insurance, as required by state law.
- M.** Term of Certification of LPT Vehicles. Certifications for LPT Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.
- N.** LPT Vehicle Re-certification. The LPT Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the LPT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with LPT Vehicle certification requirements pursuant to Sections 16.40.650 and 16.40.660 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a LPT Vehicle and shall not be allowed to operate as a LPT Vehicle.

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- O.** Denial Appeal. If a LPT Driver or LPT Vehicle certification is denied, suspended or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- P.** Right to a Permit. The LPT Company's ability to satisfy the criteria for a LPT Company permit does not create a right to a LPT Company permit.
- Q.** Transferring Permits. Transferring permits shall be prohibited.
- R.** Removal of LPT Drivers and Vehicles from affiliated LPT Company. LPT Companies shall provide to the Director notification of affiliated LPT Drivers that have been prohibited from providing LPT services by the affiliated LPT Company and LPT Vehicles that have been removed from the fleet of the affiliated LPT Company as changes occur.
- S.** Operating at the Port of Portland. LPT Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

16.40.620 LPT Services Permit Fees.

- A.** Permit Fees. LPT Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.
- B.** Permit Issuance. No LPT Company permit shall be issued until all fees have been received by the City.

16.40.630 LPT Company Insurance Requirements.

- A.** In order to provide protection to the public, the LPT Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.
- B.** Providing LPT Services. The LPT vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the LPT Company, the LPT Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a LPT Company receiving a LPT Company permit.
- C.** Additional Named Insured and Notification of Policy Changes. The LPT Company shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

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- D.** Ensuring Driver and Vehicle Insurance. LPT Drivers shall be responsible for ensuring the LPT Driver and LPT Vehicle have appropriate personal insurance coverage as required by State law.
- E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.
- F.** Commercial Business Insurance. LPT Company permit holders shall secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, Bodily Injury, and Property Damage, in the course of the permit holder's work under a for-hire transportation permit.
- G.** Automobile Insurance. All LPT Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:
 - 1.** 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.
- H.** Certification of Auto Insurance. LPT Companies shall provide proof of current, valid insurance for Director certification that all affiliated LPT Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.
- I.** Insurance Limits Subject to Statutory Changes. 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;
- J.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.
- K.** Continuous and Uninterrupted Coverage. The permit holder shall 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.
- L.** Insurance Rating. All insurance companies issuing policies within this Section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.

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M. Additional Policy Conditions: Policies required under Section 16.40.630 must also contain, include, provide for or comply with the following:

- 1.** 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 coverage and limits and conditions as outlined in Subsections 16.40.630 F. - H. The same certificate of liability and additional insured endorsement requirements will apply.
- 2.** 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 16.40.630 F. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

16.40.640 LPT Company Operating Responsibilities and Prohibitions.

- A.** LPT Companies shall accept all requests for LPT Service received from any location within the City.
- B.** Zero Tolerance for Drug and Alcohol Use. All permitted LPT Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all LPT Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.
- C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in a LPT Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a LPT Company shall be governed by Oregon tort law in effect at the time of the claim.
- D.** Fare rate Transparency. LPT fare rates shall be established by the LPT Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.
- E.** Receipts. All LPT passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of LPT Company, LPT Driver, LPT Company customer service support contact information and the City of Portland's PFHT complaint phone number.
- F.** Limitation or Prohibition on Dynamic pricing. The Bureau Director may limit or prohibit dynamic pricing by any LPT Company or LPT Driver during a State of

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Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040.

- G.** Agent of Service Requirements. LPT Companies will maintain, during all times when the LPT Company Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.
- H.** Customer Service Support Requirements. LPT Companies will maintain, during all times when the LPT Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- I.** Reporting Requirements. Each LPT Company shall regularly report the following to the Director:
 - 1.** Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
 - 2.** Report the number and type of crimes against drivers to the extent known;
 - 3.** The arrest or conviction for any criminal offense of any affiliated LPT driver involving the operation of LPT service in the City of Portland;
 - 4.** The filing of any lawsuit against or on behalf of the LPT Company related to the operation of the company and its services in the City of Portland;
 - 5.** The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
 - 6.** Any information required to be disclosed by Chapter 16.40 that comes to the attention of the LPT Company.
- J.** Data Requirements.
 - 1.** Any permitted LPT Company shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:
 - a.** Number, date and time of fulfilled requests;
 - b.** Number, date and time of trips;
 - c.** Trip destination zip code, and;

d. Vehicle miles traveled.

- 2.** The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
- 3.** In the event disclosure of such data is required by law, the City will provide LPT Companies notice prior to any disclosure of such data.
- 4.** Upon request, the LPT Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

K. LPT Company Records Management and Mandatory Compliance.

- 1.** LPT Companies will be required to keep documentation of all certified LPT Drivers and LPT Vehicles. Such records shall be kept on file during the term of the LPT Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, LPT Company records shall be provided to the Director and/or law enforcement officers.
- 2.** LPT Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.650 LPT Vehicle Certification Requirements.

- A.** LPT Vehicle Certification. The LPT Company shall regularly provide a list of applicant vehicles affiliated with the permitted LPT Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted LPT Company prior to being used to provide LPT service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as an LPT Vehicle.
- B.** Term of Certified LPT Vehicle. Certifications for LPT Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The LPT Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.
- C.** Application Process. Applications for LPT Vehicle certification shall be made directly to an affiliated LPT Company. The LPT Company will regularly provide to the Director an LPT Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as an LPT Vehicle on a form approved by the Director.

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- D.** Vehicle Registration, Licensing, and Insurance. All LPT Vehicles shall maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.
- E.** Vehicle Requirements. No vehicle will be allowed to operate as an LPT Vehicle following 10 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as an LPT Vehicle.
- F.** Vehicle Safety Inspections. Each LPT Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE Master Technician certification. Inspections are required if the vehicle:
 - 1.** Is more than one year old, based on model year,
 - 2.** Has 10,000 miles or more on its odometer, or
 - 3.** Has the “check engine” light illuminated, regardless of model year or mileage.
- G.** LPT Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the LPT Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.
- H.** Vehicle Condition. Each LPT Vehicle shall meet the following requirements:
 - 1.** Each LPT Vehicle shall:
 - a.** Be kept in safe condition and good repair;
 - b.** Be kept clean and in good appearance;
 - c.** Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher, and;
 - d.** Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.
- I.** LPT Vehicle Re-certification. The LPT Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the LPT Vehicle certification expiration, on a form approved by the Director. Applicant

vehicles shall meet all conditions and be consistent with LPT Vehicle certification requirements pursuant to Sections 16.40.650 and 16.40.660 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a LPT Vehicle and shall not be allowed to operate as a LPT Vehicle.

16.40.660 LPT Vehicle Operating Requirements and Prohibitions.

- A.** No vehicle shall operate as a LPT Vehicle unless it has been certified by the Director and is affiliated with a permitted LPT Company and LPT Driver.
- B.** Vehicle Registration, Insurance, and Business License. A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every LPT Vehicle, pursuant to ORS 806.011.
- C.** Identification of LPT Vehicles. Every LPT Vehicle shall meet the following identification requirements to operate as a LPT Vehicle:
 - 1.** Every Party Bus Vehicle and Tour Bus Vehicle must prominently display on both sides of the vehicle the following information:
 - a.** The full name of the Party Bus Company or Tour Bus Company;
 - b.** The company-assigned Party Bus Vehicle or Tour Bus Vehicle number;
 - c.** The telephone number of that Party Bus Company or Tour Bus Company where services can be requested; and
 - 2.** Trade Dress Signage is required for each Limousine Vehicle in operation. The Trade Dress Signage shall be clearly visible from the front and rear of the vehicle from a distance of 20 feet and shall be placed on the interior or exterior of vehicle body, but not on the roof and shall not obscure any of the driver's views, vehicle lights, or obscure the view of any mirrors, and cannot exceed four square feet.
 - 3.** Upon successful completion of the LPT Company permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing a bar code and the City Seal for each certified LPT Vehicle.
 - 4.** LPT decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated LPT Company permit. Fees for decals that are not issued contemporaneously with a LPT Company permit will be prorated to equal the cost of the number of months remaining until the LPT Company permit expires.

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5. LPT decals must be affixed to the vehicle's front and back window in a manner outlined by administrative rule.
 6. LPT decals that are intentionally destroyed or damaged by a LPT Company or prior to renewal and without the City's authorization are not subject to renewal.
 7. Voided LPT Vehicle decals are not renewable in the year following their voidance. Once an LPT Vehicle decal is voided, an LPT Company may not renew that decal and instead must complete the initial application process if the LPT Company seeks a decal for that LPT Vehicle.
 8. LPT Vehicle decals issued by the Director shall not be leased, sold, transferred or assigned in any manner.
 9. LPT Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and is an actionable offense in a court of competent jurisdiction.
- D.** The consumption any intoxicant or smoking of any substance shall be prohibited in any LPT Vehicle.
- E.** Vehicle Operating Conditions. In determining whether an LPT Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:
1. All LPT Vehicle equipment and devices shall be properly equipped and maintained in good working order;
 2. At all times, LPT Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions;
 3. The LPT Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors;
 4. LPT Vehicles shall be free of dirt, grease, grime, glue or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body;

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5. The LPT Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and shall not be equipped with studded tires while providing LPT Services, and;
 6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code and Chapters 801 through 823.
- G.** Mandatory Compliance. LPT Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.670 LPT Driver Certification Requirements.

- A.** LPT Driver Certification. The LPT Company shall regularly provide a list of applicant drivers affiliated with the permitted LPT Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a certified LPT Vehicle prior to being operating a LPT Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a LPT Driver. LPT companies shall provide a current list to the Director as changes occur.
- B.** Term of Certified LPT Driver. Certifications for LPT Drivers provided by a LPT Company to the Director shall be valid for one year from the date of the initial certification. The affiliated LPT Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.
- C.** Application Process. Applications for LPT Driver certification shall be made directly to an affiliated LPT Company. The LPT Company will regularly provide to the Director LPT Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a LPT Driver on a form approved by the Director.
- D.** LPT Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated LPT Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
 1. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

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2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state.
 3. Dru Sjodin National Sex Offender Public Registry
- E.** LPT Driver Criminal and Driving History Disqualifications. A driver will not be certified as a LPT Driver and cannot provide LPT Services if any of the following conditions exist:
1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
 3. The applicant is a match in the Dru Sjodin National Sex Offender Public Registry
 4. During the 5-year period preceding the submission of the application, based on the conviction date, 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;
 5. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations 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;
 6. During the 3-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.
 7. The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
 8. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;

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9. The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
 10. The applicant is less than 21 years old; or
 11. The applicant is unable to obtain car insurance for any reason.
 12. All LPT Driver Criminal and Driving Histories are subject to review by the Director.
- F.** LPT Driver Training. LPT Drivers shall successfully complete Director approved trainings within 30 days of LPT Driver certification by the Director in each of the following subject areas:
1. Relevant City Code provisions and Administrative Rules;
 2. Vision Zero principles of traffic safety; and
 3. Portland-area attractions; and
 4. Customer Service
- G.** Insurance Requirements. All LPT Drivers affiliated with a LPT Company shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.
- H.** Business License Requirements. All LPT Drivers affiliated with a LPT Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a LPT Vehicle. Any LPT Driver without a valid City of Portland Business License cannot be certified as a LPT Driver and will not be allowed to operate as a LPT Driver until such Business License is obtained.
- I.** LPT Driver Re-certification. The LPT Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the LPT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with LPT Driver certification requirements pursuant to Sections 16.40.670 and 16.40.680. Drivers not meeting all such conditions will not be re-certified as a LPT Driver and shall not be allowed to provide LPT Services.
- J.** Suspension or Revocation of Certified LPT Drivers. If a LPT certification is suspended or revoked by the Director, the affiliated LPT Company shall be notified by the Director. LPT Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a LPT Driver.

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16.40.680 LPT Driver Conduct Requirements and Prohibitions.

- A.** Transferring Credentials. Transferring LPT Driver or LPT Vehicle credentials from one driver or vehicle to another shall be prohibited.
- B.** LPT Drivers shall carry a non-digital fax or photocopy proof of LPT insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a LPT Driver. Upon request of the Director or law enforcement officer, LPT Drivers shall present proof of a valid LPT primary automobile insurance policy and vehicle registration.
- C.** Portland Business License. LPT Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02 at all times while operating as a LPT Driver.
- D.** Driver Conduct. No LPT Driver shall:
 - 1.** Allow another person to use his/her LPT Driver certification
 - 2.** Drive or allow another person to drive a LPT Vehicle without a valid driver's license while the vehicle is being used to provide LPT Services;
 - 3.** Operate any LPT Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
 - 4.** Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs or medications;
 - 5.** Use a vehicle in the commission of any crime;
 - 6.** Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
 - 7.** Consume any intoxicant or smoke of any substance while operating a LPT Vehicle;
 - 8.** Allow any passenger to consume an intoxicant or smoke any inside a LPT Vehicle;
 - 9.** Defraud a passenger in any way;
 - 10.** Be discourteous to a passenger;
 - 11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;

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12. Drive LPT Vehicles on a route or time schedule other than fixed route and time schedule of the LPT Company, as approved by the Director;
 13. Operate any LPT Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
 14. Refuse to LPT Services to any passenger of proper demeanor whose request for service has been accepted by the LPT Company or LPT Driver along the fixed route and time schedule of the LPT Company, as approved by the Director.
 15. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.
- E.** Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.
- F.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.
1. All requests for service shall be received and accepted through the LPT Company's reservation or dispatch services.
 2. An LPT Driver may not accept street-hails received within in the City of Portland, except as approved by the Port of Portland at the Portland International Air Port.
 3. Other than for drop off, an LPT Driver may not park an LPT Vehicle in a Hotel Zone or Loading/Unloading Zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance to Subsection 16.40.640 K.1. and available for review by the Director or law enforcement officer.
- G.** Mandatory Compliance. LPT Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- H.** Driver Reporting. Every LPT Driver shall report any of the following events to the Director and to all affiliated LPT Companies within 24 hours of its occurrence:
1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
 2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;

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3. Any vehicle crash 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.
- I. Suspension or Revocation of Certified LPT Drivers. If a LPT certification is suspended or revoked by the Director, the affiliated LPT Company shall be notified by the Director. LPT Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a LPT Driver.

16.40.700 NEMT Services Permits Required.

The operation of a NEMT Company is a privilege and not a right. For NEMT services to be provided in the City of Portland, the NEMT Company shall be required to obtain a permit. The Bureau shall certify that all affiliated NEMT Company Vehicles and NEMT Company Drivers have met all certification and operating requirements.

- A. NEMT Company Permit Requirements. No person or entity shall conduct business as a NEMT Company, as defined in OAR 410-136-3000, 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 16.40.930 through 16.40.950.
- B. NEMT Driver Certification Requirements. No person or entity shall conduct business as a NEMT Driver in the City of Portland without certification by the Director prior to being authorized to provide NEMT services on behalf of an affiliated NEMT Company. Drivers not meeting all required conditions will not be certified as NEMT Driver and will not be allowed to operate as a NEMT Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.
- C. NEMT Vehicle Certification Requirements. No vehicle shall be operated to conduct business as a NEMT Vehicle in the City of Portland without certification by the Director prior to being used to provide NEMT services by an affiliated NEMT Company. Vehicles not meeting all required conditions will not be certified as NEMT Vehicle and will not be allowed to operate as a NEMT Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.705 NEMT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

- A. Application. An applicant for a NEMT Company permit shall submit to the Director:

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1. A completed application on a form supplied by the Director;
 2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
 3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
 5. If the applicant NEMT Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
 6. If the applicant NEMT Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 7. The applicant NEMT Company’s Zero-Tolerance Drug Policy;
 8. The applicant NEMT Company's User Terms of Service;
 9. The applicant dispatch contact information, confirmation that dispatch is available 24 hours, seven days a week and if applicable, NEMT Dispatch App general use information;
 10. Contact information of the NEMT Company’s Agent of Service and Customer Service Support;
 11. A description and photo or rendering of the unique branding and exterior color scheme that the applicant NEMT Company proposes to use for its fleet of affiliated NEMT Vehicles;
 12. Company proposed fare rates, and;
 13. A nonrefundable application fee.
- B.** All fines and penalties must be paid prior to issuing or reissuing a NEMT Company permit.

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- 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.
- D.** Insurance. All NEMT Company permit holders shall comply with NEMT insurance requirements pursuant to Section 16.40.130. All NEMT Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- E.** Director Review Process. After receiving a completed NEMT Company application form and upon successful completion of all the requirements pursuant to Section 16.40.110, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- F.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a NEMT Company permit.
- G.** Application Denial. The Application shall be denied for any of the following:

 - 1.** The NEMT Company applicant fails to submit all required information and documentation, including valid proof of insurance;
 - 2.** The NEMT Company applicant provides dispatch services to anyone other than affiliated NEMT drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
 - 3.** The NEMT Company applicant leases, permits, or otherwise allows other entities not affiliated with the NEMT Company and certified by the Director to operate NEMT Services;
 - 4.** The NEMT Company applicant affiliates with and provides dispatch services to drivers operating vehicles without NEMT Vehicle certification by the Director.
 - 5.** The application has a material misstatement or omission; and
 - 6.** The NEMT Company application is incomplete.
- H.** Denial Appeal. If the application is denied, the applicant NEMT Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- I.** Providing NEMT Services. NEMT Services, as defined in OAR 410-136-3000, shall only be provided by a permitted NEMT Company.

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- J.** Certification of NEMT Drivers. The NEMT Company shall regularly provide a list of applicant drivers affiliated with the permitted NEMT for Director certification that drivers meet requirements in Section 16.40.170, on a form approved by the Director. Drivers shall be certified by the Director prior to providing NEMT Services on behalf of the affiliated NEMT Company and NEMT Drivers not meeting all required conditions will not be certified as a permitted NEMT Driver and will not be allowed to operate as a NEMT Driver. Such requirements include:
1. Criminal and Driver Background Checks;
 2. Automobile Liability Insurance;
 3. Valid Driver License;
 4. NEMT Driver Business License Number; and
 5. Driver training and testing within 30 calendar days of a NEMT Driver's certification by the Director.
- K.** Term of Certified NEMT Driver. Certifications for NEMT Drivers provided by a NEMT Company to the Director shall be valid for one year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director
- L.** NEMT Driver Re-certification. The NEMT Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the NEMT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with NEMT Driver certification requirements pursuant to Section 16.40.100. Drivers not meeting all such conditions will not be re-certified as a NEMT Driver and shall not be allowed to operate as a NEMT Driver.
- M.** Certification of NEMT Vehicles. The NEMT Company shall regularly provide a list of applicant vehicles affiliated with the permitted NEMT Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.150 and 16.40.160 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted NEMT Company prior to providing NEMT Services. Vehicles not meeting all required conditions will not be certified as a permitted NEMT vehicle and will not be allowed to operate as a NEMT Vehicle. Such requirements include:
1. Vehicle safety inspection;
 2. Vehicle registration and licensing;

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- 3. Vehicle condition;
 - 4. NEMT Company general liability and automobile liability insurance;
 - N. Term of Certification of NEMT Vehicles. Certifications for NEMT Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.
 - O. NEMT Vehicle Re-certification. The NEMT Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the NEMT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with NEMT Vehicle certification requirements pursuant to Section 16.40.100 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a NEMT Vehicle and shall not be allowed to operate as a NEMT Vehicle.
 - P. Denial Appeal. If a NEMT Driver or NEMT Vehicle certification is denied, suspended or revoked by the Director, the applicant driver or vehicle owner may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
 - Q. Right to a Permit. The NEMT Company's ability to satisfy the criteria for a NEMT Company permit does not create a right to a NEMT Company permit.
 - R. Transferring Permits. Transferring permits shall be prohibited.
 - S. Removal of NEMT Drivers and Vehicles from affiliated NEMT Company. NEMT Companies shall provide to the Director regular notification of affiliated NEMT Drivers that have been prohibited from providing NEMT Services by the affiliated NEMT Company and NEMT Vehicles that have been removed from the fleet of the affiliated NEMT Company.
 - T. Operating at the Port of Portland. NEMT Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.
- 16.40.710 NEMT Services Permit Fees and Civil Penalty Fines.**
- A. Permit Fees. NEMT Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.
 - B. Permit Issuance. No NEMT Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

16.40.715 NEMT Company Insurance Requirements.

- A.** In order to provide protection to the public, the NEMT Company shall provide levels of insurance in accordance with all requirements of Chapter 16.40.
- B.** Providing NEMT Services. The NEMT vehicle shall be covered by a general commercial liability and primary automobile insurance policy provided by the NEMT Company. Evidence of insurance requirements shall be received and approved by the City prior to a NEMT Company receiving a NEMT Company permit.
- C.** Additional Insured and Notification of Policy Changes. The NEMT Company shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).
- D.** Ensuring Driver and Vehicle Insurance. NEMT Drivers shall be responsible for ensuring the NEMT Driver and NEMT Vehicle have appropriate insurance coverage as required by State law.
- E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.
- F.** Commercial Business Insurance. NEMT Company permit holders shall secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, Bodily Injury, and Property Damage, in the course of the permit holder's work under a for-hire transportation permit.
- G.** Automobile Insurance. All NEMT Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:
 - 1.** 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.
- H.** Certification of Auto Insurance. NEMT Companies shall provide proof of current, valid insurance for Director certification that all affiliated NEMT Vehicles operating for such company and satisfying the minimum requirements in the event

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the insurance maintained by the driver has lapsed or does not provide the required coverage.

- I.** Insurance Limits Subject to Statutory Changes. 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;
- J.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.
- K.** Continuous and Uninterrupted Coverage. The permit holder shall 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.
- L.** Insurance Rating. All insurance companies issuing policies within this Section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.
- M.** Additional Policy Conditions: Policies required under Subsections 16.40.130 F. and/or 16.40.130 G. must also contain, include, provide for or comply with the following:
 - 1.** 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 coverage and limits and conditions as outlined in Subsections 16.40.130 D - H. The same certificate of liability and additional insured endorsement requirements will apply.
 - 2.** 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 16.40.130 D. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

16.40.720 NEMT Company Operating Responsibilities and Prohibitions.

- A.** A permitted NEMT Company shall comply with all requirements and standards as defined in OAR 410-136-3000 or otherwise required by state or federal law.
- B.** Zero Tolerance for Drug and Alcohol Use. All permitted NEMT Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all NEMT Drivers.

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Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.

- C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in a NEMT Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a NEMT Company shall be governed by Oregon tort law in effect at the time of the claim.
- D.** Fare Rate Transparency. All NEMT fare rates shall be established by the NEMT Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride. Fare rates for WAV service shall be comparable with fare rates for non-WAV service. Changes to fare rates shall be submitted by the permitted NEMT Company and approved by the Director prior to implementation.
- E.** Receipts. All NEMT passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of NEMT Company, NEMT Driver, NEMT Company customer service support contact information and the City of Portland's PFHT complaint phone number.
- F.** Limitation or Prohibition on Dynamic pricing. Dynamic pricing is prohibited at all times for NEMT service.
- G.** Agent of Service Requirements. NEMT Companies will maintain, during all times when the NEMT Company Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.
- H.** Customer Service Support Requirements. NEMT Companies will maintain, during all times when the NEMT Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- I.** Reporting Requirements. Each NEMT Company shall regularly report the following to the Director:

 - 1.** Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
 - 2.** Report the number and type of crimes against drivers to the extent known;
 - 3.** The arrest or conviction for any criminal offense of any affiliated NEMT driver involving the operation of NEMT service in the City of Portland;

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4. The filing of any lawsuit against or on behalf of the NEMT Company related to the operation of the company and its services in the City of Portland;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the NEMT Company.

J. Data Requirements.

1. Any permitted NEMT Company shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:
 - a. Number, date and time of fulfilled requests (including WAV);
 - b. Number, date and time of unfulfilled requests (including WAV);
 - c. Number, date and time of trips;
 - d. Trip origin zip code;
 - e. Trip destination zip code;
 - f. Trip wait time, and;
 - g. Trip duration and miles traveled.
2. NEMT Companies shall submit data, in aggregate form, pursuant to any applicable data sharing agreement with the City and permitted companies.
3. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
4. In the event disclosure of such data is required by law, the City will provide NEMT Companies notice prior to any disclosure of such data.
5. Upon request, the NEMT Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

K. NEMT Company Records Management and Mandatory Compliance.

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1. NEMT Companies will be required to keep documentation of all certified NEMT Drivers and NEMT Vehicles, as well as detailed records of all trips. Such records shall be kept on file during the term of the NEMT Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, NEMT Company records shall be provided to the Director and/or law enforcement officers.
2. NEMT Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.725 NEMT Vehicle Certification Requirements.

- A. NEMT Vehicle Certification. The NEMT Company shall regularly provide a list of applicant vehicles affiliated with the permitted NEMT Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted NEMT Company prior to being used to provide NEMT service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a NEMT Vehicle.
- B. Term of Certified NEMT Vehicle. Certifications for NEMT Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The NEMT Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.
- C. Application Process. Applications for NEMT Vehicle certification shall be made directly to an affiliated NEMT Company. The NEMT Company will regularly provide to the Director a NEMT Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a NEMT Vehicle on a form approved by the Director.
- D. Vehicle Registration, Licensing, and Insurance. All NEMT Vehicles shall maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.
- E. Vehicle Age Requirements. No vehicle will be allowed to operate as a NEMT Vehicle following ten years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a NEMT Vehicle.
- F. Vehicle Safety Inspections. Each NEMT Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with

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a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than one year old, based on model year, or
2. Has 10,000 miles or more on its odometer, or
3. Has the “check engine” light illuminated, regardless of model year or mileage.

G. NEMT Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the NEMT Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

H. Vehicle Condition. Each NEMT Vehicle shall meet the following requirements:

1. Be kept in safe condition and good repair;
2. Be kept clean and in good appearance;
3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher; and
4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

I. NEMT Vehicle Re-certification. The NEMT Company shall provide a list of applicant vehicles for re-certification to the Director one month prior to the NEMT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with NEMT Vehicle certification requirements pursuant to Sections 16.40.150 and 16.40.160 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a NEMT Vehicle and shall not be allowed to operate as a NEMT Vehicle.

16.40.730 NEMT Vehicle Operating Requirements and Prohibitions.

- A.** No vehicle shall operate as a NEMT Vehicle unless it has been certified by the Director and is affiliated with a permitted NEMT Company and NEMT Driver.
- B.** Vehicle Registration, Insurance, and Business License. A non-digital fax or photocopy of the vehicle’s registration and proof of insurance shall be kept in every NEMT Vehicle, pursuant to ORS 806.011. In addition, the City requires proof of a

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NEMT Driver's business license registration, as required by Chapter 7.02, and shall be kept in every NEMT Vehicle.

- C.** Identification of NEMT Vehicles. Every NEMT Vehicle shall meet the following identification requirements to operate as a NEMT Vehicle:
- 1.** Every NEMT Vehicle must prominently display on both sides of the vehicle the following information:
 - a.** The full name of the NEMT Company;
 - b.** The company-assigned NEMT Vehicle number;
 - c.** The telephone number of the NEMT Company where services can be requested; and
 - d.** the letters "NEMT."
- E.** The consumption any intoxicant or smoking of any substance shall be prohibited in any NEMT Vehicle.
- F.** Vehicle Operating Conditions. In determining whether a NEMT Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:
- 1.** All NEMT Vehicle equipment and devices shall be properly equipped and maintained in good working order.
 - 2.** At all times, NEMT Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions.
 - 3.** The NEMT Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors.
 - 4.** NEMT Vehicles shall be free of dirt, grease, grime, glue or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body.
 - 5.** The NEMT Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door

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handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and shall not be equipped with studded tires.

6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

- G. Mandatory Compliance. NEMT Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.735 NEMT Driver Certification Requirements.

- A. NEMT Driver Certification. The NEMT Company shall regularly provide a list of applicant drivers affiliated with the permitted NEMT Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a permitted NEMT Company prior to operating a NEMT Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a NEMT Driver. NEMT Companies regularly provide a current list of affiliated NEMT Drivers and NEMT Vehicles.
- B. Term of Certified NEMT Driver. Certifications for NEMT Drivers provided by a NEMT Company to the Director shall be valid for one year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.
- C. Application Process. Applications for NEMT Driver certification shall be made directly to an affiliated NEMT Company. The NEMT Company will regularly provide to the Director NEMT Driver and Vehicle Application Lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate a NEMT Driver on a form approved by the Director.
- D. NEMT Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated NEMT Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
 1. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search);
 2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state, and;

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3. Dru Sjodin National Sex Offender Public Registry.
- E.** NEMT Driver Criminal and Driving History Disqualifications. A driver will not be certified as a NEMT Driver and cannot provide NEMT Services if any of the following conditions exist:
1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
 3. The applicant is a match in the Dru Sjodin National Sex Offender Public Registry;
 4. During the 5-year period preceding the submission of the application, based on the conviction date, 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;
 5. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations 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;
 6. During the 3-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;
 7. The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
 8. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;

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9. The applicant does not have at least one year's worth of continuous driving experience with a valid driver's license in a United States jurisdiction immediately prior to the date of the application's submission;
 10. The applicant is less than 21 years old; or
 11. The applicant is unable to obtain car insurance for any reason.
- F.** All NEMT Driver Criminal and Driving Histories are subject to review by the Director.
- G.** NEMT Driver Training. NEMT Drivers shall successfully complete Director approved trainings within 30 days of NEMT Driver certification by the Director in each of the following subject areas:
1. Relevant City Code provisions and Administrative Rules;
 2. Vision Zero principles of traffic safety;
 3. Portland-area attractions, and;
 4. Customer Service.
- H.** Insurance Requirements. All NEMT Drivers affiliated with a NEMT Company shall maintain current, valid automobile insurance that meets the State of Oregon requirements.
- I.** Business License Requirements. All NEMT Drivers affiliated with a NEMT Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a NEMT Vehicle. Any NEMT Driver without a valid City of Portland Business License cannot be certified as a NEMT Driver and will not be allowed to operate as a NEMT Driver until such Business License is obtained.
- J.** NEMT Driver Re-certification. The NEMT Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the NEMT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with NEMT Driver certification requirements pursuant to Section 16.40.100. Drivers not meeting all such conditions will not be re-certified as a NEMT Driver and shall not be allowed to provide NEMT Services.
- K.** Suspension or Revocation of Certified NEMT Drivers. If a NEMT certification is suspended or revoked by the Director, the affiliated NEMT Company shall be notified. NEMT Drivers and NEMT Vehicles without current, valid certification by the Director shall not be allowed to operate as a NEMT Driver or NEMT Vehicle.

16.40.740 NEMT Driver Conduct, Requirements and Prohibitions.

- A.** Transferring Credentials. Transferring NEMT Driver or NEMT Vehicle credentials from one driver or vehicle to another shall be prohibited.
- B.** NEMT Drivers shall carry while operating as a NEMT Driver and provide upon request of a law enforcement officer the following:
 - 1.** A non-digital fax or photocopy proof of NEMT Company insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a NEMT Driver.
 - 2.** Portland Business License. NEMT Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02, for a City-issued Driver Permit, at all times while operating as a NEMT Driver.
- C.** Driver Conduct. No NEMT Driver shall:
 - 1.** Allow another person to use his/her NEMT Driver certification
 - 2.** Drive or allow another person to drive a NEMT Vehicle without a valid driver's license while the vehicle is being used to provide NEMT Services;
 - 3.** Operate any NEMT Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
 - 4.** Operate any for-hire transportation vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
 - 5.** Use a vehicle in the commission of any crime;
 - 6.** Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
 - 7.** Consume any intoxicant or smoke of any substance while operating a NEMT Vehicle;
 - 8.** Allow any passenger to consume an intoxicant or smoke any inside a NEMT Vehicle;
 - 9.** Defraud a passenger in any way;
 - 10.** Be discourteous to a passenger;

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11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
 12. Drive passengers to their destination by any other than the most safe and efficient route, unless requested to do so by the passenger;
 13. Operate any NEMT Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
 14. Refuse to transport to a requested destination within the City of Portland to any passenger of proper demeanor whose request for service has been accepted by NEMT dispatch or NEMT Driver, or;
 15. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.
- D.** Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.
- E.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.
1. A NEMT Driver shall not accept street-hails, except as approved pursuant to Sections 16.40.190, 16.40.290 and 16.40.490.
 2. Other than for drop off, a NEMT Driver may not park a NEMT Vehicle in a Hotel Zone or Loading/Unloading Zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance to Section 16.40.140 and available for review by the Director or law enforcement officer;
- F.** Mandatory Compliance. NEMT Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- G.** Driver Reporting. Every NEMT Driver shall report any of the following events to the Director and to all affiliated NEMT Companies within 24 hours of its occurrence:
1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
 2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;

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3. Any vehicle crash 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.
- H.** Suspension or Revocation of Certified NEMT Drivers. If a NEMT Driver or NEMT Vehicle certification is suspended or revoked by the Director, the affiliated NEMT Company shall be notified. NEMT Drivers and NEMT Vehicle without current, valid certification by the Director shall not be allowed to operate as a NEMT Driver or NEMT Vehicle.

16.40.745 Pedicab Services Permits Required.

The operation of a Pedicab Company is a privilege and not a right. For Pedicab Services to be provided in the City of Portland, the Pedicab Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Pedicab Vehicles and Pedicab Company Drivers have met all certification and operating requirements.

- A.** Pedicab Company Permit Requirements. No person or entity shall conduct business as a Pedicab 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 16.40.930 through 16.40.950.
- B.** Pedicab Driver Certification Requirements. No person or entity shall conduct business as a Pedicab Driver in the City of Portland without certification by the Director prior to being authorized to provide Pedicab Services on behalf of an affiliated Pedicab Company. Drivers not meeting all required conditions will not be certified as Pedicab Driver and will not be allowed to operate as a Pedicab Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Pedicab Vehicle Certification Requirements. No vehicle shall be operated to conduct business as a Pedicab Vehicle in the City of Portland without certification by the Director prior to being used to provide Pedicab services by an affiliated Pedicab Company. Vehicles not meeting all required conditions will not be certified as Pedicab Vehicle and will not be allowed to operate as a Pedicab Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.750 Pedicab Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

- A.** Application. An applicant for a Pedicab Company permit shall submit to the Director:

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1. A completed application on a form supplied by the Director;
 2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
 3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
 5. If the applicant Pedicab Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
 6. If the applicant Pedicab Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 7. The applicant Pedicab Company’s Zero-Tolerance Drug Policy;
 8. The applicant Pedicab Company contact information, and;
 9. A nonrefundable application fee.
- B.** 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.
- C.** Insurance. All Pedicab Company permit holders shall comply with pedicab insurance requirements pursuant to Section 16.40.760. All Pedicab Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- D.** Director’s Review Process. After receiving a completed Pedicab Company application form and upon successful completion of all the requirements pursuant to Section 16.40.750, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- E.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Pedicab Company permit.

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- F.** Application Denial. The Application shall be denied for any of the following:
- 1.** The Pedicab Company applicant fails to submit all required information and documentation, including valid proof of insurance;
 - 2.** The Pedicab Company applicant provides dispatch services to anyone other than affiliated Pedicab Drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
 - 3.** The Pedicab Company applicant leases, permits, or otherwise allows other entities not affiliated with the Pedicab Company and certified by the Director to operate pedicab services;
 - 4.** The application has a material misstatement or omission;
 - 5.** The Pedicab Company application is incomplete;
- G.** Denial Appeal. If the application is denied, the applicant Pedicab Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- H.** Providing Pedicab Services. Pedicab Services shall only be provided by a permitted Pedicab Company.
- I.** Certification of Pedicab Drivers. The Pedicab Company shall regularly provide a list of applicant pedicab drivers affiliated with the permitted Pedicab Company for Director certification that drivers meet requirements in Sections 16.40.760 and 16.40.770. Pedicab Drivers shall be certified by the Director prior to providing pedicab services on behalf of an affiliated Pedicab Company and drivers not meeting all required conditions will not be certified as a permitted Pedicab Driver and will not be allowed to operate as a Pedicab Driver. Such requirements include:
- 1.** Criminal and Driver Background Checks;
 - 2.** Valid Driver License or government-issued photo identification;
 - 3.** Pedicab Driver Business License Number; and
- J.** Pedicab Driver Re-certification. The Pedicab Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Pedicab Driver certification expiration. Applicant drivers shall meet all conditions and be consistent with Pedicab Driver certification requirements pursuant to Sections 16.40.760 and 16.40.770. Drivers not meeting all such conditions will not be re-certified as a Pedicab Driver and shall not be allowed to operate as a Pedicab Driver.

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- K.** Certification of Pedicab Vehicles. The Pedicab Company shall regularly provide a list of applicant vehicles affiliated with the permitted Pedicab Company for Director certification that vehicles meet requirements pursuant to Section 16.40.750 Pedicab Vehicles shall be certified by the Director and affiliated with a permitted Pedicab Company prior to being used to provide Pedicab Services. Vehicles not meeting all required conditions will not be certified as a permitted Pedicab vehicle and will not be allowed to operate as a Pedicab Vehicle. Such requirements include:
- 1.** Vehicle safety and condition;
 - 2.** Pedicab Company general liability insurance;
- L.** Term of Certification of Pedicab Vehicles. Certifications for Pedicab Vehicles provided by the Director shall be valid for a term of one year from date of certification.
- M.** Pedicab Vehicle Re-certification. The Pedicab Company shall provide a list of applicant vehicles for re-certification to the within one month prior to the Pedicab Vehicle certification expiration. Applicant vehicles shall meet all conditions and be consistent with Pedicab Vehicle certification requirements pursuant to Subsection 16.40.750 D.-E. for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Pedicab Vehicle and shall not be allowed to operate as a Pedicab Vehicle.
- N.** Denial Appeal. If a Pedicab Driver or Pedicab Vehicle certification is denied, suspended or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- O.** Right to a Permit. The Pedicab Company's ability to satisfy the criteria for a Pedicab Company permit does not create a right to a Pedicab Company permit.
- P.** Transferring Permits. Transferring permits shall be prohibited.
- Q.** Removal of Pedicab Drivers and Pedicab Vehicles from affiliated Pedicab Company. Pedicab Companies shall provide to the Director notification of affiliated Pedicab Drivers that have been prohibited from providing Pedicab services by the affiliated Pedicab Company and Pedicab Vehicles that have been removed from the fleet of the affiliated Pedicab Company as changes occur.
- R.** Operating at the Port of Portland. Pedicab Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

16.40.755 Pedicab Services Permit Fees.

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- A.** Permit Fees. Pedicab Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.930 and 16.40.950.
- B.** Permit Issuance. No Pedicab Company permit shall be issued until such permit fees have been received by the City.

16.40.760 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 Section 16.40.760 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 Director 30 days before any policy is canceled;
 - 5.** The insurance policy must allow for written notice to the Director 30 days before a policy will expire or be reduced in coverage;

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6. All insurance companies issuing policies within this Section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- 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 Director 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 Director 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 Section 16.40.760 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.

16.40.765 Pedicab Operating Responsibilities and Prohibitions.

A permitted Pedicab Company shall comply with the following:

- A. Zero Tolerance for Drug and Alcohol Use.** All permitted Pedicab Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Pedicab Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.
- B. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a Pedicab Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a Pedicab Company shall be governed by Oregon tort law in effect at the time of the claim.

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- C.** Fare rate Transparency. All Pedicab fare rates shall be established by the Pedicab Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.
- D.** Receipts. All pedicab passengers shall be provided, upon request, either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Pedicab Company, Pedicab Driver, Pedicab Company contact information and the City of Portland's PFHT complaint phone number.
- E.** Limitation or Prohibition on Dynamic pricing. The Bureau Director may limit or prohibit dynamic pricing by any Pedicab Company or Pedicab Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code 15.04.040.
- F.** Reporting Requirements. Each Pedicab Company shall regularly report the following to the Director:

 - 1. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
 - 2. Report the number and type of crimes against drivers to the extent known;
 - 3. The arrest or conviction for any criminal offense of any affiliated Pedicab Driver involving the operation of Pedicab Service in the City of Portland;
 - 4. The filing of any lawsuit against or on behalf of the Pedicab Company related to the operation of the company and its services in the City of Portland;
 - 5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
 - 6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Pedicab Company.
- G.** Data Requirements.

 - 1. Any permitted Pedicab Company may enter into an agreement with the City to regularly provide relevant aggregated and anonymized data. Examples of relevant data may include, but not be limited to, the following:

 - a. Number, date and time of fulfilled requests;
 - b. Number, date and time of unfulfilled requests;
 - c. Number, date and time of trips;

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- d.** Trip origin zip code;
- e.** Trip destination zip code;
- f.** Trip wait time, and;
- g.** Trip duration and miles traveled

- 2.** The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
- 3.** In the event disclosure of such data is required by law, the City will provide Pedicab Companies notice prior to any disclosure of such data.
- 4.** Upon request, the Pedicab Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

H. Pedicab Company Records Management and Mandatory Compliance.

- 1.** Pedicab Companies will be required to keep documentation of all certified Pedicab Drivers and Pedicab Vehicles. Such records shall be kept on file during the term of the Pedicab Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, Pedicab Company records shall be provided to the Director and/or law enforcement officers.
- 2.** Pedicab Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.770 Pedicab Vehicle Certification and Operating Requirements.

- A.** Pedicab Vehicle Certification. The Pedicab Company shall regularly provide a list of applicant vehicles affiliated with the permitted Pedicab Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40. Vehicles shall be certified by the Director and affiliated with a permitted Pedicab Company prior to being used to provide Pedicab service. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Pedicab Vehicle.
- B.** Term of Certified Pedicab Vehicle. Certifications for Pedicab Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The Pedicab Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.

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- C.** Application Process. Applications for Pedicab Vehicle certification shall be made directly to an affiliated Pedicab Company. Pedicab Company will regularly provide to the Director a Pedicab Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Pedicab Vehicle on a form approved by the Director.
- D.** Pedicab Vehicle Safety Requirements. Pedicab Vehicles shall 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;
 3. Be equipped with two red taillights mounted on the right and left area of the pedicab's rear;
 4. Exceed manufacturer's limits on the amount of weight the pedicab vehicle may safely carry, and;
 5. 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.
- E.** Pedicab Vehicle Condition. Each Pedicab Vehicle shall:
1. Be kept in safe condition and good repair, and;
 2. Be kept clean and in good appearance.
- F.** The consumption any intoxicant or smoking of any substance shall be prohibited in any Pedicab Vehicle.
- G.** Mandatory Compliance. Pedicab Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

16.40.775 Pedicab Driver Certification and Operating Requirements.

- A.** Pedicab Driver Certification. The Pedicab Company shall regularly provide a list of applicant drivers affiliated with the permitted Pedicab Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a certified Pedicab Vehicle prior to being operating a Pedicab Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Pedicab Driver. Pedicab companies shall provide a current list to the Director as changes occur.

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- B.** Term of Certified Pedicab Driver. Certifications for Pedicab Drivers provided by a Pedicab Company to the Director shall be valid for one year from the date of the initial certification. The affiliated Pedicab Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.
- C.** Application Process. Applications for Pedicab Driver certification shall be made directly to an affiliated Pedicab Company. The Pedicab Company will regularly provide to the Director Pedicab Driver and Vehicle Application Lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate a Pedicab Driver on a form approved by the Director.
- D.** Pedicab Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Pedicab Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

 - 1. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search);
 - 2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state, and;
 - 3. Dru Sjodin National Sex Offender Public Registry.
- E.** Pedicab Driver Criminal and Driving History Disqualifications. A driver will not be certified as a Pedicab Driver and cannot provide Pedicab Services if any of the following conditions exist:

 - 1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
 - 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
 - 3. The applicant is a match in the Dru Sjodin National Sex Offender Public Registry;
 - 4. During the 5-year period preceding the submission of the application, based on the conviction date, 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

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- 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;
 5. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations 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;
 6. During the 3-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;
 7. The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
 8. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
 9. The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
 10. The applicant is less than 18 years old; or
 11. All Pedicab Driver Criminal and Driving Histories are subject to review by the Director.
- F. Pedicab Driver Training. Pedicab Drivers shall successfully complete Director approved trainings within 30 days of Pedicab Driver certification by the Director in each of the following subject areas:
1. Relevant City Code provisions and Administrative Rules;
 2. Vision Zero principles of traffic safety;
 3. Portland-area attractions, and;
 4. Customer Service.
- H. Business License Requirements. All Pedicab Drivers affiliated with a Pedicab Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a Pedicab Vehicle. Any Pedicab Driver without a valid City

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of Portland Business License as required by Chapter 7.02 cannot be certified as a Pedicab Driver and will not be allowed to operate as a Pedicab Driver until such Business License is obtained.

- I.** Pedicab Driver Re-certification. The Pedicab Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Pedicab Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Pedicab Driver certification requirements pursuant to Sections 16.40.760 and 16.40.770. Drivers not meeting all such conditions will not be re-certified as a Pedicab Driver and shall not be allowed to provide Pedicab Services.
- J.** Suspension or Revocation of Certified Pedicab Drivers. If a Pedicab certification is suspended or revoked by the Director, the affiliated Pedicab Company shall be notified by the Director. Pedicab Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a Pedicab Driver.

16.40.780 Pedicab Driver Conduct Requirements and Prohibitions.

- A.** Transferring Credentials. Transferring Pedicab Driver or Pedicab Vehicle credentials from one driver or vehicle to another shall be prohibited.
- B.** Pedicab Drivers shall carry a non-digital fax or photocopy proof of Pedicab Company insurance pursuant to ORS 806.011 and a valid driver's license or government-issued photo identification at all times while operating a Pedicab Vehicle. Upon request of the Director or law enforcement officer, Pedicab Drivers shall present proof of a valid Pedicab Company insurance policy and driver's license or government-issued photo identification.
- C.** Driver Conduct. No Pedicab Driver shall:
 - 1.** Allow another person to use his/her Pedicab Driver certification
 - 2.** Drive or allow another person to drive a Pedicab Vehicle without a valid driver's license or government-issued photo identification while the vehicle is being used to provide Pedicab Services;
 - 3.** Operate any Pedicab Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
 - 4.** Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs or medications;
 - 5.** Use a Pedicab Vehicle in the commission of any crime;

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6. Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
 7. Consume any intoxicant or smoke of any substance while operating a Pedicab Vehicle;
 8. Allow any passenger to consume an intoxicant or smoke any inside a Pedicab Vehicle;
 9. Defraud a passenger in any way;
 10. Be discourteous to a passenger;
 11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
 12. Drive passengers to their destination by any other than the most safe and efficient route, unless requested to do so by the passenger;
 13. Operate any Pedicab Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
 14. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.
- D.** Mandatory Compliance. Pedicab Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- E.** Driver Reporting. Every Pedicab Driver shall report any of the following events to the Director and to all affiliated Pedicab Companies within 24 hours of its occurrence:
1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
 2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
 3. Any vehicle crash 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.

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- F.** Suspension or Revocation of Certified Pedicab Drivers. If a Pedicab certification is suspended or revoked by the Director, the affiliated Pedicab Company shall be notified by the Director. Pedicab Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a Pedicab Driver.

16.40.800 Horse-Drawn Carriage Driver Permits Required – Application Process and Requirements.

- A.** Permit Required. No person may operate a horse-drawn carriage without a valid, current horse-drawn carriage driver's permit issued under Chapter 16.40, except that no permit issued pursuant to this chapter is required of a person who is operating a horse-drawn carriage as an entry in a parade or otherwise permitted special event, where the horse-drawn carriage entry is specifically noted and approved in said special event permit, and where the horse-drawn carriage rides are not being offered on-demand or by reservation to members of the general public.
- B.** Application Documents Required. The failure to submit any required application documents as listed below is grounds for denial of the permit. It is the applicant's responsibility to make certain that the information and forms required have been completed in full, and that there are no errors or omissions. Applicants for a horse-drawn carriage driver's permit must submit to the Director the items listed below:
1. A completed application on a form provided by the Director;
 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 Director;
 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 Director that reasonably relates to the application or is a clarification of information provided.

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- 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.** Penalties. Carriage Companies shall pay civil penalty fines consistent with Section 16.40.930.
- F.** Permit Issuance. No Carriage Company permit shall be issued until such permit fees have been received by the City.
- G.** Carriage Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Carriage Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

 - 1. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search);
 - 2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state, and;
 - 3. Dru Sjodin National Sex Offender Public Registry.
- H.** Carriage Driver Criminal and Driving History Disqualifications. A driver will not be certified as a Carriage Driver and cannot provide Carriage Services if any of the following conditions exist:

 - 1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
 - 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
 - 3. The applicant is a match in the Dru Sjodin National Sex Offender Public Registry
 - 4. During the 5-year period preceding the submission of the application, based on the conviction date, 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

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- 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;
 - 5.** During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations 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;
 - 6.** During the 3-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.
 - 7.** The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
 - 8.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
 - 9.** The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
 - 10.** The applicant is less than 18 years old; or
 - 11.** All Carriage Driver Criminal and Driving Histories are subject to review by the Director.
- I.** 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.
 - J.** 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.

16.40.810 Horse-Drawn Carriage Company Permits Required – Application Process and Requirements.

- 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 16.40.600 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 Director or designee.
- D.** Applicants for a horse-drawn carriage company permit must obtain certification for each carriage horse to be used in the operation of the permitted carriages. Application requirements for carriage horse certification are:
 - 1.** A description of the horse's name, age, breed, gender;
 - 2.** A photograph and physical description of the horse, to include color, markings or other identifying marks, such as brands or tattoos, or any other identifiers, such as microchips;
 - 3.** Certification of examination (Health Certificate) by an equine veterinarian within thirty day days prior to the application for a permit that the horse is able to perform the work described (in the horse-drawn carriage company application) without undue stress or effort.
 - 4.** Additional veterinary certification requirements are provided in Administrative Rule.
- E.** Insurance Certificate. All horse-drawn carriage applicants must provide the Bureau with an insurance certificate of liability and an additional insured endorsement indicating that the requirements of Section 16.40.830 have been satisfied.
- F.** Applicants must provide to the Director 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 Director a schedule of rates and charges. An updated schedule must be provided to the Director 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.

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16.40.820 Horse-Drawn Carriage Permit and Plate Required - Application Process and Requirements.

- A.** Permit and Decal or Plate Required for Horse-Drawn Carriages. No horse-drawn carriage may be used as a for-hire transportation vehicle without a valid and current permit and a valid and current, unobstructed plate issued by the City under Chapter 16.40. Applicants for a carriage vehicle permit and carriage plate must be the owner of the carriage. Carriage permits will only be issued to an owner who has obtained a horse-drawn carriage company permit.
- B.** Application Form. The applicant for a horse-drawn carriage permit must complete a “Horse-Drawn Carriage Application” in the form required by the Director, 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 Director.
- 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 Director 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 Director 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.

16.40.830 Horse-Drawn Carriage Insurance Requirements.

- 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:

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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 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 Director 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 Director 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 Section 16.40.830, 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.

16.40.840 Horse-Drawn Carriage Temperature, Time and Place Restrictions.

- 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 Director.

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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 16.40.840 B.-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 Director, to allow brief access or crossing of streets with MAX or streetcar tracks in order to provide access to particular locations. The Director may provide a list of excepted circumstances and locations in Administrative Rule.
- H.** The Director 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.

16.40.850 Operation of Horse-Drawn Carriages: Requirements and Prohibitions.

- A.** The company and carriage permit holder is responsible to ensure that all drivers operating have a current and valid City horse-drawn carriage driver permit, and that all drivers operate in compliance with the requirements of this Chapter. Penalties may be issued to both company and driver for violations of operating requirements.
- B.** Each horse-drawn carriage must maintain unobstructed the City horse-drawn carriage permit plate in the location and manner prescribed in Administrative rule.
- C.** Each horse-drawn carriage driver must carry his horse-drawn carriage driver permit when operating a horse-drawn carriage, and present the permit for inspection when requested by the Director 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.

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- 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 Director 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 Director 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 Director, or any police officer, parking enforcement officer, or animal control officer regarding the operation of the carriage. Failure to comply with these directions is grounds for revocation of the horse-drawn carriage driver's permit and the horse-drawn carriage vehicle and company permits.

16.40.860 Care of Carriage Horses.

- 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.

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- 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.
- 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.

16.40.870 Horse-Drawn Carriage Regulations.

Unless the context clearly requires otherwise or unless the regulations and requirements are more stringent than those found in Sections 16.40.820 through 16.40.860, horse-drawn carriage drivers, companies, and vehicles are subject to the regulations and requirements found in this Chapter.

16.40.880 Horse-Drawn Carriage Penalties.

- A.** For violation of the regulations and requirements in Sections 16.40.820 through 16.40.860, 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.

16.40.900 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.

16.40.910 Permit Fees and Civil Penalty Fines.

- A.** All permitted PFHT operators shall pay permit fees and civil penalties consistent with Sections 16.40.910 and 16.40.930.
- B.** All permitted PFHT operators shall provide payment to the City pursuant to Section 16.40.910. The Director shall suspend or revoke PFHT permits if permit fees are not paid in full in accordance to Section 16.40.910.
- C.** Permit fee rates shall be established annually by the Director presented to the PFHT Advisory Committee and defined in Administrative Rules pursuant to Section 16.40.970.
- D.** Taxi Company and TNC permit fee rates shall be established annually by the Director in accordance with the following:
 - 1.** Permit fee rates shall be established to fund all program costs required to adequately administer the PFHT program pursuant to Sections 16.40.100 - 16.40.190 and 16.40.200 - 16.40.290 and to verify compliance with all relevant requirements pursuant to Chapter 16.40; and
 - 2.** Permit fee rates shall be proportioned according to the expected annual number of trips fulfilled by permitted Taxi Companies and TNCs, as determined by the Director and informed by available trip data provided pursuant to Subsections 16.40.140 K. and 16.40.240 K.

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- E.** Permitted Taxi Companies and TNCs shall add to the total fare of each completed trip charged to passengers the permit fee, as established by the Director and pursuant to this section and in accordance with the following:

 - 1.** The permit fee rate added to total fare of each completed trip charged to passengers by the Taxi Company or TNC shall be clearly identified as the “CITY OF PORTLAND SURCHARGE” on receipts provided to passengers pursuant to Sections 16.40.140 and 16.40.240.
- F.** The Director shall provide permit fee invoices to permitted Taxi Companies and TNCs quarterly pursuant to Section 16.40.910. The Director shall issue invoices on or about the 20th day of the month following the end of the quarter based upon trip data provided by TNC and Taxi Companies. The invoice payments are due on the 15th day of the following month. In the event the 15th day of the month falls on a holiday or a weekend then the payment will be due on the first business day following the weekend or holiday. Payments will be considered delinquent on the 20th day of the following month. The first quarter of a new year begins on January 1. The Director shall suspend or revoke Taxi Company or TNC Company permits if permit fees are not paid in full in accordance to Section 16.40.910.
- G.** Permit fee rates applicable to all approved PFHT operators, with the exception of Taxi Companies and TNCs, shall be established annually by the Director to fund all program costs required to adequately administer the PFHT program and to verify compliance with all relevant requirements pursuant to Chapter 16.40 and as defined in Administrative Rules.
- H.** The Director shall provide notice of permit fee payment requirements to permitted PFHT operators, with the exception of Taxi Companies and TNCs, pursuant to Section 16.40.910. The Director shall suspend or revoke PFHT permits if permit fees are not paid in full in accordance to Section 16.40.910.

16.40.920 Paid Passenger Referrals Prohibited.

- 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 16.40.920 A. are as follows: \$1,500 for the first offense; \$2,000 and 10-day driver permit suspension for the second offense; and \$2,500 and driver permit revocation for the third offense.
- B.** It is prohibited for any person to solicit or accept payment for referral of a passenger to a motor vehicle for hire, or for any person or business, firm, association or corporation to act in concert with or on behalf of another person or persons to solicit or accept payments for the referral of passengers to a motor vehicle for hire. This prohibition does not include payment for legitimate advertising placement, such as placement of flyers or posters, or legitimate commissions provided by tour

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companies that do not operate on demand. Advertising or commission payments exempted herein must be documented, and said documentation must be provided to the Director when requested. The penalties for violation of Subsection 16.40.920 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 16.40.920 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 pursuant to Subsections 16.40.180 E., 16.40.280 E., 16.40.380 F., 16.40.480 F., 16.40.680 F. and 16.40.740 E. Taxis, shuttles, executive sedans and limousines parked in a hotel zone must provide properly documented logbook entry when requested by the Director. The penalties for violation of Subsection 16.40.920 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.** For-hire vehicles, other than Taxi Vehicles, shall not park in Taxi Zones and may not park in hotel zones without a reservation or request for service. The penalties for violation of Subsection 16.40.920 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.** Taxi Vehicles may not park in a 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 and available for review by any authorized enforcement officer inspecting logs in the field. The penalties for violation of Subsection 16.40.920 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.

16.40.930 Civil Penalties and Penalty Table.

- 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 violations are found in the Civil Penalty Table in Section 16.40.930. 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 at least \$100 for the 1st violation, \$500 for the 2nd violation and \$1,000 for the 3rd violation.
- C.** The following table outlines the penalties that will be assessed for a violation of the specific code Sections listed:

Code Section	Requirement	1st Offense	2nd Offense	Subsequent Offenses
16.40.775	Pedicab Driver Permit	\$100	\$300	\$500
16.40.170, .270, .370, .470, .670	Driver Permits	\$250	\$500	\$1,000
16.40.180, .280, .380, .480, .680	Business License	\$250	\$500	\$1000
16.40.610	LPT Company Permit	\$500	\$1,000	\$2,500
16.40.100	Taxi Company Permit	\$500	\$1,000	\$2,500
16.40.700	NEMT Company Permit	\$150	\$300	\$500
16.40.160, .660	Decal/Taxiplate	\$250	\$500	\$1000
16.40.160, .260, .360, .460, .660	Substitute Vehicle	\$250	\$500	\$1,000
16.40.260, .660	Trade Dress	\$50	\$100	\$250
16.40.260	TNC Operating Conditions	\$50	\$100	\$250

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16.40.140, .240	Minimum Standards	\$250	\$500	\$1,000
16.40.140	Digital Records	\$100	\$500	\$1,000
16.40.190, .290, .490	Accessible Service	250	\$500	\$1,000
16.40.160, .260, .360, .460, .660	Vehicle Op Cond.	\$100	\$250	\$500
16.40.180, .280, .380, .480, .680, .780	Driver Conduct	\$50	\$100	\$250
16.40.750	Pedicab Safety Requirements	\$50	\$100	\$250
16.40.180, .280, .380, .480, .680	Maximum Driving Hours	\$500	\$1,000	\$5,000
16.40.150, .250, .350, .450, .650.	Vehicle Requirements	\$50	\$100	\$250
16.40.130, .230, .330, .430, .630, .715, .760, .830	Insurance	\$1,250	\$2,500	\$5000
16.40.140, .240, .340, .440, .640	Data Requirements	\$1,250	\$2,500	\$5,000
16.40.200	Transportation Network Company Permit Requirements	\$500	\$1,000	\$5,000

- D.** In addition to the civil penalty and the suspension and revocation provisions in Section 16.40.940, any second offense is grounds for suspension of the permit and any third or subsequent offense is grounds for revocation of the permit.
- E.** 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.

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- F.** Nothing in this Section prohibits the Bureau from suspending or revoking any driver, permit, certification, decal or taxiplate after a third offense for the same violation.

16.40.940 Company and Driver Permit Suspension and Revocation.

- A.** Suspension. Any permit, certification, decal or taxiplate issued under Chapter 16.40 may be suspended by the Director if the Director 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, certification, decal or taxiplate issued under Chapter 16.40 may be revoked by the Director if the Director finds reasonable grounds to believe that any of the following apply:
- 1.** The revocation is necessary to protect the public safety;
 - 2.** The permittee did not comply with the terms and conditions of a temporary suspension;
 - 3.** The permittee is found operating as a for-hire company or driver while on suspension;
 - 4.** A Taxi Driver permittee has fraudulently altered the calibration of the driver's taximeter;
 - 5.** The permittee provides either the City, an insurance agent or an insurance carrier with materially false information regarding vehicle insurance; or
 - 6.** The permittee has incurred a total of five penalties and/or temporary suspensions during any consecutive twelve-month period.
- C.** Simultaneous Revocation. In the event that a for-hire transportation company permit is revoked, all vehicle decals, certifications and/or taxiplates assigned to that company are simultaneously revoked and void.
- D.** Notice Requirements for Suspensions. If the Director has reasonable grounds to impose a suspension based on any factor found in Subsection 16.40.940 A., the Director will send a "Notice of Proposed Suspension" to the permittee by both

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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 Director'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 Director 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 Director has reasonable grounds to revoke a permit based on any factor found in Subsection 16.40.940 B., the Director 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 Director'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 Director if the permittee denies that any violation has occurred; and
 3. The permittee's appeal rights.
- F.** Actual Notice Presumed. Actual notice of the proposed suspension or revocation is presumed after 5 days of mailing the notices described in Subsections 16.40.550 D. and E. above.
- G.** Effective Date of Suspensions and Revocations. Suspensions and revocations are effective as provided in Subsections 16.40.940 D. and E., except that they are effective immediately if the Director finds reasonable grounds to believe that:
1. A permittee is not covered by liability insurance as required by Sections 16.40.130 or 16.40.230; 16.40.330; 16.40.430, 16.40.630, 16.40.760 or 16.40.830
 2. Continued operation by the permittee would cause, or is likely to cause, danger to the public health or safety.

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- 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, certifications, 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.

16.40.950 Criminal Penalties and General Appeals.

- A.** It is unlawful to tamper with a taximeter or to conduct any fraudulent scheme with the intent to overcharge charge any person a fare greater than that allowed by a Taxi Company or TNC.
- B.** Any violation of Subsection 16.40.950 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 16.40.930, any violation of Sections 16.40.100 A.-C., 16.40.200 A.-C., 16.40.200, 16.40.300 A.-C., 16.40.400 A.-C., or 16.40.600 A.-C., 16.40.700 A.-C., 16.40.800 A. is punishable, upon conviction, by imprisonment for not more than 6 months.
- D.** Vehicles operated for-hire in violation of Sections 16.40.160, 16.40.260, 16.40.360, 16.40.460., and 16.40.660, are subject to vehicle towing and impoundment.
- E.** Civil Penalties Appeals. Any person or entity assessed a civil penalty may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- F.** Permit/Decal/Taxiplate Denials, Suspensions and Revocations; Appeals and Exception.
 - 1.** Any person or entity whose permit, certification, decal or taxiplate application is denied, or whose permit, decal or taxiplate is suspended or

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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 16.40.940.

- G.** 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.

16.40.960 PFHT Advisory Committee.

- A.** The Private For-Hire Transportation Board of Review shall hereby be dissolved and 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.
- B.** There hereby is created a PFHT Advisory Committee, hereinafter referred to as the Committee.
- C.** Purpose. The PFHT Advisory Committee is a citizen advisory body, representing those with interests in private for-hire transportation in the City of Portland by:
1. Providing expertise and feedback to the public, Director, and City Council on Portland's PFHT market, PFHT regulations and policies, taking into consideration the full range of City goals and objectives;
 2. Providing recommendations for regulatory, code, and administrative rule changes affecting the PFHT operators and PFHT service including service to people with disabilities.
 3. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's goals;
 4. Recommending customer service, permitting, process, and compliance improvements to the Director and/or City Council;
 5. Providing input to ensure the budget of the City's PFHT Program is adequate to meet service goals and compliance with all requirements pursuant to Chapter 16.40.
- D.** Membership. The PFHT Advisory Committee shall consist of nineteen diverse members with expertise, knowledge and interest in of private for-hire transportation in the City of Portland. Prospective members may apply to the Director on a form

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approved by the Director and members shall be nominated by the Bureau Commissioner-in-Charge and approved by Council. The members shall be selected to provide representation of those persons concerned about PFHT service, PFHT operators and PFHT drivers in the City of Portland. Members shall be appointed so that the Committee consists of one representative from the following:

1. The Portland Bureau of Transportation (non-voting member);
2. The tourism industry;
3. The Portland Commission of Disabilities;
4. An at-large community member with a disability;
5. The riding public;
6. The Port of Portland;
7. TriMet;
8. A Taxi Company;
9. A Taxi Driver;
10. A Transportation Network Company
11. A Transportation Network Driver;
12. An Executive Town Car Company;
13. An Executive Town Car Driver;
14. A Shuttle Company;
15. A Shuttle Driver;
16. A Limousine or Party Bus Company;
17. A Tour Bus Company;
18. A Pedicab Company, and;
19. A NEMT Company.

- E.** Appointments and Terms. Appointment to the PFHT Advisory Committee shall be for a three-year term. If a position is vacated during a term, it shall be filled for the unexpired term by an appointee selected by the Commissioner-in-Charge.

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Members of the PFHT Advisory Committee shall serve no more than two, complete three-year terms.

F. Meetings, Officers, and Subcommittees.

- 1.** The PFHT Advisory Committee shall meet at least five times each calendar year and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. A quorum shall be necessary of voting members to make decisions that represent the position of the PFHT 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 PFHT 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.

G. Attendance. Members of the PFHT 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.

H. The Portland Bureau of Transportation shall provide staff and appropriate assistance for the Board.

I. All members of the Committee shall serve without pay, except that they may receive their regular salary during the time spent on matters of the Committee.

16.40.970 Director and Committee Authority and Process.

- A.** The Director may adopt and implement administrative rules, procedures, forms and written policies for administering the provisions of Chapter 16.40 under the authority granted under Section 16.40.010.
- B.** The Committee may vote to adopt written recommendations to the Director and/or Bureau Commissioner-in-Charge pertaining to any provisions to Chapter 16.40 and all matters pertaining to PFHT.
- C.** Before a recommendation is adopted, the Committee Chair must first provide notice of the proposed recommendation to the public in a manner reasonably calculated to

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accomplish such notice (assistance shall be provided by Bureau staff). 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 16.40.970 C., the Committee Chair must also announce the proposed recommendation at a regularly-scheduled Committee meeting (the “Announcement Meeting”) prior to the meeting in which public testimony will take place (the “Testimony Meeting”). At the Announcement Meeting, the Committee Chair will provide a copy of the proposed recommendation to anyone in attendance that so requests, and the Committee Chair 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 Director and the Committee will receive oral and written testimony concerning the proposed rule by any Committee member. Upon completion of the public testimony, the Committee may then vote to either:

 - 1. Adopt the proposed recommendation as originally proposed;
 - 2. Adopt a slightly modified version of the originally proposed recommendation;
 - 3. Move to substantially modified version of the originally proposed recommendation be considered at a later Committee Meeting and with additional public testimony; or
 - 4. Withdraw the proposed recommendation altogether and allow no further vote on it.
- F.** If no Committee member seconds a Committee member’s motion under Subsections 16.40.970 E.1. - F.3 above, then the proposed recommendation does not take effect. Any Committee member may make the motion to adopt a proposed recommendation.
- G.** If a Committee member seconds the motion to adopt the proposed recommendation under Subsections 16.40.970 E.1. or E. 2., the Committee will then consider and discuss the proposed recommendation, taking into account any public testimony received. Upon completion of the Committee’s discussion, the Committee Chair will then call for a vote on the proposed recommendation. If a majority of the Committee votes to adopt the recommendation, it is thereby adopted.
- H.** If Committee member seconds a motion under Subsection 16.40.970 E.3, then additional public review must be conducted, but no additional public notice is

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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 recommendation will be subject to the discussion, testimony and voting procedures found Subsections 16.40.970 E. - G.

- I.** Recommendations for rule adoption and code revisions. At the recommendation of the PFHT Advisory Committee, the Director may adopt administrative rules pursuant to Section 16.40.970 and may provide to the Bureau Commissioner-in-Charge a recommendation to revise any sections here within Chapter 16.40.
- J.** Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Bureau's office and posted on the Bureau's website. Copies of all current rules will be made available to the public upon request.
- K.** Notwithstanding Subsections 16.40.970 I. and J., the Director may adopt an interim rule without prior public notice or Committee 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 no longer than 120 days.
- L.** Administrative Rules adopted pursuant to Section 16.40.970 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.
- M.** 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.
- N.** In addition to the general notice required in Subsection 16.40.970 N., the Director must also announce the proposed rule at a regularly-scheduled Committee 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.

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- O. At the Testimony Meeting, the Director and the Committee may 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 to adopt the proposed rule as originally proposed;
 - 2. Move to adopt a slightly modified version of the originally propose rule;
 - 3. Move to substantially modified version of the originally proposed rule be considered at a later Committee Meeting and with additional public testimony; or
 - 4. Withdraw the proposed rule altogether and allow no further vote on it.
- P. Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director shall be filed in the Bureau's office and posted on the Bureau's website. Copies of all current rules will be made available to the public upon request.
- Q. Revisions to Chapter 16.40 may be presented to Council for consideration by the Transportation Commissioner-in-Charge.

16.40.980 Currently Permitted Companies, Vehicles and Drivers Grandfathered; Renewal Process.

- A. All companies that are currently permitted and all valid, current decals, taxipates and certifications issued by the City on the effective the date this Chapter do not need to reapply for new permits, decals, taxiplates or certifications or provide additional proof of valid insurance; but must otherwise adhere to all the requirements as found in this Chapter.
- B. To achieve the goal of staggered renewal dates, the Director may, by administrative rule, require that the initial permit term of some permittees be for less than the 12 month term required pursuant to Chapter 16.40. 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.
- C. The effective date of any requirement in this Chapter applicable to the operation of a non-motorized Private for-hire Vehicle or provision of non-motorized Private for-hire Transportation, and Non-Emergency Medical Transportation Companies/Specially Attended Transportation Companies, NEMT/SAT Vehicles, NEMT/SAT Services, and NEMT/SAT Drivers is suspended until such time that alternate provisions in Chapter 16.40 pertaining to non-motorized and NEMT/SAT companies, drivers or vehicles are adopted by City Council.

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- D.** The Director may, by administrative rule, suspend any requirement in this Chapter for a period of 180 days that will likely result in prejudice to the public interest or the interest of the affected parties.

16.40.995 Severability.

If a court of law finds any provision of this Chapter invalid or unenforceable as to any person, business or circumstance, then that provision is considered severed from this Chapter. The severed provision has no effect on the remainder of the Chapter or its application to other persons, businesses and circumstances.

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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 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.)

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- 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.
- 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.

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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.

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.

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- 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.
- 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.

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.
- 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.

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- 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.

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).

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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:

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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.
- 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.)

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- 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.

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.
16.70.560	Traffic Regulations in Parks.
16.70.570	Inoperative Electric Traffic Control Signals.
16.70.600	Over Dimensional Vehicles.
16.70.610	General Prohibitions.
16.70.620	Exemptions.
16.70.630	Permits.
16.70.640	Limits of Authority to Issue Variance Permit.
16.70.650	Requirements, Conditions and Procedures for Issuance of Variance Permit; Duration; Cancellation.
16.70.660	Permit Must Be Carried and Displayed.
16.70.670	Movement of Building or Other Structure Excluded.
16.70.680	Liability for Damage to Streets or Other Public Property.
16.70.690	Designation of Streets for Vehicles of Excess Weight or Size.
16.70.700	Traffic Congestion Thoroughfares.
16.70.710	Purpose.
16.70.720	Posting Signs.
16.70.730	Signs.
16.70.740	Acts Prohibited.
16.70.750	Penalty.
16.70.760	Subsequent Violation.
16.70.770	Notice of Towing For Subsequent Violations.

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- 16.70.800 Visibility.
- 16.70.810 Street Obstructions and Dangerous Conditions.
- 16.70.900 Reckless Driving.

16.70.001 Purpose.

This Section provides traffic regulations in addition to those of the Oregon Revised Statutes that apply in the City of Portland.

16.70.200 Pedestrians.

16.70.210 Must Use Crosswalks.

No pedestrian may cross a street other than within a crosswalk if within 150 feet of a crosswalk.

16.70.220 Must Cross at Right Angles.

A pedestrian must cross a street at right angles unless crossing within a crosswalk.

16.70.230 To Obey Directions of School Traffic Patrol and Crossing Guard.

At intersections where a member of the school traffic patrol or crossing guard is stationed for the safety of school children, all pedestrians must obey the directions of such school traffic patrol member or crossing guard. It is unlawful for any pedestrian to cross at any intersection where such patrol member or crossing guard is stationed contrary to the direction of such school traffic patrol member or crossing guard.

16.70.240 Bridge Railings.

No pedestrians may sit, stand on, or lean their torso over a Willamette River bridge railing unless engaged in bridge maintenance work or otherwise authorized by an appropriate government agency.

16.70.300 Bicycles.

16.70.310 Persons Riding Bicycles to Obey Traffic Regulations.

Every person riding a bicycle upon a roadway is subject to state law and the provisions of this Title applicable to the driver of a vehicle, except state law and those provisions of this Title which by their very nature can have no application.

16.70.320 Operating Rules.

(Amended by Ordinance No. 165594, effective July 8, 1992.) No person may:

- A. Leave a bicycle so that it obstructs vehicle or pedestrian traffic on a roadway, sidewalk, driveway, handicap access ramp, building entrance, or so that it prevents operation of a parking meter or newspaper rack;
- B. Leave a bicycle secured to a fire hydrant or to a police or fire call box;

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- 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.
- 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.

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- 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;
 - 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;

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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 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

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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:
 - 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 Nos. 165594 and 187564, effective January 27, 2016.)

- 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.

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- B.** With approval of the Commissioner In Charge, the Director of Portland Parks & Recreation may restrict or prohibit traffic or types of traffic and parking in City parks as defined in Title 20. Signs giving notice of any restriction or prohibition imposed under this Subsection shall be posted and maintained by the Director of Portland Parks & Recreation 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 or the Director of Portland Parks & Recreation or the Director's designee has authority to enforce the provisions of this Section and is authorized to order that a vehicle parked in violation of such restrictions or prohibitions be towed in the manner provided in this Title.
- D.** The provisions of this Section do not apply to City authorized vehicles used in park or golf course service.

16.70.570 Inoperative Electric Traffic Control Signals.

An intersection with inoperative electric traffic control signals shall be treated as an uncontrolled intersection, unless other official traffic control devices have been erected at the intersection. This Section does not apply to freeway ramp metering signals operated by the Oregon Department of Transportation.

16.70.600 Over Dimensional Vehicles.

16.70.610 General Prohibitions.

- A.** It is unlawful for any person or owner to drive, move, or to cause or permit to be driven or moved on any street in the City any vehicle or combination of vehicles that:
 - 1.** Exceeds the weight or size limitations set forth in the Oregon Revised Statutes (ORS), Chapter 818;
 - 2.** Is not constructed or equipped as required by ORS 818;
 - 3.** Is dragging upon or over the surface of a street any log, pole, piling, or other thing;
 - 4.** Does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the street;
 - 5.** Is so constructed or loaded so as to allow its contents to drop, sift, leak, or otherwise escape therefrom; or
 - 6.** Violates any other provisions of this Title.

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- 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.
- 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.

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A permit may not be issued for any vehicle or load that can readily or reasonably be dismantled or disassembled to reduce weight or width. This does not apply to any vehicle, combination of vehicles, load, article, property, machine, or thing that is:

- A.** Used in the immediate vicinity of construction, maintenance, or repair of public highways; and
- B.** Of a length in excess of that permitted in ORS 818.

16.70.650 Requirements, Conditions and Procedures for Issuance of Variance Permit; Duration; Cancellation.

(Amended by Ordinance Nos. 176361 and 181217, effective September 14, 2007.)

- A.** In issuing a permit, the Traffic Engineer may:
 - 1.** Grant a permit that is valid for a single trip, a number of trips or an amount of time not to exceed one year.
 - 2.** Establish seasonal or other time limitations on a permit.
 - 3.** Require the applicant to furnish public liability or automobile insurance and property damage insurance as follows:
 - a.** General Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage; or
 - b.** Automobile Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage, including coverage for owned, hired or nonowned vehicles, as applicable; and
 - c.** The City of Portland, and its agents, officers, and employees are Additional Insured, but only with respect to operations occurring within the scope of the permit.
 - d.** There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without 30-days written notice from the Contractor or its insurer(s) to the City.
 - e.** As evidence of the insurance coverage required, the applicant shall furnish acceptable insurance certificates to the City prior to issuance of any permit. The certificate will specify that the City is additional insured and will include the 30-day cancellation clause. Insuring companies or entities are subject to City acceptance. The applicant

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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:
 - a. Stay on the right side of the center line of the traveled way at all times; and
 - b. Allow sufficient room in the opposing traffic lane for the safe movement of other vehicles.
- B.** A permit must be in writing and must specify:
1. All highways or streets over which the permit is valid;
 2. Any vehicle, combination of vehicles, load, article, property, machine, or thing allowed under the permit; and
 3. Maximum dimensions and maximum weights allowed under the permit.
- C.** Under this section, the Traffic Engineer may not issue a permit that is valid for longer than 1 year.
- D.** An application for a permit issued under this section must specify:
1. The vehicle, combination of vehicles, load, article, property, machine, or thing for which the permit is requested;
 2. The particular highways and streets for which the permit is sought; and
 3. Whether the permit is sought for a single trip, a number of trips or continuous operation.
- E.** This Section does not authorize:

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1. Any vehicle, combination of vehicles, load, article, property, machine, or thing for which the permit is issued to be operated or moved contrary to any provisions of the vehicle code, except as specified in a permit; or
 2. Any movement or operation of a vehicle, combination of vehicles, load, article, property, machine, or thing until a permit is issued.
 3. Any vehicle, combination of vehicles, load, article, property, machine, or thing which is eligible for a permit under the State of Oregon Continuous Operation Variance Permit program as described in OAR 734.074.0010.
- F.** The City Traffic Engineer may be present during the movement. The presence of the City Traffic Engineer and any directions or suggestion made by him/her is not to be considered supervision of the movement and does not relieve the permit holder or the permit holder's insurers or sureties from liability for any damage done by the movement. If there are any of the permit's terms or conditions with which the movement does not comply, the City Traffic Engineer who is present at the movement may order it to be stopped.
- G.** Any permit may be canceled at any time by the City Traffic Engineer upon satisfactory proof that:
1. The permit holder has violated any of the terms of the permit;
 2. The permit was obtained through misrepresentation in the application therefor; or
 3. The public interest requires cancellation.

16.70.660 Permit Must Be Carried and Displayed.

- A.** The driver of any vehicle or combination of vehicles for which a variance permit has been issued commits the offense of failure to carry and display a variance permit if the driver does not:
1. Have the variance permit in immediate possession at all times when driving the vehicle or combination of vehicles upon a public highway or street; and
 2. Display the variance permit upon demand of any police officer, department or county weighmaster, judicial officer, or the City Traffic Engineer.
- B.** Later producing a variance permit issued prior to and valid at the time of an offense by authority of this section is not a defense for a charge under this Section.

16.70.670 Movement of Building or Other Structure Excluded.

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The movement of buildings or other structures on or over the streets and other public right-of-ways of the City is excluded from the provisions of this Chapter. (See Chapter 17.48, Public Improvements.)

16.70.680 Liability for Damage to Streets or Other Public Property.

Any person moving any vehicle of excess weight or size on or over any street or other public right-of-way in the City is responsible for damage to pavement or other public improvement or property caused thereby.

16.70.690 Designation of Streets for Vehicles of Excess Weight or Size.

- A.** When in the judgement of the City Traffic Engineer any City street or section thereof is capable of carrying any vehicle or combination of vehicles having a gross weight or overall size in excess of that authorized in ORS 818, the City Traffic Engineer may report to the City Council so declaring that street and fixing the maximum gross weight, width, height, and/or length and types and classes of vehicles or combination of vehicles which may be operated thereon.
- B.** The provisions of any report accepted by the City Council pursuant to recommendation of the City Traffic Engineer under this Section may be changed or rescinded at any time and is subject to any order made pursuant to Section 16.10.200.
- C.** If a report submitted by the City Traffic Engineer under this Section is accepted by the City Council, a duplicate original thereof (and any amendment or revocation thereof) must be filed by the Auditor with the Secretary of State. After such resolution is adopted and filed, no permit is required for the operation upon such street or section thereof of a vehicle or combination of vehicles not exceeding the maximum gross weight and length fixed by the report for vehicles or combinations of vehicles of that type and class.

16.70.700 Traffic Congestion Thoroughfares.

16.70.701 Purpose.

The purpose of this Chapter is to prohibit the repeated driving of a motor vehicle along and across one portion of a congested public street, which constitutes a strict liability violation without any requirement of culpable mental state, all as described in this Chapter.

16.70.720 Posting Signs.

With respect to any traffic congestion thoroughfare, the Chief of the Bureau of Police or his/her designee is authorized to declare that portion of the street to be a traffic congestion thoroughfare and to cause signs, as described in this Chapter, to be posted notifying of that designation.

16.70.730 Signs.

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The signs referred to in Section 16.70.720 will notify drivers that they are entering a traffic congestion thoroughfare; that repeated passage of a motor vehicle through or across the traffic congestion thoroughfare is a violation of City Code Section 16.70.740; and that for a subsequent violation, the vehicle will be towed.

16.70.740 Acts Prohibited.

Between the hours of 9 p.m. and 5 a.m. of the following morning, no vehicle may pass along or across a traffic congestion thoroughfare, designated as such by signs as described in Section 16.70.730, more than two times.

16.70.750 Penalty.

(Amended by Ordinance Nos. 165987 and 176394, effective April 17, 2002.) Violation of this Chapter is an infraction punishable by a fine not to exceed \$150.

- A.** Except as provided below, violation of this Chapter is an infraction punishable by a fine not to exceed \$150.
- B.** Violation of Sections 16.20.470, 16.70.510 A, 16.70.210, 16.70.220 and 16.10.060, is punishable by a fine of not more than \$500, or by imprisonment not exceeding 10 days or both.

16.70.760 Subsequent Violation.

If a vehicle passes along or across a traffic congestion thoroughfare as designated by signs in violation of Section 16.70.740, any single subsequent drive-through of that traffic congestion thoroughfare by that vehicle within the same 9 p.m. to 5 a.m. time period constitutes a separate violation of Section 16.70.740, punishable as provided in section 16.70.750; and the vehicle may be towed and taken to a storage area designated by the City and may be held for not more than 24 hours, all at the expense of the owner or person entitled to possession.

16.70.770 Notice of Towing For Subsequent Violations.

Upon issuing a citation for a violation of Section 16.70.740, the officer will give the person to whom the citation is issued a written notice which will state:

NOTICE

You have been cited for violation of Code Section 16.70.740 for repeated passage of a motor vehicle on or across a traffic congestion thoroughfare.

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:

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- 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
 - 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.
16.90.125	Fog Line or Edge Line.
16.90.130	Gross Vehicle Weight Rating.
16.90.135	Guest.
16.90.140	Handicap Access Ramp.
16.90.145	Hotel.
16.90.150	Improper Use.
16.90.155	Intersection.
16.90.160	Light Rail Transit System.
16.90.165	Light Rail Vehicle.
16.90.170	Load/Unload.
16.90.175	Local Authorities.
16.90.180	Long-Term Parking Meter.
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16.90.195	Motor Home.
16.90.200	Motor Vehicle.
16.90.205	Municipal Terminal.
16.90.210	Official.
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16.90.220	Official/Reserved Zone.
16.90.225	Operator.
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16.90.235	Park, Parking or Parked.
16.90.240	Parking Lane.
16.90.245	Parking Meter.
16.90.247	Payment Card.
16.90.249	Space Reservation Device.
16.90.250	Pedestrian.
16.90.255	Pedestrian Way.
16.90.260	Permanently Exhibit.
16.90.265	Person.
16.90.270	Planting Strip.
16.90.275	Private Road.
16.90.285	Rail Vehicles.
16.90.290	Recreational Vehicle.
16.90.295	Regulated Parking Zone.
16.90.300	Repair (a vehicle).
16.90.302	Right-of-Way.
16.90.305	Roadway.
16.90.310	School Bus.
16.90.315	Service (a vehicle).
16.90.320	Short-Term Parking Meter.
16.90.325	Shoulder.
16.90.330	Sidewalk.
16.90.335	Skateboard.
16.90.340	Sled.
16.90.345	Stop, Stopping or Stopped.
16.90.350	Street or Highway.
16.90.351	Storage Container.
16.90.355	Taxicab.
16.90.360	Tire.
16.90.365	Traffic.
16.90.370	Traffic Congestion Thoroughfare.
16.90.375	Traffic Control Device.
16.90.380	Traffic Control Signal.
16.90.385	Traffic Hazard.
16.90.390	Traffic Lane.
16.90.392	Transit Mall and Auxiliary Vehicular Lanes.

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16.90.395	Tri-Met Bus.
16.90.400	Trolley or Streetcar.
16.90.405	Truck.
16.90.410	Truck Trailer.
16.90.415	Uncontrolled Intersection.
16.90.420	Utility Trailer.
16.90.421	Valid Receipt.
16.90.425	Vehicle.
16.90.430	Vehicle Alarm System.
16.90.435	Vendor.
16.90.440	Way.
16.90.445	Wheelchair User Disabled Permit/Placard.

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.

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:

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- 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.

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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;
- 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.

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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.

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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;
 - 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.

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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.

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.

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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.

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(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.

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

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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.

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.

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- 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.

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.

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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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lien upon the abutting property until paid by the permittee. The City may sell or otherwise dispose of structures or parts thereof removed from the public right of way under authority of this Section, and the owner of same shall not be entitled to any compensation for said items from the City.

17.24.017 Temporary Street Closure.

(Amended by Ordinance No. 185212, effective March 21, 2012.) The Director of the Bureau of Transportation may close or by permit allow to be closed temporarily any street or portion thereof for the following reasons:

- A.** To facilitate construction, demolition or installation of facilities on public or private property.
- B.** To restrict vehicular use of an unimproved street for the protection of the public or to eliminate a neighborhood nuisance.
- C.** To provide for block parties.
- D.** To provide for community events alcohol prohibited or community events alcohol allowed.

Such closures shall include the requirements of the Traffic Engineer and provide for appropriate insurance as required by the Director of the Bureau of Transportation, protecting the public and the City.

A person will be denied a permit under PCC Section 17.24.017 C. & D. if more than 50 percent of the property owners abutting the street to be closed object to the closure or if another City Bureau objects to the closure based on concerns for neighborhood livability such as noise, disorderly conduct, litter, or public safety.

A person who is denied a permit under PCC Section 17.24.017 C. & D. may appeal the matter to City Council. The applicant shall file with the City Auditor within five days after denial a written notice of appeal. The notice shall identify the decision that is being appealed, and include the appellant's name, address, phone number, signature, and a clear statement of the specific reason(s) for the appeal. Upon receipt of such appeal, the Auditor shall then place the matter upon the Calendar of the City Council. At the hearing, the Council may affirm or modify the decision of the Director of the Bureau of Transportation as the Council may deem necessary.

17.24.020 Fees and Charges.

The Director of the Bureau of Transportation and/or City Council may establish fees and charges. All fees, charges, civil penalties, and fines established by authority of this Title will be listed in the Portland Policy Documents, as amended annually by Council effective with the fiscal year budget.

If a larger fee is required elsewhere in this Title for any class of permit, the larger fee shall apply, otherwise the fees and charges listed in the Portland Policy Documents shall

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be paid unless the Transportation Director or Council has granted a specific permit for a different fee. All fees, charges, civil penalties, and fines established by authority of this Title will be listed in the Portland Policy Documents, as amended annually by Council effective with the fiscal year budget. All fees for recording permits and other documents with the County Recorder shall be paid by the property owner or permittee.

17.24.025 Fees for Public Improvement Permits.

(Amended by Ordinance No. 187486, effective January 8, 2016.)

- A.** Engineering and superintendence services in connection with public improvement projects shall be charged in accordance with Portland Policy Document TRN 3.450 – Transportation Fee Schedule. The City Engineer shall review actual yearly program costs of engineering and superintendence to insure that only usual and ordinary costs are included and adjust the rates accordingly.

17.24.026 Fees for Review of Land Use Applications.

The Bureau of Transportation shall establish fees which recover the Bureau of Transportation's costs of participating in pre-application conferences and reviewing applications for land use approvals which are required by either Title 33 or Title 34 of the Code of the City of Portland.

- A.** Policy
 - 1.** Fees are not intended to exceed the Bureau of Transportation's average cost of processing the type of review requested or average cost of participating in pre-application conferences.
 - 2.** Fees shall include direct costs and overhead charges.
 - 3.** Fee schedules shall be updated annually and made available in the Portland Policy Documents.
- B.** Required Fees
 - 1.** Each request for a pre-application conference shall be accompanied by the applicable fee.
 - 2.** All land use review applications requested must be accompanied by the applicable fee.
- C.** Concurrent Applications. When more than one review is requested on the same project, the fee for each review will be charged.
- D.** Appeal Fees. The process and charges for appeals shall be as set forth in

Subsection 33.750.030 C. Appeal Fees.

- E.** Fee Waivers. The Bureau of Transportation will waive its pre-application and review fees in those cases where the Planning Director has granted a fee waiver under the provisions of Section 33.750.050.
- F.** Refunds. The Bureau of Transportation will refund fees under the following circumstances:
 - 1.** Unnecessary Fee. When a fee is accepted by staff for a land use review that is later found to not be required, a full refund will be made.
 - 2.** Errors. When an error is made in calculating the fee, the overpayment will be refunded.
 - 3.** Full Refunds.
 - a.** If upon receipt of the application by the Bureau of Transportation, it is evident that no transportation review is required, the Transportation review fee will be refunded. The determination of whether a Transportation review is required is at the sole discretion of the Director of the Bureau of Transportation.
 - b.** If the applicant meets the Bureau of Planning's requirements under Subsection 33.750.060 D. for a 50 percent refund and the Bureau of Transportation has not begun its review, the Transportation review will be refunded. Determination of whether to grant the refund is at the sole discretion of the Director of the Bureau of Transportation.
 - 4.** No Refunds.
 - a.** Appeal fees are not refundable except as set forth in Subsections 33.750.050 B. and 33.750.060 C.2.
 - b.** Pre-application conference fees are non-refundable except as set forth in Subsection F. 1. and 2.
 - c.** No refunds shall be given once a review has begun.

17.24.030 Application for a Public Improvement Permit to construct a Street or Transportation Facility.

- A.** All persons or agencies wishing to construct street or transportation facilities as a

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public improvement shall make application to the Director of the Bureau of Transportation for a permit. The application for permit shall contain such information as the Director of the Bureau of Transportation may designate, and shall specify the nature of the proposed improvement, the name of the street or streets to be improved or in which the improvement is to be located, the location of any off-street improvements and the completion date therefor.

B. A public improvement permit for a street or transportation facility within a land division may be issued prior to recording of the final plat only after the following:

1. the improvement plans have been approved by the City Engineer,
2. the final plat, is approvable as determined by the Bureau of Development Services,
3. any necessary site permits have been obtained from the Bureau of Development Services,
4. any necessary easements outside the land division have been obtained,
5. the permittee has provided the following:
 - a. Acknowledgment that the construction is on private property which is to become easement for public improvements or public right of way and to come under public control upon plat and easement recording with the county.
 - b. Authorization for City personnel to enter upon the particular private property for the purpose of testing, inspection and surveying if required, during the course of construction of the public improvements.
 - c. Acknowledgment that City inspection personnel may reject or require correction of work not in accordance with the approved plans and standard specifications, which would prevent future acceptance of the improvements.
 - d. Acknowledgment that all public utilities to be located in public right of way must be installed prior to final acceptance of the public street improvements, or as directed by the Director of the Bureau of Transportation.
 - e. Acknowledgment that the plat and easements must be recorded with the County prior to final acceptance of the public

improvements.

- f.** Agreement that the permittee will hold the City of Portland harmless against any liability which may occur during construction prior to dedication of the right of way or recording of the easement, and further agreement that the permittee assumes all risk of loss which may arise in the event the City or any other public agency subsequently requires changes in or additions to plans or refuses to approve all or any part of permittee's improvements.
- g.** Agreement that the permittee shall, at the permittee's own expense, maintain the public improvements for a period of 24 months following issuance of a certificate of completion by the City Engineer, as assurance against defective workmanship or materials employed in such improvement.
- h.** Acknowledgment that the issuance of this permit in no way waives any requirements by the City or any other public agency which may be associated with the development of the land division.

- 6.** Any other conditions established by the Director of the Bureau of Transportation and or the City Engineer have been met.

17.24.035 Deposit Required.

Concurrent with making the permit application the party desiring the permit shall deposit a sum equal to one-half of the estimated cost of engineering and superintendence as determined by the Director of the Bureau of Transportation except that when a consultant does the design and survey the deposit shall be 20 percent of the estimated cost of engineering and superintendence. This deposit shall be determined by using the appropriate schedule of services found in Section 17.24.070. All deposits must be made prior to any design work being done by the consultant. In the event that no permit is issued for the proposed improvement within 1 year from the time design and plans are reviewed and completed, the City shall retain the amount of the deposit as compensation for the preparation of design and plans or efforts of review. In the event a permit is issued for the proposed improvement within 1 year from the time such design and plans are completed, the amount of the required deposit shall be applied to the cost of the permit fee for such improvements.

17.24.040 Refusal of a Public Improvement Permit.

- A.** A permit application for a public improvement shall be refused when the street grade has not been established, if street grade is applicable directly or indirectly to the proposed improvement, while a proposal to change the grade is pending

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before the Council, or after plans have been filed with the Council to improve the street.

- B.** The Director of the Bureau of Transportation may refuse a permit if in his/her judgment the proposed use or improvement:
 - 1.** Is not suitable in the circumstances,
 - 2.** Will not be uniform with existing or proposed street improvements in the immediate vicinity, or
 - 3.** Includes movement of earth from one portion of street to another.
- C.** The City Engineer delegates to the Chief Engineer of the Bureau of Environmental Services authority to refuse a permit or establish permit conditions for modification or repair of any nonconforming sewer or drainage systems within existing or proposed right-of-way.
- D.** The Director of the Bureau of Transportation may refuse to issue a permit hereunder unless the application is modified as the Director of the Bureau of Transportation may deem necessary. The Director of the Bureau of Transportation may require the addition of curbs if a sidewalk improvement is proposed. The Director of the Bureau of Transportation may require the addition of curbs or sidewalks or both if the proposed improvement is a street improvement. If the Director of the Bureau of Transportation finds that water main extensions are likely to be needed within 5 years after the completion of a street improvement, the Director of the Bureau of Transportation shall refuse issuance of a street improvement permit unless the water main extensions are provided before the completion of a proposed street improvement. If an application is made for a street improvement and the Director of the Bureau of Transportation finds that public service installations will be needed below the surface of the street or that sanitary or storm drainage is necessary or that underground facilities are needed for future street light installations, the Director of the Bureau of Transportation may refuse the application unless such installations are included within the proposal or are arranged to be completed prior to the completion of the proposed street improvement.

17.24.050 Contents of Permit.

- A.** Any permit issued for the construction of a public improvement or use of the street area may contain such conditions as the Director of the Bureau of Transportation finds appropriate in the public interest. The permit shall specify the kind of work and or use allowed by the permit. The date by which the work is

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to be completed or if the permit is for use of the street area the date the use shall cease if applicable.

- B.** The contents of the permit shall include but are not limited to the following items:
1. A requirement for proof of insurance in a form acceptable to the City Attorney.
 2. A requirement that the permittee shall be responsible for a 24-month quality assurance period following issuance of a certificate of completion.
 3. If the permit is for a local improvement a requirement for assurance of performance shall be required. If the permit is for a use of the street area the Director of the Bureau of Transportation may require an assurance of performance if he or she determines it is needed to protect the public interest.
 4. If the permit is for a local improvement a schedule setting forth when the permitted activity may begin and the date by which the work will be completed.
 5. A requirement that all stated fee's and charges or estimated fee's and charges have been paid and that the applicant will pay the balance of fee's and charges above the estimated cost prior to issuance of a certificate of completion.

17.24.055 Assurance of Performance.

- A.** Assurance of Performance shall be for a sum approved by the Director of the Bureau of Transportation as sufficient to cover 100 percent of the cost of design, superintendence, and construction of improvements authorized under permit. Such assurance may, at the discretion of the Director of the Bureau of Transportation, be in the form of separate assurances covering individual stages of a staged development or covering the installation of various individual improvements rather than a single assurance of performance covering 100 percent of the cost of all improvements to the entire land division. Deposits for engineering and superintendence as required by Title 17 or by Title 5 are in addition to the filing of such assurances of performance.
- B.** Assurance of performance for public improvements may be in one of the following forms as approved by the City Attorney:
1. Surety bond executed by a company authorized to transact business in the State of Oregon.

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2. Irrevocable letter of credit.
 3. Set-aside account
 4. Cash deposit.
 5. City Council passage of a LID Formation Ordinance for a local improvement district.
 6. Other forms as approved by the City Attorney.
- C. If an applicant for permit fails to carry out the provisions of the application for permit, or the permittee fails to carry out the provisions of the permit, and the City has unreimbursed expenses resulting from such failure, the City shall call on the assurance of performance for reimbursement. If the amount of the assurance of performance exceeds the expenses incurred by the City, it shall release the remainder. If the amount of the assurance for performance is less than the expenses incurred by the City, the applicant or permittee shall be liable to the City for the difference. Assurance of performance covering stages or portions of a total development may be released as such stage or portion is completed to the satisfaction of the Director of the Bureau of Transportation. Twenty percent of all funds deposited as assurance of performance will be retained through the maintenance or quality assurance period; other forms of assurance of performance shall contain written provisions for a similar guarantee through the maintenance period.

17.24.060 Permit Conditions.

(Amended by Ordinance No. 185397, effective July 6, 2012.) All work done in streets or other public places shall be done in the location approved by the Director of the Bureau of Transportation and in accordance with plans and specifications prepared or approved by the City Engineer. The permit may include conditions, and the conditions shall be binding upon the permittee (see Section 17.24.050). All work done shall be subject to the rejection or correction requirements of the City Engineer and subject to the final approval of the City Engineer. Any person or entity performing work in the street area shall:

- A. Begin the work promptly and diligently pursue the work until the work is completed;
- B. Upon completion of the work, make a written report to the Director of the Bureau of Transportation detailing the manner in which the work was executed, the location of the work and facilities, and other information regarding the work performed as the Director of the Bureau of Transportation may request. The report shall be certified as accurately depicting the horizontal and vertical

location, size and type of material of all facilities constructed. The plans need not include details of the nature of the facilities. These plans shall be submitted to the City within sixty (60) days after completion of construction. The Director of the Bureau of Transportation may establish the format of such reports.

- C.** When there are two or more curbs on the same side of the street centerline, lay all pipes, mains, sewers, conduits, lines, when the same are to run lengthwise in any street, at a distance at least 3-1/2 feet from the curb closest to the street centerline measuring toward the center of the street and at least 2 feet from the curb closest to the street centerline measuring to the outer edge of the street. All connections to the pipes, mains, sewers, conduits, and lines laying lengthwise in the street or to any lot shall be installed perpendicular to the curb. In cases where compliance with these regulations would cause unnecessary digging up of pavement, disruption of traffic, place a burden on the street system, or otherwise not be in the best interest of the public, the Director of the Bureau of Transportation may in his or her sole discretion permit and or require the laying of pipes, mains, sewers, conduits, lines, in a different location or manner;
- D.** Keep all stone, macadam, gravel or other pavement material separate from the excavated earth;
- E.** Refill any trench or hole that has been dug or opened in any street for the purpose of reaching or laying any sewer, gas, water or other pipe or main within 24 hours after laying or reaching the sewer, gas, water or other pipe or main, or as directed by the Director of the Bureau of Transportation, in the following manner:

 - 1.** If the street has not been improved with permanent pavement, the earth excavated from the hole or trench shall be refilled and thoroughly compacted until the grade of the roadway previously existing at such trench or hole is reached.
 - 2.** If the street has been improved with permanent pavement, the excavated area shall be refilled and compacted to the elevation of the bottom of the permanent pavement, which shall be re-laid compactly and made to conform to the grade, base and quality of the surrounding street pavement.
- F.** Erect appropriate traffic control devices and protective measures around the work site, and maintain warning lights or other warning devices as required by the Traffic Engineer at or around the work site during the hours between sunset and sunrise so that pedestrians and operators of vehicles may be duly warned of, and protected from the obstruction;
- G.** Install and maintain erosion control measures as directed by the Director of the Bureau of Transportation;

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- H.** Comply with any other directions given by the Director of the Bureau of Transportation.

17.24.067 Hazardous Substances.

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

- A.** “Utility corridor fill” means fill that:

- 1.** Meets the requirements of the City’s Standard Construction Specifications;
- 2.** May be handled without the need for monitoring of exposure to contaminants under the Oregon OSHA occupational standards for maintenance workers or the use of personal protection equipment above Level D as described in 29 CFR 1910.120;
- 3.** Meets the current DEQ definition of clean fill in OAR 340-093; and
- 4.** The concentrations of any contaminants of concern in the fill material are below the DEQ soil and sediment clean fill screening levels for terrestrial and upland use.

- B.** “Right-of-way access area” means:

- 1.** The area within a public right-of-way to a minimum depth of five feet below the final street and sidewalk grade and;
- 2.** Any additional depth or width necessary for maintenance of public or private infrastructure including but not limited to sewers, hydrants, meters, conduits and pole bases as required by the Director of the Bureau of Transportation.

- C.** “Contaminant barrier” means a visual and physical barrier that is of a material, construction and thickness sufficient to minimize transmission of hazardous substances present in the surrounding fill to the utility fill and provide a visual demarcation of the boundary of the utility fill as specified in the City’s standard construction specifications or as approved by the Director of the Bureau of Transportation with the concurrence of the Director of the Bureau of Environmental Services.

- D.** In addition to the requirements of this Chapter, permittees shall comply with applicable state and federal laws, regulations and orders concerning hazardous substances including but not limited to their use, storage, handling, disposal,

remediation, spill reporting and release reporting.

- E.** Except as provided in Subsection 17.24.067 H., all fill placed in the right-of-way access area as part of a project permitted under this Chapter shall be utility corridor fill.
- F.** Permittees shall excavate soil or fill that does not meet the definition of utility corridor fill that is encountered in the right-of-way access area during permitted work and replace it with utility corridor fill.
- G.** If the soil immediately outside of the right-of-way access area does not meet the definition of utility corridor fill, a contaminant barrier shall be placed between the utility corridor fill and surrounding fill.
- H.** On a site-specific basis, the Director of the Bureau of Transportation with the concurrence of the Director of the Bureau of Environmental Services may allow the placement of fill that does not meet the definition of utility corridor fill in the right-of-way access area.
- I.** If a permittee is required under state, federal or local law to report a spill or release of hazardous substances that occurs at, on, over, under or affects the public right-of-way, the permittee must the Bureau of Environmental Services Spill Prevention and Citizen Response Section within 24 hours of such a spill unless otherwise required by state, federal or local law.
- J.** If a permittee encounters contaminated media within the public right-of-way that poses an imminent threat to human health, the environment, or the waters of the State or requires the use of personal protective equipment above Level D to conduct the permitted work, the Permittee must notify the Director of Bureau of Transportation and Director of the Bureau of Environmental Services within two business days of encountering the contaminated media.

17.24.070 Engineering and Superintendence for Street and Transportation Facility Public Improvements.

- A.** The City Engineer shall:
 - 1.** Make all necessary surveys;
 - 2.** Mark all grades;
 - 3.** Prepare, fix, and prescribe all plans and specifications;
 - 4.** Provide engineering provisions and approvals;

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5. Test and evaluate all project materials and resources as required;
 6. Inspect and approve all work done. At the option of the City Engineer, Subsections 17.24.070 A.1., 2., and 3. above may be done by a professionally registered consulting engineer working under private contract with the permittee.
- B.** If a permittee, person, or agency seeks to have a public improvement constructed under contract in the name of the City, then the permittee shall be charged for engineering and superintendence services in an amount equal to the Director of the Bureau of Transportation estimate of the actual costs of such services in accordance with the provisions of Section 5.48.050. This fee shall be paid prior to the issuance of permittee's permit for public improvement.
- C.** If a permittee, person or agency seeks to have a public improvement constructed under private contract between the permittee and a contractor, or if the permittee desires to do the work personally or have it done under his or her direction, then the permittee shall be charged for engineering and superintendence services in an amount computed as follows below. This fee shall be paid prior to the issuance of permittee's permit for public improvements.
Engineering and superintendence fees:
1. City does design and survey - see Subsection 17.24.025 A.
 2. Consultant does design and survey - see Subsection 17.24.025 A.
 3. Consultant does design, City does survey - see Subsection 17.24.025 A. plus survey actual costs by authority of Section 5.48.030.
- D.** If the specifications or other contract documents are not strictly complied with or the work is not completed within the time specified in the permit, the Director of the Bureau of Transportation shall refuse to accept the work. If the work is refused by the Director of the Bureau of Transportation, it shall not thereafter be accepted unless corrected to conform to plans and specifications and unless approved by the City Council.

17.24.080 Work Done Under Permit.

- A.** All work done under and in pursuance of a permit shall be under the authorization of the Director of the Bureau of Transportation, who shall determine the details of the improvement and whose orders in regard to the improvement and the execution of the same shall be obeyed by the applicant for the permit and by the persons doing the work.

- B.** The Director of the Bureau of Transportation shall have the authority to refuse issuance of permits for work within the street right of way to any Person until the requirements of permits previously issued are complied with. This authority includes, but is not limited to, denial of a permit when the applicant is delinquent in payment of fees or City charges for work performed for the applicant by the City or when the applicant has failed to complete work on any previously issued permit or permits.

17.24.085 Original Documents Become the Property of the City.

Any and all plans, specifications, survey notes or other original documents as required by the Director of the Bureau of Transportation that were either prepared for or produced during the design or construction of a public improvement, become the property of the City and shall be delivered to the Director of the Bureau of Transportation prior to acceptance of the improvement by the City Engineer.

17.24.090 Certificate by City Engineer.

During the course of construction and prior to the issuance of a certificate of completion for a public improvement under this Chapter, the City Engineer shall inspect the improvement and determine if the various kinds of work performed are in compliance with the plans, specifications and allowances of the permit as to quality of workmanship. Furthermore, the City Engineer shall check the improvement for alignment, proper computation of quantities and conformance with the established grade. If all of the work required is completed and done to the satisfaction of the City Engineer, the City Engineer shall give a certificate therefor to that effect and that the improvement is accepted, if done within the completion date, as hereinabove set forth, and within recorded public right of way and easements. Otherwise, the acceptance may be made by the Council on the certification of conformity to Code provisions and proper grades filed by the City Engineer.

17.24.100 Street Pavement Preservation.

After any street has been constructed, reconstructed, or paved by City forces, under City contract, or under permit, the pavement surface shall not thereafter be cut or opened for a period of 5 years.

The Director of the Bureau of Transportation may grant exemptions to this prohibition in order to facilitate development on adjacent properties, provide for emergency repairs to subsurface facilities, provide for underground service connections to adjacent properties or allow the upgrading of underground utility facilities.

When granting exceptions to this regulation, the Director of the Bureau of Transportation may impose conditions determined appropriate to insure the rapid and complete restoration of the street and the surface paving. Repaving may include surface grinding, base and sub-base repairs, or other related work as needed, and may include up to full-width surface paving of the roadway.

In addition to the street opening permit, any person who is required to partially or fully

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repave a street shall obtain a street improvement permit and be responsible for the full cost of plan review, construction inspection, material testing, bonding, and all other City expenses related to the work.

If the Director of the Bureau of Transportation determines that final repaving of the street is not appropriate at that particular time for reasons relating to weather or other short term problems, the Director of the Bureau of Transportation may grant a delay until proper conditions allow for repaving.

17.24.105 Regulations Governing Excavations and Disturbance of Pavement on Transit Mall

A. Definitions.

- 1.** For the purposes of this Section the Transit Mall is defined as Fifth Avenue and Sixth Avenue from the south line of SW Jackson Street to the north line of NW Irving Street, NW Irving Street from the west line of NW 5th Avenue to the east line of NW 6th Avenue and SW Jackson Street from the west line of SW Fifth Avenue to the east line of SW 6th avenue.
- 2.** Transit Mall Pavement is defined as all surface paving including the curb and any below grade slab or structural element supporting the surface paving located between the curb lines of the Transit Mall.
- 3.** Emergency for the purpose of this section means an unanticipated failure of an existing facility that creates a public hazard or an interruption of service to subscribers or customers that cannot be resolved using other routes or facilities.

B. No person shall undertake any excavation nor disturb the Transit Mall Pavement except as provided below.

- 1.** Maintenance of the brick pavers, curbs, transit way or asphalt pavement by the City or TriMet.
- 2.** In order to provide for repairs to subsurface facilities made necessary by an emergency.
- 3.** In order to provide a utility service connection to an adjacent property when the utility can demonstrate to the satisfaction of the Director of the Bureau of Transportation that there is no alternative means of providing service to the property.
- 4.** The Director of the Bureau of Transportation may allow a public utility to excavate the transit mall pavement for,

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- a. replacement of an underground facility that has reached the end of its useful life or,
 - b. system expansion necessary to meet the public utilities obligation to serve its customers if, in the opinion of the Director of Transportation, the public utility has adequately demonstrated that no alternative location or means of providing service can adequately meet that need. The cost of providing service from an alternative location or alternative means shall not be a consideration in the Director of Transportation's decision.
 - 5. The Director of the Bureau of Transportation may require that an applicant requesting to do work under the provisions of Subsection 17.24.105 B.4. provide the Director a minimum of two years advance notice of the need to replace or expand facilities to allow for coordination with any planned major maintenance work to be performed by TriMet, the Portland Bureau of Transportation or another utility with permission to operate within the City of Portland.
- C. When granting permits to excavate or disturb Transit Mall pavement , the Director of the Bureau of Transportation will impose conditions determined appropriate to insure the rapid and complete restoration of the Transit Mall Pavement to the originally constructed pavement section and surfacing.
 - 1. Any person who is required to reconstruct Transit Mall Pavement shall provide engineered plans detailing how the work will be done and the Transit Mall pavement will be restored. The permittee shall be responsible for the full cost of the reconstruction. Full cost includes any City fee's and charges including but not limited to plan review, construction inspection, traffic mitigation, material testing, and all other expenses related to the work incurred by the Portland Bureau of Transportation.
 - 2. If the Director of the Bureau of Transportation determines that final restoration of the Transit Mall pavement is not appropriate at that particular time for reasons relating to weather or other short term conflict, the Director of the Bureau of Transportation may grant or order a delay until proper conditions allow for the restoration to occur.

17.24.110 Record of Permits.

The Director of the Bureau of Transportation shall keep a record of improvements under permit and the issuance of permits under this Chapter, and the date of certificate of approval and acceptance if made.

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17.24.120 Removal of Improvement.

In the event the Director of the Bureau of Transportation or the City Council does not accept an improvement made pursuant to permit under this Chapter within 1 year after completion and tender for approval, then the permittee shall remove the same and restore the public area to its prior condition at the permittee's own expense, whenever and to the extent directed by the Director of the Bureau of Transportation.

17.24.130 Preservation of Cobblestones.

- A.** As used in this Section, “permit” means a valid permit issued under Section 17.24.010 and “permittee” means a person to whom a permit is issued, or if no permit is required, the person undertaking the work.
- B.** Cobblestones, also referred to as Belgian building or paving blocks, located in streets of the City are City property and remain City property notwithstanding their excavation by a permittee.
- C.** It is the duty of the Bureau of Transportation to make available to the permittee a copy of the regulations authorized by this Section.
- D.** A permittee shall preserve for delivery to the City quantities of 150 or more cobblestones displaced by excavations of City streets. A report of the number and location of the cobblestones shall be sent to the Bureau of Parks, Operations Division, and permittee shall deliver the cobblestones to a site as directed by the Bureau of Parks. The Commissioner of the Bureau of Parks hereby is delegated authority to issue additional regulations providing for the preservation of cobblestones excavated from City street areas.
- E.** At the request of the Portland Historical Landmarks Commission, but not less than once annually, the Bureau of Parks shall advise the Commission of the number of cobblestones then being stored. The deployment of stored cobblestones shall be determined by the Portland Historical Landmarks Commission (and/or recommended to the City Council). Criteria for deployment shall be established by the Commission.