

UPDATE INFORMATION

Vols. I & II – Portland City Code

December 31, 2017 – Quarterly Update

Retain this page to document what update was last applied to your books.

How to download Code update packets and/or Code Titles:

1. Go to <http://www.portlandoregon.gov/efiles>
2. Search for **City Code Folder version** and under SORT BY check Descending.
3. Locate quarter you want and click on the plus sign to see the available update packet and/or Code Title(s).
4. Click on the Title field for the item you want and when new page opens click Download button.

Contact the Auditor's Office Council Clerk/Contracts
Section if you have questions: 503-823-4082.

Previous Update Packet September 30, 2017

CODE OF THE CITY OF PORTLAND, OREGON
Insertion Guide for Code Revisions
Office of the City Auditor 503-823-4082
4th Quarter 2017 (December 31, 2017)

TITLE	REMOVE OLD PAGES	INSERT NEW PAGES	NEXT PAGE IS
3	Table of Contents	Table of Contents	1
	3 – 6	3 – 6	7
	283	283 – 287	End of Title
11	1 - 98	1 - 100	End of Title
14	Table of Contents	Table of Contents	1
	7 - 179	7 - 180	End of Title
16	49 – 50	49 – 50	51
	61 - 62	61 – 62	63
24	3 - 12	3 - 12	13
	23 - 24	23 - 24	25
	77 - 82	77 - 82	83
25	5 - 14	5 - 14	15
26	17 - 18	17 - 18	19
27	3 – 4	3 - 4	5
	11 - 14	11 - 14	15
30	9 - 12	9 – 12	13
32	Table of Contents	Table of Contents	1
	1 - 94	1 - 94	End of Title

TITLE 3 - ADMINISTRATION

TABLE OF CONTENTS

Chapter 3.02	COUNCIL ORGANIZATION AND PROCEDURE
3.02.010	Council Meetings.
3.02.020	Special Meetings.
3.02.025	Attendance by Electronic Communication.
3.02.030	Entry of Documents on Agenda.
3.02.035	Ordinance Wording.
3.02.036	Consent Agenda.
3.02.037	Time Certain Agenda.
3.02.040	Rules of the Council.
3.02.050	Authority to Adopt Rules, Procedures and Forms.
3.02.060	Rules of Conduct at City Council Meetings, Ejection and Exclusion.
Chapter 3.04	SUBPOENA POWERS
3.04.010	Legislative Subpoena Power.
3.04.020	Administering Oaths to Witnesses.
3.04.030	Enforcement of Legislative Subpoena.
Chapter 3.05	CITY AUDITOR'S AUDIT SERVICES DIVISION
3.05.010	Independence.
3.05.020	Scope of Audits.
3.05.030	Annual Audit Plan.
3.05.035	Special Audits.
3.05.040	Access to Records and Property.
3.05.045	Confidential Information.
3.05.050	Bureau Response.
3.05.060	Audit Reports.
3.05.065	Report of Irregularities.
3.05.070	Contract Auditors, Consultants and Experts.
3.05.080	External Quality Control Review.
Chapter 3.06	DEPARTMENTS, BUREAUS AND DIVISIONS GENERALLY
3.06.010	Departments Enumerated.
3.06.020	Bureaus and Divisions.
3.06.030	Acting Chief of Bureau or Office.
Chapter 3.08	TREASURER
3.08.010	Office.
3.08.020	Salary - Bond.
3.08.030	Duties of City Treasurer.
3.08.040	Treasurer Authorized to Deposit in Banks.
3.08.050	Liability of Treasurer for Deposit of Funds.
3.08.060	Council May Require Additional Security from Banks.

3.08.070	City Officers or Agents to Pay Money to the City Treasurer.
Chapter 3.10	OFFICE OF CITY ATTORNEY
3.10.010	Office of City Attorney.
3.10.030	Duties.
3.10.040	Chief Deputy City Attorney.
3.10.050	Records.
3.10.060	Attorney-Client Relationship.
3.10.070	Settlements.
3.10.080	Outside Counsel Conflicts of Interest.
Chapter 3.12	BUREAU OF TRANSPORTATION
3.12.010	Organization.
Chapter 3.13	BUREAU OF ENVIRONMENTAL SERVICES
3.13.010	Purpose.
3.13.020	Organization.
3.13.030	Mission.
3.13.040	Administrative Rules and Procedures.
3.13.050	Permitting Authority.
Chapter 3.15	OFFICE OF MANAGEMENT AND FINANCE
3.15.010	Organization.
3.15.020	Bureau of Internal Business Services.
3.15.030	Business Operations Division.
3.15.040	Bureau of Revenue and Financial Services.
3.15.050	Bureau of Human Resources.
3.15.070	Bureau of Technology Services.
3.15.080	Enterprise Business Solution Division.
Chapter 3.16	CITY BUDGET OFFICE
3.16.010	Organization.
3.16.020	Authority of Council.
Chapter 3.18	RULES OF CONDUCT FOR CITY PROPERTY
3.18.010	Designation of Persons-in-Charge.
3.18.020	Rules of Conduct at City Property.
3.18.030	City Property Exclusions.
Chapter 3.20	BUREAU OF POLICE
3.20.010	General Organization.
3.20.020	Council to Organize and Make Rules and Regulations.
3.20.030	Authority of Chief of Police.
3.20.040	Duties of the Chief of Police.
3.20.050	Subordinate Officers.
3.20.070	Fees to be Paid Over to Treasurer.

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

Chapter 3.21

CITY AUDITOR'S INDEPENDENT POLICE REVIEW

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

Chapter 3.22

PORTLAND FIRE & RESCUE

- 3.22.010 General Organization.
- 3.22.020 Organized by Council - Subject to Civil Service.

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

Chapter 3.24

PORTLAND WATER BUREAU

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

Chapter 3.26

BUREAU OF PARKS

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

Chapter 3.27

PORTLAND PARKS AND RECREATION BOARD

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

Chapter 3.28

BUREAU OF HEALTH

3.28.010	Transfer of Functions.
----------	------------------------

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

Chapter 3.30

BUREAU OF DEVELOPMENT SERVICES

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

Chapter 3.33

BUREAU OF PLANNING AND SUSTAINABILITY

3.33.010	Purpose.
3.33.020	Organization.
3.33.030	Functions.

Chapter 3.36

PORTLAND HOUSING BUREAU

3.36.010	Purpose.
3.36.020	Organization.
3.36.030	Functions.

Chapter 3.38

PORTLAND HOUSING ADVISORY COMMISSION (PHAC)

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

Chapter 3.46

BUREAU OF INSECT CONTROL

3.46.010	County to Perform Duties.
----------	---------------------------

Chapter 3.54	LOSS CONTROL AND PREVENTION
3.54.010	Definitions.
3.54.020	OMF Risk Management Division Responsibility and Authority.
3.54.030	Bureau Responsibility and Authority.
3.54.040	Loss Control and Prevention Advisory Committee - Responsibility and Authority.
Chapter 3.62	BOXING COMMISSION
3.62.010	Certain City Officials to Render Certain Services.
Chapter 3.67	PERFORMING ARTS ADVISORY COMMITTEE
3.67.010	Creation and Organization.
3.67.020	Procedure and Rules of Committee.
3.67.030	Duties.
Chapter 3.68	FORMAL JAPANESE GARDEN COMMISSION
3.68.010	Created.
3.68.020	Powers and Duties.
3.68.030	Meetings.
3.68.040	Officers.
3.68.050	Rules - Quorum.
3.68.060	Vacancy - Removal.
Chapter 3.70	PITTOCK MANSION ADVISORY COMMISSION
3.70.010	Created - Terms.
3.70.030	Special Committees and Services.
3.70.050	Officers.
3.70.060	Rules - Quorum.
3.70.070	Vacancy.
Chapter 3.72	COMMITTEE ON CLAIMS
3.72.010	Created - Members - Meetings.
3.72.020	Presentation of Claims.
3.72.030	Consideration of Claims Not Covered by Insurance.
Chapter 3.74	OATHS OF OFFICE
3.74.010	Persons Required to Take Oath.
3.74.020	Form of Oath for Mayor, Commissioner and Auditor.
3.74.030	Form of Oath for Other Officer or Employee.
Chapter 3.76	PUBLIC RECORDS
3.76.010	Definitions.
3.76.020	Purpose.
3.76.030	Archives and Records Management Program Creation and Administration.
3.76.040	Authority and Duties of the Archives and Records Management Program.
3.76.050	Duties of Elected Officials and the Managers of City Agencies.

- 3.76.060 Care of Records.
- 3.76.070 Destruction of Records.
- 3.76.080 Use of Copies.
- 3.76.090 Public Access to Records.

Chapter 3.77

OFFICE OF THE OMBUDSMAN

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

Chapter 3.78

ACQUISITION OF COUNTY PROPERTY FOR PARK PURPOSES

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

Chapter 3.80

SPECIAL PERMITS

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

Chapter 3.82

OFFICER AND EMPLOYEE BONDS

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

Chapter 3.84	CITY OWNED MOTOR VEHICLE ACCIDENT REPORTS
3.84.010	Filing of Accident Report.
3.84.020	Form of Report.
3.84.030	Repair Shop Report.
3.84.040	Repair.
3.84.050	Billing of Charges.
Chapter 3.86	GOLF ADVISORY COMMITTEE
3.86.010	Created - Organization.
3.86.020	Procedure and Rules.
3.86.030	Duties.
Chapter 3.88	INVESTMENT ADVISORY COMMITTEE
3.88.010	Created - Organization.
3.88.020	Procedure and Rules.
3.88.030	Duties.
Chapter 3.96	OFFICE OF NEIGHBORHOOD INVOLVEMENT
3.96.010	Purpose.
3.96.020	Definitions.
3.96.030	Neighborhood Associations.
3.96.040	Functions of District Coalitions.
3.96.050	Responsibility of City Agencies.
3.96.060	Responsibilities of the Office of Neighborhood Involvement.
Chapter 3.98	TOWING BOARD OF REVIEW
3.98.010	Created - Organization.
3.98.020	Procedure and Rules.
3.98.030	Staff.
3.98.040	Contracts - Rates.
3.98.050	Eligibility.
3.98.060	Powers of Board.
3.98.080	Appeals.
Chapter 3.99	FAIR WAGE POLICIES
3.99.005	Policy.
3.99.010	Covered Services and Agreements.
3.99.015	Compliance.
3.99.020	Adjustments.
3.99.030	Documentation of Fair Wage in Contracts.
Chapter 3.100	EQUAL OPPORTUNITY
3.100.005	City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights.
3.100.030	Contractor Equal Employment Opportunity Program.
3.100.041	Contracts with City.

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

**Chapter 3.101 PROPERTY TAX EXEMPTION FOR LOW INCOME HOUSING
HELD BY CHARITABLE NON-PROFIT ORGANIZATIONS**

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

**Chapter 3.102 PROPERTY TAX EXEMPTION FOR NEW CONSTRUCTION OF
SINGLE-UNIT HOUSING IN HOMEBUYER OPPORTUNITY
AREAS**

3.102.010	Purpose.
3.102.020	Definitions.
3.102.030	Benefit of the Exemption; Annual Maximum Number of Exemptions.

3.102.040	Exemption Requirements.
3.102.050	Application Review and Approval.
3.102.060	Compliance.
3.102.080	Termination of the Exemption.
3.102.090	Implementation.
Chapter 3.103	PROPERTY TAX EXEMPTION FOR MULTIPLE-UNIT HOUSING DEVELOPMENT
3.103.010	Purpose.
3.103.020	Definitions.
3.103.030	Benefit of the Exemption; Annual Maximum Exemption Amount.
3.103.040	Program Requirements.
3.103.050	Application Review.
3.103.060	Application Approval.
3.103.070	Rental Project Compliance.
3.103.080	For-Sale Unit Compliance.
3.103.100	Termination of the Exemption.
3.103.110	Implementation.
Chapter 3.106	EXPOSITION-RECREATION COMMISSION
3.106.010	Commission Action.
3.106.020	Filing Copies of Resolutions with City Auditor.
3.106.030	Council Review.
3.106.040	Exposition - Recreation Commission Action Not Subject to Council Review.
3.106.050	Council Initiation of Exposition - Recreation Commission Action.
3.106.060	Amendment, Repeal or Alterations of Resolutions by Council.
Chapter 3.107	WATER QUALITY ADVISORY COMMITTEE
3.107.010	Created - Appointments.
3.107.020	Duties.
3.107.030	Meetings.
3.107.040	Chairperson.
3.107.050	Rules - Quorum.
3.107.060	Staff.
Chapter 3.110	BUREAU OF HYDROELECTRIC POWER
3.110.010	Creation and Function.
3.110.020	Jurisdiction.
Chapter 3.114	OFFICE FOR COMMUNITY TECHNOLOGY
3.114.010	Creation.
3.114.020	Functions.
3.114.030	Jurisdiction.
3.114.040	Policy.
3.114.050	Administration.

Chapter 3.115	MT. HOOD CABLE REGULATORY COMMISSION
3.115.010	Definitions.
3.115.020	Cable Regulatory Commission.
3.115.030	General Powers & Duties.
3.115.040	Portland Community Media.
3.115.060	Annexations.
3.115.070	Cable Television Consumer Protection.
3.115.080	Definitions.
3.115.090	Local Office and Office Hours.
3.115.100	Telephone Answering Standard.
3.115.110	Installations, Disconnections, Outages And Service Calls.
3.115.120	Notice Requirements.
3.115.130	Billing.
3.115.140	Reporting.
Chapter 3.116	WATERWAYS ADVISORY COMMITTEE
3.116.010	Created - Organization.
3.116.020	Procedures and Rules.
3.116.030	Duties.
Chapter 3.122	ECONOMIC IMPROVEMENT DISTRICTS
3.122.010	Purpose.
3.122.020	Definitions.
3.122.030	Council Control.
3.122.040	Statutory Provisions Applicable.
3.122.050	Preliminary Institution of Economic Improvement District
3.122.060	Final Plan and Ordinance Preparation.
3.122.070	Consideration of Final Plan and Ordinance.
3.122.080	Notice to Owners.
3.122.090	Exemption Process.
3.122.100	Hearing and Resolution Establishing District.
3.122.110	Preparation and Notice of Assessments.
3.122.120	Hearing on Assessments.
3.122.130	Amendments to Ordinance.
3.122.140	Limitation on Assessments.
3.122.150	Limitation on Boundaries.
3.122.160	Continuation of Assessments.
3.122.170	Expenditure of Moneys.
3.122.180	Cost of Administration.
3.122.190	Limitation on Expenditures.
3.122.200	Administration
3.122.210	Early Termination.
3.122.220	Surplus.
3.122.230	Entry and Collection of Assessments.

Chapter 3.123	PORTLAND UTILITY BOARD
3.123.010	Created - Purpose.
3.123.020	Scope.
3.123.030	Membership.
3.123.040	Appointments - Composition.
3.123.050	Terms.
3.123.060	Standing Committees.
3.123.070	Staffing.
3.123.080	Meeting Schedule.
3.123.090	By-Laws.
3.123.100	Annual Report and Work Session.
Chapter 3.124	PORTLAND BUREAU OF EMERGENCY MANAGEMENT
3.124.010	Definitions.
3.124.020	Portland Bureau of Emergency Management.
3.124.030	Purpose.
3.124.040	Organization.
3.124.050	Director's Powers and Duties.
3.124.060	Staff and Delegation.
3.124.070	Neighborhood Emergency Team Program.
3.124.080	Neighborhood Emergency Teams.
3.124.090	Neighborhood Emergency Team Leaders.
Chapter 3.125	DISASTER POLICY COUNCIL
3.125.010	Disaster Policy Council.
3.125.020	Duties.
3.125.030	Membership.
3.125.040	Procedures.
3.125.050	Staff Support to Disaster Policy Council.
Chapter 3.126	EMERGENCY MANAGEMENT STEERING COMMITTEE
3.126.010	Emergency Management Steering Committee.
3.126.020	Duties.
3.126.030	Membership.
3.126.040	Staff Support to the Emergency Management Steering Committee.
Chapter 3.127	BUREAU OF PORTLAND FIRE AND POLICE DISABILITY AND RETIREMENT
3.127.010	Bureau of Portland Fire and Police Disability and Retirement.
3.127.020	Purpose.
3.127.030	Organization.
3.127.040	Director's Powers and Duties.
3.127.050	Staff and Delegation.
Chapter 3.128	OFFICE OF EQUITY AND HUMAN RIGHTS
3.128.010	Creation and Organization.

3.128.020	Purpose.
3.128.030	Director's Powers and Duties.
3.128.040	Administrative Rulemaking Procedures.
Chapter 3.129	HUMAN RIGHTS COMMISSION
3.129.010	Staffing and Membership.
3.129.020	Mission.
3.129.030	Jurisdiction.
Chapter 3.130	ADMINISTRATIVE APPEALS
3.130.010	Definitions.
3.130.020	Timely and Adequate Notification of Right to Appeal Required.
Chapter 3.131	NEW PORTLANDERS POLICY COMMISSION
3.131.010	Mission.
3.131.020	Membership and Staffing.
3.131.030	Purpose.
3.131.040	Organization and Meetings.
Chapter 3.133	RENTAL SERVICES COMMISSION (RSC)
3.133.010	Rental Services Commission Established.
3.133.020	Mission.
3.133.030	Duties.
3.133.040	Membership.
3.133.050	Meetings.
3.133.060	Quorum.
3.133.070	Chairperson.
3.133.080	Committees.
3.133.090	Staffing.
3.133.100	Cooperation.

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

3.02.025 Attendance by Electronic Communication.

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

- A.** An emergency exists such that failure to allow participation of City Council members by electronic communication would jeopardize the public interest, health, safety or welfare.
- B.** Prior to commencement of the meeting, the Auditor or designate shall make reasonable efforts to notify all City Council members who are expected to be unable to be physically present at the location of the meeting in order to give them an opportunity to participate by electronic communication.
- C.** At the commencement of the meeting, the Council shall make a record of the circumstances constituting the emergency which requires use of electronic communication and a record of the nature and extent of the attempts made to give

TITLE 3 ADMINISTRATION

each physically absent Council member an opportunity to participate by electronic communication. After making this record, the Council shall give an opportunity to all those physically present at the meeting to state on the record any objection they have to conducting the meeting by electronic communication.

- D.** Except for an executive session, the Council shall make available at least one place where the public entitled to attend the meeting can listen to the communication at the time it occurs by speakers or other devices. The place provided may be a place where no members of the Council are present. All other requirements of state law and City Code concerning the conduct of meetings by electronic communication shall be met.

3.02.030 Entry of Documents on Agenda.

(Amended by Ordinance Nos. 165402, 166314, 170834, 177787, 182515, 185877 and 188719, effective December 13, 2017.)

- A.** Notice and Filing of Documents. The City Auditor shall post on the City's website and distribute electronically to interested persons, at least 24 hours before each meeting, a summary of matters to come before the Council at the next meeting. The summary shall be known as the Portland City Council Agenda. Documents for inclusion on the Agenda shall be filed in the Office of the City Auditor before 12:00 p.m. each Tuesday of the week preceding the Council meeting except when otherwise required due to the date of a legal holiday. In this event, the Auditor shall give notice to all bureaus of the revised time for filing agenda items.
- B.** The Order of Business on the Council Agenda. Items of Council business shall be heard in the following order:
- 1.** Communications from the public or governmental jurisdictions other than City.
 - 2.** Time Certain matters.
 - 3.** Consent Agenda.
 - a.** Reports of City Officers;
 - b.** Reports from Committees or Commissions;
 - c.** Matters submitted by Order of Council, a Committee of Council or by two or more Council members;
 - d.** Items introduced by and identified as such from:
 - (1)** The Mayor;

TITLE 3 ADMINISTRATION

(2) The Commissioners, in order of position. Beginning January 1 of every year, items introduced by the Commissioner in Position No. 1 shall be placed first, followed by the Commissioner in Position No. 2, then the Commissioner in Position No. 3, then the Commissioner in Position No. 4. The order of placement shall be modified on the first day of each subsequent calendar quarter so that items introduced by the Commissioner whose Position number was first in order in the previous calendar quarter are placed last in order; and

(3) The City Auditor.

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

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

C. Schedule of Council items.

1. The Auditor's Office has the discretion to schedule items in a manner making the best use of Council time including consolidating all of the Council's business into one session. Generally, business items including purchases, contracts, personnel actions, budgetary matters, franchises, claims, nuisances, street vacations, local improvements, permits and similar actions will be presented at the Wednesday 9:30 a.m. meeting.
2. Appeals and hearings of land use matters which require notification under the Planning and Zoning Code will generally be scheduled at the recessed meeting. on Wednesday unless otherwise announced.
3. Any item of business which is expected to require considerable testimony and/or Council discussion may be filed for consideration at the Wednesday or Thursday sessions and may be the only item to be heard, if the Auditor so determines.
4. The Auditor may shift matters listed for presentation on Thursday to the following Wednesday if, due to items being withdrawn, there are insufficient items to merit holding a Thursday session. Notice shall be placed on the council Chamber door stating the reschedule date and time.
5. Matters not appearing on the Agenda may be considered by the Council under suspension of rules at any session.

TITLE 3 ADMINISTRATION

6. The Auditor shall prepare a supplementary Agenda which shall be designated and known as the Four-Fifths Agenda, which shall contain a summary of matters filed in his or her office not later than 5:00 p.m. on the preceding Tuesday for consideration at either the following Wednesday or Thursday session. All documents filed with the Auditor intended for the Four-Fifths Agenda shall be initialed by four members of the Council or their representatives, as designated in Section 3.02.040 D.2.
7. Matters ordered by the Council to be considered at a special time other than the listed sessions shall be considered at the special time as directed by the Council. Council members may direct that special items be listed for meetings other than those specified above.

3.02.035 Ordinance Wording.

- A. Ordinance exhibits.
 1. If the directive portion of an ordinance refers to an exhibit, unless the ordinance directs otherwise, the following language is understood to follow; to wit “said exhibit is by this reference incorporated as if set out verbatim.”
 2. Unless the ordinance directs otherwise, the Auditor shall determine when a copy of an exhibit is to be provided with a copy of the ordinance.
- B. Appropriation designation. The budget ordinance makes the annual appropriation and defines the level of accounting control. When the directive section of an ordinance includes a reference to an appropriation, the ordinance shall control the appropriation at the same accounting level in the original budget ordinances. These appropriations are subject to the limitations on specific appropriations or types of expenditure stated in the budget ordinance. The designation of an appropriation in an ordinance by subaccount below the level of control may be adjusted administratively without an amending ordinance provided there is no change in the appropriation at the level of control, unless the ordinance directs otherwise.

3.02.036 Consent Agenda.

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

- A. Those who file documents for inclusion on the Council Agenda shall clearly designate such items as “Consent” or “Regular” Agenda. The Council Agenda shall clearly distinguish Consent from Regular Agenda items. The Auditor shall make an appropriate designation if none is assigned.
- B. The Consent Agenda may include any matter for Council consideration except:
 1. Appeals of land use decisions or other land use matters requiring a hearing under City Charter or State law;

**TITLE 3
ADMINISTRATION**

- B.** Facilitate constructive working partnerships between City leaders and newcomer community leadership.
- C.** Provide a forum for setting integration goals between City bureaus and community organizations.
- D.** Provide technical support and policy advice to City Council offices and City bureaus.
- E.** Serve as a consultant and advocate to local, state and federal agencies on policies impacting immigrant and refugee communities, as capacity allows.
- F.** Provide a report to City Council on policy and practice outcomes on an annual basis.
- G.** Engage in the City's annual budget process.

3.131.040 Organization and Meetings.

The Commission shall adopt bylaws and rules of procedure, and specify procedures for public testimony. The Commission shall elect each year a Chair or Co-Chairs and such other officers as the Commission may from time to time establish. The Commission shall meet at least quarterly, and may meet more often. The Commission Chair(s), in consultation with the Commissioner-in-Charge and the Director of the Bureau staffing the New Portlanders program, or their designee, shall set the agenda for Commission meetings.

TITLE 3 ADMINISTRATION

CHAPTER 3.133 - RENTAL SERVICES COMMISSION (RSC)

(Chapter added by Ordinance No. 188633, effective
October 4, 2017.)

Sections:

- 3.133.010 Rental Services Commission Established.
- 3.133.020 Mission.
- 3.133.030 Duties.
- 3.133.040 Membership.
- 3.133.050 Meetings.
- 3.133.060 Quorum.
- 3.133.070 Chairperson.
- 3.133.080 Committees.
- 3.133.090 Staffing.
- 3.133.100 Cooperation.

3.133.010 Rental Services Commission Established.

There is established in the City of Portland, the Rental Services Commission (RSC). The RSC is designated as the primary public forum for discussion of landlord-tenant housing regulation and programs in the City of Portland.

3.133.020 Mission.

The mission of the RSC is to advise the Director of the Portland Housing Bureau (PHB), the Housing Commissioner, and the Portland City Council on issues related to landlord-tenant housing regulation and programs, and to provide a forum for public input on the rental housing market.

3.133.030 Duties.

The RSC is delegated to carry out the following functions:

A. Landlord-Tenant Policy Initiatives

1. Advise PHB on landlord-tenant policy issues and initiatives
2. Provide feedback and recommendations on landlord-tenant policy initiatives and policy changes

B. Landlord-Tenant Regulation and Programs

1. Advise PHB on landlord-tenant regulation and programs
2. Monitor PHB landlord-tenant regulation and programs

**TITLE 3
ADMINISTRATION**

3. Advise PHB on the effectiveness of landlord-tenant regulation and programs.
4. Recommend improvements to PHB's landlord-tenant regulation and programs
5. Recommend annual performance goals for PHB's landlord-tenant regulation and programs

C. Budget

1. Advise the Portland Housing Advisory Commission (PHAC), the Housing Commissioner, and City Council on the budget for PHB's landlord-tenant regulation and programs
2. Provide feedback on landlord-tenant funding priorities

D. Community Involvement

1. Provide an inclusive forum for the community's discussion of its landlord-tenant housing needs and priorities
2. Assist PHB in strengthening community partnerships

3.133.040 Membership.

- A. The RSC shall consist of at least 7 members and no more than 13 members.
- B. The Housing Commissioner shall appoint all members.
- C. The Housing Commissioner may designate a staff representative to serve as a non-voting ex officio member.
- D. Membership appointment shall take into account the socio-economic, gender, racial, ethnic, cultural, and geographic diversity of the City of Portland.
- E. Membership appointment shall achieve a balanced citizen-based perspective encompassing knowledge of fair housing, rent-regulated and market-rate rental housing, landlord-tenant law, property management, renter-owner advocacy, rental housing access, and rental housing health & safety.
- F. Members shall not simultaneously serve on the PHAC and the RSC.
- G. For the initial appointments to the RSC, the following terms will apply: five to seven members shall be appointed for a term of 2 years; and six to eight members for a term of 3 years.

TITLE 3

ADMINISTRATION

- H.** All subsequent appointments to the RSC shall be for terms of 2 years.
- I.** Members shall be eligible to renew their appointment at the discretion of the Housing Commissioner.
- J.** The Housing Commissioner may rescind the appointment of a member if the duties and responsibilities of appointment are not being fulfilled.
- K.** Members shall serve without compensation.
- L.** PHB may approve the reimbursement of reasonable expenses of the appointed members that are incurred while a member is fulfilling authorized duties of the RSC.
- M.** The RSC shall adopt necessary bylaws and rules of procedure for the governance of its proceedings.

3.133.050 Meetings.

The RSC will hold regularly scheduled meetings at least every 2 months, at a schedule established by the RSC.

3.133.060 Quorum.

Quorum shall be defined as one-half plus one of all appointed members. A quorum shall be necessary for the RSC to take any action. Actions of the RSC shall be passed upon a majority vote of the members present.

3.133.070 Chairperson.

A chairperson shall be selected from the appointed members by the Housing Commissioner.

3.133.080 Committees.

- A.** The RSC will have the following standing committees, whose membership shall be determined by the Chairperson and the Housing Commissioner:
 - 1.** Executive Committee
 - 2.** Bylaws and Rules Committee
- B.** The RSC may create non-standing committees and task forces to address issues within the parameters of the RSC's duties and responsibilities.

3.133.090 Staffing.

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

3.133.100 Cooperation.

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

TITLE 11 - TREES

(Title 11 added by Ordinance No. 184522; Amended by Ordinance Nos. 185448, 185654 and 186053, effective January 1, 2015.)

TITLE 11 TREES

CHAPTER 11.05 - LEGAL FRAMEWORK AND RELATIONSHIPS

Sections:

11.05.010	Purpose.
11.05.020	Official Name.
11.05.030	Authority.
11.05.040	Where This Title Applies.
11.05.050	Other City, Regional, State and Federal Regulations.
11.05.100	Severability.
11.05.110	Liability.

11.05.010 Purpose.

- A.** The Tree Code is one of the implementation measures of the Urban Forest Plan. Together with education and other initiatives, these regulations protect the health, safety, and general welfare of the citizens of Portland and are consistent with other plans and policies of the City. In so doing, the appearance of the City is enhanced and important ecological, cultural, and economic resources are protected for the benefit of the City's residents and visitors.
- B.** The chapters within this Title address trees in both development and non-development situations and seek to enhance the quality of the urban forest and optimize the benefits that trees provide. Desired tree benefits include:
 - 1.** Providing oxygen and capturing air pollutants and carbon dioxide;
 - 2.** Maintaining slope stability and preventing erosion;
 - 3.** Filtering stormwater and reducing stormwater runoff;
 - 4.** Reducing energy demand and urban heat island through shading of buildings and impervious areas;
 - 5.** Providing visual screening and buffering from wind, storms and noise;
 - 6.** Sustaining habitat for birds and other wildlife;
 - 7.** Providing a source of food for wildlife and people;
 - 8.** Maintaining property values and the beauty, character and natural heritage of the City; and
 - 9.** Meeting the multi-purposed objectives of the Urban Forest Plan, including reaching and sustaining canopy targets for various urban land environments.

11.05.020 Official Name.

The official name of this Title is "Title 11 Trees" and it may be referred to as "Title 11" or the "Tree Code".

11.05.030 Authority.

The regulations of this Title are adopted under the City's police power to regulate to protect the public health, safety and welfare.

Pursuant to Section 2-104 of the City Charter, the City Council confers its non-legislative functions as described herein to the City Forester and Director of the Bureau of Development Services to administer and enforce this Title.

11.05.040 Where This Title Applies.

- A.** In City of Portland. This Title applies to all trees within the City of Portland.
- B.** County Urban Pocket Areas. Trees in the "County Urban Pocket Areas" are subject to only some of the regulations of this Title. The County Urban Pocket Areas are areas outside the City of Portland where the Portland Zoning Code and other Portland regulations are administered.
 - 1.** Trees in the County Urban Pocket Areas are subject to the regulations of:
 - a.** Chapter 11.05 Legal Frameworks and Relationships
 - b.** Chapter 11.10 Administration of this Title
 - c.** Chapter 11.15 Funds and Contributions
 - d.** Chapter 11.80 Definitions and Measurements
 - 2.** Trees in the County Urban Pocket Areas are exempt from the regulations of:
 - a.** Chapter 11.20 Urban Forestry Program
 - b.** Chapter 11.30 Tree Permit Procedures
 - c.** Chapter 11.40 Tree Permit Requirements (No Associated Development)
 - d.** Chapter 11.45 Programmatic Tree Permits
 - 3.** Trees in the County Urban Pocket Areas are subject to some of the regulations of the following chapters. Each of these chapters specifies which sections apply to the County Urban Pocket Areas:
 - a.** Chapter 11.50 Trees in Development Situations

TITLE 11 TREES

- b.** Chapter 11.60 Technical Specifications
 - c.** Chapter 11.70 Enforcement
 - C.** State or Federal jurisdiction. Trees within public rights-of-way that are managed by the State of Oregon are exempt from the regulations of this Title. Trees located on lands or within utility corridor easements that are owned by State or Federal agencies are also exempt from the regulations in this Title. However, these trees may be subject to other City regulations or Intergovernmental Agreements. Furthermore, the City retains summary abatement authority for nuisances posing an immediate threat to public safety.
 - D.** Trees in containers. Trees placed in above-ground containers are exempt from the requirements of this Title.

11.05.050 Other City, Regional, State and Federal Regulations.

- A.** Relationship to Title 33 Planning and Zoning.
 - 1.** Generally. The regulations of Title 33 shall be met in addition to the regulations of this Title, unless otherwise specified in a condition of land use approval;
 - 2.** Conditions of approval. Conditions of approval attached to a land use review shall be met unless they have expired as specified in Title 33 Planning and Zoning.
- B.** Relationship to other City, Regional, State and Federal regulations.
 - 1.** Compliance required. In addition to the requirements of the this Title and Title 33 Planning and Zoning, tree removal and planting actions shall comply with all other City, regional, state, and federal regulations, including the Clean Water Act, Endangered Species Act, and Migratory Bird Treaty Act. Compliance with Title 11 does not in any way imply, either directly or indirectly, compliance with any other law. Where the provisions of this Title conflict with those set forth in other regulations under the City Code or ordinance, the more restrictive requirement will prevail. When both provisions are equally restrictive, the most recently adopted requirement will prevail, except in matters affecting public safety.
 - 2.** References to other regulations. References in the tree code to other City, regional, state, or federal regulations do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state or federal regulations.
 - 3.** Current versions and citations. All references to other City, regional, state or federal regulations in the Tree Code refer to the most current version and

TITLE 11 TREES

citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, requirements to comply with those regulations are no longer in effect. Where the citation for the referenced regulation has been renumbered, the regulation continues to apply.

4. City guidelines and policy documents. City, Street, or Private Trees may be subject to policy, design, or other guidance documents adopted in compliance with City Code. In these cases, the City Forester shall adhere to these documents insofar as they do not conflict with the requirements of this Title. In cases of such conflict, the City Forester may require an alternative that is consistent with this Title and that reasonably satisfies the overall objectives of the policy or guidance document.

11.05.100 Severability.

If any provision of this Title, or its application to any person or circumstance, is held to be unconstitutional, unlawful or invalid as applied, the remainder of this Title, shall not be affected, and shall continue, insofar as possible, in full force and effect. In the case where a provision is held to be unconstitutional, unlawful or invalid as applied, its application to other persons or in other circumstances, shall not be affected, and shall continue, insofar as possible, in full force and effect. To that end, the provisions of this Title are declared to be severable.

11.05.110 Liability.

(Amended by Ordinance No. 188647, effective November 17, 2017.)

- A. Nothing in this Title will be deemed to impose any liability upon any member of City Council or the City or any of its officers or employees.
- B. Every property owner shall be liable to persons injured or otherwise damaged by reason of the property owner's failure to keep the private property, sidewalks, planting strips and trees fronting or upon such private property in a safe condition so as not to be hazardous to public travel.
- C. Furthermore, every property owner shall be liable to the City of Portland for all expenses, including attorney fees, incurred by the City in defense of or paid by the City in settlement or satisfaction of any claim, demand, action or suit brought by reason of that property owner's failure to satisfy the obligations imposed by this Title.

TITLE 11 TREES

CHAPTER 11.10 - ADMINISTRATION OF THIS TITLE

Sections:

- 11.10.010 Code Administration and Duties Performed.
- 11.10.020 Determining What Regulations Apply.
- 11.10.030 General Rules for Reading and Applying the Code Language.
- 11.10.040 Amendments to this Title.
- 11.10.050 Interagency and Intergovernmental Agreements.
- 11.10.060 Performance Guarantees.
- 11.10.070 Fees.

11.10.010 Code Administration and Duties Performed.

This Title is primarily implemented by two City officials; the City Forester and the Director of the Bureau of Development Services (BDS Director). The Responsible Engineer has a role as described below in the resolution of infrastructure conflicts within the public streets and city-owned easements. The roles for the Urban Forestry Commission and Appeals Board include major urban forest policy direction and hearing appeals of tree removal permits, as described in Chapter 11.20. The Code Hearings Officer adjudicates enforcement cases.

The City Forester and BDS Director are authorized to adopt, amend and repeal administrative rules, consistent with the provisions of this Title, pertaining to matters within the authority or responsibility of the City Forester or BDS Director under the provisions of this Title. No such rule shall be effective or binding on any person until it is filed for inclusion in the City Auditor's Portland Policy Documents repository in accordance with the provisions of Chapter 1.07 of this Code. If any person feels aggrieved by any such administrative rule, the person may appeal to the Council for its amendment or repeal by filing with the City Auditor a petition which shall be presented to the Council at its next regular meeting, unless the petitioner requests a later hearing. Until and unless amended or repealed by the Council, any administrative rule made under this Section shall be in full force and effect.

- A. City Forester. The City Forester shall be an arborist. The City Forester is responsible for:
 - 1. Administering the tree permit program for City, Street, and Private Trees per Chapter 11.40 and Programmatic Permits per Chapter 11.45;
 - 2. Reviewing development permits for compliance with City and Street Tree preservation and protection and Street Tree planting requirements per Chapter 11.50;
 - 3. Processing violations of this Title as stated in Chapter 11.70;
 - 4. Managing the Urban Forestry Program by:

TITLE 11 TREES

- a.** Preparing and submitting the annual budget request for the operation of the Parks and Recreation Forestry Division to the Director of the Bureau of Parks and Recreation; and
 - b.** Providing tree maintenance or supervisory services including cutting, pruning, spraying, planting and tree removal on city managed property required by or performed by the Bureau of Parks and Recreation subject to the annual budget. Bureaus may also employ normal procedures to have such services provided by private contractors; and
 - 5.** Preserving and enhancing the urban forest by:
 - a.** Developing and periodically updating specifications for planting, pruning, removing and maintaining trees in accordance with proper arboricultural practices;
 - b.** Developing lists of recommended trees for streets as well as recommended trees for other specific objectives;
 - c.** Coordinating with the UFC and City bureaus, the development, monitoring, and reporting on implementation of the Urban Forest Plan described in Chapter 11.20; and
 - d.** Providing staff services and carrying out the other responsibilities applicable to the UFC including:
 - (1)** Preparing a monthly report on the Urban Forestry Program's activities for the Urban Forestry Commission's (UFC) review;
 - (2)** Reviewing and identifying for the UFC budget proposals, programs, and projects that could substantially affect trees or the urban forest; and
 - (3)** Analyzing potential activities for consideration in the development of the UFC's annual work plan and retreat.
- B.** BDS Director. In addition to duties specified in other City Titles, the BDS Director is responsible for:
 - 1.** Reviewing development permits for compliance with tree preservation, protection and planting requirements per Chapter 11.50;
 - 2.** Processing violations of this Title as stated in Chapter 11.70; and

TITLE 11 TREES

3. Processing violations affecting trees when the violation is of a requirement of this Title and Title 33, Planning and Zoning. In such cases, the BDS Director may also consult with the City Forester.
- C. Responsible Engineer. The Responsible Engineer in consultation with the City Forester is responsible for:
1. Reviewing tentative planting proposals in public streets for the purpose of protecting existing utilities and sewer and water lines;
 2. Applying standards for planting, care, and protection of trees through development projects, including public works, and capital improvements;
 3. Planting, care, and management of trees in center medians and greenstreet facilities; and
 4. Identifying for the City Forester city programs and capital projects or significant budget proposals that would substantially affect trees or the urban forest and that warrant UFC involvement or review.
- D. Urban Forestry Commission (UFC). The roles and functions of the Urban Forestry Commission are specified in Chapter 11.20.
- E. Urban Forestry Appeals Board. The roles and composition of the Appeals Board are specified in Chapter 11.20.
- F. Code Hearings Officer. The City's Code Hearings Officer is responsible for hearing abatement cases and providing review of enforcement cases related to this Title, following the procedures in Title 22, Hearings Officer.

11.10.020 Determining What Regulations Apply.

- A. Determine whether the proposed activity will require a development permit.
1. If the proposal will require a development permit, the regulations of Chapter 11.50 apply to the proposal. Chapter 11.50 will also direct readers to other regulations relevant to the proposal.
 2. If the proposal will not require a development permit, the regulations of Chapters 11.30 and 11.40 apply to the proposal. Chapter 11.40 will also direct readers to other regulations relevant to the proposal.
 3. The regulations of those chapters are specific to City, Street, and Private Trees as defined in Chapter 11.80, Definitions and Measurements.
- B. For regulations pertaining to Heritage Trees, refer to Chapter 11.20.

11.10.030 General Rules For Reading and Applying the Code Language.

- A.** Reading and applying the code. When a conflict arises as a result of a particular tree situation spanning multiple chapters, the more specific provisions take precedence. When the conflict cannot be resolved by the more specific provision, the requirement that results in retaining the existing tree will prevail, except in cases where the public safety is jeopardized.
- B.** Terms.
 - 1.** Defining words. Words used in this Title have their dictionary meaning unless they are defined in Chapter 11.80, Definitions and Measurements. Words listed in the Definitions chapter have the specific meaning stated, unless the context clearly indicates another meaning.
 - 2.** Tenses and usage.
 - a.** Words used in the singular include the plural. The reverse is also true.
 - b.** Words used in the present tense include the future tense. The reverse is also true.
 - c.** The words "shall," "will," and "may not" are mandatory.
 - d.** "May" is permissive.
 - e.** "Prohibited" means that a particular activity is in violation of this Title.
 - f.** When used with numbers, "At least x," "Up to x," "Not more than x" and "a maximum of x" all include x.
 - 3.** Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
 - a.** "And" indicates that all connected items or provisions apply;
 - b.** "Either...or" indicates that the connected items or provisions apply singly, but not in combination.
 - 4.** Lists. Lists of items that state "including the following," "such as" or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

TITLE 11 TREES

11.10.040 Amendments to this Title.

A. General.

- 1.** Substantive amendments to this Title or amendments necessary to ensure conformance with other City Titles may be prepared by any bureau but will be coordinated by the Bureau charged with those responsibilities in the Title in consultation with the Bureaus of Planning and Sustainability, Parks and Recreation, Development Services, Environmental Services, Transportation and Water.
- 2.** Technical corrections and matters of simple clarification may be prepared and approved by the Auditor or City Attorney.

B. Urban Forestry Commission (UFC). The UFC shall hold at least one public hearing for proposed amendments to this Title before making a recommendation on such an amendment. A hearing is not required for technical corrections or amendments needed to ensure conformance with other City Titles.

C. Planning and Sustainability Commission (PSC). The PSC may provide input on the proposed amendments to the UFC. The PSC shall hold a public hearing for any proposed substantive amendments to Chapter 11.50 Trees In Development Situations, Chapter 11.60 Technical Specifications, or Chapter 11.70 Enforcement. A hearing is not required for technical corrections or amendments needed to ensure conformance with other City Titles.

D. Notification Requirements.

- 1.** UFC or PSC Hearing. Notice of any public hearing held by the UFC or PSC to consider a proposed substantive amendment to this Title shall be mailed to Metro, the Oregon Department of Transportation, all recognized organizations, affected bureaus and interested persons who have requested such notice. Notice shall also be published in a recognized newspaper and mailed at least 30 days prior to the hearing.
- 2.** The Urban Forestry Commission shall additionally be notified of any amendment needed to ensure conformance with other City titles or technical corrections a minimum of 14 days prior to a final decision.
- 3.** City Council Hearing. Notice of the hearing shall be mailed to those who testified at the UFC hearing, either in person or in writing, or those who requested such notice. If hearings were not held by the UFC or PSC, notice shall be mailed to all affected bureaus and persons who have requested such notice. Notice shall be published in a recognized newspaper and mailed at least 14 days prior to the hearing.

4. The notifications required by this Section shall be the responsibility of the Bureau coordinating the amendment or technical correction.
- E. City Council. The City Council shall hold at least one public hearing on all amendments that are not considered technical. City Council makes the final decision on amendments, after considering the recommendations of the UFC and PSC and after hearing testimony from the public.
- F. Declaring an emergency. City Council may declare an emergency in accordance with the City Charter and amend this Title and associated Administrative Rules without following the process set out in this Section.

11.10.050 Interagency and Intergovernmental Agreements.

The City Forester or BDS Director in the course of their duties in implementing this Title may enter into agreements with other bureaus or public agencies. These interagency and intergovernmental agreements may allow the BDS Director or City Forester to delegate powers granted within this Title to or provide services to other bureaus or public agencies, subject to the requirements outlined in the agreement. Such agreements may not grant or delegate powers or authority not already assigned to the City Forester or BDS Director. Neither the BDS Director nor the City Forester may enter into any agreement under this Section that requires expenditure of City funds, unless such funds have been appropriated by the Council through the budget process.

11.10.060 Performance Guarantees.

- A. Applicability. The City Forester or BDS Director may require performance guarantees when an owner, applicant, or responsible person defers a planting requirement, as an assurance for performance path root protection methods, or when a violation has occurred and there is uncertainty regarding the extent of a particular tree injury.
- B. Types of guarantees. Guarantees may be in the form of a performance bond payable to the City in cash, by certified check, time certificate of deposit, irrevocable letter of credit, or other form acceptable to the City. Indemnity agreements may be used by other governmental agencies. Guarantees shall be accompanied by a contract. The form of the guarantee and contract shall be approved by the City Attorney. The City Forester and BDS Director are each authorized to accept and sign the contract for the City, and to accept the guarantee.
- C. Amount of guarantee. The amount of the performance guarantee shall be equal to at least 110 percent of the estimated cost of performance as described below. The owner, applicant or responsible party shall provide written estimates by three contractors with their names and addresses. The estimates shall include as separate items all materials, labor, and other costs of the required action.

TITLE 11 TREES

1. Planting deferral. When tree planting is deferred, the cost of performance is equivalent to the payment in lieu for any trees to be planted and maintained for a 2 year period.
 2. Alternate root protection method assurance. If assurances are required for alternate root protection methods, the cost of performance is the estimated cost for removing the tree, plus an equivalent payment in lieu for planting to meet the tree standards in Chapter 11.50 Trees in Development Situations.
 3. Violation remedy. Should an injury result to a protected tree, and where the City Forester determines that the tree may still be viable, the property owner or responsible party may submit a performance guarantee in lieu of providing for an arborist treatment regimen or removing the tree in accordance with the provisions in Chapter 11.70. If assurances are allowed in these cases, the cost of performance is the estimated cost for removing the tree, plus an equivalent payment in lieu for replacing the tree based on mitigating at an inch for inch equivalent.
- D.** Completion. An inspection and approval of the action or improvement covered by the performance guarantee is required before the performance guarantee is returned. The inspection will be conducted by the appropriate City bureau that holds the guarantee. If the action or improvement is not completed satisfactorily within the stated time limits, the City may have the necessary action or improvement completed and seek reimbursement for the work from the performance guarantee. Any remaining funds will be returned to the owner, applicant, or responsible party.

11.10.070 Fees.

- A.** Generally. The City Council may establish and amend by ordinance permit, inspection, review, enforcement, in-lieu of planting or preservation, appeal and other fees as necessary to sustain the development permit, tree permit, and other Development Service or Urban Forestry programs. All fees, charges, civil penalties, and fines established by authority of this Title will be listed in the Portland Policy Documents.
- B.** Fees in lieu of planting or preserving trees. Where allowed by other provisions of this Title, a fee may be paid into the Tree Planting and Preservation Fund in lieu of planting or preserving trees. The fee per tree is the entire cost of establishing a new tree in accordance with standards described by the City Forester. The cost includes materials and labor necessary to plant the tree, and to maintain it for 2 years. The fee will be reviewed annually and, if necessary, adjusted to reflect current costs. See Section 11.15.010 for more information on the Tree Planting and Preservation Fund.

**CHAPTER 11.15 - FUNDS AND
CONTRIBUTIONS**

Sections:

- 11.15.010 Tree Planting and Preservation Fund.
- 11.15.020 Urban Forestry Fund.
- 11.15.030 Charitable Contributions.
- 11.15.040 Annual Report.

11.15.010 Tree Planting and Preservation Fund.

- A.** Purpose. The purpose of the Tree Planting and Preservation Fund is to facilitate tree planting, to ensure mitigation or tree replacement when tree preservation or tree density standards are not met on a particular site, and to advance the City's goals for the urban forest and equitable distribution of tree-related benefits across the City.
- B.** Expenditures. Money in the Tree Planting and Preservation Fund may be used only as follows:
 - 1.** To plant trees on public or private property, including streets, in the same watershed as the site from which the funds were collected. Planting trees includes the cost of materials and labor necessary to install and establish a tree for a 2 year period;
 - 2.** To purchase conservation easements for the perpetual retention of trees and tree canopy. Such conservation easements shall allow the City to replace trees that are removed when they die or become dangerous; and
 - 3.** To acquire land to permanently protect existing trees or groves.
- C.** Contributions. Contributions to the Tree Planting and Preservation Fund may occur through a number of means, including:
 - 1.** Payment made in lieu of tree replacement as part of a tree permit issued as stated in Chapter 11.40;
 - 2.** Payment made in lieu of preservation or planting where site or street characteristics or construction requirements make it infeasible to meet the requirements of Chapter 11.50;
 - 3.** Payment of restoration fees for enforcement actions for Private Trees; and
 - 4.** Voluntary contributions. The funds shall be used within the watershed of the contributor's choosing.

TITLE 11 TREES

- D.** Administration of the Tree Planting and Preservation Fund. The Tree Planting and Preservation Fund is administered by the City Forester, maintained in a dedicated separate account, and is independent of the general fund. Any balance in the Tree Planting and Preservation Fund will be carried forward into subsequent fiscal years.

11.15.020 Urban Forestry Fund.

- A.** Purpose. The purpose of the Urban Forestry Fund is to replace Street or City Trees illegally removed or damaged, to enhance the urban forest through the planting of new Street or City Trees, and to increase public awareness of trees, tree care, and values of the urban forest.
- B.** Expenditures. Money in the Urban Forestry Fund may be used as follows:
- 1.** To replace, establish, and maintain Street or City Trees illegally removed or damaged;
 - 2.** To plant, establish and maintain Street or City Trees where, in the judgment of the Forester, they will enhance the values of the Urban Forest;
 - 3.** To provide education, outreach and technical assistance to the community; and
 - 4.** Other Forestry-related actions or programs, as determined by the City Forester.
- C.** Contributions. Contributions to the Urban Forestry Fund may occur through a number of means as established by the City Forester, including:
- 1.** Payment of restoration fees, civil penalties, or civil remedies resulting from City or Street Tree enforcement actions; and
 - 2.** Voluntary contributions
- D.** Administration of Urban Forestry Fund. The Urban Forestry Fund is administered by the City Forester, maintained in a dedicated separate account, and is independent of the general fund. Any balance in the Urban Forestry Fund will be carried forward into subsequent fiscal years.

11.15.030 Charitable Contributions.

The City Forester may accept, on behalf of the City, gifts and contributions which are specifically designated for the purpose of planting or maintaining trees within the City. Gifts may include: nursery stock and planting supplies, vehicles, tools, pro bono consultation, education and outreach services, and real property for the purposes of open space and tree planting or preservation. Contributions may also be made to the Tree Planting and Preservation Fund or Urban Forestry Fund as described in this Chapter.

TITLE 11 TREES

Nothing in this Section obligates the City Forester to accept such gifts when the City Forester determines it is not in the best interests of the City to do so.

11.15.040 Annual Report.

The City Forester will provide an annual report to the Urban Forestry Commission and City Council at the end of each fiscal year. The report will include any charitable contributions received, as well as fund revenues collected and spent and the end balance in each fund. The report should also include recommendations for future expenditures of the funds and means to optimize those expenditures in the upcoming fiscal year.

- A.** Tree Planting and Preservation Fund. The report will include a general inventory by watershed of the funds collected and number and types of trees planted or area protected through preservation easements or acquisition.
- B.** The Urban Forestry Fund. The report will include an accounting of revenues collected and expenditures.

TITLE 11 TREES

CHAPTER 11.20 - URBAN FORESTRY PROGRAM

Sections:

- 11.20.010 Purpose.
- 11.20.020 The Urban Forestry Commission.
- 11.20.030 The Urban Forestry Appeals Board.
- 11.20.040 Technical Assistance.
- 11.20.050 The Urban Forest Plan.
- 11.20.060 Heritage Trees.

11.20.010 Purpose.

The field of urban forestry has as its objective the cultivation and management of trees and related plants for their present and potential contribution to the physiological, sociological and economic well being of urban society. Inherent in this function is a comprehensive program designed to establish policies, goals and objectives, and implementing actions, and to educate the urban populace on the role of trees and related plants in the urban environment. In its broadest sense, urban forestry is one essential component of a multi-managerial urban system that includes neighborhoods and watersheds within the City, wildlife habitats, outdoor recreation opportunities, landscape design, green infrastructure, air filtering and greenhouse gas capture, recycling of municipal vegetative wastes and tree care in general.

11.20.020 The Urban Forestry Commission.

(Amended by Ordinance No. 188647, effective November 17, 2017.)

- A.** Membership. The Urban Forestry Commission consists of eleven members who have demonstrated an interest in the protection and enhancement of the urban forest, appointed by the Mayor in consultation with the Commissioner of Parks and Recreation and confirmed by the City Council. Women and multi-cultural groups shall be represented. At least three members shall have experience and expertise in arboriculture, landscape architecture or urban forestry. One member shall be on the board of a non-profit organization that has a demonstrated direct interest in the urban forest, who is not a City employee. The remaining seven members, insofar as possible, shall represent diverse geographic areas, interests, and expertise of the community.
- B.** Terms. Members will serve without compensation for terms of 4 years and may be reappointed for one additional consecutive term. After serving two consecutive terms, at least 1 year shall elapse before a member may again be reappointed to the Commission. Notwithstanding the limitations of this Section, a member of the Commission will continue to serve until the member's replacement is appointed.
- C.** Rules of order. The Urban Forestry Commission will elect its own chair and adopt such rules of procedure as it deems necessary to the conduct of its duties. Unless otherwise stated in the rule, all rules are effective upon adoption by the Commission

and shall be filed in the office of the City Forester and in the Portland Policy Documents repository described in Chapter 1.07.

- D.** Meetings. The Commission will meet at least ten times per year and may meet more often.
- E.** Duties. The Commission is responsible for carrying out the following duties:
 - 1.** Providing assistance in the development, periodic reviews, and updates to the Urban Forest Plan, and submitting said plan updates to the City Council for approval.
 - 2.** Reviewing and providing input on plans, policies, and projects developed pursuant to other City Code provisions which contain elements or which affect matters related to urban forestry and other matters to ensure that the policies of the Urban Forest Plan are fully considered.
 - 3.** Advising the City Forester, the Director and Commissioner-in-Charge of the Bureau of Parks and Recreation, and Citizen's Budget Advisory Committee on the preparation and contents of the annual Forestry Division budget request.
 - 4.** Considering and making recommendations to the City Council pertaining to:
 - a.** Proposed amendments to this Title;
 - b.** Heritage Tree nominations; and
 - c.** Other City bureau budget proposals that may substantially affect programs relating to trees and the urban forest.
 - 5.** Preparation of an annual report which specifically addresses the relations with and concerns of the various City bureaus and other matters brought forward by the City Forester. The report will include an evaluation of the opportunities and barriers to effective management of the urban forest, and assessment of progress of these issues identified in prior annual reports.

11.20.030 The Urban Forestry Appeals Board.

- A.** Membership. The Urban Forestry Appeals Board consists of five members representing diverse interests of the Urban Forestry Commission, selected by a majority of the Commission. Members will serve without compensation for terms not to exceed their membership in the general Commission and may be reappointed.
- B.** Rules of order. The Urban Forestry Appeals Board may elect its own chair and propose rules of procedure as it deems necessary to the conduct of its duties. The

TITLE 11 TREES

Commission will consider and adopt such rules upon majority vote. All rules become effective upon adoption by the Commission and shall be filed in the Portland Policy Documents repository described in Chapter 1.07.

- C.** Meetings. The Appeals Board will meet as required to respond and to hear appeals within the time allotted to appeals as described in this Title. Appeal hearings are open to the public.
- D.** Duties. The Appeals Board is responsible for reviewing and deciding appeals of tree permit decisions as authorized in this Title.

11.20.040 Technical Assistance.

When requested by the Urban Forestry Commission and Commissioner of Parks and Recreation, the City may retain the services of a professional review panel of not more than three members, either foresters, arboriculturists, landscape architects or some combination thereof to advise the Commission on the efficiency of proposed actions and planting schemes. At least one member of this panel should be very familiar with Portland. The City Forester will present a list of qualified professionals to the Urban Forestry Commission for its review and selection. A member of the professional review panel may not serve if the member has a conflict of interest.

11.20.050 The Urban Forest Plan.

- A.** Purpose. The Urban Forest Plan (the Plan) establishes a comprehensive framework of goals, policies, and actions to guide City management activities and decisions over the short and long term. The plan will be implemented through the individual and collective works of the City Forester and other City bureaus, agencies, citizens, organizations and other groups.
- B.** Roles. The City Forester, in consultation with the Urban Forestry Commission and City bureaus, is responsible for coordinating the development, update, and implementation of the Urban Forest Plan. Working groups made up of representatives of those bureaus and groups who contribute to the management of the City's urban forest will be formed to develop citywide action plans to implement the Plan, and to monitor and report on progress of those actions.
- C.** Updates. The Plan will periodically, and at least every 10 years, be reviewed and updated to respond to changes in the condition of the urban forest, changes in city policy or changes to applicable regulatory mandates.

11.20.060 Heritage Trees.

(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A.** Generally. Heritage Trees are trees that because of their age, size, type, historical association or horticultural value, are of special importance to the City.

TITLE 11 TREES

- B.** Nuisance trees. Trees may not be designated as Heritage Trees if, on the date they would be designated, the tree species is on the Nuisance Plant List.
- C.** Private trees. Trees on private property may not be designated as Heritage Trees without the consent of the property owner; however, the consent of a property owner will bind all successors, heirs, and assigns. When a Private Tree is designated as a Heritage Tree, the owner shall record the designation on the property deed, noting on such deed that the tree is subject to the regulations of this Title.
- D.** Designation. The Urban Forestry Commission (UFC) makes a recommendation to City Council as to whether a tree should be designated as a Heritage Tree. A recommendation to designate a tree shall be supported by at least six members of the UFC. City Council may designate a tree if it finds that the tree's health, aerial space, and open ground area for the root system have been certified as sufficient by an arborist.
- E.** Removal of designation. The Urban Forestry Commission (UFC) makes a recommendation to City Council as to whether the Heritage Tree designation should be removed from a tree. A recommendation to remove the designation shall be supported by at least six members of the UFC. City Council may remove the designation if it finds that the designation is no longer appropriate.
- F.** Heritage Tree removal. Heritage Trees may be removed only with the consent of the UFC, except as provided in Subsection I., below. The UFC shall hold a public hearing on a request to remove a Heritage Tree. Consent to remove the tree shall be supported by at least six members of the UFC.
- G.** List and plaques. The City Forester maintains a list of the City's designated Heritage Trees. The City Forester may place a plaque on or near Heritage Trees.
- H.** Maintenance and Protection. The City Forester maintains Heritage Trees located on streets and on property owned or managed by the City. Heritage trees on private property shall be maintained by the property owner. It is unlawful for any person without prior written authorization from the City Forester to remove, prune, or injure any Heritage Tree. The City Forester shall report to the Urban Forestry Commission any such authorization granted.
- I.** Emergencies.
 - 1.** If the City Forester determines that a Heritage Tree is dangerous and is a threat to public safety, the City Forester may order the tree to be removed without prior consent from the UFC.
 - 2.** In an emergency, when the City Forester is unavailable, pruning only what is necessary to abate an immediate danger may be performed without

TITLE 11
TREES

authorization by the City Forester. Any additional work shall be performed under the provisions of this Section.

**CHAPTER 11.30 - TREE PERMIT
PROCEDURES**

Sections:

- 11.30.010 Purpose.
- 11.30.020 Description of Tree Permits.
- 11.30.030 Applications.
- 11.30.040 Procedure for Type A Permits.
- 11.30.050 Procedure for Type B Permits.
- 11.30.100 Regulations That Apply After Permit Approval.

11.30.010 Purpose.

This Chapter establishes application requirements and procedures for all tree permits required by this Title to ensure that the legal rights of individual property owners and the public are protected. Tree permits are generally required for specific tree related activity when not associated with development.

11.30.020 Description of Tree Permits.

A. Generally. Tree permits are required for tree-related activities not associated with:

1. Heritage Trees (see Chapter 11.20);
2. Programmatic Permits (see Chapter 11.45); or
3. Tree plans or activities that require a development permit (see Chapter 11.50).

B. Types of Permits.

There are two types of tree permits, A and B. This Chapter sets out the procedures for each permit type, including when public notice and opportunity for public appeal are required. Applications for activities subject to both a Type A and Type B permit will be processed as a Type B permit. The type of permit may be modified during the course of the review when the City Forester finds that the standards or review factors are not met or when the approved scope of the tree activity is changed. For example, a Type A tree permit application to remove a dangerous tree may be modified to a Type B removal request when the City Forester finds the tree is not dangerous. Conversely, the City Forester may modify a Type B request to remove a Street Tree by granting a Type A pruning permit instead of allowing the removal. The standards and review factors for granting Type A or B permits are in Chapter 11.40.

Table 30-1 summarizes the public notice and appeal procedures applicable to a Type A or Type B permit.

TITLE 11 TREES

Table 30-1
Public Notice and Appeal requirements for City, Street and Private Trees

Permit Type	Proposal	City/Street or Private Tree	Public Notice/ Public May Appeal [1]
A	Any Type A request	City/Street Private	No
B	Up to four healthy < 20" diameter nuisance and non-nuisance species trees	City/Street	No
	≥ 20" diameter, healthy nuisance or non-nuisance species tree	City/Street	Yes
	More than four healthy ≥ 12" diameter nuisance and non-nuisance species trees	City/Street	
	≥ 20" diameter, healthy non-nuisance species tree [2]	Private	
	More than four healthy ≥12" diameter non-nuisance species trees	Private	

Note [1] The applicant may appeal any Type A or B permit decision.

Note [2] No public notice or opportunity for public appeal is required for removal of one healthy non-nuisance species tree >20" diameter per lot per calendar year in any residential zone.

11.30.030 Applications.

- A.** Applications for Tree Permits shall:
- Be made in writing or electronically upon forms furnished by the City;
 - Be legible, accurate, and contain sufficient information in order to evaluate the request; and
 - Be accompanied by the correct fee.
- B.** A separate application is required for each site, but each application may address multiple trees and multiple types of activities, such as planting, pruning, or removal.
- C.** Marking trees to be removed. Applicants for permits for tree removal shall mark each tree proposed for removal by tying or attaching yellow tagging tape around the trunk of the tree at 4.5 feet above ground level.

TITLE 11 TREES

- D.** Consent to site access. By submitting an application for a tree permit, the owner and applicant agrees that authorized City representatives may enter the site during business hours for the purpose of conducting inspections related to the tree permit request.
- E.** Authority. An applicant will be authorized to apply for the Tree Permit, as described below:
- 1.** City Trees. For City Trees, only the Bureau that owns the site may submit an application. Where the City is managing trees on lands not owned by the City, the Bureau assigned to manage or care for trees, the owner or the agent authorized to represent the property owner may submit the application.
 - 2.** Street Trees. The applicant shall be the owner of the adjacent property or be authorized by the owner of the adjacent property where the Street Tree will be planted, pruned or removed. Exceptions to this requirement include:
 - a.** The Bureau of Environmental Services shall act as applicant for permits for Street Trees in greenstreet facilities.
 - b.** The Bureau of Transportation shall act as applicant for permits for Street Trees in center medians.
 - c.** The City Forester may plant, prune or remove Street Trees without obtaining the authorization of the adjacent property owner.
 - d.** Public agencies operating under the conditions of a Programmatic Tree Permit are not required to obtain the adjacent owner's consent for tree-related work on streets.
 - 3.** Private Trees. The applicant shall be the owner of property where the tree is located or be authorized by the owner. For trees that straddle property lines, the owners of all properties where the tree is located shall authorize the application. For commonly held tracts such as open space or private street tracts, the application shall be submitted by the agent or parties authorized to represent the shared ownership interest in the tract. It is the applicant's responsibility to obtain the appropriate consent for tree permit applications.
 - 4.** City, Street and Private Trees within easements, or addressed by deed restrictions or other agreements. Any person having or asserting the right to remove trees under the terms of an easement, deed restriction or other agreement shall comply with the provisions of this Title. An easement holder, beneficiary of a deed restriction, or other person seeking to remove a tree on the property of another under an agreement is authorized to apply for permits or approvals required by this Title. The owner of a servient

TITLE 11 TREES

tenement, the grantor of a deed restriction or other person who by agreement has authorized another to possess, occupy or use property owned by the person is authorized to apply for permits or approvals required by this Title. The presence of an easement, deed restriction or other agreement does not change the type of tree. A tree remains either a City Tree, a Street Tree or a Private Tree.

11.30.040 Procedure for Type A Permits.

(Amended by Ordinance No. 188278, effective April 14, 2017.) Type A permits are technical determinations regarding the facts of a particular request, and applications of city standards to ensure that work is performed in accordance with best management practices to protect trees, the public, or public infrastructure, and to ensure tree replacement. Type A permits are reviewed administratively by the City Forester. There is no public notice, and only the applicant may appeal the decision.

A. Application.

- 1.** Generally. Applications for a Type A Tree Permit shall meet the requirements of Section 11.30.030, Applications.
- 2.** Additional information required.
 - a.** If the City Forester requires additional information to review an application, the City Forester will send a notice to the applicant requesting the additional information.
 - b.** The applicant will have a maximum of 30 days from the date of the City Forester's notice to submit the additional information.
 - c.** If the additional information is not received by the City Forester within 30 days from the date of the City Forester's notice, the application will be voided on the 31st day. The City will not refund the filing fee.

B. Decision by the City Forester.

- 1.** The City Forester's decision shall be based on an evaluation of the facts and applicable standards and review factors in Chapter 11.40.
- 2.** The City Forester may issue the permit, deny the permit, or may apply conditions of approval to the permit to ensure the request complies with the applicable review factors and standards. Type A permits may be self issued for Street Tree pruning. The applicant must agree that such pruning will be conducted in accordance with proper arboricultural practices. Self-issued permits are not subject to Subsection B.4. and may not be appealed.

TITLE 11 TREES

3. Any work done under a permit shall be performed in strict accordance with the terms and provisions of this Title and conditions of approval of the permit.
 4. The City Forester shall notify the applicant of the decision in writing.
 5. If the applicant does not file a timely appeal as specified in Subsection C., below, the decision is final.
- C.** Appeal. The applicant may appeal the City Forester's decision on a tree permit. Appeals shall be:
1. Filed with the City Forester on forms prescribed by the City;
 2. Filed within 14 days from the date on the City Forester's decision; and
 3. Specifically identify how the City Forester erred in applying the standards or review factors.
- D.** Appeal process.
1. Scheduling the appeal hearing. The appeal hearing will be scheduled within 45 days of the date the appeal was filed. However, the applicant may request the hearing at a later time.
 2. Notice. Notice of the appeal hearing will be sent to the applicant at least 14 days before the hearing.
 3. Hearing.
 - a. Appeals are heard by the Urban Forestry Appeals Board (Appeals Board).
 - b. The Appeals Board will consider the application against the applicable standards or review factors, taking into consideration information provided by the applicant, appellant and City staff, and any observations made by members of the Appeals Board if they visit the site.
- E.** Appeals Board Decision.
1. The Appeals Board may affirm or reverse the City Forester's decision.
 2. The Appeals Board will give due deference to the professional judgment of the City Forester, and will reverse or remand the City Forester's decision only upon a finding that the City Forester's decision is not supported by substantial evidence, or upon a finding that the City Forester's decision was

TITLE 11 TREES

arbitrary or capricious, an abuse of discretion or otherwise was not in accordance with the provisions of this Title.

3. The appeal decision of the Urban Forestry Appeals Board is final and may not be appealed to another review body within the City.

11.30.050 Procedure for Type B Permits.

(Amended by Ordinance No. 188278, effective April 14, 2017.) Type B permits involve the consideration of relevant technical and qualitative factors to prevent risks to public health and safety or significant undue impacts on neighborhood character, and to ensure that the impacts of tree removal are mitigated. Type B permits are reviewed administratively by the City Forester, and the decision may be appealed to the Urban Forestry Appeals Board by the applicant and any person adversely affected or aggrieved by the decision.

A. Application.

1. Generally. Application for a Type B Tree Permit shall meet the requirements of Section 11.30.030, Applications.
2. Additional information required.
 - a. If the City Forester requires additional information to review an application, the City Forester will send a notice to the applicant requesting the additional information.
 - b. The applicant will have a maximum of 30 days from the date of the City Forester's notice to submit the additional information.
 - c. If the additional information is not received by the City Forester within 30 days from the date of the City Forester's notice, the application will be voided on the 31st day. The City will not refund the filing fee.

B. Decision by the City Forester.

1. The City Forester's decision shall be based on an evaluation of the facts and applicable standards and review factors in Chapter 11.40.
2. The City Forester may issue the permit, deny the permit, or may apply conditions of approval to the permit to ensure the request complies with the applicable review factors and standards.
3. Any work done under a permit shall be performed in strict accordance with the terms and provisions of this Title and conditions of approval of the permit.

TITLE 11 TREES

4. If the application is denied, the City Forester shall notify the applicant of the decision in writing.
 5. If the application is tentatively approved, and public notice is required per Table 30-1, the City Forester shall send notice of the pending approval to the applicant and the neighborhood association. The applicant shall post a copy of the notice on the site in a location clearly visible from the street nearest the tree.
 6. If no appeal is filed within a timely manner as specified in Subsection C., below, the decision is final. The City Forester shall notify the applicant that the decision is final.
- C.** Appeal. The applicant may appeal the City Forester's decision. In addition, when public notice is required per Table 30-1, the neighborhood association or any other person may also appeal the decision. Appeals shall be:
1. Filed with the City Forester on forms prescribed by the City;
 2. Filed within 14 days from the date of the City Forester's decision; and
 3. Specifically identify how the City Forester erred in applying the standards or review factors.
- D.** Appeal process.
1. Scheduling of the appeal hearing. The appeal hearing will be scheduled within 45 days of the date the appeal was filed. However, for good cause shown by any party, the Appeals Board may extend the hearing deadline.
 2. Notice. Notice of the appeal hearing will be sent to the applicant, the appellant, and the neighborhood association at least 14 days before the hearing. The applicant shall post a copy of the appeal hearing notice on the site in a location clearly visible from the street nearest the tree.
 3. Hearing.
 - a. Appeals are heard by the Urban Forestry Appeals Board (Appeals Board).
 - b. The Appeals Board will consider the application against the applicable standards or review factors, taking into consideration information provided by the applicant, appellant, and City staff, or observations made by members of the Appeals Board if they visit the site.

TITLE 11 TREES

- c.** Additional testimony and evidence may be introduced at the hearing, and the Appeals Board may delay its decision to provide adequate time for other parties to respond.
- d.** If additional hearings are scheduled, the Appeals Board may, at its discretion, choose to not allow new evidence after the initial hearing.

E. Appeals Board Decision.

- 1.** The Appeals Board may affirm or reverse the City Forester's decision, or remand the decision to the City Forester to determine appropriate mitigation.
- 2.** The Appeals Board will give due deference to the professional judgment of the City Forester, and will reverse or remand the City Forester's decision only upon a finding that the City Forester's decision is not supported by substantial evidence, or upon a finding that the City Forester's decision was arbitrary or capricious, an abuse of discretion or otherwise was not in accordance with the provisions of this Title.
- 3.** The appeal decision of the Urban Forestry Appeals Board is final and may not be appealed to another review body within the City.

11.30.100 Regulations That Apply After Permit Approval.

- A.** Posting tree removal permits. Permits for tree removal shall be posted while the approved tree removal work is underway. The permit shall be posted in a location visible to pedestrians and motorists.
- B.** Certifying compliance with replacement requirements. Applicants shall certify that they have complied with the tree replacement and any other requirements or conditions stipulated on a permit, as applicable.
- C.** Permit expiration. Tree Permits expire 90 days from the date of issuance, unless a specific expiration date has been added to the permit by the City Forester or Urban Forestry Appeals Board. The reviewing authority may require a performance guarantee as described in Section 11.10.060, when replacement planting is allowed to be deferred beyond the permit expiration date.
- D.** Permit suspension or revocation. The City Forester may suspend or revoke a tree permit. The permit holder shall be notified of the suspension or revocation in writing. Permits may be suspended or revoked when:
 - 1.** The permit is issued in error;
 - 2.** The permit is issued on the basis of incorrect information supplied by the owner or applicant;

TITLE 11
TREES

3. The permit is issued in violation of any of the provisions of City code or an approved land use decision; or
4. The applicant, owner, or contractor listed on a permit is the subject of a pending violation of this Title for the site where the work is proposed or occurring. In such cases, the permit may be suspended until the alleged violation has been resolved.

TITLE 11 TREES

CHAPTER 11.40 - TREE PERMIT REQUIREMENTS (NO ASSOCIATED DEVELOPMENT)

Sections:

- 11.40.010 Purpose.
- 11.40.020 When a Tree Permit is Required.
- 11.40.030 Exemptions.
- 11.40.040 City and Street Tree Permit Standards and Review Factors.
- 11.40.050 Private Tree Permit Standards and Review Factors.
- 11.40.060 Tree Replacement Requirements.

11.40.010 Purpose.

The purpose of this Chapter is to manage, conserve and enhance the urban forest when development activity is neither proposed nor occurring. The provisions of this Chapter encourage preservation of high quality trees, large trees, and groves; regulate pruning and planting on City-owned and managed sites and streets to protect public safety and public infrastructure; and ensure replacement for trees that are removed. The permitting procedures that are required to implement these provisions are intended to not only enforce maintenance, removal and preservation requirements but also to educate property owners about the intrinsic urban benefits of trees as well as the principles of tree care.

11.40.020 When a Tree Permit is Required.

(Amended by Ordinance Nos. 187216 and 188278, effective April 14, 2017.) A tree permit is required for all trees in the City of Portland as further described below, unless the activity is exempt from the requirements of this Chapter as specified in Section 11.40.030.

- A.** Street Trees. Street trees of any size are regulated by this Chapter unless otherwise specified in Table 40-1 or 40-2.
- B.** City Trees. City trees 3 or more inches in diameter are regulated by this Chapter unless otherwise specified in Table 40-1.
- C.** Private Trees. Private trees 12 or more inches in diameter are regulated by this Chapter unless otherwise specified in Table 40-1. Trees required to be preserved by a condition of a land use review may be subject to other requirements. All applicable Zoning Code landscape requirements, including landscape buffers and parking lot landscaping, must be met on the site.
- D.** Emergency pruning or removal. Emergency pruning or removal of trees is regulated by this Chapter as follows:
 - 1.** If an emergency exists because the condition or location of a tree presents such a clear and present danger to structures or the public that there is insufficient time to obtain a tree permit, the hazardous portion of the tree may be removed without first obtaining a required tree permit.

TITLE 11 TREES

- 2.** In the course of performing unexpected or emergency road, sewer or water maintenance activities, representatives of the Responsible Engineer may trim, prune or remove a tree as required to perform the immediate work without first obtaining a required tree permit. If such activities occur during normal business hours, these representatives shall first attempt to contact the City Forester to determine if technical assistance can be made immediately available. If such assistance is not immediately available, then the pruning or removal may occur in accordance with proper arboricultural practices.
 - 3.** Any person who prunes or removes a tree under the provisions of this Subsection shall, within 7 days of such action, apply for a Type A tree permit. The application shall include photographs or other documentation to prove that an emergency existed. The City Forester will evaluate the information to determine whether an emergency existed. Failure to submit an application or provide information documenting the emergency nature of the event may be pursued as a violation per Chapter 11.70.
- E.** State, Federal and court orders. Trees that must be removed or pruned by an order of a court, or of a State or Federal agency are not subject to the public notice and appeal procedures of Chapter 11.30 and approval standards and review factors of this Chapter. However, a tree permit is required and the tree replacement requirements of this Chapter shall be met.
- F.** Hazardous Material Cleanup Orders. Hazardous material cleanup orders, are not subject to the permit procedures of this Title; however, a person removing a regulated tree pursuant to a Hazardous Material Cleanup Order must comply with the tree replacement requirements of this Chapter.
- G.** Trees on levees. Trees on levees that have been identified by a public Drainage District as violating federal regulations or requirements are subject to the requirements of this Chapter for a Type A permit for removal of trees. Required replacement trees shall be placed outside the critical cross section area of the levee, and may be placed on any property in the same watershed that is owned by the applicant; or on property for which the applicant possesses a legal instrument approved by the City, such as an easement, deed restriction, or interagency agreement, sufficient to carry out and ensure success of the replacement.

TITLE 11 TREES

**Table 40-1
Tree Removal in Overlay Zones and Plan Districts [1]**

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing[2]	T33 Tree Size	Title 33 Zoning Code review for removing
Environmental conservation and protection overlay zones "c" "p" See: 33.430.080	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 10 feet of buildings or attached structures • Nuisance species trees • Non-native non-nuisance trees • Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees • Trees projecting into a City-designated view corridor 	Street all City all Private all	<ul style="list-style-type: none"> • Healthy native trees that do not meet the applicable Title 11 situations listed in this table
Greenway overlay zones "n" "q" "g" "i" "r" See: 33.440.320	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Nuisance species trees • Dangerous trees • Trees landward of the greenway setback in "g" "i" "r" overlays 	Street all City all Private all	<ul style="list-style-type: none"> • Native Trees • Non-native non-nuisance trees • Dead or dying trees • Trees not meeting the listed situations when located within or riverward of the greenway setback in "g" "i" "r" overlays • Trees not meeting the listed situations when located in "n" "q" overlays
Pleasant Valley Natural Resources Overlay Zone "v" See: 33.465.080	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 10 feet of buildings or attached structures • Nuisance species trees • Non-native non-nuisance trees • Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees 	Street all City all Private all	<ul style="list-style-type: none"> • Healthy native trees that do not meet the applicable Title 11 situations listed in this table
Scenic Resource Overlay "s" Only applies to trees that are within the scenic corridor setback. See: 33.480.040 B.2.a.	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 10 feet of buildings or attached structures • Nuisance species trees • Dead, Dying, or Dangerous trees • Trees associated with the repair and maintenance of water, sewer or storm water lines • Trees within 20 feet of a public safety RF Transmission Facility • Street, City, or Private trees up to and including 12 inches diameter provided that replanting per 33.480.040.B.2.h(7) is met [3] 	Street ≥ 6" City ≥ 6" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within the scenic corridor setbacks that do not meet the applicable Title 11 situations listed in this table

TITLE 11 TREES

Table 40-1
Tree Removal in Overlay Zones and Plan Districts [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing[2]	T33 Tree Size	Title 33 Zoning Code review for removing
Cascade Station/Portland International Center Plan District See: 33.508.340 Only applies to trees located in a "c" or "p" overlay	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 10 feet of buildings or attached structures • Nuisance species trees • Non-native non-nuisance trees • Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees • Trees projecting into a City-designated view corridor 	Street all City all Private all	<ul style="list-style-type: none"> • Healthy native trees that do not meet the applicable Title 11 situations listed in this table
Columbia South Shore Plan District See: 33.515.262 & 33.515.274 Only applies to trees located in a "c" or "p" overlay	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 10 feet of buildings or attached structures • Nuisance species trees • Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees 	Street all City all Private all	<ul style="list-style-type: none"> • Healthy native trees that do not meet the applicable Title 11 situations listed in this table • Healthy non-native non-nuisance trees that do not meet the applicable Title 11 situations listed in this table
Johnson Creek Basin Plan District 33.537.125 <ul style="list-style-type: none"> • Only applies to trees: • Within 20 feet of the Springwater Corridor lot line; • On a site with any portion in the special flood hazard area; and/or • On a site with any portion in the South Subdistrict. 	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • All Street Trees • Nuisance species trees • Trees within 10 feet of buildings, attached structures, or right-of-way improvements • Dead, Dying, or Dangerous trees • Trees associated with the repair and maintenance of water, sewer or storm water lines • Any other 6" to 12" tree provided that at least two trees are planted. [3] <p>Trees removed within 20 feet of the Springwater Corridor must be replaced within 20 feet of the corridor</p>	Street n/a City ≥ 6" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 20 feet of the Springwater Corridor lot line; on a site with any portion in the special flood hazard area; and/or on a site with any portion in the South Subdistrict that do not meet the applicable Title 11 situations listed in this table
Portland International Airport Plan District See: 33.565.540 Applies only to trees located in a "c" or "p" overlay	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 10 feet of buildings or attached structures • Nuisance species trees • Non-native non-nuisance trees • Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees. This does not apply in landscaped areas of golf courses • Trees projecting into a City-designated view corridor 	Street all City all Private all	<ul style="list-style-type: none"> • Healthy native trees that do not meet the applicable Title 11 situations listed in this table

TITLE 11 TREES

Table 40-1 Tree Removal in Overlay Zones and Plan Districts [1]				
Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing[2]	T33 Tree Size	Title 33 Zoning Code review for removing
Rocky Butte Plan District See: 33.570.040	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • All Street Trees • Nuisance species trees • Trees within 10 feet of buildings, attached structures, or right-of-way improvements • Dead, Dying, or Dangerous trees • Trees associated with the repair and maintenance of water, sewer or storm water lines • Any other 6" to 12" diameter tree provided that at least two trees are planted [3] 	Street n/a City ≥ 6" Private ≥ 6"	Trees that do not meet the applicable Title 11 situations listed in this table
South Auditorium Plan District See: 33.580.130	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Dead, Dying, or Dangerous trees provided at least one tree is planted in the same general location or in accordance with the adopted landscaping plan 	Street all City ≥ 6" Private ≥ 6"	Trees that do not meet the applicable Title 11 situations listed in this table
Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply. [2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester. [3] Minimum planting is required to meet zoning code requirements.				

11.40.030 Exemptions.

The following are exempt from the requirements of this Chapter:

- A. Heritage Trees. Heritage Trees are addressed in Chapter 11.20:
- B. Trees outside City Limits. Trees that are outside the City Limits, including "County Urban Pocket Areas."
- C. Programmatic permits. Activities carried out by public agencies operating under a programmatic permit per Chapter 11.45.
- D. Tree Removal in association with development permits addressed through Chapter 11.50, Trees in Development Situations.
- E. Agricultural use. Trees on lots that are part of an allowed farm or forest operation, including plant nurseries, when such removal is a customary and necessary activity for the associated agricultural use as provided for in Title 33, Planning and Zoning. Timber harvesting is subject to Oregon Department of Forestry requirements, ORS Chapter 527, and OAR Divisions 600-665.
- F. Work done by the City Forester and City Forestry crews involving City and Street Trees. However, the City Forester shall keep records of the location and number of City and Street Trees planted, pruned, and removed.

11.40.040 City and Street Tree Permit Standards and Review Factors.

(Amended by Ordinance No. 188278, effective April 14, 2017.) Type A and B permit applications for tree related work affecting City or Street Trees shall be reviewed using the following applicable review factors and standards in accordance with the application procedures set forth in Chapter 11.30.

**Table 40-2
Summary of Permit Requirements for City and Street Trees**

Activity	Permit Type	Tree Replacement [1] (See Section 11.40.060)	Public Notice / Public May Appeal
No Permit is required for: - pruning branches <1/2" or roots <1/4" - removing City Trees <3" in diameter; - removing street trees that are sucker shoots, self-sown trees < 1/2"; or - other activities that are exempt from the requirements of this Chapter (see 11.40.030).			
Planting trees Pruning branches larger than 1/2" or roots larger than 1/4" Other activities as described in 11.40.040 A.3	A	n/a	No
Removal of any regulated tree that is: - dead, dying, or dangerous	A	tree for tree	No
Removing up to 4 healthy trees per site, or abutting right of way per year as follows:			
- less than 3" in diameter	A[2]	tree for tree	No
- 3 to <12" in diameter	B	tree for tree	No
- 12 to <20" in diameter	B	tree for tree	No
- 20" and larger in diameter	B	inch for inch	Yes
Removing more than 4 healthy trees per site, or abutting right of way per year as follows:			
- less than 3" in diameter	A [2]	tree for tree	No
- 3 to <12" in diameter	B	tree for tree	No
- > 12" in diameter	B	inch for inch	Yes
- 20" and larger in diameter	B	inch for inch	Yes

[1] "Tree for Tree" means one tree is required to be planted for each tree removed, "inch for inch" means the City Forester may require up to an equivalent number of inches be planted for the total diameter inches of the tree being removed.

[2] Applies to all Street Trees, in addition to any other City Trees planted as part of a landscaping or mitigation requirement, including trees planted to replace trees removed under a previous tree permit.

A. Standards and Review Factors for Type A Permits for City and Street Trees.

1. Planting. Planting shall meet the specifications in Chapter 11.60 and the following:

- a.** Street Trees. If the City Forester determines that a proposed Street Tree planting is suitable for the space available, and that the species of the tree is appropriate for the location, then the City Forester will grant the permit.

The Responsible Engineer may require the City Forester to submit planting proposals in streets for review for the purpose of protecting existing utilities and sewer branches, and to ensure that the proposed

TITLE 11 TREES

trees are not likely to obstruct the visibility of drivers, cyclists or pedestrians.

- b.** City Trees. If the City Forester determines that a proposed planting on City property is of a species of tree appropriate for the site and that the applicant has the written consent of the City bureau to whom responsibility for the property has been assigned, the City Forester will grant the permit.
- 2.** Pruning or root cutting. The City Forester will grant a permit for pruning of branches 1/2 inch or larger or cutting of roots 1/4 inch or larger if the applicant demonstrates to the City Forester's satisfaction that the pruning or root cutting will be performed in accordance with proper arboricultural practices, and that it will not adversely impact the health or structural integrity of the tree.
- 3.** Other activities. A permit is required to attach permanent objects (e.g. lights, signs, or artwork) to a tree or its supports (e.g. guides, wires, stakes), or for any other type of activity the City Forester determines has the potential to harm a City or Street Tree. In reviewing these requests, the City Forester may impose limitations on the method, location, or duration of such activities.
- 4.** Removal. Trees shall be replaced as indicated in Table 40-2. The City Forester will grant a permit to remove a tree if the City Forester determines that the proposed removal is exempt or allowed by Title 33, Planning and Zoning; and meets at least one of the following:
 - a.** Dead trees. The tree is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots or branches exist to sustain life.
 - b.** Dying trees. The tree is in an advanced state of decline because it is diseased, infested by insects, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die. The City Forester may apply a condition of approval to the permit to require specific disposal methods for infected wood.
 - c.** Dangerous trees. The City Forester will evaluate the removal request by first evaluating practicable alternatives to the removal. If the City Forester finds either that the cost of the alternatives significantly exceeds the value of the tree, or that such alternatives will not substantially alleviate the dangerous condition, the City Forester will grant the permit.

- B.** Standards and Review Factors for Type B Permits for City and Street Trees. Because Type B permits for City and Street Trees are required only for removal; the standards and review factors of this Subsection are specific to tree removal.
- 1.** Standards. The City Forester shall determine that the following standards are met before granting a Type B permit:
 - a.** For trees located in one of the overlay zones or plan districts identified in Table 40-1, the proposed removal is exempt or allowed by Title 33, Planning and Zoning;
 - b.** The tree is not required to be preserved by a condition of a land use review, provision of this Title or the Zoning Code, or as part of a required stormwater facility;
 - c.** Trees removed shall be replaced as specified in Table 40-2.
 - 2.** Review Factors. The City, in the absence of extraordinary circumstances, will not permit the removal of a healthy, functioning Street Tree. Maintenance or replacements of sidewalks or curbs, removal of tree litter, or other minor inconveniences do not constitute extraordinary circumstances. Decisions regarding removal of healthy, functioning Street Trees are fact-specific, and are made on a case-by-case basis by the City Forester. In determining whether extraordinary circumstances exist that warrant removal of a healthy tree, the City Forester will consider:
 - a.** Whether the species of tree is appropriate for its location, and whether it is a nuisance species tree;
 - b.** Whether the tree's crown, stem or root growth habit has developed in a manner that would prevent continued healthy growth or is negatively impacting other trees;
 - c.** Whether the maintenance of the tree creates an unreasonable burden for the property owner; and
 - d.** The impact of removal and replanting on the neighborhood streetscape and any adopted historic or other design guidelines.

11.40.050 Private Tree Permit Standards and Review Factors.

Type A and B permit applications for tree related work affecting Private Trees shall be reviewed using the following applicable review factors and standards in accordance with the application procedures set forth in Chapter 11.30.

TITLE 11 TREES

**Table 40-3
Summary of Permit Requirements for Private Trees**

Activity	Permit Type	Tree Replacement[1] (See Section 11.40.060)	Public Notice / Public May Appeal
No permit is required for: - planting trees - pruning trees outside of the environmental protection (p), environmental conservation (c), or Pleasant Valley Natural Resource (v) overlay zones; - removal of trees smaller than the sizes regulated by this chapter (see 11.40.020 B.); or - other activities that are exempt from the requirements of this chapter (see 11.40.030)			
Pruning native trees in c, p, or v overlay zones	A	n/a	No
Removal of any tree that is: - dead, dying, or dangerous - a nuisance species identified in the Portland Plant List - located within 10 feet of building or attached structure	A	tree for tree	No
Removing up to 4 healthy non-nuisance species trees per site per year as follows:			
- Smaller than 20" diameter	A	tree for tree	No
- 20" diameter and larger	B	inch for inch	Yes[2]
Removing more than 4 healthy non-nuisance species trees per site per year as follows:			
12" diameter and larger	B	inch for inch	Yes

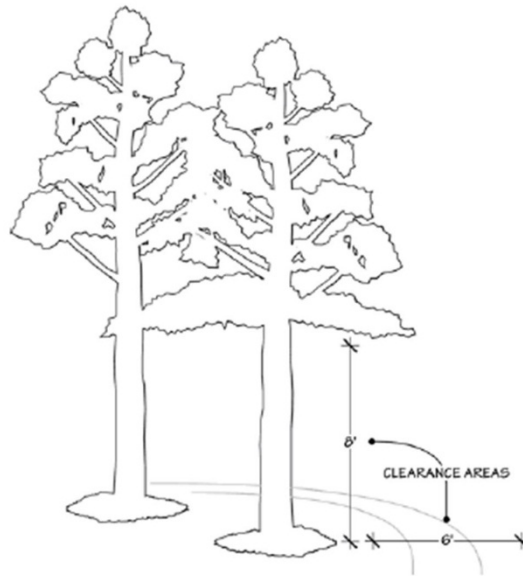
[1] "Tree for Tree" means one tree is required to be planted for each tree removed, "inch for inch" means the City Forester may require up to an equivalent number of inches be planted for the total diameter inches of the tree being removed.

[2] No public notice or opportunity for public appeal is required for removal of one healthy tree > 20" diameter per lot per year in any residential zone.

A. Standards and Review Factors for Type A Permits for Private Trees.

1. Pruning. A pruning permit is required only if the tree is a native tree in the Environmental (c, p) or Pleasant Valley Natural Resource (v) Overlay Zones.
 - a. Exceptions. A permit is not required for pruning trees in the following situations:
 - (1) Pruning trees located within 10 feet of a building or attached structure;
 - (2) Pruning coniferous trees that are within 30 feet of structures, when the structure is within the wildfire hazard zone as shown on the City's Wildfire Hazard Zone Map;
 - (3) Pruning to abate an immediate danger;
 - (4) Pruning for trail maintenance when not exceeding a height of 8 feet and a width of 6 feet as shown in Figure 40-1; or

**Figure 40-1
Trail Vegetation Pruning and Maintenance Area**



- (5) Crown maintenance and crown reduction of trees within the Portland International Airport Plan District or Cascade Station/Portland International Center Plan District that project above or will, upon maturity project above the height limit delineated by the "h" overlay zone or are identified as attracting wildlife species of concern related to air traffic safety.
- b. Standards. The City Forester will grant a Type A Permit for pruning if the applicant demonstrates to the City Forester's satisfaction that the pruning will meet the following:

 - (1) Pruning is limited to 5 native trees per calendar year per 10,000 square feet of site area;
 - (2) An arborist shall prepare and submit a pruning plan and supervise or conduct the work. The pruning plan shall describe the nature and extent of the proposed pruning as necessary to ensure proper arboricultural practices are followed; and
 - (3) Additional pruning may be allowed if the applicable criteria are met through an environmental review or natural resource review per Title 33, Planning and Zoning.

TITLE 11 TREES

- 2.** Removal. Trees shall be replaced as indicated in Table 40-3. The City Forester will grant a permit to remove a tree if the City Forester determines that the proposed removal is exempt or allowed by Title 33, Planning and Zoning; and meets at least one of the following:
 - a.** Dead trees. The tree is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots or branches exist to sustain life.
 - b.** Dying trees. The tree is in an advanced state of decline because it is diseased, infested by insects, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die. The City Forester may apply a condition of approval to the permit to require specific disposal methods for infected wood.
 - c.** Dangerous trees. The City Forester may evaluate the removal request by first evaluating practicable alternatives to the removal. If the City Forester finds either that the cost of the alternatives significantly exceeds the value of the tree, or that such alternatives will not substantially alleviate the dangerous condition, the City Forester will grant the permit.
 - d.** Nuisance species trees. The tree is listed on the "Nuisance Plant List".
 - e.** Trees within 10 feet of a building or attached structure. The trunk of the tree at its base is located completely or partially within 10 horizontal feet of the wall of a building or attached structure.
 - f.** Healthy trees. Up to 4 healthy trees may be removed per site per calendar year if each tree meets the following:
 - (1)** Each tree is less than 20 inches in diameter;
 - (2)** None of the trees are Heritage Trees; and
 - (3)** None of the trees are required to be preserved by a condition of a land use review, provision of this Title or the Zoning Code, or as part of a required stormwater facility;
- B.** Standards and Review Factors for Type B Permits for Private Trees. Because Type B permits for Private Trees are required only for removal; the standards and review factors of this Subsection are specific to tree removal.

TITLE 11 TREES

- 1.** Standards. The City Forester shall determine that the following standards are met before granting a Type B permit:
 - a.** For trees located in one of the overlay zones or plan districts identified in Table 40-1, the proposed removal is exempt or allowed by Title 33, Planning and Zoning;
 - b.** The tree is not required to be preserved by a condition of a land use review, or provision of this Title or the Zoning Code; and
 - c.** Trees removed shall be replaced as specified in Table 40-3.
- 2.** Review Factors. The City encourages retention of healthy Private Trees where practical alternatives to removal exist, and where those alternatives meet the owner's objectives for reasonable use and enjoyment of the property. Factors are considered to ensure that significant adverse impacts are avoided or mitigated, weighing the broader economic, ecological, and community concerns. These decisions are fact-specific and are made on a case-by-case basis. In making these decisions, the City Forester will consider:
 - a.** Whether there are practical alternatives that meet the owner's objectives without removing the tree;
 - b.** Whether the species of tree is appropriate for its location;
 - c.** Whether the tree's crown, stem, or root growth habit has developed in a manner that would prevent continued healthy growth or is negatively impacting other trees; and
 - d.** Whether the removal will significantly affect public safety or neighborhood character based on the following:
 - (1)** The age, size, form, general condition, pruning history and any unique qualities or attributes of the trees;
 - (2)** The visibility of the trees from public streets and accessways;
 - (3)** The cumulative impacts of current and prior tree removals in the area; and
 - (4)** When the tree is associated with a grove, whether removal of the tree will have a significant adverse impact on the viability of other trees or make other trees considerably more vulnerable to windthrow.

TITLE 11 TREES

11.40.060 Tree Replacement Requirements.

Generally, the City Forester will require replacement of trees removed under a Tree Permit as specified in Subsection A. However, the City Forester may instead allow payment into the Tree Planting and Preservation Fund as specified in Subsection B., or may waive or reduce the replacement requirement as specified in Subsection C.

A. Tree replacement specifications

- 1.** Quantity. Specific tree replacement requirements are shown in Tables 40-2 and 40-3. Where the requirement specifies "up to inch for inch" replacement, the City Forester will determine the appropriate number of new trees that are required based on the total number of diameter inches of the trees removed. The replacement requirement will compensate for the lost functions of trees removed, and ensure the application meets the applicable standards and review factors.
- 2.** Planting. Size, species, location, timing of planting, and on-going maintenance of replacement trees shall be in accordance with the technical specifications in Chapter 11.60.

B. Payment into Tree Planting and Preservation Fund. When the City Forester determines that there is insufficient or unsuitable area to accommodate some or all of the replacement trees within the street planting area or site, the City Forester may require payment into the Tree Planting and Preservation Fund instead of requiring replacement trees. Payment is based on the adopted fee schedule.

C. Waivers. The City Forester may waive or reduce the replacement requirement when the City Forester determines:

- 1.** The abutting right-of-way and site already meet the tree density standards of Chapter 11.50; or
- 2.** That the full mitigation required by this Chapter would impose an unreasonable burden on the applicant.

**CHAPTER 11.45 - PROGRAMMATIC TREE
PERMITS**

Sections:

- 11.45.010 Purpose.
- 11.45.020 Application Requirements.
- 11.45.030 Procedures.
- 11.45.040 Review Factors.
- 11.45.050 Permit Specifications.

11.45.010 Purpose.

Programmatic Permits may be issued by the City Forester for routine public facility or utility operation, repair and replacement, on-going maintenance programs, and for resource enhancement programs managed by a public agency. The purpose of a Programmatic Permit is to eliminate the need for individual tree removal, pruning or planting permits for ongoing activities that cover a wide geographic area and may include City, Street, and Private Trees. Programmatic permits are not subject to the standards, review factors, or general procedures of the Type A or B permits, but are instead evaluated to prevent cumulative adverse impacts of the activities and ensure that on balance the activities will meet the goals and objectives of the Urban Forest Plan in a reasonable time period. Tree preservation, protection, removal, and planting when associated with a development permit are subject to the procedures found in Chapter 11.50 and not these tree permit requirements.

11.45.020 Application Requirements.

- A.** Applications for Programmatic Tree Permits shall:
 - 1.** Be made in writing or electronically upon forms furnished by the City;
 - 2.** Be legible, accurate, and contain sufficient information in order to evaluate the request; and
 - 3.** Be accompanied by the correct fee.
- B.** Authority. Programmatic Permits may only be obtained by Public Agencies and Utilities as defined in this Title. Consultation on applicability is encouraged prior to application submittal.

11.45.030 Procedures.

(Amended by Ordinance Nos. 188278 and 188647, effective November 17, 2017.)

- A.** Requesting Additional Information.
 - 1.** If the City Forester requires additional information to review an application, the City Forester will send a notice to the applicant requesting the additional information.

TITLE 11 TREES

2. The applicant will have a maximum of 30 days from the date of the City Forester's notice to submit the additional information.
3. If the additional information is not received by the City Forester within 30 days from the date of the City Forester's notice, the application will be voided on the 31st day. The City will not refund the filing fee.

B. Notice. When the City Forester determines that the application contains sufficient information, the City Forester shall mail notice by US mail or electronically to all recognized organizations within the geographic area affected by the permit request. The notice shall announce the permit application and provide instructions for obtaining additional information, providing comments or to request notification of the City Forester's decision.

In addition to the public notice, the City Forester will provide a summary of pending and approved Programmatic Permits to the Urban Forestry Commission.

C. Decision. The City Forester shall take action to approve, approve with conditions, or deny a Programmatic Permit request within 120 days of determining an application contains sufficient information. The decision will be based on an evaluation of the request against the applicable review factors in Section 11.45.040.

D. Permit limitations.

1. Time Limits. The City Forester may approve a Programmatic Permit for a period of up to 5 years. An annual report from the applicant to the City Forester on activity conducted under the permit is required.
2. Tree Size Limits.
 - a. The programmatic permit will not allow the removal of healthy non-nuisance species trees 6 or more inches in diameter, except as provided in Subsection D.2.b., below.
 - b. If an applicant requests removal of healthy non-nuisance species trees 6 or more inches in diameter, an opportunity for public appeal shall be provided in accordance with Subsection F.2.b.
 - c. For any request, the City Forester may further limit allowed tree removal in order to meet the review factors in Section 11.45.040.
3. Tree Work Limits. All work conducted under a programmatic permit must be conducted in accordance with proper arboricultural practices.

E. Revocation. The City Forester may revoke a Programmatic Permit upon finding the applicant is not adhering to the limitations imposed or is acting beyond the activities

permitted by the Programmatic Permit. Non compliance with the Programmatic Permit may also be cause for any other enforcement action as stated in this Title.

F. Appeals.

- 1.** Timely Filing. Appeals shall be filed on forms as prescribed by the City within 14 days from the date of the written decision. Such appeals shall specifically identify in writing how the decision-maker erred in the decision.
- 2.** Appellant.
 - a.** An applicant may appeal a denial, required conditions or specifications of an approval, or the revocation of any Programmatic Permit. Appeal Hearings will be conducted as specified in Subsections 11.30.040 D. through E.
 - b.** The public may appeal an approval, required conditions or specifications of Programmatic Permits that authorize the removal of healthy non-nuisance species trees 6 or more inches in diameter. Appeal Hearings will be conducted as specified in Subsections 11.30.050 C. through E.
- 3.** Appeal Body Referral. The Appeals Board may refer the appeal request to the full Urban Forestry Commission.

11.45.040 Review Factors.

The City Forester may approve a Programmatic Permit upon finding that the following review factors are met or will be met with conditions:

- A.** The proposed activity will result in a net gain to the urban forest functions and benefits described in the purpose statement of Chapter 11.05, considering the applicants proposed performance measures, proposed tree planting and other proposed means to improve the overall health of the urban forest.
- B.** The applicant's proposed outreach and notification program, if warranted, will adequately and in a timely manner alert neighboring residents, businesses and the City prior to conducting work authorized under the programmatic permit.

11.45.050 Permit Specifications.

Approved permits shall include the following specifications. The City Forester may modify these specifications during the permit period in order to respond to concerns, changes in regulations, or previously unforeseen issues, provided the applicant is notified in writing and provided an opportunity to appeal the change in accordance with Section 11.45.030, above:

- A.** Duration of permit;

TITLE 11
TREES

- B.** Geographic area covered by the permit;
- C.** Permitted activities and any restrictions on the method, number, type, location or timing of activities;
- D.** Procedures and thresholds for informing neighboring residents, businesses and the City of upcoming permitted activities; and
- E.** Monitoring, performance tracking and reporting requirements. The City Forester may prescribe rules or procedures that specify the manner in which such tracking and reporting occur.

**CHAPTER 11.50 - TREES IN DEVELOPMENT
SITUATIONS**

Sections:

- 11.50.010 Purpose.
- 11.50.020 When a Tree Plan is Required.
- 11.50.030 Development Impact Area Option for Large Sites and Streets.
- 11.50.040 Tree Preservation Standards.
- 11.50.050 On-Site Tree Density Standards.
- 11.50.060 Street Tree Planting Standards.
- 11.50.070 Tree Plan Submittal Requirements.
- 11.50.080 Changes to Approved Tree Plans and Emergency Tree Removal.

11.50.010 Purpose.

The regulations of this Chapter support and complement other City development requirements, with a focus on achieving baseline tree preservation and total tree capacity on a site, considering the anticipated use and level of development. This Chapter regulates the removal, protection and planting of trees through the development process to encourage development, where practicable, to incorporate existing trees, particularly high quality or larger trees and groves, into the site design, to retain sufficient space to plant new trees, and to ensure suitable tree replacement when trees are removed. It is the intent of these provisions to lessen the impact of tree removal and to ensure mitigation when tree preservation standards are not met.

11.50.020 When a Tree Plan is Required.

A tree plan is required in conjunction with all development permits, unless the site or activity is exempt from Section 11.50.040 Tree Preservation Standards; Section 11.50.050 On-Site Tree Density Standards; and Section 11.50.060 Street Tree Planting Standards. If multiple development permits are required for a development proposal, including demolitions and subsequent construction, the same Tree Plan shall be included with each permit. For tree removal when no development permit is required or following completion of the development permit, see Chapter 11.40.

11.50.030 Development Impact Area Option For Large Sites and Streets.

(Amended by Ordinance No. 188278, effective April 14, 2017.) Where development is proposed on a site larger than one acre or where work is occurring in the street and is not associated with an adjacent development site, the applicant may choose to establish a development impact area. For sites using the development impact area option, tree preservation requirements shall be based on the trees within the development impact area and tree density will be based on meeting Option A as applied only to the area within the development impact area. Trees may be planted to meet tree density requirement elsewhere on the site.

11.50.040 Tree Preservation Standards.

(Amended by Ordinance Nos. 187675 and 188278, effective April 14, 2017.)

TITLE 11 TREES

- A.** Where these regulations apply.
- 1.** Except when exempted by Subsection B., below, this Section applies to trees within the City of Portland and trees on sites within the County Urban Pocket Areas in the following situations:
 - a.** On sites. Development activities with ground disturbance or a construction staging area greater than 100 square feet on unpaved portions of the site where there are Private Trees 12 or more inches in diameter and/or City Trees 6 or more inches in diameter and the site:
 - (1)** is 5,000 square feet or larger in area; and
 - (2)** has existing or proposed building coverage less than 85 percent.
 - b.** In streets. Development activities with ground disturbance or construction staging not limited to existing paved surfaces where there are Street Trees 3 or more inches in diameter.
 - 2.** Any Heritage Trees and trees required to be preserved through a land use condition of approval or tree preservation plan cannot be removed using the provisions in this Chapter, but may be counted toward the tree preservation requirements of this Section.
- B.** Exemptions. The following are exempt from the tree preservation standards of this Section:
- 1.** On portions of sites located within an IH, IG1, EX, CX, CS, or CM zone.
 - 2.** Trees that are dead, dying, dangerous, or a nuisance species, as documented in a Tree Plan per Subsection 11.50.070 B. These are subtracted from the total number of trees to be addressed by the standards.
 - 3.** Trees exempted from this standard by a land use decision.
 - 4.** Tree preservation requirements approved in a land division or planned development review under Title 33, Planning and Zoning and the requirements of that review are still in effect.
 - 5.** Repair and replacement of existing fences and decks that are not changing in footprint or length when no trees are to be removed as a part of the project.
- C.** Tree Preservation Requirement. Any trees preserved shall be protected in accordance with the specifications in Section 11.60.030. The regulations for Private

TITLE 11 TREES

Trees in Subsection 11.50.040 C.1. sunset after December 31, 2019. After December 31, 2019 the regulations in effect will be those in effect on January 1, 2015.

1. Private Trees.

a. General tree preservation.

- (1)** Tree preservation is not required for development activities within 10 feet of existing primary structures, garages, or detached accessory structures permitted as living space if the submitted tree plan confirms the following:
 - (a)** Tree removal is not a part of the project; and
 - (b)** Ground disturbance will not occur in the root protection zone of any existing tree on site, as defined in Subsection 11.60.030 C.1.a.
- (2)** Retention. An applicant shall preserve and protect at least 1/3 of the non-exempt trees 12 inches and larger in diameter located completely or partially on the development site, unless mitigation occurs per Subsection 11.50.040 C.1.a.(2) below. Retaining trees at least 6 and less than 12 inches in diameter that are documented in a report prepared by an arborist or landscape professional to be Garry Oak (*Quercus garryana*), Pacific Madrone (*Arbutus menziesii*), Pacific Yew (*Taxus brevifolia*), Ponderosa Pine (*Pinus ponderosa*), or Western Flowering Dogwood (*Cornus nuttallii*) species are not included in the total count of trees on the site but may be used toward meeting the preservation standard.
- (3)** Mitigation. For each tree not preserved and protected below the 1/3 requirement, payment to the Tree Planting and Preservation Fund is required as shown in Table 50-1. The fee is calculated using the per-inch Restoration Fee for Tree Removal in the adopted fee schedule for Title 11. In cases where more than one tree is proposed for removal in excess of that allowed by Subsection 11.50.040 C.1.a.(1), the mitigation payment required to meet the 1/3 retention standard is based on the largest tree or trees proposed for removal.

TITLE 11 TREES

**Table 50-1
Required Mitigation**

Size of Tree Removed (inches in diameter)	Required Mitigation
At least 12 and less than 20	The cost of (2) two-inch diameter replacement trees
At least 20 and less than 36	The cost of (4) two-inch diameter replacement trees
At least 36 or more	The cost per inch of tree removed

b. Preservation of trees 36 inches or greater.

- (1)** Retention. An applicant shall preserve and protect all non-exempt trees 36 inches in diameter or greater located completely or partially on the development site, unless mitigation and notice occurs per Subsections 11.50.040 C.1.b.(2) and 11.50.040 C.1.b.(3), below. Retention or mitigation of these trees may also be used to meet the standards for general tree preservation in Subsection 11.50.040 C.1.a. above.
- (2)** Mitigation. For each tree 36 or more inches in diameter not preserved and protected, payment to the Tree Planting and Preservation Fund is required as shown in Table 50-1. The fee is calculated using the per-inch Restoration Fee for Tree Removal in the adopted fee schedule for Title 11.
- (3)** Notice. If a tree 36 inches or greater in diameter is not preserved and protected as allowed by Subsection 11.50.040 C.1.b.(2) above, the property owner or the property owner's representative must post a notice on the site and send a notice to the recognized Neighborhood Association and District Coalition in which the site is located. The notices are for notification purposes only. The notices do not provide for public comment on the proposal or for appeal of the proposal. The property owner or the property owner's representative must provide a signed certification to the Bureau of Development Services that a notice was posted on the site and a notice was sent to the Neighborhood Association and District Coalition. The development permit may not be issued until the business day following the day the notification period is completed.
 - (a)** The posted notice must:

TITLE 11

TREES

- (i) Be posted on the site for at least 45 calendar days prior to development permit issuance;
 - (ii) Be posted within 10 feet of the street lot line nearest the tree or trees to be removed;
 - (iii) Include the date of posting and the date of the end of the notification period;
 - (iv) Include a site plan at least 8.5 x 11 inches in size showing the location and description of the trees(s) to be removed including diameter inch size(s); and
 - (v) Include contact information for the property owner or the property owner's representative.
 - (b) The notices to the Neighborhood Association and District Coalition must:
 - (i) Be e-mailed or mailed to the Neighborhood Association and District Coalition using the contact information maintained by the Office of Neighborhood Involvement. If mailed, the notice must be sent via certified or registered mail. The date of the e-mail or the mailing must be at least 45 calendar days prior to development permit issuance;
 - (ii) Include a description of the trees(s) to be removed including diameter inch size(s); and
 - (iii) Include contact information for the property owner or the property owner's representative.
- (4) Exemption of tree preservation mitigation payments for affordable housing developments. Projects are exempt from the mitigation requirements in Subsection 11.50.040 C.1.b.(2) if the development will be an affordable housing development approved for system development charge exemptions under Section 30.01.095. The amount of the mitigation exemption shall be pro-rated to a percentage equal to the percentage of dwelling units on the development site that are approved for the systems development charge exemption in Section 30.01.095. The Director of the

TITLE 11 TREES

Portland Housing Bureau may adopt administrative rules for the administration of Subsection 11.50.040 C.1.b.(4).

- c. Exception for Capital Improvement Projects. Trees on private property that are part of a capital improvement project and within the development impact area are regulated as City and Street Trees.

2. City and Street Trees.

- a. Retention. For development on City owned or managed sites, new public streets, or improvements to existing streets, applicants are required to consult with the City Forester at the preliminary project design phase if City or Street Tree removal is likely to occur to complete the project. The purpose of this consultation is to identify potential impacts and opportunities to retain existing trees, as well as any measures required to protect trees on site, on adjacent sites, or in the street.
- b. Mitigation. Any required mitigation specified below shall occur on the site, in the street planter strip, or in the same watershed either by planting or a payment into the Tree Planting and Preservation Fund. The City Forester may reduce or waive the following mitigation requirements.
 - (1) Approved Street Tree removal in conjunction with improvements to partially or fully unimproved streets. Each tree at least 12 inches in diameter that is allowed to be removed shall be replaced with at least one tree. Trees planted to meet Street Tree Planting Standards will be credited toward meeting this requirement.
 - (2) Any other Street or City Tree allowed to be removed that is 6 or more inches in diameter shall be replaced with at least one tree in addition to trees required to meet required tree density or Street Tree planting standards.

11.50.050 On-Site Tree Density Standards.

(Amended by Ordinance Nos. 187675 and 188278, effective April 14, 2017.)

- A. Where these Regulations Apply. This Section applies to sites within the City of Portland and the County Urban Pocket Areas. Unless exempted in Subsection 11.50.050 B., the following are subject to the On-Site Tree Density Standards:
 - 1. New Development;

2. Exterior alterations to existing development with a project valuation that is more than the threshold stated in Subsection 33.258.070 D.2.a.

B. Exemptions.

1. The following development activities are exempt from the on-site tree density standards:
 - a. A specific condition of land use review approval exempts the site from these density standards;
 - b. The site is within the Portland International Airport Plan District or Cascade Station/Portland International Center Plan District and is subject to the Airport Landscape Standards; see Title 33, Planning and Zoning.
 - c. On portions of sites located within an IH, IG1, EX, CX, CS, or CM zone.
 - d. Work conducted under Demolition, Site Development, Septic, Plumbing or Zoning Permits.
2. Sites with the following primary uses are exempt from the on-site tree density standards:
 - a. Railroad Yards;
 - b. Waste Related;
 - c. Agriculture;
 - d. Aviation and Surface Passenger Terminals;
 - e. Detention Facilities;
 - f. Mining;
 - g. Radio Frequency Transmission Facilities; or
 - h. Rail Lines and Utility Corridors;

- C.** New development shall meet City specifications and standards in Chapter 11.60 and the on-site tree density requirements in Subsection D., below. Exterior alterations shall meet City specifications and standards in Chapter 11.60 and the on-site tree density requirements in Subsection D., below, but are only required to spend 10 percent of project value on the requirements in Subsection D. and the nonconforming upgrades required by Chapter 33.258, Nonconforming Situations.

TITLE 11 TREES

D. On-Site Tree Density Requirements.

1. Required Tree Area. The required tree area is based on the size of the site and the type and size of proposed and existing development as shown in Table 50-2. Applicants may choose Option A or Option B for calculating required tree area except only Option A may be used to apply standards to a "Development Impact Area".

Table 50-2
Determining Required Tree Area

Development Type	Option A	Option B
One and Two Family Residential	40 percent of site or development impact area	Site area minus building coverage of existing and proposed development
Multi Dwelling Residential	20 percent of site or development impact area	
Commercial/Office/Retail/Mixed Use	15 percent of site or development impact area	
Industrial	10 percent of site or development impact area	
Institutional	25 percent of site or development impact area	
Other	25 percent of site or development impact area	

2. Required Tree Density. The required tree area shall be planted with some combination of large, medium or small canopy trees at the following rates:

Table 50-3
Number of Required Trees and Minimum Planting Area

Canopy size category (at maturity)	Number of trees required per size of tree area	Min. required planting area per tree (min. dimension)
Large	1 per 1,000 s.f.	150 s.f. (10' x 10')
Medium	1 per 500 s.f.	75 s.f. (5' x 5')
Small	1 per 300 s.f.	50 s.f. (3' x 3')

Refer to Chapter 11.60, Technical Specifications, to calculate tree canopy size categories. When the canopy size category of the tree species is not or cannot be determined, the tree will be considered a small canopy tree.

3. Tree Density Credits

TITLE 11 TREES

- a.** Trees planted on site to meet any required stormwater or other landscaping requirement may be counted toward the On-site tree density requirements.
- b.** Trees that are retained and protected, including trees preserved per Section 11.50.040, may be credited as follows:
 - (1)** Trees between 1.5 and less than 6 inches in diameter count as one small canopy size tree.
 - (2)** Trees 6 or more inches in diameter count as one medium canopy size tree for each full increment of 6 diameter inches.
- c.** Payment in lieu of planting. The applicant may pay a fee to the Tree Planting and Preservation Fund per Section 11.15.010 equivalent to the cost of planting and establishing one 1.5-inch caliper tree. The fee per tree shall be credited at a rate of one medium canopy size tree.
- d.** On sites less than or equal to 3,000 square feet, healthy non-nuisance species trees planted or retained in the street planting strip may be credited as described in this Subsection.

11.50.060 Street Tree Planting Standards.

- A.** Where these Regulations Apply.
 - 1.** This Section applies to projects within or fronting on any City-owned or -managed streets.
 - 2.** For alterations where the project value is more than \$25,000, the cost of required Street Tree improvements is limited to 10 percent of the value of the proposed development.
- B.** Exemptions. The following are exempt from the Street Tree planting standards of this Section:
 - 1.** Development activities associated with the following:
 - a.** Additions, alterations, repair or new construction where the project value is less than \$25,000;
 - b.** Activity that is limited to the street, and does not modify or create sidewalks, tree wells, or tree planting areas; or
 - c.** Demolition Permits.

TITLE 11 TREES

2. Where physical constraints preclude meeting the Street Tree planting requirement because:
 - a. Existing above or below grade utilities prevent planting Street Trees; or
 - b. The design of the street will not accommodate Street Tree planting because the planting strip is less than 3 feet wide, there is not a planting strip, or there is insufficient space to add tree wells.

C. Street Tree Planting Requirement.

Any proposed change in width in a public street right-of-way or any other proposed street improvement, including the development of new public streets, shall include areas for tree and landscape planting where practical. Utility connections and specifications for planting such areas shall be integrated into the site plan. Specific locations and species will be determined by the Responsible Engineer and City Forester. Planting in public streets shall meet the specifications in Chapter 11.60 and the following:

1. One Street Tree shall be planted or retained for each full increment of 25 linear feet per side of street frontage. When the required number of trees cannot be planted, a fee in lieu of planting may be required. For City projects, required trees that cannot be planted within the improvement area may be planted elsewhere in the same watershed, instead of paying a fee in lieu of planting.
2. For projects affecting 200 linear feet of frontage or more, the applicant shall consult on the design of such improvements with the City Forester early in the project design phase to identify opportunities to integrate existing trees and maximize new Street Tree planting considering the planter width, the location of existing and proposed utilities, and visibility requirements.
3. When new streets are being created in association with a land division, Street Tree planting may be deferred until the completion of the building permit on each new lot, subject to City Forester approval.

11.50.070 Tree Plan Submittal Requirements.

(Amended by Ordinance No. 188278, effective April 14, 2017.) A tree plan submittal shall include the following information. The tree plan information may be combined with other relevant plan sheets. The submittal shall include:

- A. Site Plan Requirements. The site plan shall include the following information with sufficient detail to show that the proposal complies with this Title.
 1. Existing improvements;

2. Any construction staging areas on site;
3. Proposed alterations including structures, impervious area, grading, and utilities;
4. Existing trees:
 - a. Trees on the site. Indicate the location and the diameter size of:
 - (1) Any Heritage Trees and trees required to be preserved as part of a condition of land use approval. These shall be clearly labeled.
 - (2) All trees completely or partially on the site that are at least 6 inches in diameter.
 - (3) Trees smaller than 6 inches in diameter shall be shown when proposed to be retained for tree density credit. On City-owned or –managed sites, the City Forester may require smaller size trees be shown.

Applicants using the development impact area option as described in Section 11.50.030, need only identify the trees on the site inside and 25 feet beyond the edge of the development impact area. For all trees shown to be retained on the tree plan (including those beyond the development impact area), tree protection methods detailed in Subsection 11.60.030 C. shall be implemented. Protection may be achieved using the Prescriptive Path or Performance Path.

- b. Trees in the street. For the street area adjacent to the development site or development impact area, indicate the location and the diameter size of:
 - (1) Any Heritage Trees and trees required to be preserved as part of a condition of land use approval
 - (2) All trees within the adjacent street that are at least 3 inches in diameter.

Applicants using the development impact area option within the street when not associated with development of an adjacent site as described in Section 11.50.030, shall identify trees 3 or more inches in diameter inside and 15 feet beyond the edge of the development impact area.

TITLE 11 TREES

When the 15 foot distance extends onto property outside the street, provide estimates of tree size and location for trees 6 or more inches in diameter on these properties. For City projects, the City Forester or project arborist may determine which trees on adjacent properties shall be identified per this Subsection.

5. Proposed tree activity:

- a.** Indicate trees to be retained and proposed tree protection measures meeting the specifications in Chapter 11.60. Trees that are retained but are not protected in accordance with the protection requirements in Chapter 11.60 may not be used to meet preservation or density standards.
- b.** Indicate trees to be removed. It is the applicant's responsibility to obtain the appropriate consent from the adjacent property owner for tree removal when the tree is only partially on the site.
- c.** Show location, species, planting size and number of trees proposed to be planted. Trees to be planted shall meet the specifications in Chapter 11.60.

B. Narrative requirements.

- 1.** If alternative tree protection measures are proposed, documentation addressing the requirements in Section 11.60.030, Tree Protection Specifications, shall be included.
- 2.** If a tree is to be exempted from tree preservation standards based on poor tree health or condition, supporting documentation from an arborist shall be included.
- 3.** If a tree is to be exempted from tree preservation standards based on it being listed on the Nuisance Plants List, supporting documentation from a landscape professional or an arborist shall be included.

11.50.080 Changes to Approved Tree Plans and Emergency Tree Removal.

- A.** When changes are necessary to an approved Tree Plan and the changes will not affect compliance with any applicable conditions of a land use review, the change may be reviewed as a revision to the approved development permit. Any proposed revisions to the Tree Plan will be approved upon demonstrating the applicable tree preservation and density standards are met. When development activity has already commenced on the site and the applicant is proposing to retain alternate trees not

previously shown to be protected, an arborist report will be required that documents the alternate tree is healthy and has not been injured by the development activity.

- B.** Emergency Tree Pruning or Removal. Emergency pruning or removal of trees is regulated by this Chapter as follows:
- 1.** If an emergency exists because the condition or location of a tree presents such a clear and present danger to structures or the public that there is insufficient time to obtain a tree permit, the hazardous portion of the tree may be removed without first obtaining a revision to an approved tree plan.
 - 2.** Any person who removes a tree under the provisions of this Section shall, within 7 days of such action, apply for a revision to the approved tree plan. The application shall include photographs or other documentation to prove that an emergency existed. The BDS Director will evaluate the information to determine whether an emergency existed. Failure to submit an application or provide information documenting the emergency nature of the event may be pursued as a violation per Chapter 11.70.

TITLE 11 TREES

CHAPTER 11.60 - TECHNICAL SPECIFICATIONS

Sections:

- 11.60.010 Where These Regulations Apply.
- 11.60.020 Tree Planting Specifications.
- 11.60.030 Tree Protection Specifications.
- 11.60.040 Tree Pruning and Root Cutting Specifications.
- 11.60.050 Tree Removal Specifications.
- 11.60.060 Tree Maintenance Specifications and Responsibilities.

11.60.010 Where These Regulations Apply.

- A. City of Portland. This Chapter applies to all regulated trees within the City of Portland.
- B. County Urban Pocket Areas. Trees in the County Urban Pocket Areas are subject to all regulations of this Chapter except Section 11.60.060, Tree Maintenance Specifications.

11.60.020 Tree Planting Specifications.

(Amended by Ordinance No. 188278, effective April 14, 2017.) The following specifications apply to trees planted to meet a requirement of this Title. These specifications may be combined with other requirements as necessary to ensure trees are properly selected, spaced, and sized.

- A. Prohibited Locations.
 - 1. In the South Waterfront Plan district area, planting trees is not allowed between the riverfront trail and the river at major or minor viewpoints as designated in Title 33 Planning and Zoning.
 - 2. In the Columbia South Shore Well Field Wellhead Protection Area as designated in Title 21, planting trees over the top of polyethylene geomembrane liners installed to meet the requirements of the Columbia South Shore Well Field Wellhead Protection Manual is prohibited.
 - 3. Trees may not be planted on or within 25 feet south of the toe of the Marine Drive levee slope.
- B. Planting size. In general, the following represent the minimum tree planting size standard; however, the City Forester may allow smaller or require larger trees to suit the site conditions.
 - 1. Broadleaf trees. Broadleaf trees shall meet the minimum caliper size as determined by the development type listed in Table 60-1:

**Table 60-1
Broadleaf Tree Size Requirements**

Development Type	Tree Size	
	On Site	Street
One and Two Family Residential	1.5"	1.5"
Multi Dwelling Residential	1.5"	2"
All others	1.5"	2.5"

2. Coniferous trees. Conifer trees shall be a minimum of 5 feet in height.
3. Native tree exception. The minimum planting size for native broadleaf trees may be reduced to ½" caliper on sites when planted in an environmental (c, p), greenway (n, q, or greenway setback and riverward portion of g, i, and r overlay zones), or Pleasant Valley Natural Resource (v) overlay zone. When planting Garry Oak, Pacific Madrone, or native conifers in these areas, the minimum planting size may be reduced to a 3 to 5-gallon container size. For Street Trees in these areas, the City Forester may approve a smaller planting size for native species.

- C.** Canopy size category. Tree canopy types are categorized as small, medium, or large based on the estimated canopy size at maturity. The "Portland Tree and Landscaping Manual" suggested plant lists include the size categories recognized for many trees. To determine the size category of a tree not listed in the "Portland Tree and Landscaping Manual", the applicant shall provide an objective source of information about the tree's mature height, crown spread, and growth rate. This information can come from published sources, internet sources, or nursery information such as cut sheets.

The canopy size category is calculated according to the following formulas, which incorporate the estimated height and crown spread of a mature specimen and the tree species' growth rate:

1. Small trees have a canopy factor of less than 40, Medium trees have a canopy factor from 40 to 90, and Large trees have a canopy factor greater than 90;
2. Canopy factor = (Mature height of tree) x (Mature canopy spread) x (Growth rate factor) x 0.01;
3. The growth rate factor is 3 for fast-growing trees, 2 for medium-growing trees, and 1 for slow-growing trees.

- D.** Species requirements.

TITLE 11 TREES

1. Species diversity. If there are fewer than 8 required trees, they may all be the same species. If there are between 8 and 24 required trees, no more than 40 percent can be of one species. If there are more than 24 required trees, no more than 24 percent can be of one species. This standard applies only to the trees being planted, not to existing trees.

For Street Trees, the City Forester may make an exception to this requirement in order to fulfill or complement an adopted street or landscape plan.

2. Nuisance species. Trees listed in the "Nuisance Plants List" are prohibited for proposed planting or required replacement.
3. Native species. Any trees required to be planted in environmental (c, p), greenway (n, q, or greenway setback and riverward portion of g, i, and r overlay zones), scenic corridors (s), or Pleasant Valley Natural Resource (v) overlay zones shall be native species. Refer to the "Portland Plant List" for information on appropriate native species for the specific site conditions. Planting activities shall be conducted with hand tools, and may not disturb other native vegetation.

In streets, the City Forester may make an exception to allow planting of non-native Street Trees in these areas when the proposed species of tree will not likely displace native species, and the soil conditions, available growing space, or other site constraints make planting a native tree species infeasible.

4. Adopted guidelines. The City Forester will require species that do not conflict with the requirements of this Section and, to the extent practical, are consistent with characteristics set forth in applicable historic design or other adopted guidelines.
5. Street Tree species. Street Tree species shall conform to the City Forester's "Recommended List of Street Trees". The City Forester may approve or require an alternate or unlisted species when the alternate species is an appropriate and viable selection and is consistent with applicable objectives of an adopted area-specific tree plan or guidelines.

E. Installation and establishment.

1. Installation. All required trees shall be planted in-ground, except when in raised planters that are used to meet Bureau of Environmental Services stormwater management requirements. Plant materials shall be installed to current nursery industry standards and proper arboricultural practices. Plant materials shall be labeled for the inspector and properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.

TITLE 11 TREES

2. **Timing.** All trees required or approved to be planted by this Title shall be planted or payment in lieu of planting made prior to the expiration of the permit or City's final acceptance of the project, as applicable. However, it is encouraged that planting occur during the wet months or as per City Forester recommendations. Planting of trees may be deferred between May 1 and September 30 upon filing a performance guarantee as provided in Section 11.10.060 or other assurance deemed acceptable by the City Forester or BDS Director as applicable.
3. **Maintenance.** Maintenance of required trees including meeting the maintenance specifications in this Chapter is the ongoing responsibility of the property owner. Trees that die shall be replaced in kind. The cost of the tree and maintenance is the responsibility of the property owner.

11.60.030 Tree Protection Specifications.

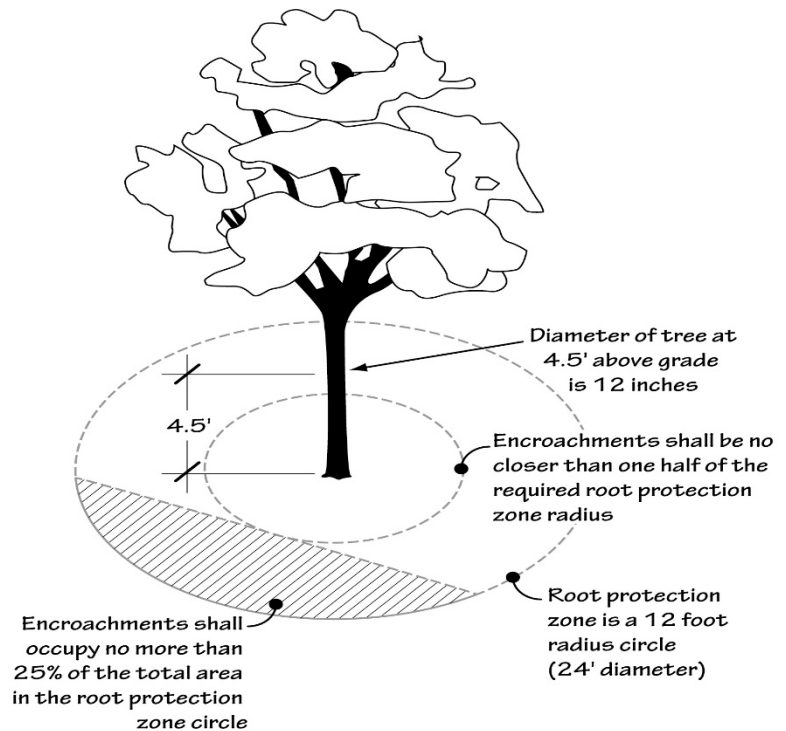
(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A. **Intent.** Tree protection during development helps to reduce the negative impacts of construction. The tree protection regulations keep the foliage crown, branch structure and trunk clear from direct contact and injury by equipment, materials or disturbances; preserve roots and soil in an intact and non-compacted state; and visibly identify the root protection zone in which no soil disturbance is permitted and other activities are restricted. Maintaining these protections through development will lessen undesirable consequences that may result from uninformed or careless acts, preserve both trees and property values, and reduce risks associated with damaged or destabilized trees.
- B. **Applicability.** These standards apply to any tree that is required to be retained on site or in the street during a development activity. Proposed tree protection shall meet the requirements of Subsection C., below, except that the City Forester may approve or require alternate protection methods for Street or City Trees.
- C. **Protection methods.** The Tree Plan shall show that trees retained are adequately protected during construction using one of the methods described below:
 1. **Prescriptive Path.**
 - a. A root protection zone is established as follows:
 - (1) For trees on the development site - a minimum of 1 foot radius (measured horizontally away from the face of the tree trunk) for each inch of tree diameter (see Subsection 11.80.020 C., Measurements):
 - (2) Street Trees – the City Forester may prescribe greater or lesser protection than required for on-site trees.

TITLE 11 TREES

- (3) Existing encroachments into the root protection zone, including structures, paved surfaces and utilities, may remain. New encroachments into the root protection zone are allowed provided:
- (a) the area of all new encroachments is less than 25 percent of the remaining root protection zone area when existing encroachments are subtracted; and
 - (b) no new encroachment is closer than 1/2 the required radius distance (see Figure 60-1);

**Figure 60-1
Permissible RPZ Encroachments**



- b. Protection fencing**
- (1) Protection fencing consisting of a minimum 6-foot high metal chain link construction fence, secured with 8-foot metal posts shall be established at the edge of the root protection zone and permissible encroachment area on the development site. Existing structures and/or existing secured

TITLE 11 TREES

fencing at least 3.5 feet tall can serve as the required protective fencing.

- (2) When a root protection zone extends beyond the development site, protection fencing is not required to extend beyond the development site. Existing structures and/or existing secured fencing at least 3.5 feet tall can serve as the required protective fencing.
 - c. Signage designating the protection zone and penalties for violations shall be secured in a prominent location on each protection fence;
 - d. Installation of landscaping required by Title 33 is allowed within the root protection zone and is not an encroachment. Any in-ground irrigation systems are considered encroachments.
 - e. The following is prohibited within the root protection zone of each tree or outside the limits of the development impact area: ground disturbance or construction activity including vehicle or equipment access (but excluding access on existing streets or driveways), storage of equipment or materials including soil, temporary or permanent stockpiling, proposed buildings, impervious surfaces, underground utilities, excavation or fill, trenching or other work activities; and
 - f. The fence shall be installed before any ground disturbing activities including clearing and grading, or construction starts; and shall remain in place until final inspection.
2. Performance Path. When the prescriptive path is not practicable, the applicant may propose alternative measures to modify the prescriptive root protection zone, provided the following standards are met:
- a. The alternative root protection zone is prepared by an arborist who has visited the site and examined the specific tree's size, location, and extent of root cover, evaluated the tree's tolerance to construction impact based on its species and health, and identified any past impacts that have occurred within the root zone;
 - b. The arborist has prepared a plan providing the rationale used to demonstrate that the alternate method provides an adequate level of protection based on the findings from the site visit described above;
 - c. The protection zone shall be marked with signage, stating that penalties will apply for violations, and providing contact information for the arborist;

TITLE 11 TREES

- d.** If the alternative methods require the arborist be on site during construction activity, the applicant shall submit a copy of the contract for those services prior to permit issuance and a final report from the arborist documenting the inspections and verifying the viability of the trees prior to the City's final inspection;
- e.** If the alternative tree protection method involves alternative construction techniques, an explanation of the techniques and materials used shall be submitted;
- f.** The arborist shall sign the tree preservation and protection plan and include contact information.

The BDS Director may require the proposed tree protection method to be peer reviewed for adequacy; reject the proposal if deemed insufficient to meet Subsection C.2.b, above; or require a performance guarantee per Section 11.10.060 in order to ensure the protection methods are properly implemented.

- 3.** Additional information. The City may request additional information regarding the proposed development, including construction management approaches, if the proposed development and tree protection appear to conflict. The purpose of this provision is to ensure that logistical considerations are adequately addressed in order to prevent the need for changes to the tree protection measures during the construction process.
- D.** Changes to tree protection. Changes to the tree protection measures during the course of the development may be approved as a revision to a permit provided that the change is not the result of an unauthorized encroachment into a root protection zone, and the applicant demonstrates that the tree protection standards of this Section continue to be met. When an unauthorized encroachment has occurred, the city may pursue an enforcement action or other remedy per Chapter 11.70.
- E.** Tree protection inspections. The City Forester or BDS Director may conduct inspections during the course of project activity to determine compliance with this Title and confirm that tree protection zones are being maintained and root protection methods are effective. No person may refuse entry or access to a permitted development site to any authorized representative of the City who provides proper credentials and requests entry for the purpose of conducting a Tree Protection inspection. In addition, no person may obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.

11.60.040 Tree Pruning and Root Cutting Specifications.

Pruning or root cutting shall be in accord with proper arboricultural practices, using clean and sharp tools. No tree may be excessively pruned or topped as defined in this Title.

11.60.050 Tree Removal Specifications.

Trees shall be removed in a manner that will not jeopardize the public safety or damage structures including utility lines or services, or adjacent trees. In most cases, trees shall be entirely removed. Where appropriate, standing dead trees, or snags, may be left by cutting them to a height that will not threaten a target such as people or structures. Fire safety and preventing harmful pests should also be considered. However, well situated snags can function as important wildlife habitat providing nesting sites and a food source for foraging birds.

- A.** Completion. To prevent the creation of hazards from partially removed trees, once work has commenced to remove a tree, this work shall be completed in a timely manner. A tree will be considered completely removed when reduced to a stump no taller than 4.5 feet. The City Forester may grant an exception to this specification to allow snag creation. For Street Tree removals, the City Forester may direct that the stump be ground out up to 18 inches below grade.
- B.** Disposal of wood and woody debris.
 - 1.** City and Street Trees. Disposal, use, or reuse of wood and woody debris from City or Street Trees is at the sole discretion of the City Forester including specific disposal methods for infected wood. Cost for disposal is the responsibility of the property owner (or adjoining property owner for Street Trees). If the City Forester determines that the cost of storage or sale of the wood is not commercially feasible, the City Forester may give such surplus wood to the adjoining property owner or other group as the City Forester may so designate. Unless the City Forester has given the wood to a group, organization, or individual, it is unlawful for any person to possess or dispose of any wood from any City or Street Tree.
 - 2.** Private Trees. Disposal, use, or reuse of wood and woody debris from Private Trees is at the property owner's discretion, provided storage of wood does not constitute a public health or safety nuisance. In environmental (c, p), or Pleasant Valley Natural Resource (v) overlay zone, large woody debris may be required to remain or portions of trees left standing as snags. If the City Forester has determined that the tree is affected by a pathogen or insect infestation that will likely adversely impact surrounding trees, all portions of the tree shall be removed from the site and properly disposed at the property owner's expense.

11.60.060 Tree Maintenance Specifications and Responsibilities.

The following specifications apply to all trees in the city. The purpose of these provisions is to protect the health, safety and welfare of the public, safeguard public infrastructure assets, and ensure the continued health of the urban forest.

- A.** General.

TITLE 11 TREES

- 1.** Permits required. Any person pruning, removing, or conducting any other work on any Street Tree or City Tree and any person removing any regulated Private Tree in order to comply with the requirements of this Section, shall first obtain a Type A tree permit in accordance with the provisions of Chapter 11.30. The application fee may be waived when the City forester has directed the work to be done.
 - 2.** Responsibilities.
 - a.** Property owner. It is the duty of every owner of property to maintain trees located on the property or on the adjacent street planting area in accordance with this Section. Further, the owner shall be responsible for all costs associated with such maintenance, removal and any tree replacement, if required.
 - b.** Bureau of Transportation. For trees located in center medians, the Bureau of Transportation is responsible for the requirements of this Section.
 - c.** Bureau of Environmental Services. For trees located in green street facilities as described in Title 17, the Bureau of Environmental Services is responsible for the requirements in this Section.
 - 3.** City Forester authority for tree maintenance. The City Forester may or may direct others to prune, remove or treat to control insects and disease for any trees in the streets, parks, other City owned or managed properties, or private properties if the City Forester determines that controlling insect infestations, disease or dangerous conditions is needed to maintain the public health, safety or health of the urban forest.
 - 4.** Available remedies. In addition to specific remedies cited in this Section, any infractions or violations of these requirements may additionally be corrected or enforced per the provisions in Chapter 11.70.
- B.** Dead, Dying and Dangerous Trees.
- 1.** All trees which are determined by the City Forester or a private arborist to be dead, dying, or dangerous as defined in this Title are required to be removed to safeguard people or property. The City may require a replacement tree at the property owner's expense.
 - 2.** Conflicting determinations. In the case where there are conflicts in the determinations from a private arborist or arborists, the City Forester shall make the final determination.

TITLE 11 TREES

3. Exceptions. A dead or dying tree that is being maintained as a snag, or does not otherwise result in a public nuisance as described in this Section or Chapter 29.20, Property Nuisances, may remain provided it is not deemed dangerous.

C. Dutch Elm Disease prevention and eradication.

1. Infected elms and elmwood. All species and varieties of elm trees (genus *Ulmus*) infected with the fungus known as Dutch elm disease (*Ophiostoma ulmi* or *Ophiostoma novo-ulmi*) as determined by laboratory analysis are declared to be a public nuisance. It is the duty of any owner of a lot or parcel where infected elmwood is present to promptly remove any such elm tree or dead elmwood under the supervision and direction of the City Forester.
2. Pruning restrictions. Pruning any species or varieties of elm trees between April 15 and October 15 is prohibited. This prohibition may be waived by the City Forester when such pruning is necessary to remove hazard limbs, provide the clearances otherwise required by this Section or for other causes as deemed necessary by the City Forester. In cases where the City Forester has allowed pruning to occur during the pruning prohibition period, the responsible party shall properly dispose of removed elm wood within 24 hours.
3. Authority to inspect. The City Forester is hereby authorized to enter upon any lot or parcel during business hours for the purposes of inspecting any elm tree or dead elmwood situated thereon, obtaining specimens for the purpose of laboratory analysis or to determine whether such tree because it is dead or substantially dead may serve as a breeding place for the European or native elm bark beetle (genus *Scolytus*). If the City Forester determines that the tree serves such purpose, the City Forester may declare the elm tree or dead elmwood a public nuisance.
4. Determination and action. If, based on analysis of specimens removed from any elm tree, it is determined that such tree is infected, or the City Forester determines that any dead or substantially dead elm trees or dead elmwood may harbor the elm bark beetle, the City Forester will serve a written notice requiring the property owner or responsible party to remove, destroy and properly dispose of such trees or dead Elmwood located on the property or on the adjacent street planting area. If the property owner or responsible party fails, neglects or refuses to remove and destroy, or properly dispose of, such elm tree or dead elmwood within 15 days after service of such notice, the City Forester may abate the nuisance as provided in Chapter 11.70.

TITLE 11 TREES

- D.** Clearances. The property owner or responsible party is required to prune or remove, if necessary, any tree located on the property or on the abutting street planting area when said trees are not maintained to meet the branch clearances as set forth below:
1. Sidewalk clearance. Branches of trees extending over sidewalks may not be less than 7½ feet above the sidewalk.
 2. Roadway clearance. Branches of trees extending into any public or private roadway may not be less than 11 feet above the pavement. Moreover, on any street designated as a Regional Trafficway, Major City Traffic Street, District Collector, or a one-way street where parking has been prohibited, branches shall be trimmed to a height of 14 feet above the crown of the street.
 3. Overhead powerline clearance. Branches of any tree may not interfere with any light, pole, or overhead powerline used in connection with or as a part of the City or Public Utility system. In addition to the authority granted to the City to prune or direct property owners to prune trees in violation of this Section, a Public Utility operating pursuant to an approved Programmatic Permit may also prune any tree which interferes with the safe operation of the utility system.
- E.** Visibility. The owner or responsible party shall keep trees located on the property or on the adjacent street planting area from completely or partially obstructing visibility as follows:
1. Visibility of traffic control devices such as directional and informational signs as defined by the Manual of Uniform Traffic Control Devices;
 2. Visibility for drivers, bicyclists, or pedestrians; or
 3. In any way that presents an unreasonable hazard to the travelling public.
- F.** Sidewalks and curbs.
1. Obstructions. The owner or responsible party shall keep the sidewalk adjacent to the owner's property clear of branches, leaves, flowers, fruit or other organic matter that may obstruct or render the passage of persons unsafe.
 2. Repairs. When the curb or sidewalk, or both, abutting any property become damaged or in a state of disrepair because of a tree maintained by the property owner, the repair of the curb or sidewalk, or both, will be treated as other curb or sidewalk repairs in accordance with the provisions of Title 17. The removal of any tree or portion thereof, as the Responsible Engineer in consultation with the City Forester may determine necessary, will be

granted through the appropriate tree permit. The City may require alternative construction methods be used in order to retain the tree. If the tree is removed, the City Forester may require that the removed tree be replaced in accordance with the required permit.

G. Public waterlines, storm sewers and sanitary sewers.

1. Damage from Roots. Whenever the Responsible Engineer finds that roots of any tree have entered any sewer, drain or waterline in the street or City-owned easement, and are stopping, restricting, retarding the flow of sewage or drainage, or causing waterline leakage or believes that removal of the tree is necessary to reasonably prevent future root entry into the sewage, drainage, or water facility, the Responsible Engineer may refer the condition to the City Forester.
2. Remedies. In addition to the remedies described in Chapter 11.70, the City Forester may remedy the violation by directing the property owner or responsible party to prune the roots or remove the tree. If the City Forester believes that the required amount of root pruning will irreparably damage or destroy the tree, the City Forester will notify the owner and require removal and replacement of the tree. Nothing in this Subsection will be construed to limit the Responsible Engineer's authority to separately invoke abatement proceedings.

TITLE 11 TREES

CHAPTER 11.70 - ENFORCEMENT

Sections:

11.70.010	Purpose.
11.70.020	Where These Regulations Apply.
11.70.030	Violations.
11.70.040	Enforcement Authority.
11.70.050	Prohibited Actions.
11.70.060	Inspections and Evidence.
11.70.070	Notice and Order.
11.70.080	Correcting Violations of this Title.
11.70.090	Enforcement Actions.
11.70.100	Nuisance Abatement.
11.70.110	Summary Abatement.
11.70.120	Administrative Review.
11.70.130	Appeals to the Code Hearings Officer.
11.70.140	Further Appeals.
11.70.150	Waivers.

11.70.010 Purpose.

This Chapter establishes an enforcement system to prohibit illegal tree activity in order to further the City's goals for optimizing and enhancing the urban forest. The primary focus of this system is to seek corrective action and restoration before seeking more punitive measures. Nevertheless, penalties are necessary to ensure that it does not become less costly to violate the Title than to abide by its requirements. The enforcement actions prescribed herein are established to be effective deterrents for egregious or willing misconduct and are intended to escalate for the severity or repeated nature of the violation.

11.70.020 Where These Regulations Apply.

- A.** City of Portland. This Chapter applies to all trees within the City of Portland.
- B.** County Urban Pocket Areas. Trees in the County Urban Pocket Areas are subject to all regulations of this Chapter except Subsections 11.70.050 A. through C. and E. through G. (some Subsections of Prohibited Actions); 11.70.060 B. (a Subsection of Inspections and Evidence); and 11.70.080 C. (a Subsection of Correcting Violations of This Title).

11.70.030 Violations.

- A.** Each specific incident and each day of non-compliance for the following may be considered a separate violation of Title 11:
 - 1.** Any failure, refusal or neglect to comply with any provision of this Title;

TITLE 11 TREES

2. Allowing or causing a tree-related condition that threatens to injure the public health or safety, or threatens to damage public or private property; or
 3. Causing or allowing any prohibited actions as cited in this Chapter to occur.
- B.** The following constitute violations of Title 33 Planning and Zoning and not Title 11:
1. Overlay Zones and Plan Districts. Removal of any tree in Overlay Zones or Plan Districts when the removal is not exempt or allowed by Title 33 Planning and Zoning or has not been otherwise authorized through an applicable development permit or land use review.
 2. Conditions of land use reviews. Unauthorized removal of a tree required to be protected as a condition of a land use review while a condition of approval is in effect.

11.70.040 Enforcement Authority.

The City Forester and BDS Director are hereby authorized to enforce this Title utilizing Title 3 adopted remedies and any of the remedies prescribed in this Title. Enforcement responsibilities are summarized in Table 70-1.

When violations occur that involve trees in overlay zones and plan district areas, the City Forester and BDS Director will consult and coordinate their enforcement action to the degree possible in order to avoid the issuance of multiple or conflicting orders.

When violations of the tree maintenance specifications of Section 11.60.060 affect public infrastructure or jeopardize the travelling public, the Responsible Engineer is authorized to invoke summary abatement to correct the violation. In cases where multiple violations of City code exist on a property, the City Forester, BDS Director, and Responsible Engineer are authorized, but not required, to delegate enforcement authority of this Title to another Bureau to facilitate a coordinated remedy and single agency responsible for obtaining compliance.

TITLE 11 TREES

Table 70-1
Summary of Enforcement Authority

	Heritage Trees	City/Street Trees	Private Trees	Overlay Zones and Plan Districts	
				City/Street Trees	Private Trees
Development permit[1,2,3] (Ch. 11.50)	BDS/CF	BDS/CF	BDS	BDS/CF	BDS
Tree Permit, no development[4] (Ch. 11.40)	CF	CF	CF	CF/BDS	CF/BDS
Maintenance violations[4] (Ch. 11.70)	CF	CF	CF/BDS	CF/BDS	CF/BDS

CF = City Forester BDS = BDS Director

Note [1] For sites in County Urban Pocket Areas, enforcement applies only to on-site trees, and is done by BDS.

[2] Trees specifically required to be preserved by condition of land use approval that have been removed or damaged will be enforced by the BDS Director through Title 33 Planning and Zoning.

[3] The BDS Director is the lead enforcement authority for violations of development permits issued by BDS. The BDS Director may consult with the City Forester when Heritage, City, or Street Trees are involved. The City Forester is the lead enforcement authority for violations during development not covered under a BDS permit.

[4] The City Forester is the lead enforcement authority when no development is occurring. The City Forester may consult with the BDS Director when the provisions of Titles 29 or 33 are also violated.

11.70.050 Prohibited Actions.

Any of the following actions constitute violations of this Title and may be declared a nuisance for the purposes of correcting or abating the unlawful action.

- A.** Failure to properly maintain trees. It is unlawful for any person to fail to comply with any of the tree maintenance specifications set forth in Section 11.60.060.
- B.** Conducting regulated activities without a tree permit. It is unlawful for any person to plant, place, prune, alter, remove, destroy, cut, break or injure any tree without first obtaining a tree permit for said action, except as provided in this Title.
- C.** Non-compliance with terms and conditions of a tree permit. It is unlawful for any person to violate the conditions or time limits imposed upon any tree permit.
- D.** Non-compliance with terms and conditions of a development permit. It is unlawful to fail to adhere to the requirements of a development permit for tree preservation, protection or planting.
- E.** Topping and excessive pruning. It is unlawful for any person to top or excessively prune any tree. Trees shall be allowed to grow in their natural form. A tree that has been topped or excessively pruned may be considered "removed" for the purposes of establishing penalties and any replacement requirements. The City may also

TITLE 11 TREES

require the property owner or responsible party to treat the tree as described in Section 11.70.080.

- F.** Attachments to trees. It is unlawful to attach or keep attached to any City or Street Tree, any signs, ropes, wires, chains or other devices whatsoever, when such devices are determined to threaten the viability of the tree or are likely to create a hazard. Any attachments to City or Street Trees are subject to obtaining a tree permit from the City Forester, as stated in Chapter 11.40.
- G.** Interference with tree grates and tree guards. It is unlawful for any person to damage, interfere or otherwise misuse any tree grate or guard set for the protection of any Street Tree, City tree, or Heritage tree. Removal of such devices may only occur as authorized by the City Forester.
- H.** Failure to install or maintain protection measures. It is unlawful for any person to fail to install required tree protection measures prior to commencing any development activity subject to Chapter 11.50. Furthermore, it is unlawful for such person to move any required protection measures, neglect or fail to maintain such measures throughout the development activity, or allow any restricted activity or disturbance to occur within the protection area without prior City approval.
- I.** Removal or failure to maintain required trees. It is unlawful for any person to fail to maintain in a healthy condition, trees required to be planted by virtue of a tree permit or development permit, including landscape trees and trees necessary to meet tree density standards. Any such trees that die shall be replaced.

11.70.060 Inspections and Evidence.

- A.** The City may conduct inspections whenever it is necessary to enforce any provisions of this Title, to determine compliance with this Title or whenever the City has reasonable cause to believe there exists any violation of this Title. Inspections shall occur during business hours. If the responsible party is at the site when the inspection is occurring, the BDS Director, City Forester, or other authorized representative shall first present proper credentials to the responsible party and request entry. If such entry is thereupon refused, the BDS Director or City Forester shall have recourse to any remedy provided by law to obtain entry, including obtaining an administrative search warrant.
- B.** If any tree is removed without a tree removal permit, a violation will be determined by measuring the circumference of the stump at the ground to establish the diameter size of the tree. For purposes of this Subsection, the diameter size of the tree is the circumference divided by 3.14.
- C.** In cases where a tree stump has been removed, the BDS Director or City Forester may use photographs of the tree including the city's most current aerial images to determine if a violation has occurred. For aerial photographs, when the associated

TITLE 11 TREES

canopy measures 1,600 square feet at the edge of the dripline, this may be considered prima facie evidence of a violation of this Chapter. Nothing in this Subsection will be construed to limit the introduction of other photographic evidence before the Code Hearings Officer.

- D.** When there is insufficient evidence to demonstrate whether a removed tree was a nuisance or native tree species, the tree will be considered as a non-native, non-nuisance tree.
- E.** Tree removal, topping, or other injury caused by natural causes or weather will not be deemed a violation of this Title, provided there is no other clear evidence to suggest that the tree was deliberately removed or injured.

11.70.070 Notice and Order.

- A.** Notification required. Except in the case of summary abatement or immediate danger, if the BDS Director or City Forester finds one or more violations of the provisions of this Title on a property or adjacent street, the BDS Director or City Forester shall notify the property owner to prune, remove or take any other action as necessary to correct the violations. Notification to the property owner will be accomplished by mailing a notice to the owner, at the owner's address as recorded in the county assessment and taxation records for the property. The notice may be sent via either first class or certified mail. Notice to the property owner may also be accomplished by posting notice on the property. Additional notice to the responsible party, if different than the owner, may also be provided at the City's discretion.
- B.** Content of the notice. The notice shall include:
 - 1.** The date of posting (if notice was posted at the property);
 - 2.** The street address or a description sufficient for identification of the property;
 - 3.** A statement that one or more violations of this Title exist at the property with a general description of the violations;
 - 4.** Disclosure that penalties, charges, and liens may result from a failure to remedy the violations;
 - 5.** Specification of a response period during which the property may be brought into compliance with this Title before penalties, charges or liens will be assessed; and
 - 6.** Disclosure that the owner's right to request an administrative review to appeal the findings of the notice of violation and a description of the time limits for requesting an administrative review as set forth in this Chapter.

- C.** Compliance inspections and penalties. Once a notice has been mailed, the owner will be responsible for all enforcement penalties associated with the property, as described in this Chapter, until the violations are corrected and the City has been so notified. Except in the case of summary abatement, whenever the owner believes that all violations listed in the first or any subsequent notice of violation have been corrected, they shall notify the City.
- D.** Time limits. The BDS Director or City Forester shall set time limits in which the violations of this Title are to be corrected. Failure to comply with the time limits may be considered a separate violation of this Title.
- E.** Information filed with County Recorder. If the City finds violations of this Title on any property, the City may record with the County Recorder information regarding City code violations and possible liens on the property.

11.70.080 Correcting Violations of this Title.

(Amended by Ordinance Nos. 188278 and 188647, effective November 17, 2017.)

- A.** General. The following list of remedies gives the City Forester and BDS Director broad discretion in applying a reasonable and effective means to restore a tree or site where trees have been illegally removed or damaged, or where a dead, dying, dangerous, or nuisance tree has been identified to be preserved to meet Subsection 11.50.040 C.1. The rights and remedies provided in this Chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law including the enforcement actions described in Section 11.70.090. The City Forester or BDS Director may adopt administrative rules to establish priorities and guidelines for the following remedies.
- B.** Standard remedies. Standard remedies are intended to address a wide variety of violations of this Title. Additional remedies specific to City and Street Trees, and trees in development situations are described in Subsections C. and D. When the City determines that a violation of this Title has occurred, any or all of the standard remedies described in this Subsection, and any applicable additional remedies described in this Section may be required depending on the severity and extent of the violation.

 - 1.** Minor Infractions. For minor infractions that do not result in damage to a tree, the City will first seek to correct the violation without penalties. These infractions may include failing to prune or remove a tree in violation of Chapter 11.60, failing to install or maintain tree protection when prohibited activities have not occurred within the root protection zone, or failing to plant a tree as required by a development permit or condition of granting a tree removal permit.

TITLE 11 TREES

- 2.** Treatment. For trees that are damaged but were not removed and where the City Forester concurs that the tree may still be viable, the violation will not be considered an "illegal tree removal" provided:

 - a.** The property owner or responsible party contracts for the services of an arborist to assess the damage and prescribe a treatment regimen;
 - b.** The property owner or responsible party enters into a contract with an arborist to complete the treatment regimen. The treatment and associated monitoring period shall be at least 1 year, but may be longer; and
 - c.** The arborist shall provide the City with updates on the services performed, when they were performed, and the status of the tree's condition at intervals determined by the original treatment regimen. If the tree dies at any time during the treatment and monitoring period, the property owner or responsible party shall remove and replace the tree subject to the tree replacement requirements described in Subsection B.3.
 - d.** In lieu of the treatment regimen and monitoring period described above, the City Forester may instead accept a performance guarantee per Chapter 11.10. The performance guarantee shall be sufficient to cover the cost of removing the tree plus the cost of tree replacement as described in Subsection B.3. When the property owner or responsible party selects this option, death of the tree within the 3 year timeframe may be deemed prima facie evidence that the damage was the sole cause of the tree's death.
- 3.** Revised Tree Plan and Payment in Lieu. In cases where a dead, dying, dangerous or nuisance species tree is identified to be preserved to meet Subsection 11.50.040 C.1., the City Forester may require a revision to the submitted tree plan to ensure that only healthy, viable trees are preserved to meet the requirement. If the applicant disagrees with the City's determination on the health or species of a tree to be preserved, an arborist report can be submitted by the applicant to demonstrate compliance. If no trees remain on site to meet the preservation requirement, the applicant may pay the applicable mitigation fee, as defined in Subsection 11.50.040 C.
- 4.** Tree Replacement and Payment in Lieu. The City may require replacement for any trees removed illegally. The City may require greater than tree-for-tree replacement, but may not require greater than inch-for-inch replacement. The amount of replacement trees will be determined by the volume of removed tree canopy. For each tree that the City positively determines was dead, dying, or dangerous, the replacement will be limited

TITLE 11 TREES

to one tree. The responsible party shall enter into a replanting and maintenance plan agreement approved by the City. When the responsible party is unable to accommodate the required replacement planting on the site or adjacent street, the balance of required inches may be paid as a fee in lieu of planting to the Tree Planting and Preservation Fund.

- 5.** Tree Permit Violation Review. The City may require any person who cuts, removes, or damages any tree without a permit as required by this Title or is in non-compliance with any term, condition, limitation or requirement of a tree permit or Tree Plan, to submit an application for a Tree Permit Violation Review. Trees removed in violation of Title 33 Planning and Zoning requirements may also be processed in accordance with the enforcement provisions of that Title.

Tree Permit Violation Applications are processed as Type B permits, and are subject to public notice but not the public appeal procedures of Chapter 11.30. The purpose of this review is to establish appropriate replacement requirements and notify interested parties. Failure to abide by the conditions of the approval will be treated as a repeat offense.

- C.** Additional remedies for City and Street Trees. In addition to the remedies provided by any other provision of this Chapter, when the City Forester determines that a violation of this Title has occurred involving a City Tree or Street Tree, the City Forester may seek additional remedies as described below.

- 1.** Restoration Fees. The City may require any person to pay into the City's Urban Forestry Fund a restoration fee for the damaged or removed tree according to the City's adopted fee schedule. The restoration fee may be doubled if any of the following apply:
 - a.** The person has been convicted of a previous violation of this Title; or
 - b.** The tree was subject to the protection requirements of a Tree Plan.
- 2.** Civil Remedies. The City will have the right to obtain, in any court of competent jurisdiction, a judgment against any person removing or causing damage to any City tree or Street Tree in violation of this Title. In any such action, the measure of damages is the actual replacement value of the damaged or destroyed trees as well as any other consequential damage to other public facilities within the street.

- D.** Additional remedies for Private Trees Subject to a Tree Plan. In addition to the remedies provided by any other provision of this Chapter or other Titles, when the BDS Director determines that a violation of this Title has occurred involving a Private Tree shown to be protected on a Tree Plan, the BDS Director may require

TITLE 11 TREES

the property owner or responsible party to correct the violation using any of the following remedies.

1. Tree Protection Re-inspection Fee. When an inspection of a site subject to development under an approved Tree Plan finds that tree protection measures have not been installed as required or are not properly maintained, the City may issue a correction notice and require the responsible party to pay a Tree Protection Re-inspection Fee. Payment of the fee is required prior to final inspection.
 2. Tree Plan Revision. For tree removal or injury which results in removal, and where the tree was not required to be preserved by virtue of a land use approval, the BDS Director may require the applicant to prepare a revision to the approved plans and demonstrate conformance with the applicable tree preservation and tree density standards in Chapter 11.50, including any additional tree planting, payments, or preservation of alternate trees.
- E. Additional remedies for Heritage Trees. In addition to the remedies provided by any other provision of this Chapter, when the City Forester determines that a violation of this Title has occurred involving a Heritage Tree, the City Forester may seek additional remedies as described below.
 1. Restoration Fees.
 - a. Private Heritage Trees. The City may require any person to pay into the City's Tree Planting and Preservation Fund for the damage or removal of a Heritage Tree, according to the City's adopted Title 11 Tree Fee Schedule.
 - b. City and Street Heritage Trees. The City may require any person to pay into the City's Urban Forestry Fund for the damage or removal of a Heritage Tree, according to the City's adopted Title 11 Tree Fee Schedule.

11.70.090 Enforcement Actions.

(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A. General. The following list of enforcement actions gives the City Forester and BDS Director additional means to obtain compliance with the requirements of this Title. The rights and remedies provided in this Chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law. The City Forester or BDS Director may adopt administrative rules to establish priorities and guidelines for the following enforcement actions.

- B.** Standard enforcement actions. Standard enforcement actions may be invoked for general violations of this Title, including conducting tree activities without a required tree permit. In addition to these standard actions, the City Forester may take additional actions for City and Street Tree violations as described in Subsection C.
- 1.** Civil penalties. The City Forester or BDS Director may issue a fee, penalty notice or citation, as applicable, to any person who cuts, removes, prunes or harms any tree without a permit as required by this Title or is otherwise in non-compliance with any term, condition, limitation or requirement of an approval granted under this Title, and require payment of a civil penalty up to \$1,000 per day. Each tree constitutes a separate violation, and each day that the person fails to obtain a permit or remains in non-compliance with a permit or tree plan may also constitute a separate violation.
 - 2.** Initiating a proceeding before the Code Hearings Officer. The City Forester and BDS Director are each authorized to initiate proceedings before the Code Hearings Officer, as stated in the procedures in Title 22 Hearings Officer, to enforce the provisions of this Section when the responsible person fails to respond to the City Forester or BDS Director's notice or citation as described in Subsection B.1, above. The Hearings Officer may order any party to:
 - a.** Abate or remove any nuisance;
 - b.** Install any equipment or plant trees necessary to achieve compliance;
 - c.** Pay to the City of Portland a civil penalty of up to \$1,000 per day. In determining the amount of any civil penalty to be assessed, the Code Hearings Officer will consider the following:
 - (1)** The nature and extent of the property owner or responsible party's involvement in the violation;
 - (2)** The benefits, economic, financial or otherwise, accruing or likely to accrue as a result of the violation;
 - (3)** Whether the violation was isolated and temporary, or repeated and continuing;
 - (4)** The magnitude and seriousness of the violation;
 - (5)** The City's cost of investigation and remedying the violation;
 - (6)** Any other applicable facts bearing on the nature and seriousness of the violation.

TITLE 11 TREES

- d.** Undertake any other action reasonably necessary to correct the violation or mitigate the effects thereof.
- 3.** Delayed intake of applications.
 - a.** Development permits or land use reviews. When a violation of this Title has occurred on a site, the BDS Director may refuse land use or development permit applications until the violation has been satisfactorily resolved.
 - b.** Tree permits. When a violation of this Title has occurred, the City Forester may delay intake or review of applications for tree permits from the property owner or other applicant, as identified on the violated permit application, until the violation has been satisfactorily resolved.
- 4.** Disqualification from City contracts. At their discretion, the City Forester or Responsible Engineer may refuse to consider any arborist, builder, landscaper, contractor, or tree service that has been cited for any tree activity in violation of this Title or submitted a falsified report for the criteria required in this Title, as a responsible bidder for any City contracts for a period of 2 years from the date of violation or falsified report.
- 5.** Removal from City's list of local tree care providers. The City Forester may remove any arborist, builder, landscaper, contractor, or tree service that refuses to correct a violation, has been fined for any tree violation of this Title, or submitted a falsified report for the criteria required in this Title, from the list of contractors providing related services for a period of 2 years from the date of violation or report.
- 6.** Abatement. Whenever a responsible party or property owner conducts a prohibited action per Section 11.70.050, the City may pursue abatement proceedings to remove the nuisance. Whenever the City has declared that such nuisance exists, the property liable for the nuisance will be directed to abate the nuisance by following the notice and abatement procedures outlined in this Chapter.
- 7.** Stop Work Orders. When any work is being conducted in violation of this Title, and public health or safety is threatened, the City Forester or BDS Director may issue a stop work order as stated in the requirements of Section 3.30.080.
- 8.** Enforcement fees and penalties.

TITLE 11 TREES

- a.** The City may charge fees and penalties in the form of a monthly enforcement penalty for each property found in violation of this Title that meets the following conditions:
 - (1)** The property is a subject of a notice of violation of this Title as described in Section 11.70.070;
 - (2)** A response period of 30 days has passed since the effective date of the initial notice of violation; and
 - (3)** The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
- b.** The amount of the fees and penalties in the monthly enforcement penalty shall be charged as set forth in the Title 11, Trees Fee Schedule, as approved by the City Council.
- c.** Properties in violation for 3 months from the initial notice of violation will be assessed fees and penalties in the form of an enforcement penalty that is twice the amount as listed in the Title 11, Trees Fees Schedule, as approved by the City Council.
- d.** Whenever the owner believes that all violations listed in the first or any subsequent notice of violation have been corrected, they shall notify the Director. Upon receipt of such notice, the Director will promptly schedule an inspection of the property and notify the owner if any violations remain uncorrected.
- e.** Once monthly enforcement penalties begin, they will continue until all violations listed in the first or any subsequent notice of violation have been corrected, inspected and approved.
- f.** When a property meets the conditions for charging fees and penalties as described in this Section, the BDS Director or City Forester, as applicable, will file a statement with the City Auditor that identifies the property, the amount of the monthly penalty, and the date from which the charges are to begin. The Auditor will then:
 - (1)** Notify the property owner of the assessment of enforcement penalties;
 - (2)** Record a property lien in the Docket of City Liens;
 - (3)** Bill the property owner monthly for the full amount of enforcement penalties owing, plus additional charges to cover administrative costs of the City Auditor; and

TITLE 11

TREES

- (4) Maintain lien records until the lien and all associated interest, fees, penalties, and costs are paid in full; and the BDS Director or City Forester, as applicable, certifies that all violations listed in the original or any subsequent notice of violation have been corrected.
- C. Additional Enforcement Actions for City and Street Tree Violations. The City Forester may impose the following additional actions for City or Street Tree violations.
 1. Criminal penalties. In addition to any other remedy provided in this Chapter, the City Attorney, acting in the name of the City, may seek Criminal Penalties in any court of competent jurisdiction. The court may require that any responsible party violating any provision of this Title will, upon conviction, be fined a sum not exceeding \$1,000 or will be imprisoned for a term not exceeding 6 months.
 2. Institution of legal proceedings. In addition to any other remedy provided in this Chapter, the City Attorney, acting in the name of the City, may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Title.

11.70.100 Nuisance Abatement.

(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A.** Abatement. If, within the time limit set by the City in the notice of violation, any nuisance described in the notice has not been removed and abated, or cause shown, as specified in Sections 11.70.100 through .130 of this Title, why such nuisance should not be removed or abated, or where summary abatement is authorized, the BDS Director or City Forester may cause the nuisance to be removed and abated, including disposal in an approved manner.
- B.** Warrants. The BDS Director or City Forester may request any Circuit Court judge to issue a nuisance abatement warrant whenever entry onto private property is necessary to remove and abate any nuisance, or whenever the BDS Director or City Forester has reasonable cause to believe that there exists upon any property any violation as described in Section 11.70.030 above.
- C.** Grounds for issuance of nuisance abatement warrants; affidavit.

 - 1.** Affidavit. A nuisance abatement warrant will 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 removal and abatement of the nuisance, the property to be entered, the basis upon which cause exists to remove or abate the nuisance,

TITLE 11 TREES

and a statement of the general types and estimated quantity of the items to be removed or conditions abated.

2. Cause. Cause will be deemed to exist if reasonable legislative or administrative standards for removing and abating nuisances are satisfied with respect to any property, or if there is cause to believe that a nuisance violation exists, as defined in this Title, with respect to the designated property.

D. Procedure for issuance of a nuisance abatement warrant.

1. Examination. Before issuing a nuisance 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.
2. Issuance. If the judge is satisfied that cause for the removal and abatement of any nuisance exists and that the other requirements for granting the application are satisfied, the judge will issue the 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 will contain a direction that it be executed during business hours, 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 a nuisance 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 nuisance.
4. Return. A nuisance abatement warrant shall 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. Cost of nuisance abatement.

1. Whenever a nuisance is abated by the City, the BDS Director or City Forester shall keep an accurate account of all expenses incurred for each nuisance abated including but not limited to abatement costs, civil penalties, fees, administrative costs, recorders fees and title report charges as set forth in the Title 11, Trees Fee Schedule, as approved by City Council.

TITLE 11 TREES

2. When the City has abated a nuisance maintained by any owner of real property, for each subsequent nuisance which is abated by the City within 2 consecutive calendar years concerning real property, owned by the same person, an additional civil penalty as set forth in the Title 11, Trees Fee Schedule, shall be added to the costs, charges and civil penalties. The additional civil penalty shall be imposed without regard to whether the nuisance abated by the City involved the same real property or is of the same character as the previous nuisance.
3. Costs and penalties resulting from nuisance abatement shall be assessed as a lien upon the real property as provided in Section 11.70.090 Enforcement Actions.

11.70.110 Summary Abatement.

- A. When summary abatement is authorized by this Title, the decision regarding whether or not to use summary abatement will be at the City's discretion. In the case of summary abatement, notice to the owner or occupant of the property prior to abatement is not required.
- B. Following summary abatement, the BDS Director or City Forester, as applicable, shall post upon the property liable for the abatement a notice describing the action taken to abate the nuisance violation. In addition, a Notice of Summary Abatement shall be mailed to the property owner. The notice shall include:
 1. The date the nuisance on the property was abated;
 2. The street address or description sufficient to identify the property;
 3. A statement of the violations of Title 11 that existed at the property and were summarily abated;
 4. Disclosure that penalties, charges and liens will result from the summary abatement; and
 5. Disclosure of the owner's right to appeal the findings of the notice as set forth in this Chapter.

11.70.120 Administrative Review.

- A. Whenever a property owner or responsible party has been given a notice as required by this Chapter and has been directed to make any correction or to perform any act and the owner or responsible party believes the finding of the notice was in error, the owner or responsible party may have the notice reviewed by the BDS Director or City Forester, as applicable. If a review is sought, the owner or responsible party shall submit a written request to the City within 15 days of the date of the notice. Such review will be conducted by the BDS Director or City Forester, as applicable.

The owner or responsible party requesting such review will be given the opportunity to present evidence. Following the review, the BDS Director or City Forester, as applicable will issue a written determination.

- B.** Nothing in this Section limits the authority of either the BDS Director or City Forester to initiate a proceeding under Title 22 Hearings Officer.

11.70.130 Appeals to the Code Hearings Officer.

A determination issued as stated in Section 11.70.120 may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of City Code.

11.70.140 Further Appeals.

All appeals from the Code Hearings Officer's determination in accordance with Section 11.70.130 will be by writ of review as authorized by Section 22.04.010 of the City Code and ORS 34.010 - 34.100.

11.70.150 Waivers.

The BDS Director or City Forester may grant an exception when the enforcement of the requirements of this Title would cause undue hardship to the owner or occupants of the affected property, or whenever the BDS Director or City Forester deems it necessary in order to accomplish the purpose of this Title.

- A.** To carry out the intent of this Section the BDS Director and City Forester shall establish written policies in the form of waivers to explain the exceptions available to property owners. Waivers will include the following information:
 - 1.** An explanation of the purpose of the waiver and a list of the requirements the owner shall meet in order to qualify for the waiver;
 - 2.** An explanation of the period of time during which the waiver will be in effect;
 - 3.** A list of the actions the owner shall perform to fulfill their responsibilities to maintain the waiver and to prevent the waiver from being cancelled.
- B.** The owner shall apply for a waiver in writing. This Section may not be construed so as to evade the provisions of Title 22 Hearings Officer.

TITLE 11 TREES

CHAPTER 11.80 - DEFINITIONS AND MEASUREMENTS

Sections:

- 11.80.010 Defining Words.
- 11.80.020 Definitions and Measurements.

11.80.010 Defining Words.

Words used in the tree code have their normal dictionary meaning unless they are listed in Section 11.80.020 below. Words listed in Section 11.80.020 have the specific meaning stated, unless the context clearly indicates another meaning.

11.80.020 Definitions and Measurements.

(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A.** Information about the use of terms in the tree code is contained in Section 11.10.030.
- B.** The definition of words with specific meaning in the tree code are as follows:
 - 1.** "Appeals Board" is the Urban Forestry Appeals Board. The duties and composition are in Section 11.20.030.
 - 2.** "Arboriculture" refers to the horticultural focus on the study and care of trees and other woody plants.
 - 3.** "Arborist" means a professional listed as a certified arborist by the International Society of Arboriculture or a consulting arborist registered with the American Society of Consulting Arborists.
 - 4.** "Attached Structure" means a structure attached to a building.
 - 5.** "BDS Director" is the Director of the Bureau of Development Services or the BDS Director's designee. The duties of the BDS Director are in Section 11.10.010.
 - 6.** "Building" means a structure that has a roof, is enclosed on at least 50 percent of the area of its sides and required a development permit prior to construction.
 - 7.** "Building Coverage" has the same meaning as in Title 33 Planning and Zoning.
 - 8.** "Business Hours" means 7:30 am to 5 pm, during working days.
 - 9.** "City" is the City of Portland.

TITLE 11 TREES

10. "City Forester" is the Manager of Urban Forestry, or the Manager's designee. The duties of the City Forester are in Section 11.10.010.
11. "Commission" means the Urban Forestry Commission, also referred to as the UFC. The duties and composition are in Section 11.20.020.
12. "Construction Staging Area" means a designated area for the storage of equipment and vehicles, stockpiles, waste bins, and other construction-related materials during a construction project. Any construction trailers are to be included in the construction staging area. In some cases, more than one staging area may be established on site.
13. "County Urban Pocket Areas" refers to properties within unincorporated Multnomah County that are subject to the existing Intergovernmental Agreement to Transfer Land Use Planning Responsibilities Between the City of Portland and Multnomah County.
14. "Diameter" refers to the cross-sectional size expressed in inches of a tree measured 4.5 feet above the ground. See Subsection 11.80.020 C., Measurements.
15. "Days" means calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding holidays as identified in Human Resources Administrative Rule 6.02.
16. "Development, Alteration" has the same meaning as in Title 33, Planning and Zoning.
17. "Development Impact Area" is the area on a site affected by proposed site improvements, including buildings, structures, parking and loading areas, landscaping, and paved or graveled areas. The development impact area also refers to areas devoted to storage of materials, or construction activities such as grading, filling, trenching, or other excavation necessary to install utilities or access.
18. "Development Permit" refers to permits issued by the City such as building permits, zoning permits, site development permits, public works permits and capital improvement projects.
19. Development Types:
 - a. "Single Dwelling" refers to a house, attached house, or manufactured home with or without an accessory dwelling unit located on its own lot or parcel as those terms are defined in Title 33 Planning and Zoning

TITLE 11 TREES

- b.** "One and Two Family Residential" refers to a house, attached house, duplex, attached duplex, or manufactured home on one lot or parcel as those terms are defined in Title 33 Planning and Zoning
 - c.** "Multi-Dwelling Residential" refers to more than two dwelling units on a single lot or parcel, as well as Group Living, and Single Room Occupancy housing as defined in Title 33 Planning and Zoning.
 - d.** "Commercial/Office/Retail/Mixed Use" means development that includes one or more of the following primary uses. The uses refer to the Use Categories in Title 33 Planning and Zoning: The uses are: Household Living, Commercial Parking, Quick Vehicle Servicing, Office, Retail Sales And Service, Self-Service Storage and Vehicle Repair.
 - e.** "Industrial" means development that includes one or more of the following primary uses. The uses refer to the Use Categories in Title 33 Planning and Zoning. The uses are: Industrial Service, Manufacturing And Production, Warehouse And Freight Movement and Wholesale Sales.
 - f.** "Institutional" means development that includes one or more of the following primary uses. The uses refer to the Use Categories in Title 33 Planning and Zoning. The uses are: Colleges, Community Service, Daycare, Medical Centers, Parks and Open Areas, Religious Institutions and Schools.
 - g.** "Other" means development that includes one or more of the following primary uses referred to in Title 33 Planning and Zoning. The uses are: Commercial Outdoor Recreation, Major Event Entertainment and Basic Utilities.
- 20.** "Injury" means a wound inflicted upon a tree resulting from any activity, including trenching, excavating, altering the grade, smothering within the root protection zone of a tree, bruising, scarring, tearing or breaking of roots, bark, trunk, branches or foliage, herbicide or poisoning, or any other action leading to the death or permanent damage to tree health including the following:
 - a.** "Disturbance" is the various activities from construction or development that may damage trees.
 - b.** "Excessive Pruning" is removing in excess, one-fourth (25 percent) or greater, of the functioning leaf, stem or root area in a single growing season. Exceptions are when clearance from overhead utilities or public improvements is required or to abate a hazardous

TITLE 11 TREES

condition or other public nuisance. Excessive pruning does not include normal pruning that follows ANSI standards, see "Proper Arboricultural Practices," and "Pruning"

- c.** "Removal" is felling, cutting or removing any portion of the crown trunk, or root system of a tree, that results in the loss of physiological viability, or any procedure in which the natural result will lead to the death of the tree, including girdling, poisoning, topping or drowning the tree.
 - d.** "Smothering" is the result of compaction or compression of the soil particles or texture that may result from the movement of heavy machinery and trucks, storage of construction materials, structures, paving, or any other means that creates an upper layer that is impermeable within the root protection zone.
 - e.** "Topping" means the inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not include acceptable pruning practices as described in the American National Standards Institute (ANSI) "A-300 Pruning Standards" and companion "Best Management Practices for Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material. Topping is considered "removal".
- 21.** "Land Use Review" is a procedure for a specific use or development required under Title 33 Planning and Zoning.
- 22.** "Nuisance Plant List" is a list within the "Portland Plant List" that identifies nuisance trees and plants.
- 23.** "Overlay Zones and Plan Districts" refer to any of the following overlay zones or plan districts as shown on the Official Zoning Map, unless the specific regulation states otherwise:
 - a.** Environmental Overlays shown on the Official Zoning Map with a "c" or "p".
 - b.** Pleasant Valley Natural Resource Overlay, shown on the Official Zoning Map with a "v".
 - c.** Willamette River Greenway Overlay Zones, as applied to the Natural "n", or Water Quality "q", overlays and only within or riverward of the greenway setback portion of the Recreational "r",

TITLE 11 TREES

General "g" and Industrial "i" overlays, as designated on the Official Zoning Map.

- d.** Scenic Resources Overlay, for trees located within scenic corridors, shown on the Official Zoning Map with an "s".
 - e.** Aircraft Landing Zone, for trees located within the aircraft landing zone, shown on the Official Zoning Map with an "h".
 - f.** Johnson Creek Basin Plan District, only applied to the South subdistrict, to areas within the special flood hazard area, and to sites that abut the Springwater Corridor.
 - g.** Rocky Butte Plan District.
 - h.** South Auditorium Plan District.
- 24.** "Person" includes any individual, property owner, firm, association, corporation, agency, entity, or organization of any kind.
- 25.** "Proper Arboricultural Practices" refers to the methods employed during tree planting or cutting or removing any part of the branching structure of a plant in the crown, trunk or root areas in accordance the most recent edition of the American National Standards Institute (ANSI) "A-300 Standards" and published "Best Management Practices" of the International Society of Arboriculture.
- 26.** "Pruning" is the removal or reduction of parts of a tree that are not requisite to growth or production, are no longer visually pleasing, or are injurious to the health or development of the tree.
- 27.** "Public Agency" means any public agency or public utility as defined in ORS 757.005, or drainage district as defined in ORS 174.116.
- 28.** "Recognized Organization" is a neighborhood, community, business, or industrial association, or organization recognized or listed by the Office of Neighborhood Involvement (ONI). Recognized organization also includes the ONI district offices.
- 29.** "Responsible Engineer" for the Bureau of Transportation this shall be the City Engineer, for the Bureau of Environmental Services this shall be the Chief Engineer of the Bureau of Environmental Services, and for the Portland Water Bureau this shall be the Chief Engineer of the Portland Water Bureau. Each Responsible Engineer may delegate their authority and duties to another employee in the same bureau. The duties are as prescribed in Section 11.10.010.

TITLE 11 TREES

- 30.** "Responsible Party" is a person in control of property in fee ownership or tenancy where a tree is located or property adjacent to a Street Tree. The responsible party may include the owner or owners, lessees, tenants, occupants or other persons in charge. In cases of violations, the responsible party may also include the person, partnership, or corporation who violated the provisions of this Title.
- 31.** "Site" has the same meaning as in Title 33 Planning and Zoning.
- 32.** "Street" has the same meaning in Section 9-101 of the City Charter.
- 33.** "Treatment" is the application of therapeutic remedies or corrections to site conditions when injury to trees has occurred to improve the chances of long term viability. Generally these measures should occur only under the direction of an arborist. Treatment measures include compensatory or corrective pruning, fertilization, inoculation, soil fracturing, grade restoration and supplemental irrigation.
- 34.** "Tree Area" is the amount of area on a development site that is used to calculate the required number of trees to be planted to meet tree density standards.
- 35.** "Tree Plan" is a site plan showing trees to be preserved and protected, planted, or removed. Specific requirements for Tree Plans are in Chapter 11.50.
- 36.** Tree Related Terms:

 - a.** "City Tree" is a tree within City limits that is on property owned or managed by the City. A tree that straddles a property line between private property and City-owned or -managed property is a Private Tree, shared by the City and adjacent property owner. A tree on a property line between City-owned or managed property and the street is a Street Tree.
 - b.** "Dangerous Tree" is one where the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.
 - c.** "Dead Tree" is a tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, or branches exist to sustain life as determined by an arborist.

TITLE 11 TREES

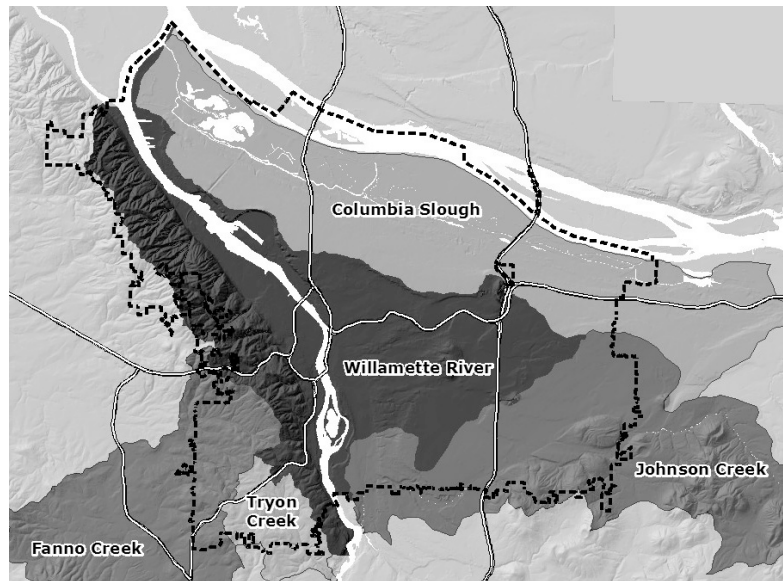
- d. "Dying Tree" is a tree in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die.
- e. "Heritage Tree" is a tree designated as a Historic Landmark Tree, a Historic Tree, or a Heritage Tree.
- f. "Native Tree" is a tree listed on the "Portland Plant List" as native to the Willamette Valley.
- g. "Non-Native Non-Nuisance Tree" is a tree that is not identified on the Portland Plant List as a native species or a nuisance tree.
- h. "Nuisance Tree" is a tree of a species listed on the "Nuisance Plant List".
- i. "Protected Tree" is a tree that shall be retained and protected because of a condition of approval on a land use review, a tree plan, or because it is a Heritage Tree.
- j. "Private Tree" is a tree on property that is not owned or managed by the City. A tree that straddles a property line between private property and City-owned or –managed property is a Private Tree, shared by the City and adjacent property owner. A tree that straddles a private property line and the street is a Street Tree.
- k. "Street Tree" means any tree growing in or upon any city managed street. In some cases, property lines lie several feet behind the sidewalk or edge of road pavement. Where a street is not fully improved with curbs or sidewalks but is paved, a tree may be considered a Street Tree if it is located within 15 feet of the edge of pavement, unless a survey by a licensed surveyor or property boundaries can clearly establish otherwise. For completely unimproved streets, the actual property line will be used to demarcate between Private Trees and Street Trees. A tree that straddles a private property line and the street is a Street Tree.
- l. "Tree" means a perennial, woody stemmed plant that typically supports a distinct crown of foliage and typically reaches a mature height of at least 16 feet and excludes plants listed as shrubs or herbaceous plants in the Tree and Landscaping Manual published by the Bureau of Development Services or the Portland Plant List.

TITLE 11 TREES

- m.** "Tree Grove" is a group of six or more native trees at least 12 inches in diameter, or Oregon white oak trees or Pacific madrone trees that are at least 6 inches in diameter and that form a generally continuous canopy, or are spaced as appropriate for that species or species assemblage. Groves are generally non-linear. Other trees and understory vegetation located within the grove are considered part of the grove and are counted as part of the canopy area. A tree grove may be identified by a qualified professional, such as an arborist or environmental scientist, based on the types, configuration, or functions of a grouping of trees. Functions include structural support and wind protection for the trees within the grove, microclimate and shade, and habitat such as nesting, foraging, and cover for birds and other wildlife.
- 37.** "Utility" is a public utility, business, or organization that supplies energy, gas, heat, steam, water, communications, or other services through or associated with telephone lines, cable service and other telecommunications, sewage disposal and treatment, and other operations for public service. It does not include transportation service, railroad operations, or service otherwise licensed under City Code
- 38.** "Watershed" means one of the areas as shown in Figure 80-1 and further defined by the Bureau of Environmental Services. For the purposes of establishing planting within a specific watershed as part of this Title, watersheds end at the City limits and the following also apply:
 - a.** Columbia Slough – sites on Hayden Island are included in this watershed
 - b.** Willamette River – sites in Northwest Portland that are west of the Willamette River watershed are included in this watershed
 - c.** Fanno Creek/Tryon Creek – these two watersheds are managed as a single watershed unit
 - d.** Johnson Creek – all sites within the Johnson Creek watershed

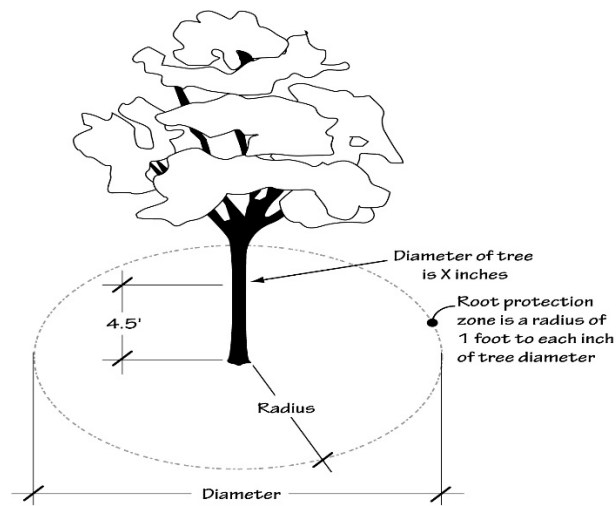
TITLE 11 TREES

**Figure 80-1
Watershed Boundaries**



- C. Measurements. For the purposes of establishing distances and other types of required measurements, the following methods are applied.
1. Root Protection Zone (Prescriptive Path). To determine the required root protection zone, measure the size of the tree to be protected. For each diameter inch of the tree, measure one foot away from the tree to establish the radius of the circle surrounding the tree. Each 1 inch diameter of tree requires 1 foot radius for the root protection zone. See Figure 80-2.

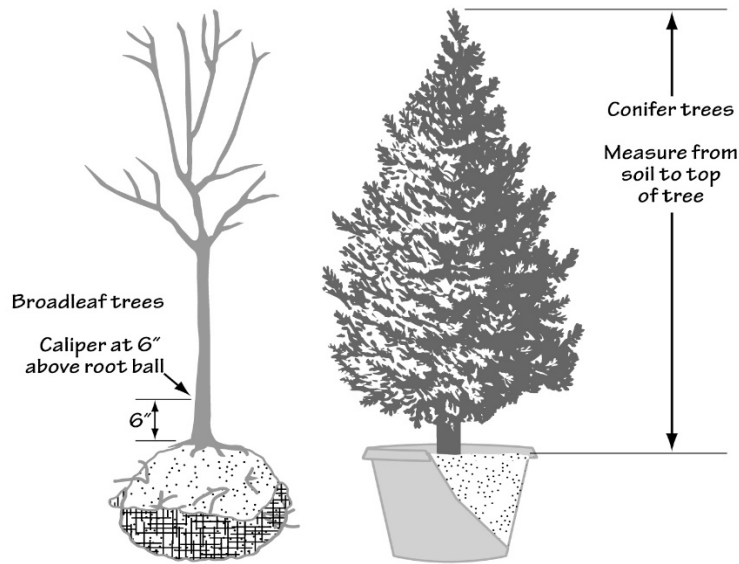
**Figure 80-2
Root Protection Zone**



2. Tree Location. A tree's location for purposes of establishing the applicable requirements of this Title is determined by the trunk at the point where it meets the ground. Surface roots extending from the trunk are not used to determine the tree's location.
3. Measuring Tree Size
 - a. New trees. New trees are measured in caliper inches, which is the diameter of the trunk 6 inches above the soil or root ball for bare root trees. For coniferous trees, tree height is used. See Figure 80-3.

TITLE 11 TREES

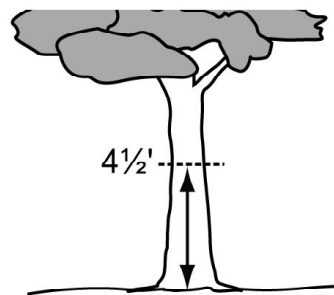
Figure 80-3
Measuring Tree Size for New Trees



b. Existing trees.

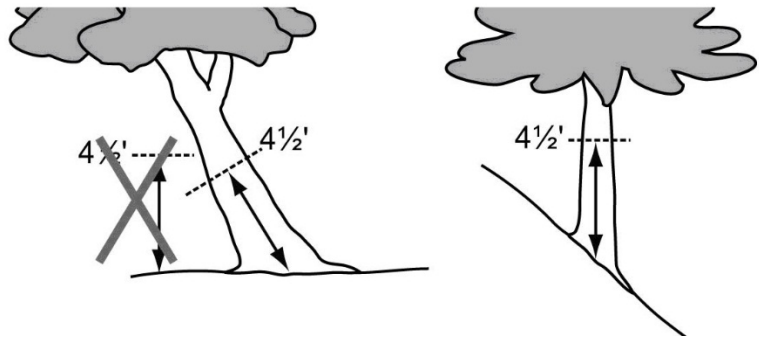
- (1) Existing trees are generally measured in terms of diameter inches at a height of 4-1/2 feet above the ground. See Figure 80-4. The diameter may be determined by measuring the circumference of the tree trunk and dividing by 3.14.

Figure 80-4
Measuring Tree Size for Existing Trees



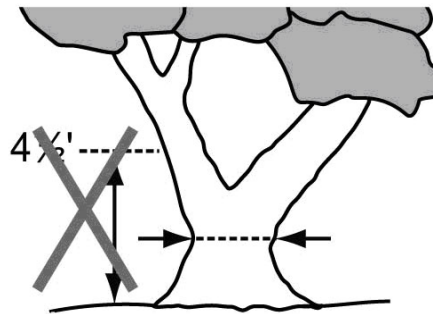
- (2) When the trunk is at an angle or is on a slope, the trunk is measured at right angles to the trunk 4.5 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk; see Figure 80-5.

**Figure 80-5
Measuring Existing Trees with an Angle or on Slopes**



- (3) When the trunk branches or splits less than 4.5 feet from the ground, measure the smallest circumference below the lowest branch. See Figure 80-6.

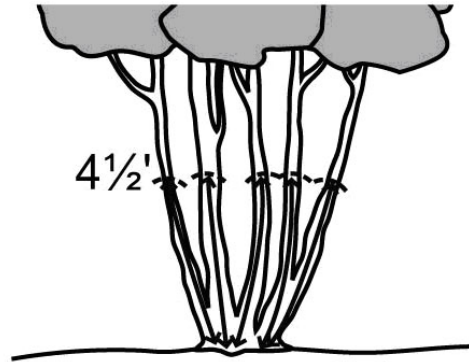
**Figure 80-6
Measuring Split Trunk Tree**



- (4) For multi-stemmed trees, the size is determined by measuring all the trunks, and then adding the total diameter of the largest trunk to one-half the diameter of each additional trunk (see Figure 80-7). A multi-stemmed tree has trunks that are connected above the ground and does not include individual trees growing close together or from a common root stock that do not have trunks connected above the ground.

TITLE 11
TREES

Figure 80-7
Measuring Multi-stemmed Trees



TITLE 14 - PUBLIC ORDER AND POLICE

TABLE OF CONTENTS

14A General Provisions and Private Citizens

Chapter 14A.10 DEFINITIONS

14A.10.010 Definitions.

Chapter 14A.20 PROCEDURES

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.

Chapter 14A.30 MISCELLANEOUS ACTS OF MISCONDUCT

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.30.070 Unlawful Transfer of a Recreational Vehicle.

Chapter 14A.40 INTERFERENCE WITH PERSONS AND SEXUAL MISCONDUCT

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.

Chapter 14A.50 CONDUCT PROHIBITED ON PUBLIC PROPERTY

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.

Chapter 14A.55 PARADE EVENT MARKING

- 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.

Chapter 14A.60 WEAPONS AND EXPLOSIVES

- 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.

Chapter 14A.70 GAMBLING, SOCIAL GAMES, AND UNLAWFUL AMUSEMENT GAMES OR CONCESSIONS

- 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.

Chapter 14A.80 MINORS

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

Chapter 14A.90 ILLEGAL FIREARMS USE HOTSPOTS.

- 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.

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

- 14A.100.010 Purpose.
- 14A.100.020 Definitions.

Chapter 14A.110 Prohibited Conduct

- 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.
- 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.

14B Regulatory Schemes and Business

Chapter 14B.10 BURGLARY AND ALARM SYSTEMS

- 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.

Chapter 14B.20 DRUG-FREE ZONES

- 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 and Variances.
- 14B.20.070 Listing of Drug-Free Zones.

Chapter 14B.30 PROSTITUTION-FREE ZONES

- 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 and Variances.
- 14B.30.070 Listing of Prostitution-Free Zones.

Chapter 14B.40 IMPOUNDMENT AND INVESTIGATION FOR DUI

- 14B.40.010 Impoundment.
- 14B.40.020 Investigation.
- 14B.40.030 Administration and Fees.

Chapter 14B.50	FORFEITURE
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.
Chapter 14B.60	CHRONIC NUISANCE PROPERTY
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.
Chapter 14B.70	SHORT TERM MOTEL RENTAL
14B.70.010	Definitions.
14B.70.020	Rental of Rooms.
14B.70.030	Procedure.
14B.70.040	Appeals Process.
14B.70.050	City Remedies.
Chapter 14B.80	GRAFFITI NUISANCE PROPERTY
14B.80.010	Declaration of Purpose.
14B.80.020	Graffiti Nuisance Property.
14B.80.030	Definitions.
14B.80.040	Procedures.
Chapter 14B.85	GRAFFITI MATERIALS AND SALES
14B.85.010	Definitions.
14B.85.020	Sales and Display of Graffiti Materials.
14B.85.030	Civil Penalties.
14B.85.040	Criminal Penalties.
Chapter 14B.90	SECONDHAND DEALERS
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.

Chapter 14B.100 LIQUOR LICENSE RECOMMENDATIONS

- 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.

Chapter 14B.110 AMUSEMENT DEVICES, GAMES AND MACHINES

- 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.

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

- 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.

Chapter 14B.130 Marijuana Regulatory License Procedure and Requirements

- 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.

14C Police Policy, Regulations, and Procedures

Chapter 14C.10 POLICE DUTIES TO INVENTORY PROPERTY

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

Chapter 14C.20 POLICE BUREAU PROPERTY/EVIDENCE DIVISION DUTIES

- 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.

Chapter 14C.30 GENERAL PROCEDURES AND AUTHORITY OF THE BUREAU OF POLICE

- 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.

**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.30.070 Unlawful Transfer of a Recreational Vehicle.

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

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

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.

14A.30.070 Unlawful Transfer of a Recreational Vehicle.

(Added by Ordinance No. 188632, effective October 4, 2017.)

- A.** It is unlawful to sell, lease, rent, loan, donate or otherwise transfer physical possession of a recreational vehicle that:
 - 1.** Contains a waste water system or fuel system that leaks waste water or fuel; or
 - 2.** Contains a waste water system or fuel system that is damaged in a manner that would cause a reasonable person to conclude that the damaged waste water system or fuel system could not operate normally without leaking waste water or fuel.
- B.** The provisions of Section 14A.30.070 do not apply to:
 - 1.** Transfers of recreational vehicles to repair facilities that are registered to do business in the State of Oregon or vehicle dismantlers certified in accordance with ORS 822.110;
 - 2.** Transfers of recreational vehicles to tow vehicle operators for the purpose of transferring recreational vehicles to repair facilities that are registered to do business in the State of Oregon or vehicle dismantlers certified in accordance with ORS 822.110;
 - 3.** Transfers of recreational vehicles to repair facilities or dismantlers located outside of the City of Portland;
 - 4.** Transfers of recreation vehicles to a federal agency or a public body as defined by ORS 174.109; or
 - 5.** Transfers of recreational vehicles by lawful repossession, court order, administrative order, operation of law, governmental action.
- C.** Definitions

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

1. As used in this Section, “fuel” means any gas or liquid used to assist in propulsion, cooling, lubrication, environmental control, refrigeration, or cooking.
2. As used in this Section, “fuel system” means any system designed to contain or convey fuel.
3. As used in this Section, “leak” and “leaking” mean a release of any fuel or waste water from a waste water system or fuel system in a manner inconsistent with the original recreational vehicle manufacturer’s design.
4. As used in this Section, “recreational vehicle” means a recreational vehicle as defined by PCC Section 16.90.290.
5. As used in this Section, “transfer” means any conveyance of a recreational vehicle from the transferor to the transferee with the consent of the transferee.
6. As used in this Section, “waste water” means any sewage or liquid wastes, including kitchen, bath, toilet, and laundry wastes.
7. As used in this Section, “waste water system” means any system designed to contain or convey waste water.

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

**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.

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

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.

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

**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.
 - 2.** "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained,

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

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.

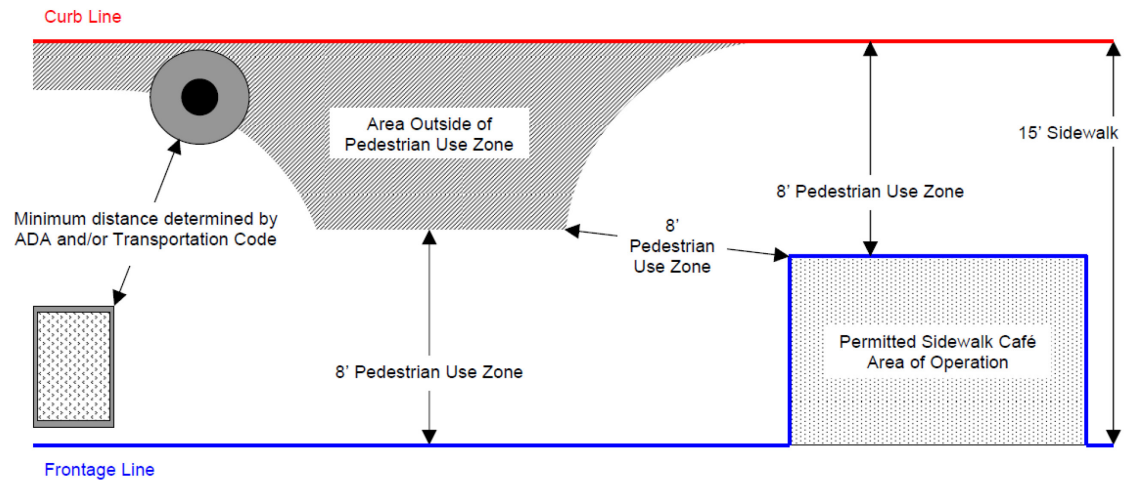
14A.50.030 Sidewalk Use.

(Replaced by Ordinance No. 183754; amended by Ordinance No. 188556, effective August 16, 2017.)

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.

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



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:

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

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

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

Willamette River to its junction with I-405, I-405, the north edge of the 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;
3. The prohibitions on this Section do not apply to pedestrian plazas as defined under Chapter 17.43.

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

- 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.
- 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.

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

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:

- 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

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

interfere with free passage or to block or attempt to block or interfere with any persons(s) using the right-of-way.

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.

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

- 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.
- 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.

**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.

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

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.

**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.

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

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.)

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

- 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, phaenylchloro-methylketone, orthochloro-benzalmalononitrile, 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.

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

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.

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.

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

- 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.

**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.

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

- 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

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

- 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:

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

- a. Any person who is a proprietor or partner of the applying organization;
 - b. Any person who owns or controls 5 percent or more of the outstanding capital stock where the organization is a corporation;
 - c. Any person who has supervisory authority over employees and/or operations of the business as it relates to the conduct of permitted social games; and
 - d. Any person who has the authority to supervise the premises and conditions under which permitted social games are conducted.
- 2. Where the permit applicant is a nonprofit membership organization, "principal managing employee" shall also mean the chief elected official of the organization and any other elected official(s) whose authority extends to the supervision or management of permitted social games.
- 3. With the concurrence of the Chief of Police or proper designee, the Revenue Division may exempt a corporate stockholder from the definition "principal managing employee" when it is shown that the involvement of such stockholder(s) in the operations of the applying organization is limited to stock ownership and that such stockholder(s) has no role in the conduct of the organization's operations.
- 4. All persons required to supply information in the application shall by oath or affirmation swear to the veracity of the information supplied by them.
- 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.)

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

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

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

obscenity, controlled substances, prostitution, or alcoholic beverages has occurred on or in such premises, or that any such violation was connected in time and manner with the operation of such premises and occurred within the proximity of same; or

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

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

evidence. The Hearings Officer's determination shall be final and effective within 10 days of giving notice to the Revenue Division and the permittee, unless appealed to the Council before such time by the aggrieved party. The Council shall hear and determine the appeal based on the record made at the hearing, but may, at its discretion, hear other evidence. In all cases, the decision of the Council shall be final.

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

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

14A.70.110 Notice of Social Games Required.

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

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

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

there exists an unobstructed air space of at least 18 inches in height above the highest point of any surface, object, or place upon which that object must land to win the amusement concession or game.

4. Any amusement concession or game in which any target, which must be struck, hit, overturned, broken, or passed through is tilted or inclined in any manner so as to give any advantage to the manager or operator.
5. Any amusement concession or game in which any material has been placed on any target so as to give any advantage to the manager or operator.
6. Any amusement concession or game that utilizes any device, other than the target and the objects to be thrown or projected at that target, which increases or decreases the opportunity of any patron or contestant to win the amusement concession or game.
7. Any amusement concession or game in which the patron or contestant is required to shoot a firearm, air gun, pellet gun, BB gun, or similar device at a target in order to win the amusement concession or game, unless all of the ammunition used in such devices is uniform in type, size, and weight, 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.

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.

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

- 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.

**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

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

require excluded persons to check the City and Police Bureau websites for changes in Hotspot locations and boundaries.

- 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;

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

6. Travel through that Illegal Firearms Use Hotspot on a Tri-Met vehicle; or
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

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

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 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

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

exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

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

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

the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.

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:

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

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 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.

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

**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

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

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.

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

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.
- 14A.110.380 Possession of Un-validated Transfer.

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

- 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.

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

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.

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

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;

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

- 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:

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

- 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

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

cannot be prohibited by law, a person in possession of a weapon may not display or carry 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

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

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

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

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).

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

- 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.

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

- 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.

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

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.

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

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.

**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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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;

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

**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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

**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.

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

**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).

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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)

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

**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.

14B.70.020 Rental of Rooms.

- A.** A motel becomes a public nuisance when any motel employee or person in control permits on three or more occasions during any thirty (30) day period or twelve (12) or more occasions during any twelve (12) month period, a customer to rent a room designed for dwelling, lodging, or sleeping purposes, by the hour, or rents the same room more than twice within a 24 hour period.
- B.** Any motel which becomes a public nuisance is subject to the remedies provided for in this Chapter.

14B.70.030 Procedure.

When the City believes the motel property has become a public nuisance as defined in this Chapter, the City shall attempt to notify the owner(s) of record and the person, firm, or corporation in possession of the property, in writing that the property has been determined to be a public nuisance. The notice shall contain the following information:

- A.** The street address and a legal description sufficient for identification of the property.
- B.** A statement that the City has found the property to be a public nuisance, together with a concise description of the events or conditions leading to this finding, including the date and time of the events or conditions.
- C.** Demand that the owner or rightful possessor of the motel property respond within twenty (20) days to the Chief of Police or the Precinct Commander and appeal the City's determination or propose an abatement plan that the Chief of Police or the Precinct Commander agrees will abate the nuisance activities giving rise to the violation.
- D.** The City shall attempt to serve a copy of the notice personally on the owner, rightful possessor, or agent, if known, at least ten (10) days before the commencement of any judicial action by the City. In addition, the notice shall be mailed certified mail, return receipt requested, postage prepaid, and addressed to the owner of the business at the address of the property believed to be a public nuisance and to such other address as is shown on Multnomah County tax rolls, or such other place which is believed to give the owner of the business and of the property actual notice of the City's determination.
- E.** The failure of any person or owner to receive actual notice of the funding of a public nuisance as defined in this Chapter shall not invalidate or otherwise affect the proceedings under this Chapter.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

**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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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:

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

(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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

**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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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;

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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;

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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;

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

**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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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:

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

**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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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:

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

**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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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,

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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 Nos. 187557, 188178, 188329 and 188602, effective September 20, 2017.) 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 a substance obtained by separating cannabinoids from marijuana by;

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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 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 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 seeds, immature marijuana plants, marijuana or marijuana items other than for the purpose of resale.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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 for 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 business located within the City that is licensed or has submitted or is required to submit an application to be licensed by the Oregon Liquor Control Commission as any of the following:
 - 1.** "Marijuana micro-producer tier I" means a person who produces marijuana in the City with an indoor canopy size of up to 625 square feet in the City.
 - 2.** "Marijuana micro-producer tier II" means a person who produces marijuana in the City with an indoor canopy size 626 to 1250 square feet in the City.
 - 3.** "Marijuana micro-wholesaler" means a person that only purchases or receives seeds, immature plants or usable marijuana from a producer with a micro tier I or tier II canopy for resale to a person other than a consumer in the City.
 - 4.** "Marijuana processor" means a person who processes marijuana items in this City.
 - a.** A marijuana processor may only process and sell cannabinoid products, concentrates, or extracts if the processor has received an endorsement from the Director for that type of processing activity. Endorsements types are:

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- (1) Cannabinoid edible processor;
 - (2) Cannabinoid topical processor;
 - (3) Cannabinoid concentrate processor; and
 - (4) Cannabinoid extract processor.
- b. An applicant must request an endorsement upon submission of an initial application but may also request an endorsement at any time after being licensed by the Director.
- c. In order to apply for an endorsement an applicant or processor licensee must submit a form prescribed by the Director that includes a description of the type of products to be processed, a description of equipment to be used, and any solvents, gases, chemicals or other compounds proposed to be used to create extracts or concentrates.
5. “Marijuana producer” means a person who produces marijuana in the City.
6. “Marijuana retailer” means a person who sells or makes available for purchase marijuana or marijuana items in the City.
7. “Marijuana retail courier” means a marijuana retailer who sells or makes available for purchase marijuana or marijuana items only by delivery to residences located within the City.
8. “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.
- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- S. “Primary Contact” means the person designated in the application who has authority to conduct business with the City on behalf of the applicant or licensee.
- T. “Processor” means the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts.
- U. “Produces” means the planting, cultivation, or growing of marijuana.
- V. “Sale” or “Sales” 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.
- W. “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, 187557, 188178 and 188602, effective September 20, 2017.)

- A. A marijuana regulatory license may only be issued for a specific, fixed location which shall be considered the licensed premises. The licensed premises must be within a building or structure subject to a building or zoning permit. Licensee must obtain the applicable permits and remain in compliance with fire, building and zoning codes.
- 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

one medical dispensary is located to the nearest portion of the building in which the other medical dispensary is located.

- C.** Except for marijuana retail couriers, 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.** Except for marijuana retail couriers, 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.
 - c.** The application for the medical dispensary has not submitted for or obtained a marijuana regulatory license for a marijuana retailer

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.** Upon issuance of a marijuana retail license from the State an applicant, under conditional approval for a marijuana retailer license, may operate without a Marijuana Regulatory License for a period of no longer than 5 business days to allow for the transition from the medical market to the recreational market;
 - e.** The applicant meets all other requirements of this Chapter.
- E.** No medical dispensary, marijuana retailer or marijuana retail courier may locate its licensed premises for business operations 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

4. If a school described in Subsection 14B.130.040 D. that has not previously been attended by children is established within 1,000 feet of a medical dispensary, marijuana retailer or marijuana retail courier for which a license has been issued under Chapter 14B.130, the medical dispensary, marijuana retailer or marijuana retail courier located at that premises may remain at that location unless:
 - a. The Office of Neighborhood Involvement revokes the license of the marijuana business under Section 14B.130.110; or
 - b. A new application is required.
- 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 marijuana retail courier may not operate their licensed premises as being generally open to the public for business. All sales must be conducted off-site by delivery to consumers in accordance with the standards established in OAR 845-025-2880, as in effect on December 1, 2016.
- H. 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.

(Amended by Ordinance Nos. 188178 and 188602, effective September 20, 2017.)

- 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and 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. Documentation of having an existing security system and proof of application submittal for an alarm permit from the Portland Police Bureau, and electrical permit from the Bureau of Development Services as needed for the premise.
4. Documentation of having an existing air filtration system or proof of application submittal for applicable permits to ensure odor impacts upon neighboring properties are minimized.
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 showing the property owner has authorized the use as a medical dispensary or marijuana business.
6. Marijuana producers and processors must provide documentation showing that all applicable City permits have been issued or obtained. Upon renewal, marijuana producers and processors must provide documentation showing that all applicable City permits have been obtained and received final inspection approval.
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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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. If ownership of the licensed entity changes by 51 percent or more, a new application is required.

- 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;
 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.

(Amended by Ordinance Nos. 188178, 188329 and 188602, effective September 20, 2017.)

- 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.
 3. Marijuana producers and processors of cannabinoid extracts must provide documentation showing that all applicable City permits, which may include applicable commercial building permits, electrical permits, and mechanical permits, have been obtained and received final inspection approval. Except for applications for license renewals, the documentation may include a temporary Certificate of Occupancy.
- 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;
 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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 shall be by mail to the address of the primary contact for the application on file with the Director. In addition, the Director may also send notices to other addresses known for the applicant or person including electronic delivery.
 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.
- H.** Denial of a marijuana regulatory license may be appealed by filing written notice of an appeal within 10 business days of the date of denial in accordance with Section 14B.130.120.

14B.130.080 Requirements.

(Amended by Ordinance Nos. 187391, 187611 and 188178, effective December 21, 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.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.
 - b. Licensee must retain camera surveillance data for a minimum of 30 days.
- 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 7 a.m. and no later than 10 p.m.
 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.
- C.** Any person with a marijuana regulatory license for a marijuana retailer must comply with the following regulations:
1. Licensee may provide delivery of marijuana and marijuana items to a residence in Portland in accordance with OAR 845-025-2880, as in effect on December 1, 2016 and subject to compliance with the requirements of this Chapter.
 2. Licensee may sell marijuana items for medical purposes in accordance with OAR 845-025-2900, effective December 1, 2016.
- D.** Any person with a processor marijuana regulatory license must comply with the following requirements:

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.
- E.** Any person with a marijuana micro-producer tier I, marijuana micro-producer tier II, producer, marijuana micro-wholesaler or marijuana 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.

14B.130.090 Inspection of Property and Records.

(Amended by Ordinance Nos. 188178 and 188602, effective September 20, 2017.)

- A.** Upon presentation of proper credentials, an Applicant or 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 Applicant or Licensee or by court order, any inspection under this Section may occur only during the business' 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.
- 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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 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

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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 business days of its issue and returned to the judge by whom it was issued within 10 business 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 Nos. 187557 and 188178, effective December 21, 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 shall be by mail to the address of the primary contact for the Licensee on file with the Director. In the case of a person operating without a Marijuana Regulatory License, service of the notice shall be by mail to such address as the Director has on file for that person, or is otherwise available to the Director. In addition, the Director may also send notices to other addresses known for the person including electronic delivery.
 3. Mailing of the notice will be prima facie evidence of receipt of the notice.
 4. The civil penalty will be due 10 business 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;

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

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.

(Amended by Ordinance No. 188178, effective December 21, 2016.)

- 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 shall be by mail to the address of the primary contact for the Licensee on file with the Director. In addition, the Director may also send notices to other addresses known for the applicant or person including electronic delivery.
 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 business days after the date of notice unless the revocation is appealed in accordance with Section 14B.130.120.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- 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.

(Amended by Ordinance No. 188178, effective December 21, 2016.)

- 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 10 business days of the determination, and must include all evidence that supports the request. Service of notice of the determination shall be by mail to the address for the primary contact for the application on file with the Director. The Director's determination shall be served by regular mail. Mailing of the notice of determination will be prima facie evidence of receipt of the notice. In addition, the Director may also send notice of the determination to other addresses known for the applicant or person including electronic delivery.
- 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.

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

**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.

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

- 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

TITLE 14C

PUBLIC ORDER AND POLICE

Police Policy, Regulations and Procedures

- 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

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

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;

PUBLIC ORDER AND POLICE

2. The property will be dealt with in such manner as directed by the Chief of such officer's department.

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.

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

Sections:

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

14C.20.010 Maintenance of Property/Evidence Division.

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

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

14C.20.020 Receipts for Property.

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

14C.20.030 Records.

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

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.

TITLE 14C

PUBLIC ORDER AND POLICE

Police Policy, Regulations and Procedures

- 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.

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

**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

TITLE 14C

PUBLIC ORDER AND POLICE

Police Policy, Regulations and Procedures

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.

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

- 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.

TITLE 14C

PUBLIC ORDER AND POLICE

Police Policy, Regulations and Procedures

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.

**CHAPTER 16.30 - TOWING & DISPOSITION
OF VEHICLES**

Sections:

- 16.30.001 Purpose.
- 16.30.100 Authority to Tow Vehicles and Establish Hearing Procedures.
- 16.30.200 Vehicle Towing.
- 16.30.210 When a Vehicle May be Towed.
- 16.30.220 Towing Without Prior Notice.
- 16.30.225 Towing With 24 Hour or 72 Hour Notice.
- 16.30.240 Towing and Immobilization Upon Order of Circuit Court.
- 16.30.300 Notice of Vehicle Tow.
- 16.30.310 Notice Prior to Tow.
- 16.30.320 Notice After Vehicle Tow.
- 16.30.340 Unidentifiable Vehicle.
- 16.30.350 Notice to Contest Tow When Vehicle Claimed.
- 16.30.400 Tow Hearing Procedure.
- 16.30.410 Request for Hearing.
- 16.30.420 Hearing Procedure.
- 16.30.430 When Tow Found Invalid.
- 16.30.440 When Tow Found Valid.
- 16.30.450 Hearing Administration.
- 16.30.500 Fee Payments and Vehicle Release Procedure.
- 16.30.510 Towing and Storage Rates.
- 16.30.520 Charges and Release of Vehicle.
- 16.30.530 When Tow Found Invalid.
- 16.30.540 When Tow Found Valid.
- 16.30.550 Storage Charges at Completion of Hearing.
- 16.30.600 Selling Abandoned Vehicles.
- 16.30.610 When a Vehicle May Be Sold.
- 16.30.620 Sale of Vehicles.
- 16.30.700 Moving Vehicles for Street and Utility Maintenance and for Emergencies.
- 16.30.710 Authority to Move Vehicles.
- 16.30.720 When a Vehicle May Be Moved.
- 16.30.730 Manner of Moving Vehicle.
- 16.30.800 Regulation of Towers.
- 16.30.810 Solicitation of Towing Business at Accidents Prohibited.
- 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.

TITLE 16

VEHICLES AND TRAFFIC

16.30.100 Authority to Tow Vehicles and Establish Hearing Procedures.

(Amended by Ordinance Nos. 170923, 187925 and 188652, effective November 17, 2017.)

- A.** Any parking enforcement officer, police officer, Portland Streetcar Supervisor or Superintendent, or other 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;

TITLE 16
VEHICLES AND TRAFFIC

16.30.700 Moving Vehicles For Street and Utility Maintenance and For Emergencies.

16.30.710 Authority To Move Vehicles.

(Amended by Ordinance Nos. 175564 and 188652, effective November 17, 2017.) 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.

16.30.720 When a Vehicle May be Moved.

(Amended by Ordinance Nos. 175564, 179141 and 188652, effective November 17, 2017.) 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.

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.

TITLE 16

VEHICLES AND TRAFFIC

- D.** The costs of towing and storing the vehicle for a period not to exceed 72 hours will be paid by:
 - 1.** The City in the case of a tow requested by a City officer or employee, or
 - 2.** The permittee in the case of a tow requested by a permittee.
- E.** The owner of the vehicle may be charged a reasonable storage fee for the storage of the vehicle if the vehicle is towed and stored at a private storage facility and the owner fails to remove the vehicle from the private storage facility within 72 hours after the vehicle was towed.

16.30.800 Regulation of Towers.

16.30.810 Solicitation of Towing Business at Accidents Prohibited.

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

- A.** Except as otherwise provided herein, no person with a direct or indirect interest in any business engaged in the towing or recovery of motor vehicles for a profit nor any person employed by such a business nor any person receiving any fee or remuneration from such a business, may solicit or attempt to solicit towing business at or near the site of a motor vehicle accident.
- B.** The prohibitions set forth in Subsection A do not prohibit any person from providing or offering to provide towing services if:
 - 1.** The services are provided without charge, fee, or other remuneration;
 - 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.

TITLE 24
BUILDING REGULATIONS

- A.** Structural Specialty Code. The provisions of the State of Oregon Structural Specialty Code 2014 Edition, as published by the International Code Council and known as the International Building Code 2012 Edition and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services are hereby adopted by reference. The Structural Specialty Code is on file in the Development Services Center of the City of Portland.
- B.** Compliance with recognized standards. Where requirements of this Title do not provide necessary regulation or are not fully detailed with regard to processes, methods, specifications, equipment testing, and maintenance, standards of design, performance, and installation, and other pertinent criteria, the applicable standards and recommendation of the National Fire Protection Association, as set forth in its National Fire Code shall apply, a copy of which is on file in the City Auditor's Office. Said volumes and all subsequent editions are hereby incorporated in this Title by reference.
- C.** Application of other titles. Nothing in this Title is intended to permit the establishment or conversion of any structure or use of any land in any zone which is not in accordance with the applicable sections of Title 25 (Plumbing Regulations), Title 26 (Electrical Regulations), Title 27 (Heating and Ventilating Regulations), Title 33 (Planning and Zoning Regulations).
- D.** Residential code. The provisions of the State of Oregon, Residential Specialty Code, 2014 Edition, as published by the International Code Council, and known as the International Residential Code, 2009 Edition, and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, including the appendices and standards adopted by the State of Oregon, is hereby adopted by reference. The Residential Specialty Code is on file in the Development Services Center of the City of Portland.
- E.** Energy Efficiency Specialty Code. The provisions of the State of Oregon Energy Efficiency Specialty Code 2014 Edition, as published by the International Code Council and known as the International Energy Conservation Code, 2009 Edition and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, are hereby adopted by reference. The Energy Efficiency Specialty Code is on file in the Development Services Center of the City of Portland.

24.10.050 Organization.

(Amended by Ordinance Nos. 176955 and 188647, effective November 17, 2017.)

- A.** Bureau of Development Services. The Bureau of Development Services shall be under the jurisdiction of the Director designated by the appointing authority.

TITLE 24

BUILDING REGULATIONS

- B.** Director to enforce Title. General. The Director is hereby authorized and directed to enforce all provisions of this Title. For such purpose the Director shall have the powers of a law enforcement officer.
- C.** Deputies. The Director may appoint officers, inspectors, and assistants and other employees. The Director may also deputize employees as may be necessary to carry out the duties of the Bureau of Development Services.
- D.** Right of Entry. Whenever an inspection is necessary to enforce any of the provisions of this Title, or whenever the Director or the Director's duly authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises substandard as defined within this Title, or upon presentation of a lawfully issued warrant, the Director may enter such building or premises at all reasonable times to inspect or to perform any imposed duty and shall have recourse to every remedy provided by law to secure entry.

24.10.060 Enforcement.

(Amended by Ordinance Nos. 168340, 176955, 187432 and 188647, effective November 17, 2017.)

- A.** All permitted work shall be subject to inspection by the Director, and certain work shall have continuous inspection by special inspectors as specified in Section 24.20.
- B.** The Director, upon notification from the permit holder or his agent, shall either approve of those portions of the construction requiring inspection or shall notify the permit holder, or the permit holder's agent, in writing, wherein the same fails to comply with the provisions of this Title.
- C.** Stop Work Orders. When it is necessary to obtain compliance with this Title, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not be resumed until such time as the Director gives specific approval in writing. The stop work order will be in writing, except when an emergency condition exists, the Director may issue a stop work order orally, followed by a written stop work order. All stop work orders will conform to the requirements of City Code Section 3.30.080. Any person subject to a stop work order may seek review of the order by the Director and may appeal the Director's determination in accordance with City Code Section 3.30.080.
- D.** It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Title.

TITLE 24
BUILDING REGULATIONS

- E.** If an unoccupied structure or structure under construction is open or unattended, the Director may enter to determine if a hazardous condition exists. If such a condition exists, the Director shall notify the owner of the condition and order the structure immediately secured against the entry of unauthorized persons.
- F.** In the event the property owner, permit holder or the owner's agent fails or neglects to carry out any requirement, or fails to correct any noted violation of this Title, the Director may gain compliance by any of the remedies outlined in Chapter 3.30 of the Code of the City of Portland.

24.10.070 Application for Permits.

(Amended by Ordinance. Nos. 162100, 163908, 165678, 169905, 171773, 174880, 176783, 176955, 180330, 187432 and 188647, effective November 17, 2017.)

- A.** Permits required. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, change occupancy group of, or demolish any building or structure, or to do any clearing or grading, or cause any of the same to be done without first obtaining a building permit, or where appropriate a minor structural label as outlined in Section 24.10.095. The limitations of Oregon Revised Statutes 455.020 notwithstanding, permits are required to construct, alter, repair or move any structure not specifically exempted by the Oregon Structural Specialty Code or Oregon Residential Specialty Code, as adopted in Chapter 24.10 of this Title. Building permits and fees for work on private property are waived whenever the work appears on plans and specifications, approved by the City Engineer or BES Chief Engineer. This work shall be limited to the construction of streets, public sewers, public stormwater management facilities, driveways, retaining walls, fences, walkways, parking pads, steps, and tree, shrub, and brush removal.
- B.** For exempted work see Chapter 1 of the Structural Specialty Code.
- C.** Plans and specifications. Plans, engineering diagrams, and other data shall be submitted in three sets with each application, and shall comply with the requirements of Chapter 1 of the Structural Specialty Code. If a structural design is required, computations, stress diagrams, computer data, and such additional data as required by the Director, sufficient to show the correctness of the plans and compliance with the structural provisions of this Title shall be submitted. The above data shall include a brief summary of all basic assumptions, design methods, structural systems, loading, lateral bracing systems, and a table of contents of the computations. Computer calculations submitted as substantiation of the design shall include a copy of the program users manual for each program, definition, sketches, index of data runs, and properly identified input and output listings. For other than nationally recognized programs, the correctness of the program shall be substantiated in a manner acceptable to the Director. When required by the Director, or when required under ORS 672 (State Engineering Law) or ORS 671

TITLE 24

BUILDING REGULATIONS

(State Architectural Law), plans shall be prepared and certified by an architect or registered professional engineer licensed to practice in the State of Oregon.

- D.** Parking lots. Parking lots shall not require a separate building permit when they are clearly shown on plans submitted and their valuation is included on the application for the principal building permit.
- E.** Compliance with Chapter 17.88 (Street Access) of this Code is required prior to issuance of this permit.
- F.** Plans for other than one and two family dwelling repairs, remodels, or additions shall be approved by the Fire Marshal prior to approval by the Director.
- G.** Issuance of permits. Issuance of permits shall be in accordance with Chapter 1 of the Structural Specialty Code provided that plans for all commercial buildings and any off-street parking area where the parking of three or more cars is to be established shall be approved by the City Engineer and the City Traffic Engineer before a building permit may be issued.
- H.** Charge for partial permits. When complete plans and specifications are not available, the Director may issue partial permits to assist in the commencement of the work, provided that a partial permit charge is paid to the bureau. The number of partial permits issued shall not exceed six on any individual project, except that in special circumstances the Director may allow this number to be exceeded.
- I.** Retention of plans.
 - 1.** Plans and specifications for all buildings, or their photographic image, shall be retained permanently in the files of the Bureau of Development Services as follows:
 - a.** Plans and specifications for work which does not concern or affect the structural stability of a building and which does not affect a change of occupancy may be destroyed after 5 years from date of building permit for same;
 - 2.** Plans and specifications for one or two family dwellings, and/or buildings accessory thereto may be destroyed after 5 years from date of building permit for same.
- J.** A separate permit, known as a development permit, shall be required for a site development, changes in use, or other work performed in compliance with Title 33, Chapter 33.700, Administration, which is not otherwise included with the permit described in Subsection A. of this Section. Reviews and approval of site plans or

TITLE 24
BUILDING REGULATIONS

other documents shall be obtained from the Bureau of Development Services prior to issuance of the permit.

- K.** Life of Permit Limited. If no inspection approval has taken place within six months after permit issuance, the permit shall become void, and no further work shall be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit shall be deemed to be automatically extended for six months, until final approval is granted. The Building Official may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond the permittee's control. Extension requests shall be in writing and shall be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit shall be void. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. No permit may be renewed if it has been expired for more than six months. A permit may be renewed only once. If an inspection approval has not been granted within the time period of permit renewal the permit shall be void. The renewal fee shall be one half the amount required for a new building permit.

24.10.075 Bureau of Development Services Administrative Appeal Board.

(Added by Ordinance No. 187432, effective December 4, 2015.)

- A. Appointment of Administrative Appeal Board.** The Bureau of Development Services Administrative Appeal Board consists of the Building Official and Bureau staff members appointed by the Director. In appointing staff members, the Director will consider the issues presented by the appeal and what particular expertise will be helpful in addressing those issues. The staff will act in an advisory capacity to the Building Official. The Administrative Appeal Board may:
1. review appeals of the Bureau's application and interpretation of this Title and the State of Oregon specialty codes adopted in this Title (collectively referred to as the "Building Code");
 2. review requests for modifications to the strict application of the Building Code; and
 3. review requests to use alternative materials, design or methods of construction and equipment.
- B. Appeals to the Administrative Appeal Board and Final Decisions.** Any person aggrieved by a decision of the Bureau related to the application and interpretation of the Building Code or this Title or who wants to request a modification to the strict interpretation of the Building Code or consideration of an alternative material, design or method of construction or equipment may file an appeal with the

TITLE 24

BUILDING REGULATIONS

Administrative Appeal Board. Such an appeal must be filed within 180 days of the Bureau decision being appealed; provided, however, the Building Code in effect at the time the Bureau decision was made shall be applied to the administrative appeal. The Administrative Appeal Board may:

1. grant an appeal if the Administrative Appeal Board finds that the Building Code was not correctly interpreted or applied;
2. grant a modification to the application of the Building Code where special individual reasons make application of the strict letter of the Building Code impractical, the modification is in compliance with the intent and purpose of the Building Code, and such modification does not lessen health, accessibility, life and fire safety or structural requirements of the structure; or
3. approve an alternative material, design or method of construction and equipment if the Administrative Appeal Board finds that any such alternative complies with the intent of the Building Code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Building Code in quality, strength, effectiveness, fire resistance, durability, accessibility and safety. The Administrative Appeal Board may not waive the requirements of the Building Code. The Administrative Appeal Board review will culminate in a final decision by the Building Official. The Administrative Appeal Board meeting is not open to attendance by the appellant or the public. The Bureau will provide final decisions to the appellant by publication of the decision on the Bureau's website within 10 calendar days of the hearing, provided the Bureau has received all required information from the applicant.

C. Reconsideration of Final Decisions and Appeals to the Building Code Board of Appeal. Any person aggrieved by a final decision of the Building Official made under Subsection B. above may either file a reconsideration of that decision within 180 days of the decision based on new or revised information or appeal the decision to the Building Code Board of Appeal in accordance with Section 24.10.080 within 90 days of the final decision being appealed. There is no additional fee for the first reconsideration of an Administrative Appeal Board decision or for an appeal to the Building Code Board of Appeal. The Building Code in effect at the time of the final decision being reconsidered or appealed will be applied to the reconsideration or subsequent appeal to the Building Code Board of Appeal.

D. Fees for Appeals. The fees for administrative appeals shall be as stated in the Fee Schedule adopted by the City Council. The current approved Fee Schedule is available at the Development Services Center and on the Bureau's website.

24.10.080 Building Code Board of Appeal.

(Replaced by Ordinance No. 187432, effective December 4, 2015.)

- A. Appointment of Building Code Board of Appeal.** In order to hear appeals of final decisions of the Building Official made under Section 24.10.075, there has been created a Building Code Board of Appeal, consisting of three members and three alternates appointed by the Mayor and approved by the City Council.
- 1.** Each member and alternate member must be qualified by experience and training to make decisions pertaining to the Building Code and building construction. At least one member and one alternate member must be competent builders who have engaged in the construction business in the City for at least 2 years immediately preceding their appointments, and at least one member and one alternate member shall be competent architects who have practiced their profession for at least 3 years.
 - 2.** Building Code Board of Appeal appointments shall be for 3-year terms. Appeal Board members may serve no more than two complete 3-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. Vacancies occurring prior to the end of a term for whatever cause may be filled by qualified persons through appointment by the Mayor for the remainder of the term.
 - 3.** Any member may be removed by the Mayor for incompetence, dereliction of duty, incapacity or other sufficient cause.
 - 4.** Members of the Building Code Appeal Board shall comply with the State ethics laws applicable to public officials.
 - 5.** Members of the Building Code Appeal Board shall serve in a voluntary capacity and without pay.
- B. Appeals to the Building Code Appeal Board.** The Building Code Board of Appeal may review Administrative Appeal Board decisions or any other final decision of the Building Official or Director related to the application and interpretation of this Title or the Building Code. The Building Code appeal will be limited to the facts and record reviewed by the Administrative Appeal Board, Building Official or Director related to the decision being appealed. A hearing will be held within 45 days after an interested party submits a written appeal to the Building Code Board of Appeal. A panel of three Building Code Appeal Board members will hear each appeal. The Board may, by a majority vote, affirm, annul, or modify the decision.
- C. Powers and Limitations of Authority of the Building Code Appeal Board.** The Building Code Board of Appeal may provide reasonable interpretations of the

TITLE 24

BUILDING REGULATIONS

requirements of the Building Code and may grant an appeal if the Board finds one of the following:

1. the Building Official or Director did not correctly apply or interpret this Title or the Building Code;
2. special individual reasons make application of the strict letter of the Building Code impractical, the modification is in compliance with the intent and purpose of the Building Code, and such modification does not lessen health, accessibility, life and fire safety or structural requirements of the structure; or
3. any alternative material, design or method of construction and equipment complies with the intent of the Building Code and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Building Code in quality, strength, effectiveness, fire resistance, durability, accessibility and safety. The Building Code Board of Appeal may not waive the requirements of the Building Code.

Any person aggrieved by a final decision of the Building Code Board of Appeal may, within 30 days after the date of the decision, appeal to the appropriate advisory board of the State of Oregon Department of Consumer and Business Services.

24.10.085 Structural Engineering Advisory Committee.

(Added by Ordinance No. 162056; amended by Ordinance Nos. 187432 and 188647, effective November 17, 2017.)

- A.** There is hereby created a Structural Engineering Advisory Committee consisting of six members licensed in Oregon to practice structural engineering, appointed by the Mayor and approved by the City Council.

Members may be appointed to no more than two consecutive 3-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. In addition, the Director, or designee, shall be an ex-officio member of the board.

- B.** Any member of the board may be removed from office by the Mayor for malfeasance in office or neglect of duty at any time during the member's tenure.
- C.** The committee shall elect a chairperson, adopt rules of procedure, and set the time and place for regular meetings. A quorum consisting of at least three members of the committee is required to conduct committee business. Written minutes of all meetings shall be made and kept subject to the requirements and limitations of ORS 192.610 to ORS 192.690.

TITLE 24
BUILDING REGULATIONS

- D.** It shall be the duty of the board to advise the Director and/or the Appeals Board in structural matters relative to reasonable interpretation and to alternate materials and methods of construction.
- E.** Any action of the board shall be in an advisory capacity to the City. Subsequent action taken by the City as a result of advice from the boards shall be the sole responsibility of the City.

24.10.087 Alternative Technology Advisory Committee.

(Added by Ordinance No. 182217; amended by Ordinance No. 187432, effective December 4, 2015.)

- A. Purpose.** It shall be the duty of the Alternative Technology Advisory Committee to advise the Bureau of Development Services on new or innovative sustainable building technologies and products.
- B. Membership.** The Alternative Technology Advisory Committee shall consist of a minimum of three and a maximum of seven members. The committee members will be appointed by the Mayor and approved by the City Council. The committee shall consist of design professionals, construction contractors, and persons associated with a university with an engineering school. In addition, two designees from the Bureau of Development Services familiar with building code review shall be ex-officio members of the committee.
- C. Appointment and Terms.**
 - 1.** Appointment to the Alternative Technology Advisory Committee shall be for a three-year term. Committee members may be appointed to no more than two consecutive, complete terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. If a position is vacated during a term, it shall be filled for the unexpired term.
 - 2.** Any member of the committee may be removed from the committee by the Mayor for malfeasance in office.
 - 3.** The committee shall elect a chairperson, adopt rules of procedure, and set the time and place for regular meetings. Written minutes of all meetings shall be kept.
- D. Compensation.** Alternative Technology Advisory Committee members shall serve without compensation.

TITLE 24

BUILDING REGULATIONS

- E. Other.** The Alternative Technology Advisory Committee serves only in an advisory capacity to the City. Subsequent action taken by the City as a result of the committee's advice shall be the sole responsibility of the City.

24.10.090 Pre-application and Pre-construction Meetings.

(Amended by Ordinance No. 162100, effective August 1, 1989). Where major construction projects involve coordination between City bureaus and the design/construction teams, the Director may hold a pre-application or pre-construction meeting with representatives of the interested parties as an aid to the enforcement of this Title.

24.10.095 Commercial and Industrial Minor Structural Labels.

(Added by Ordinance No. 171773; amended by Ordinance No. 187432, effective December 4, 2015.)

- A. General.** Oregon Revised Statutes Chapter 455.155 gives the Department of Consumer and Business Services the authority to create a statewide permit and inspection system for minor construction work. The Oregon Building Codes Division under the Department of Consumer and Business Services has created a mandatory statewide minor labels program. Implementation rules are found in Oregon Administrative Rules 918-100-0000 through 918-100-0600. The Bureau, in accordance with OAR 918-100-0060, will conduct inspections and issue necessary correction notices for minor commercial and industrial labels issued pursuant to the statewide minor labels program.

24.10.100 Fees.

24.10.101 General.

(Amended by Ordinance No. 176955, effective October 9, 2002.) The following fees are required to be paid to the Director of the Bureau of Development Services, shall be as set forth in this Chapter.

24.10.102 Building Permit and Plan Check/Process Fee.

(Replaced by Ordinance No. 174719, effective August 21, 2000.)

- A.** All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.
- B.** A plan checking fee is payable when the plans and application are accepted by the Director for examination and shall not be refundable. A permit fee shall be paid to the Director before a building permit is issued.
- C.** Permit and plan check fees will, as a general rule, be refunded when the services covered by the fee have not commenced, and the permit or plan review fees were paid incorrectly due to an error on the part of the City. When a permit applicant

CHAPTER 24.20 - SPECIAL INSPECTIONS

(Chapter replaced by Ordinance No. 187432,
effective December 4, 2015.)

Sections:

- 24.20.010 General.
- 24.20.020 Selection of the Special Inspectors and/or Agencies.
- 24.20.030 General Duties of the Special Inspector.

24.20.010 General.

- A. In addition to the inspections required under Section 110 of the Oregon Structural Specialty Code, the owner or the owner's agent shall employ a Special Inspector during construction of the types of work specified in Chapter 17 of the Oregon Structural Specialty Code or for cases specifically required by the Director.
- B. The Director shall have the authority to adopt and enforce written rules concerning the conduct and administration of special inspections in the City of Portland.

24.20.020 Selection of the Special Inspectors and/or Agencies.

With the approval of the Director, Special Inspectors and approved inspection and/or testing agencies shall be chosen and paid by the owner, and will report to the licensed architect or engineer whose signature and seal appear on the design drawings and to the Bureau of Development Services. No changes of Special Inspectors or inspection/testing agency approved by the Director shall be made without obtaining approval of the responsible architect/engineer and the Director.

24.20.030 General Duties of the Special Inspector.

(Amended by Ordinance No. 188647, effective November 17, 2017.)

- A. The Special Inspector shall observe the work assigned for conformance with the approved construction documents.
- B. The Special Inspector shall keep records of inspections and shall furnish inspection reports to the Director, the Registered Design Professional, as that term is defined in Chapter 2 of the Oregon Structural Code. All discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the Director.
- C. The Special Inspector/Inspection Agency shall submit a final signed summary report stating whether the work requiring special inspection was, to the best of their knowledge, in conformance with the approved plans and specifications and the applicable workmanship provisions in the State Building Code.

TITLE 24

BUILDING REGULATIONS

CHAPTER 24.25 - MOVING OF BUILDINGS

Sections:

- 24.25.010 General.
- 24.25.020 Permit Information Required.
- 24.25.030 Direction of City Engineer.
- 24.25.040 Housing Code Inspection Report Required.

24.25.010 General.

No building shall be moved from one location to another until permits have been obtained.

24.25.020 Permit Information Required.

(Amended by Ordinance No. 188647, effective November 17, 2017.) The applicant shall file with the Director an application for a permit to move the structure, it shall be signed by the owner or the owner's authorized agent, and shall contain a description of the building to be moved, the location where it is to be moved, and the use and occupancy proposed, in addition to the information required by Section 24.10.070 of this Title regarding foundation or other work at the final location.

24.25.030 Direction of City Engineer.

(Amended by Ordinance No. 169905, effective April 1, 1996.) No building shall be moved across or along any street until the route to be followed and the time allowed for moving has been submitted to the City Engineer and approved by him. Moving shall be under the direction of the City Engineer. For the regulations covering the use of public streets see Chapter 33 of the Structural Specialty Code.

24.25.040 Housing Code Inspection Report Required.

The Director shall inspect any residential building that is proposed to be moved, to ensure its compliance with the provision of Title 29 of the Code of the City of Portland.

24.70.100 Drainage and Terracing.

(Amended by Ordinance No. 173270, effective May 21, 1999.)

- A.** General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this Section.
- B.** Terrace. Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer and approved by the Director. Suitable access shall be provided to permit proper cleaning and maintenance.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a downdrain.

- C.** Subsurface drainage. Cut and fill slopes shall be provided with subdrainage as necessary for stability. Adequate culverts shall be laid under all fills placed in natural watercourses and along the flow line of any tributary branches in such a manner that the hydraulic characteristics of the stream are not adversely altered. In addition, subdrainage shall be installed if active or potential springs or seeps are covered by the fill. All culverts/subdrainage shall be installed after the suitable subgrade preparation. Design details of culverts/subdrainage shall be shown on each plan and be subject to the approval of the Director and of other government/private agencies as may be required.

A subdrain system shall be provided for embedded foundation/ retaining walls and floor slabs where ground water or seepage has a potential to affect the performance of the structure. The plans shall indicate

1. subdrainage details with appropriate specifications,
2. location of footing subdrain/discharge lines and,
3. method of disposal.

In lieu of above, walls/floors may be waterproofed and designed to resist hydrostatic pressure.

- D.** Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainageway or approved stormwater management facility, as approved by the Director and/or other appropriate jurisdiction as a safe place to deposit such

TITLE 24

BUILDING REGULATIONS

waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive downdrains or other devices.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the Director.

Exception: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet in maximum depth.
 2. No proposed finish cut or fill slope faces have a vertical line in excess of 10 feet.
 3. No existing slope faces, which have a slope face steeper than 10 horizontal to 1 vertical, have a vertical height in excess of 10 feet.
- E. Interceptor drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of the drain shall be approved by the Director.

24.70.110 Erosion Control.

(Repealed by Ordinance No. 173979, effective March 1, 2000.)

24.70.120 Grading Inspection.

(Amended by Ordinance No. 188647, effective November 17, 2017.)

- A. General. All grading operations for which a permit is required shall be subject to inspection by the Director. When required by the Director, special inspection of grading operations and special testing shall be performed in accordance with the provisions of Section 24.70.120 C.
- B. Grading designation. All grading in excess of 5,000 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer and shall be designated as “engineered grading.” Grading involving less than 5,000 cubic yards may also be designated as “engineered grading” by the Director if the grading will
1. support a building or structure of a permanent nature;
 2. support other engineering works such as, but not limited to, tanks, towers, machinery, retaining wall, and paving;

TITLE 24
BUILDING REGULATIONS

3. be deemed a potential hazard under Section 24.70.030. The permittee with the approval of the Director may also choose to have the grading performed as “engineered grading.” Otherwise, the grading shall be designated as “regular grading.”
- C. Engineered grading requirements. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. The civil engineer shall also be responsible for the professional inspection and approval of the grading within the civil engineer’s area of technical specialty. This responsibility shall include, but need not be limited to, inspection and approval as to the establishment of line, grade, and drainage of the development area. The civil engineer shall act as the coordinating agent in the event that need arises for liaison between the other professionals, the contractor, and the Director. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work. The grading contractor shall submit in a form prescribed by the Director a statement of compliance to said as-graded plan.

Soil engineering and engineering geology reports shall be required as specified in Section 24.70.050. During grading all necessary reports, compaction data, and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and the Director by the soil engineer and the engineering geologist. The soil engineer’s area of responsibility shall include, but need not be limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

The engineering geologist’s area of responsibility shall include, but need not be limited to, professional inspection and approval of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters, and the need for subdrains or other ground water drainage devices. The engineering geologist shall report the findings to the soil engineer and the civil engineer for engineering analysis.

The Director shall inspect the project at the various stages of work requiring approval and at more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

- D. Regular grading requirements. The Director may require inspection and testing by an approved testing agency. The testing agency’s responsibility shall include, but need not be limited to, approval concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills. When the Director has cause to

TITLE 24

BUILDING REGULATIONS

believe that geological factors may be involved the grading operation will be required to conform to “engineered grading” requirements.

- E.** Notification of noncompliance. If, in the course of fulfilling their responsibility under this Chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not being done in conformity with this Chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Director. Recommendations for corrective measures, if necessary, shall be submitted.
- F.** Transfer of responsibility for approval. If the civil engineer, the soil engineer, the engineering geologist, or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work.

24.70.130 Completion of Work.

(Amended by Ordinance No. 188647, effective November 17, 2017.)

- A.** Final reports. Upon completion of the rough grading work and that final completion of the work the Director may require the following reports and drawings and supplements thereto:
 - 1.** An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and locations and elevations of all surface and sub-surface drainage facilities. The civil engineer shall provide approval that the work was done in accordance with the final approved grading plan.
 - 2.** A Soil Grading Report prepared by the soil engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. The soil engineer shall provide approval as to the adequacy of the site for the intended use.
 - 3.** A Geological Grading Report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. The engineering geologist shall provide approval as to the adequacy of the site for the intended use as affected by geological factors.

TITLE 24
BUILDING REGULATIONS

- B.** Notification of completion. The permittee or his agent shall notify the Director when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted.

TITLE 24

BUILDING REGULATIONS

CHAPTER 24.75 - UNIFORM BUILDING ADDRESS SYSTEM

(Chapter added by Ordinance No. 161984, effective
July 1, 1989.)

Sections:

- 24.75.010 Uniform System.
- 24.75.020 Size and Location of Building Numbers.
- 24.75.030 Administration.
- 24.75.040 Owner Responsibility.
- 24.75.050 Alteration of Building Number - Improper Number.
- 24.75.060 Building Defined.
- 24.75.070 Enforcement.

24.75.010 Uniform System.

- A. There is established a uniform system of numbering all buildings in separate ownership or occupancy in the City dividing the City into five general districts. In establishing the system Williams Avenue and the center line of the Willamette River southerly from Glisan Street shall constitute the north and south base line from which the numbers on all buildings running easterly and westerly from said streets shall be extended each way, upon the basis of one number for each ten feet of property frontage, wherever possible, starting at the base line with the number 1 continuing with consecutive hundreds at each intersection, wherever possible; provided, however, that streets running easterly and westerly in that district south of Jefferson Street and lying between Front Avenue and the Willamette River shall have the prefix "0" placed before the assigned number, said numbers starting at Front Avenue with the number 1 and continuing with consecutive hundreds at each intersection, where possible. All even numbers shall be placed upon buildings on the southerly side of streets, avenues, alleys and highways, and all odd numbers shall be placed upon buildings on the northerly side of streets, avenues, alleys and highways. Burnside Street shall constitute the east and west base line from which the numbers on all streets running north and south from said streets shall be extended each way, upon the basis of one number for each 10 feet of property frontage, wherever possible, starting at the base line with number 1 and continuing with consecutive hundreds at each intersection, wherever possible. All even numbers shall be placed upon buildings on the easterly side of streets, avenues, alleys, and highways, and all odd numbers upon buildings on the westerly side of said streets, avenues, alleys, and highways. Freestanding buildings on private streets which are separately owned or occupied shall be separately numbered so as to most closely conform to this system. Each portion of a building which is separately owned or occupied and has a separate entrance from the outside shall have a separate number assigned to it.

CHAPTER 25.03 - ADMINISTRATION

Sections:

- 25.03.010 Enforcement.
- 25.03.020 Chief Plumbing Inspector's Duties.
- 25.03.030 Inspector's Right of Entry.

25.03.010 Enforcement.

(Amended by Ordinance Nos. 176955 and 178578, effective September 1, 2004.) The Director of the Bureau of Development Services shall enforce all the provisions of this Title.

25.03.020 Chief Plumbing Inspector's Duties.

(Amended by Ordinance No. 170576, effective November 1, 1996.) The Plumbing Inspection Supervisor shall enforce the provisions of the Plumbing Regulations.

25.03.030 Inspector's Right of Entry.

(Amended by Ordinance No. 188647, effective November 17, 2017.) Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or the Building Official's authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation which makes such building or premises unsafe, dangerous, or hazardous, the Building Official or the Building Official's authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this Code. If such building or premises are occupied, proper credentials shall be presented with a request for entry. If such building or premises are unoccupied, a reasonable effort to locate the owner or other persons having charge or control of the building or premises shall be made to request entry. If such entry is refused, the Building Official or the Building Official's authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Building Official or the Building Official's authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official or the Building Official's authorized representative for the purpose of inspection and examination pursuant to this Code.

TITLE 25 PLUMBING REGULATIONS

CHAPTER 25.04 - ADMINISTRATIVE REGULATORY PROVISIONS

Sections:

- 25.04.010 Conformity Required.
- 25.04.015 Stop Work Orders.
- 25.04.020 Renewals and Repairs.
- 25.04.030 Plumbing Work To Be Regulated.
- 25.04.040 Minor Plumbing Labels.
- 25.04.050 Owner May Perform Plumbing Work.
- 25.04.060 Plumbing Work To Be Performed by Owner, Journeyman Plumber, or Indentured Apprentice.
- 25.04.070 Certificate of Final Inspection.
- 25.04.080 Advertising or Display Signs.
- 25.04.090 Mechanical Devices.

25.04.010 Conformity Required.

(Amended by Ordinance Nos. 178578 and 187432, effective December 4, 2015.) Every plumbing system, rainwater harvesting system, water supply system, and sewage and drainage system coming within the jurisdiction of the City of Portland and covered by this Title and the Oregon Plumbing Specialty Code shall be installed, constructed, altered, renovated, repaired, and maintained in a manner which shall meet the requirements of this Title and the Oregon Plumbing Specialty Code. No pipes or piping or parts of any plumbing system shall be cut into, disturbed, or moved unless it is done in conformity with the provisions of this Title and the Oregon Plumbing Specialty Code. No person shall place in use, or maintain a plumbing, rainwater harvesting system, water, sewage, or drainage system which has been installed, constructed, altered, renovated, or repaired in violation of the provisions of this Title or the Oregon Plumbing Specialty Code. Any portion of such an installation, construction, alteration, renovation, or repair made in violation of this Title or the Oregon Plumbing Specialty Code shall be immediately removed and corrected to comply with provisions of this Title and upon notice from the Plumbing Inspector.

25.04.015 Stop Work Orders.

(Replaced by Ordinance No. 187432, effective December 4, 2015.) When it is necessary to obtain compliance with this Title, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not be resumed until such time as the Director gives specific approval in writing. The stop work order will be in writing, except when an emergency condition exists, the Director may issue a stop work order orally, followed by a written stop work order. All stop work orders will conform to the requirements of City Code Section 3.30.080. Any person subject to a stop work order may seek review of the order by the Director and may appeal the Director's determination in accordance with City Code Section 3.30.080.

TITLE 25
PLUMBING REGULATIONS

25.04.020 Renewals and Repairs.

Every existing plumbing and drainage system in any building shall be maintained in a sanitary condition. When any such system becomes defective or unsanitary in whole or in part such portion as is proved defective and unsanitary shall be made in a manner to meet the requirements and provisions of this Title and the Oregon Plumbing Specialty Code.

25.04.030 Plumbing Work To Be Regulated.

(Amended by Ordinance No. 168183, effective November 1, 1994.) All plumbing work in or about buildings or on private property shall be performed under the direction of a plumbing contractor except:

- A. Plumbing work performed by an owner;
- B. Minor repair work performed by a maintenance man;
- C. Sewer work performed by a sewer contractor.

25.04.040 Minor Plumbing Labels.

(Added by Ordinance No. 170811; amended by Ordinance Nos. 170929, 178578, 179125 and 187432, effective December 4, 2015.)

- A. General. ORS 455.155 gives the Department of Consumer and Business Services the authority to create a statewide permit and inspection system for minor construction work. The Oregon Building Codes Division under the Department of Consumer and Business Services has created a mandatory statewide minor labels program. Implementation rules are found in Oregon Administrative Rules 918-100-0000 through 918-100-0060. The Bureau, in accordance with OAR 918-100-0060, shall conduct inspections and issue necessary correction notices for minor plumbing labels issued pursuant to the statewide minor labels program.

25.04.050 Owner May Perform Plumbing Work.

(Amended by Ordinance Nos. 170576 and 188647, effective November 17, 2017.) The Plumbing Inspector has authority to issue a permit for work regulated by this Title to a bona fide owner of a single-family residential structure. In issuance of the permit, the Plumbing Inspector shall consider where:

- A. The owner has demonstrated a thorough knowledge of the work to be performed;
- B. The owner will perform the work.
- C. The single-family residential structure is occupied by the owner for dwelling purposes and is not being constructed or remodeled for resale or rent.
- D. Such other factors as will aid the Plumbing Inspector may condition the issuance of the permit upon such conditions and factors as the Plumbing Inspector deems appropriate including, but not limited to, requiring an owner to post a bond to assure

TITLE 25

PLUMBING REGULATIONS

prompt and safe completion in compliance with the provision of the permit and this Title. Said bond shall be in form approved by the City Attorney and shall provide for completion or correction of the work from the proceeds of the bond.

Whenever an owner receives this privilege, the word “owner” shall be substituted for the word “plumber” on the plumbing permit application and permit.

25.04.060 Plumbing Work To Be Performed by Owner, Journeyman Plumber, or Indentured Apprentice.

(Amended by Ordinance Nos. 168183 and 176955, effective October 9, 2002.) All plumbing work shall be performed either by an owner or by a journeyman plumber holding a valid certificate of competency from the State of Oregon, or a registered and indentured apprentice. All journeyman plumbers while engaged in plumbing work shall carry with them their Oregon State Certificate of Competency. All apprentice plumbers shall carry with them their apprentice registration cards and shall produce same at the request of the Plumbing Inspector of the Portland Bureau of Development Services. It shall be the duty of the Plumbing Inspector of the Bureau of Development Services to require the journeyman plumber and apprentice plumber to show their registration card.

In the event anyone is performing plumbing work in violation of the above regulations, a report relative to such person shall be sent by the Bureau of Development Services Plumbing Section to the Oregon State Building Codes Division, Plumbing Division.

25.04.070 Certificate of Final Inspection.

(Amended by Ordinance No. 168183, effective November 1, 1994.) Upon completion of the work covered by the plumbing permit, the person engaged to do such work shall notify the Plumbing Inspector of such completion. As soon as possible after the receipt of such notice, final inspection shall be made by the Plumbing Inspector. If corrections are required, the permittee shall be notified in writing, setting forth the nature of the violation or violations. If a person, plumbing contractor, or sewer contractor is delinquent for more than 10 days in making corrections to plumbing after having been notified by the Plumbing Inspector, further permits to such person, plumbing contractor, or sewer contractor may be refused until the corrections have been made; and if the job is started in violation of this Section, the penalties imposed by this Title shall be enforced. If it is found that the work complies in all respects with the requirements of this Title, a certificate in writing to that effect shall be issued on demand by the Plumbing Inspector. No plumbing system shall be placed in service until its formal approval as evidenced by the certificate of final inspection shall have been made. Provision shall be made to have access to the building and water turned on to all fixtures so that one inspection will cover all the work under plumbing permit.

25.04.080 Advertising or Display Signs.

It is unlawful for any person to engage in, or carry on, or to represent and advertise himself as engaged in or carrying on the business of plumbing contractor, or sewer contractor in the City of Portland, or to use the words “plumbing contractor,” “sewer contractor,” or “plumber,” or “plumbing,” or expose a sign containing similar import for such purpose,

TITLE 25
PLUMBING REGULATIONS

implying that the advertiser is so engaged, unless such person has obtained a registration to engage in and carry on a business of plumbing contractor or sewer contractor in the City of Portland.

25.04.090 Mechanical Devices.

It is unlawful for any person, firm, or corporation to use, employ, or permit the insertion of any mechanical device in any sewer, branch sewer, soil drain, or waste line, for the purpose of cleaning or clearing out the same, unless the person, firm, or corporation is listed with the City of Portland to perform this work. Exception - a homeowner or qualified maintenance man may clean drains or sewers.

TITLE 25

PLUMBING REGULATIONS

CHAPTER 25.05 - PERMITS

Sections:

- 25.05.010 Required.
- 25.05.020 Permit and Report Required To Do Plumbing Work on Water System.
- 25.05.025 Temporary Permits.
- 25.05.030 Plumbing Permit Application.
- 25.05.040 Plumbing Plan Examination.
- 25.05.050 Life of Permit Limited.
- 25.05.060 Fees.
- 25.05.070 Repairs, Replacements, and/or Completions.
- 25.05.080 Revocation.
- 25.05.090 Partial Refund of Fees.
- 25.05.100 Reduction of Fees.

25.05.010 Required.

(Amended by Ordinance Nos. 170576, 170811, 178578 and 187432, effective December 4, 2015.) Excepting fire systems provided for in Title 31, Fire Regulations, a permit, or minor label as outlined in Section 25.04.040, shall be obtained for the installation, construction, alteration, or repair of any plumbing or sewage system, fire hose valve, water supply system, water supply well, rainwater harvesting system, sewage holding tank, fire hose cabinet, or the installing of any device if the device requires either water supply, or waste connection to drainage system or both; for capping of a sewer where a building has been demolished or moved; and for removing plumbing fixtures and sealing openings. All of the above work is covered by the regulations of this Title and the Oregon Plumbing Specialty Code. As used in this Section, the word “repair” does not apply to ordinary repairs to faucets or valves, or to the clearing of obstructions from a fixture, sewer, or waste pipe, if the fixture or device is not disconnected, or if there is no opening of, or cutting into, the sewer or waste pipe or fittings.

25.05.020 Permit and Report Required To Do Plumbing Work on Water System.

(Amended by Ordinance Nos. 168902, 170811 and 187432, effective December 4, 2015.) It is unlawful for any plumber or other person to make connections, installations, replacements, extensions, or repairs to any City water service pipe, or to extend a water pipe from one building to another building, or to connect one service pipe with another service pipe without first obtaining the proper plumbing permit or minor label if applicable, unless making emergency repairs as allowed in Section 25.05.025 – Temporary Permits. Every plumbing system in the City of Portland shall be connected to a City water main or water supply furnished by the City of Portland or other State approved purveyor.

25.05.025 Temporary Permits.

(Added by Ordinance No. 187432, effective December 4, 2015.) The Bureau may issue temporary permits for emergency plumbing work or repairs. Temporary permits will only be issued to licensed plumbers. Temporary permits are valid for 7 days. When work is done under a temporary permit, the permit application and fees must either be received by

TITLE 25

PLUMBING REGULATIONS

the Bureau within 7 calendar days of the start of work, or, if mailed, be postmarked within 7 calendar days of the start of work.

25.05.030 Plumbing Permit Application.

(Amended by Ordinance Nos. 156924, 168183, 170576 and 176955, effective October 9, 2002.) An application for a plumbing permit shall be made on an application form furnished by the Bureau of Development Services. The application shall denote the name of the contractor who holds a State of Oregon Plumbing Contractor's Registration the State Contractors Certification Board registration and the City of Portland's Contractors Business License number. However, an owner may sign an application for a plumbing permit under the regulation as stated in Section 25.04.050, and any person may sign and obtain a plumbing permit for the plugging of a sewer or for disconnection of a roof drain system on one and two-family dwellings. An application for a permit for dry wells, or soakage trenches for storm water disposal may be taken out by an owner, plumbing contractor, or sewer contractor.

25.05.040 Plumbing Plan Examination.

(Amended by Ordinance Nos. 158895, 186183, 170576 and 181359, effective November 16, 2007.)

- A.** Installations requiring plan review: Plumbing plan review is required for all complex structures as set forth in OAR 918-780-0040 cert ef. 10-1-06. Plan review for all other plumbing systems is optional.
- B.** Submittal Requirements: When plan review is either required or requested, prior to the issuance of a building permit, three sets of plumbing plans and specifications providing the information as prescribed by the Director shall be filed with the Plumbing Section, Bureau of Development Services. Plans shall be of sufficient clarity to indicate the location, nature and extent of the work proposed.

25.05.050 Life of Permit Limited.

(Replaced by Ordinance No. 174880; amended by Ordinance Nos. 178578 and 188647, effective November 17, 2017.) If no inspection approval has taken place within six months after permit issuance, the permit shall become void, and no further plumbing work shall be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit shall be deemed to be automatically extended for six months, until final approval is granted. The Director may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond the permittee's control. Extension requests shall be in writing and shall be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit shall be void. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. No permit may be renewed if it has been expired for more than six months. A permit may be renewed only once. If an inspection approval has not been granted within the time period of permit

TITLE 25

PLUMBING REGULATIONS

renewal the permit shall be void. The renewal fee shall be as specified in the Council adopted fee schedule.

25.05.060 Fees.

(Replaced by Ordinance No. 174720, effective August 21, 2000.) All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.

25.05.070 Repairs, Replacements, and/or Completions.

(Amended by Ordinance No. 187432, effective December 4, 2015.)

- A.** A regular fee shall be charged on all work for finishing any plumbing installation for which a permit was secured and which installation was roughed in only. Any such original permit will not cover any person other than the original permittee.
- B.** The fees for alterations, replacements, or repairs shall be the same as for new work.
- C.** If any work on the construction, alteration, repair, replacement, or completion of a plumbing system is commenced without a plumbing permit having first been secured, the Bureau may charge an investigation fee equal to the average or actual additional cost incurred by the City of ensuring that the work done without benefit of a permit is in conformance with the Oregon Plumbing Specialty Code and this Title, provided that when a person performing the work notifies the Bureau of Development Services before any work is commenced at a given location, and the permit is secured within 24 hours, not including Sundays or holidays, the investigation fee shall not be charged. Payment of such fee, however, shall in no way relieve such person of the penalties imposed for violation of this Title.

25.05.080 Revocation.

(Amended by Ordinance Nos. 176955 and 187432, effective December 4, 2015.) If, upon inspection, it is found that the workmanship or material employed does not in all respects conform to the statements given in the plumbing permit application or does not comply with the provisions of this Title and the Oregon Plumbing Specialty Code, the Bureau will issue a stop work order as set forth in Section 25.04.015 of this Title and all additional plumbing work under the permit will be suspended until permission to deviate from the specific terms of the permit is obtained or until the work already installed is corrected to comply fully with the terms of the permit. If the permittee fails to comply with the requirements outlined in the stop work order, the Bureau of Development Services will cancel the permit, informing the permittee in writing of the action, and posting a notice announcing such revocation at the site of the work. Thereafter it is unlawful for any person to perform any plumbing work upon such premises without first securing a new plumbing permit. Any person subject to a stop work order may seek review of the order by the Director and may appeal the Director's determination in accordance with City Code Section 3.30.080.

TITLE 25
PLUMBING REGULATIONS

25.05.090 Partial Refund of Fees.

(Amended by Ordinance Nos. 162101 and 187432, effective December 4, 2015.) Permit and plan check fees will, as a general rule, be refunded when the services covered by the fee have not commenced, and the permit or plan review fees were paid incorrectly due to an error on the part of the City. When a permit applicant requests a refund, but the City was not at fault in accepting payment, fees shall be retained to cover the cost of plan review or inspections actually performed and 20 percent of the amount remaining. State surcharge fees are only refundable when a permit was issued in error. Requests for refunds must be made within six months of payment or permit issuance, whichever is later. Refunds will be made to the same person or firm who paid the fee within three months of the request. Exceptions to the above requirements may be made by the Director or designee.

25.05.100 Reduction of Fees.

(Added by Ordinance No. 168183, effective November 1, 1994.) The Director may reduce any fee when, under the Director's authorization, another public agency, public utility, or other organization processes the permit thereby reducing the bureau's cost of issuing the permit.

TITLE 25

PLUMBING REGULATIONS

CHAPTER 25.06 - REGISTRATIONS

Sections:

- 25.06.010 Compliance Agreement.
25.06.020 State Registration Number Required.

25.06.010 Compliance Agreement.

(Amended by Ordinance No. 178578, effective September 1, 2004.) Any person applying for registration and any owner doing any plumbing work, shall, in consideration of the granting of a plumbing permit therefor, agree to comply with all of the codes and ordinances of the City regulating plumbing, water, rainwater harvesting systems, sewers, and rain drain disposal, and with the provisions of the building regulations, housing regulations, health regulations, and the Oregon Plumbing Specialty Code.

25.06.020 State Registration Number Required.

(Amended by Ordinance Nos. 176955 and 188647, effective November 17, 2017.) The Bureau of Development Services shall not issue a plumbing permit to any plumbing contractor, or any sewer contractor, to install, construct, alter, or repair any plumbing or drainage system in the City, as defined and covered in this Title, unless such plumbing contractor or sewer contractor has been registered by the State of Oregon under the provisions of ORS 447.000 and unless the contractor's registration number has been filed with the Plumbing Division having jurisdiction. A journeyman plumber or plumber apprentice shall show a valid Oregon State certificate of competency or registration card on the request of an Inspector of the Plumbing Division, or other authorized person.

25.06.050 Application for Examination.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.060 Appeal from Examining Board.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.070 Supervising Plumbers Registration and Fees.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.080 Registration - Nontransferable.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.090 Supervising Plumbers - Renewal - Re-examination.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.100 Penalties.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.110 Suspension or Revocation of Registration.

(Repealed by Ordinance No. 156924, effective December 26, 1984.)

TITLE 26

ELECTRICAL REGULATIONS

26.04.070 Temporary Permits.

(Amended by Ordinance No. 187432, effective December 4, 2015.) The Bureau will issue temporary permits for emergency electrical work or unanticipated electrical work as those terms are defined in and pursuant to OAR 918-309-0080, provided all of the requirements in OAR 918-309-0080 are met. Temporary permits will only be issued to licensed electrical contractors. Temporary permits are valid for 7 days.

When work is done under a temporary permit, the permit application and fees must either be received by the Bureau within 7 calendar days of the start of work, or, if mailed, be postmarked within 7 calendar days of the start of work.

26.04.080 Life of Permit Limited.

(Replaced by Ordinance No. 174880; amended by Ordinance Nos. 187432 and 188647, effective November 17, 2017.) If no inspection approval has taken place within six months after permit issuance, the permit shall become void, and no further electrical work shall be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit shall be deemed to be automatically extended for six months, until final approval is granted. The Director may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond the permittee's control. Extension requests shall be in writing and must be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit shall be void. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. No permit may be renewed if it has been expired for more than six months. A permit may be renewed only once. If an inspection approval has not been granted within the time period of permit renewal the permit shall be void. The renewal fee shall be one half the amount required for a new electrical permit.

26.04.090 Permit Suspension or Revocation.

The Director may, in writing, suspend or revoke a permit issued under requirements of this Title whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any law, ordinance, or requirement of this Title.

TITLE 26

ELECTRICAL REGULATIONS

CHAPTER 26.05 - FEES

Sections:

26.05.010 Permit Fees.

26.05.020 Refund of Fees.

26.05.010 Permit Fees.

(Replaced by Ordinance No. 174721, effective August 21, 2000.) All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.

26.05.020 Refund of Fees.

(Replaced by Ordinance No. 174721, effective August 21, 2000.) When permit or plan review fees were paid incorrectly due to an error on the part of the City, permit and plan check fees will, as a general rule, be refunded in full when the services covered by the fees have not commenced. When a permit applicant requests a refund, but the City was not at fault in accepting payment, fees shall be retained to cover the cost of plan review or inspections actually performed and 20% of the amount remaining. State surcharge fees are only refundable when a permit was issued in error. Refund requests shall be made within 6 months of payment or permit issuance, whichever is later. Refunds shall be made to the same person or firm who paid the fee. Fees will be refunded within 3 months of receipt of the refund request. Exceptions to the above requirements may be made by the Director.

26.05.030 Investigation Fees.

(Repealed by Ordinance No. 174721, effective August 21, 2000.)

26.05.040 Permit Fees.

(Repealed by Ordinance No. 174721, effective August 21, 2000.)

26.05.050 Electrical Master Permit (Industrial Plant) Program Fees and Master Permit/Annual Facilities Program Fees.

(Repealed by Ordinance No. 174721, effective August 21, 2000.)

26.05.060 Refund of Fees.

(Repealed by Ordinance No. 174721, effective August 21, 2000.)

TITLE 27
HEATING AND VENTILATING REGULATIONS

- B.** Residential Code. The provisions of the State of Oregon, Residential Specialty Code, 2014 Edition, as published by the International Code Council, as the International Residential Code, 2009 Edition, and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, is hereby adopted by reference. The Residential Specialty Code is on file in the Development Services Center of the City of Portland.

27.01.035 Solar Installation Specialty Code.

(Added by Ordinance No. 185798, effective December 12, 2012.) The provisions of the State of Oregon Solar Installation Specialty Code 2010 Edition, as published by the Building Codes Division of the Oregon Department of Consumer and Business Services, are hereby adopted by reference. The Solar Installation Specialty Code is on file in the Development Services Center of the City of Portland.

27.01.040 Existing Equipment.

(Amended by Ordinance Nos. 187432 and 188647, effective November 17, 2017.) Heating, ventilating, comfort cooling or refrigeration systems, incinerators or other miscellaneous heat-producing appliances lawfully installed prior to the effective date of this Title may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health, or property.

All heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Title in heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances when installed, altered, or repaired, shall be maintained in good working order. The owner or the owner's designated agent shall be responsible for the maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators, or other miscellaneous heat-producing appliances.

27.01.050 Alternate Materials and Methods of Construction.

(Repealed by Ordinance No. 187432, effective December 4, 2015.)

TITLE 27
HEATING AND VENTILATING REGULATIONS

**CHAPTER 27.02 - ORGANIZATION AND
ENFORCEMENT**

Sections:

- 27.02.010 General.
- 27.02.020 Violations and Penalties.
- 27.02.030 Bureau of Development Services Administrative.
- 27.02.031 Mechanical Code Board of Appeals.

27.02.010 General.

(Amended by Ordinance Nos. 150873, 176955 and 187432, effective December 4, 2015.)
The Director of the Bureau of Development Services is hereby authorized and directed to enforce all the provisions of this Title.

- A.** Appointees. The Director may appoint officers, inspectors, assistants, and other employees to perform any duty imposed by this Title. Such appointees may, for the sake of this Title, hereafter be known as building officials, inspectors, or authorized representatives.
- B.** Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Title, or whenever the Director or authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation which makes such building or premises unsafe, dangerous, or hazardous, or upon presentation of a lawfully issued warrant, the Director or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director by this Title. If such building or premises is occupied, the Director shall first present proper credentials and request entry; and if such building or premises is unoccupied, the Director shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Director or authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Director or authorized representative has first obtained a lawfully issued warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building or premises shall fail or neglect, after proper request is made, to promptly allow the Director or authorized representative to enter the building or premises for the purpose of inspection and examination pursuant to this Title.

- C.** Stop Work Orders. When it is necessary to obtain compliance with this Title, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not be resumed until such time as the Director gives specific approval in writing. The stop

TITLE 27

HEATING AND VENTILATING REGULATIONS

returned to the applicant, which set shall be kept on such building or work site at all times during which the work authorized is in progress.

When the plans and specifications do not comply with provisions of this Title, the necessary changes or revisions shall be made thereto.

Every plan shall be a print or other type of plan approved by the Director. The information contained on the plans shall be clearly legible and specifically indicated. No plan shall be of a scale smaller than 1/8 inch per foot.

Specifications, legibly and definitely stated, shall be included either on the plan or on separate sheets.

The approval of any plans or specifications shall not be construed to sanction any violation of this Title.

No person shall deviate materially from any approved plans or specifications or fail, neglect, or refuse to comply therewith unless permission to do so has been obtained from the Director.

The plans or specifications shall show the following:

1. Layout for each floor with dimensions of all working spaces and a legend of all symbols used.
2. Location, size, and material of all piping.
3. Location, size, and materials of all air ducts, air inlets, and air outlets.
4. Location of all fans, warm-air furnaces, boilers, absorption units, refrigerant compressors and condensers and the weight of all pieces of such equipment weighing 200 pounds or more.
5. Rated capacity or horsepower of all boilers, warm-air furnaces, heat exchangers, blower fans, refrigerant compressors and absorption units.
6. Location, size, and material of all combustion products, vents, and chimneys.
7. Location and area of all ventilation and combustion air openings and ducts.
8. Location of all air dampers and fire shutters.
9. First sheet of each set of plans and specifications shall show the address of the proposed work and the name and address of the owner or lessee of the premises.

TITLE 27

HEATING AND VENTILATING REGULATIONS

10. Plans and specifications shall be of sufficient clarity to show that the proposed installation will conform to the provisions of this Title and of all applicable laws, ordinances, rules, regulations, and orders.

C. Issuance. When the Director determines that the information on the application is in conformance with this Title, a permit will be issued upon receipt of the total fees.

27.03.030 Validity and Length of Permit.

(Amended by Ordinance Nos. 150873, 162103, 174880, 187432 and 188647, effective November 17, 2017.)

A. Validity. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Title. No permit presuming to give authority to violate or cancel the provisions of this Title shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based upon plans and specifications shall not prevent the Director from thereafter requiring the correction of errors in said plans and specifications or from preventing construction being carried on thereunder when in violation of this Title or of any other ordinance.

B. Life of Permit Limited. If no inspection approval has taken place within six months after permit issuance, the permit shall become void, and no further heating and ventilating work shall be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit shall be deemed to be automatically extended for six months, until final approval is granted. The Director may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond the permittee's control. Extension requests must be in writing and must be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit shall be void. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. No permit may be renewed if it has been expired for more than six months. A permit may be renewed only once. If an inspection approval has not been granted within the time period of the permit renewal the permit shall be void. The renewal fee shall be one half the amount required for a new mechanical permit.

C. Suspension or Revocation. The Director may, in writing, suspend or revoke a permit issued under provisions of this Title whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Title.

D. Investigation Fees: Work Without a Permit.

TITLE 27
HEATING AND VENTILATING REGULATIONS

1. Investigation. Whenever any work for which a permit is required by this Title has been commenced without first obtaining said permit, an investigation shall be made before a permit may be issued for such work.
2. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The Bureau may charge an investigation fee equal to the average or actual additional cost incurred by the City of ensuring that the work done without benefit of a permit is in conformance with the Mechanical Code and this Title. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Title nor from any penalty prescribed by law.

27.03.031 Master Permit/Facility Permit Program.

(Added by Ordinance No. 172431; amended by Ordinance Nos. 173976 and 187432, effective December 4, 2015.) The Master Permit/Facility Permit program is a special inspection program authorized under Oregon Revised Statute 455.154. This program is available to commercial/industrial building owners and building management companies to streamline the approval of maintenance/repair and tenant improvement work on their private facilities.

27.03.035 Minor Mechanical Labels.

(Added by Ordinance No. 171774; amended by Ordinance No. 187432, effective December 4, 2015.)

- A. General. Oregon Revised Statutes Chapters 455.154 and 455.155 establishes special alternative inspections programs for other than new construction. One of these programs is the Minor Label Program. Implementation rules are found in Oregon Administrative Rules 918-100-0000 through 918-100-0600. The Bureau will operate the Minor Mechanical Label Program in accordance with the Oregon Administrative Rules. The Minor Mechanical Label Program utilizes minor labels in lieu of regular building permits. Random inspections are made to ensure compliance of minor work.
- B. Requirements. Minor Mechanical Labels may be used in all occupancies. Labels are sold in groups of ten. No more than one minor mechanical label may be used on any single project. A single project is defined as not more than one minor label used per calendar month for each address, suite or tenant space.
- C. Work Allowed. The following work may be done under a Minor Mechanical Label:
 1. Moving or replacing duct work not involving fire dampers or penetrations of fire walls, fire assemblies or floors;
 2. Moving grills in duct work;

TITLE 27

HEATING AND VENTILATING REGULATIONS

3. Replacing existing heating, cooling and ventilation equipment (minor alteration of gas piping and venting permitted to allow for unit configuration);
 4. Adding a central air conditioning unit to existing ductwork in one- and two-family dwellings; or
 5. Installing a mechanical exhaust fan for radon mitigation systems in one- and two-family dwellings.
- D.** Violations. It is unlawful to violate the requirements of this section. The Director may enforce the requirements of this Chapter by any of the remedies in Portland City Code Chapter 3.30.
- E.** Expiration. Minor mechanical labels expire six months from the date of purchase, and are not refundable or transferable.

27.03.040 Heating and Ventilating Fees.

(Replaced by Ordinance No. 174902, effective September 13, 2000.)

- A.** All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.
- B.** Permit and plan check fees will, as a general rule, be refunded when the services covered by the fee have not commenced, and the permit or plan review fees were paid incorrectly due to an error on the part of the City. When a permit applicant requests a refund, but the City was not at fault in accepting payment, fees shall be retained to cover the cost of plan review or inspections actually performed and 20 percent of the amount remaining. State surcharge fees are only refundable when a permit was issued in error. Requests for refunds must be made within six months of payment or permit issuance, whichever is later. Refunds are to be made to the same person or firm who paid the fee within three months of the request. Exceptions to the above requirements may be made by the Director or designee.

27.03.050 Inspection.

(Amended by Ordinance No. 187432, effective December 4, 2015.) All equipment for which a permit is obtained under this Title shall be inspected by the Director. No portion of any equipment intended to be concealed by any permanent portion of the building shall be concealed until inspected and approved. When the installation of any equipment is complete, a second or final inspection shall be made. Equipment regulated by this Title shall not be connected to the fuel or power supply until authorized by the Director.

EXCEPTION: The requirements of this Section shall not be considered to prohibit the operation of any heating equipment installed to replace existing heating equipment serving an occupied portion of a building, in the event a request for inspection of such heating

30.01.085 Portland Renter Additional Protections.

(Added by Ordinance No. 187380; amended by Ordinance Nos. 188219, 188519, 188558 and 188628, effective October 4, 2017.)

- A. In addition to the protections set forth in the Residential Landlord and Tenant Act, the following additional protections apply to Tenants that have a Rental Agreement for a Dwelling Unit covered by the Act. For purposes of this chapter, capitalized terms have the meaning set forth in the Act.
- B. A Landlord may terminate a Rental Agreement without a cause specified in the Act only by delivering a written notice of termination (the “Termination Notice”) to the Tenant of (a) not less than 90 days before the termination date designated in that notice as calculated under the Act; or (b) the time period designated in the Rental Agreement, whichever is longer. Not less than 45 days prior to the termination date provided in the Termination Notice, a Landlord shall pay to the Tenant, as relocation assistance, a payment (“Relocation Assistance”) in the amount that follows: \$2,900 for a studio or single room occupancy (“SRO”) Dwelling Unit, \$3,300 for a one-bedroom Dwelling Unit, \$4,200 for a two-bedroom Dwelling Unit and \$4,500 for a three-bedroom or larger Dwelling Unit. The requirements of this Subsection do not apply to Rental Agreements for week-to-week tenancies or to Tenants that occupy the same Dwelling Unit as the Landlord. The requirements of this Subsection that pertain to Relocation Assistance do not apply to a Landlord that has an ownership interest, regardless of form, in only one Dwelling Unit that is subject to the Act in the City of Portland, or to a Landlord that temporarily rents out the Landlord's principal residence during the Landlord's absence of not more than 3 years. A Landlord that authorizes a property manager that is subject to, and manages property in accordance with ORS 696, to manage only one Dwelling Unit, does not waive the foregoing exemption as a result of the collective number of Dwelling Units managed by such a property manager. For purposes of the exception provided in this Subsection, “Dwelling Unit” is defined by PCC 33.910, and not by ORS 90.100. For purposes of this Subsection, a Landlord that declines to renew or replace an expiring Rental Agreement on substantially the same terms except for the amount of Rent or Associated Housing Costs terminates the Rental Agreement and is subject to the provisions of this Subsection. The requirements of this Subsection are intended to apply per Dwelling Unit, not per individual Tenant.
- C. A Landlord may not increase a Tenant's Rent or Associated Housing Costs by 5 percent or more over a rolling 12 month period unless the Landlord gives notice in writing (the “Increase Notice”) to each affected Tenant: (a) at least 90 days prior to the effective date of the rent increase; or (b) the time period designated in the Rental Agreement, whichever is longer. Such notice must specify the amount of the increase, the amount of the new Rent or Associated Housing Costs and the date, as calculated under the Act, when the increase becomes effective. If, within 45 calendar days after a Tenant receives an Increase Notice indicating a Rent increase of 10 percent or more within a rolling 12 month period and a Tenant provides

TITLE 30
AFFORDABLE HOUSING

written notice to the Landlord of the Tenant's request for Relocation Assistance (the "Tenant's Notice"), then, within 31 calendar days of receiving the Tenant's Notice, the Landlord shall pay to the Tenant Relocation Assistance in the amount that follows: \$2,900 for a studio or SRO Dwelling Unit, \$3,300 for a one-bedroom Dwelling Unit, \$4,200 for a two-bedroom Dwelling Unit and \$4,500 for a three-bedroom or larger dwelling unit. After the Tenant receives the Relocation Assistance from the Landlord, the Tenant shall have 6 months from the effective date of the Rent increase (the "Relocation Period") to either: (i) pay back the Relocation Assistance and remain in the Dwelling Unit and, subject to the Act, shall be obligated to pay the increased Rent in accordance with the Increase Notice for the duration of the Tenant's occupancy of the Dwelling Unit; or (ii) provide the Landlord with a notice to terminate the Rental Agreement in accordance with the Act (the "Termination Notice"). In the event that the Tenant has not repaid the Relocation Assistance to the Landlord or provided the Landlord with the Termination Notice on or before the expiration of the Relocation Period, the Tenant shall be in violation of this Subsection. The foregoing terms and conditions regarding the Tenant's rights and obligations regarding the Relocation Assistance shall be included with the Landlord's payment of Relocation Assistance to the Tenant. For purposes of this Subsection, a Landlord that conditions the renewal or replacement of an expiring Rental Agreement on the Tenant's agreement to pay a Rent increase of 10 percent or more within a rolling 12 month period is subject to the provisions of this Subsection. The requirements of this Subsection do not apply to Rental Agreements for week-to-week tenancies or to Tenants that occupy the same Dwelling Unit, as defined in Subsection B. of this Section, as the Landlord. The requirements of this Subsection that pertain to Relocation Assistance do not apply to a Landlord that has an ownership interest, regardless of form, in only one Dwelling Unit that is subject to the Act in the City of Portland, or to a Landlord that temporarily rents out the Landlord's principal residence during the Landlord's absence of not more than 3 years. A Landlord that authorizes a property manager that is subject to, and manages property in accordance with ORS 696, to manage only one Dwelling Unit, does not waive the foregoing exemptions a result of the collective number of Dwelling Units managed by such a property manager. The requirements of this Subsection are intended to apply per Dwelling Unit, not per individual Tenant. For purposes of this Subsection, a Tenant may only receive and retain Relocation Assistance once per tenancy.

- D.** A Landlord that fails to comply with any of the requirements set forth in this Section 30.01.085 shall be liable to the Tenant for an amount up to 3 months Rent as well as actual damages, Relocation Assistance, reasonable attorney fees and costs (collectively, "Damages"). Any Tenant claiming to be aggrieved by a Landlord's noncompliance with the foregoing has a cause of action in any court of competent jurisdiction for Damages and such other remedies as may be appropriate.
- E.** The provisions of this Section 30.01.085 concerning Relocation Assistance shall be in effect through April 6, 2018, and shall apply to all notices of termination and to

all notices of increases of a Tenant's Rent or Associated Housing Costs pending as of the effective date of those provisions, subject to the following provisions:

1. If, as of the effective date of the Relocation Assistance provisions of this Section, a Landlord has given notice of termination, but the termination has not yet occurred, the Landlord, within 30 days of the effective date of these provisions, either shall notify the Tenant in writing that the Landlord has rescinded the notice of termination, or shall pay the Relocation Assistance provided for in Subsection B. of this Section.
2. If, as of the effective date of the Relocation Assistance provisions of this Section, a Landlord has given notice of an increase of a Tenant's Rent or Associated Housing Costs that triggers the obligation to pay Relocation Assistance under Subsection C. of this Section, the Tenant shall have the right, within 14 days of the effective date, to notify the Landlord that the Tenant is terminating the Rental Agreement, and the Landlord shall have 14 days thereafter within which to give written notice to the Tenant either that the Landlord has rescinded the increase or has reduced it below the level that triggers the obligation to pay Relocation Assistance, or, in the alternative, to pay the Relocation Assistance.

30.01.090 City Subsidy Projects - Long-Term Affordability Requirements.

(Amended by Ordinance Nos. 186028, 187380 and 188440, effective July 8, 2017.)

- A. City Subsidy Projects that in the future request and receive a City Subsidy from PDC, PHB or other City bureau or agency for the purpose of creating or preserving rental housing affordable to households below 80 percent of MFI, will be subject to a minimum of 60 year affordability contract requirements developed by PHB consistent with the implementing charge in Subsection 30.01.090 B. Notwithstanding the foregoing, City Subsidy Projects that receive a Rental Rehabilitation Conditional Grant will be subject to a minimum of 10 year affordability contract requirement in accordance with the Rental Rehabilitation Conditional Grant Product Guidelines.
- B. All City Bureaus and agencies administering affordable rental housing subsidy programs will be responsible for implementing this section. As the primary agency charged by the City to negotiate and confer affordable housing subsidies, PHB will develop implementing strategies consistent with the 60 year affordability principles contained in this section, the Administrative Procedures Implementing Title 30.01 and the approved 1998/99 Consolidated Plan, Principle III (Ordinance No. 172259).

TITLE 30

AFFORDABLE HOUSING

30.01.095 Partial and Full Exemptions of System Development Charges for Affordable Housing Developments.

(Added by Ordinance No. 183448; Amended by Ordinance Nos. 186712, 186744, 187380 and 187975, effective September 7, 2016.)

- A.** The purpose of this Section is to reduce the costs of developing permanent affordable housing by exempting system development charges for qualified affordable housing developments. This section advances a Council-recognized public policy goal to provide for a diversity of housing types to meet the needs of the citizens of the City.
- B.** The City will exempt qualified affordable housing developments from paying all or part of system development charges required by Code. The Applicant must apply for exemptions under this Section prior to the date the City issues the permit on the new development. Where new development consists of only part of one or more of the uses described in this Section, only that portion of the development that qualifies under this Section is eligible for an exemption. The balance of the new development that does not qualify for any exemption under this Section is subject to system development charges to the full extent authorized by Code or general ordinance. The Applicant has the burden to prove entitlement to exemptions so requested.
- C.** The City shall calculate exemptions in the manner authorized for calculating system development charges for rented and owner-occupied residential properties. Non-residential properties or the non-residential portion of mixed-use developments are not eligible for exemptions provided by this Section. Exemptions are applicable to the portions of residential properties that are directly used in providing housing for its low-income residents such as on-site manager units and shared space including but not limited to restrooms, community rooms and laundry facilities.
- D.** To obtain the exemption, the applicant must present to the City, at the time of Application, documentation from PHB that the development qualifies for the exemption pursuant to this Chapter. Applicant must also pay an administration fee per unit on rental and/or owner-occupied units as determined by PHB.
- E.** The City shall require the recording of real property covenants in the deed records for properties receiving exemptions under this Section in order to ensure compliance, or to provide remedies for failure to restrict units, or both. Deed restrictions may be used by PHB in order to restrict sale prices and rents charged for exempt units, or to provide remedies for failure to restrict units, or both.
- F.** Applicants shall meet the following affordable housing qualifications to be exempt from paying all or a portion of system development charges based on the type of housing provided:

TITLE 32 - SIGNS AND RELATED REGULATIONS

TABLE OF CONTENTS

INTRODUCTION

How to Use this Document

Chapter 32.10 LEGAL FRAMEWORK AND RELATIONSHIPS

- 32.10.010 Short Title.
- 32.10.020 Purpose.
- 32.10.030 Where These Regulations Apply.
- 32.10.040 Hierarchy of Regulations.
- 32.10.050 Relationship to Approved Land Use Reviews.
- 32.10.060 Legislative Amendments to the Code.
- 32.10.070 Severability.

Chapter 32.12 AUTHORITY AND SCOPE

- 32.12.010 Authority.
- 32.12.020 Exemptions.
- 32.12.030 Prohibitions.

MEASUREMENTS AND TERMS

Chapter 32.20 APPLYING THE CODE LANGUAGE

- 32.20.010 General Rules For Reading and Applying the Code Language.
- 32.20.020 Terms.
- 32.20.030 Applying the Code to Specific Situations.

Chapter 32.22 DEFINITIONS

- 32.22.010 General.
- 32.22.020 Definitions.

Chapter 32.24 MEASUREMENTS

- 32.24.010 Sign Face Area.
- 32.24.020 Height of Signs.
- 32.24.030 Clearances.
- 32.24.040 Primary Building Walls.
- 32.24.050 Diagonal Corner Signs.

LAND USE REGULATIONS

Chapter 32.30 GENERAL

- 32.30.010 Purpose.
- 32.30.020 Official Zoning Maps.
- 32.30.030 Uses, Use Categories, and Structure Types.

Chapter 32.32	BASE ZONE REGULATIONS
32.32.010	Standards in the Residential Zones and Open Space Zone.
32.32.020	Standards in the Commercial, Employment, and Industrial Zones.
32.32.030	Additional Standards in All Zones.
Chapter 32.34	ADDITIONAL REGULATIONS FOR SPECIFIC USES, OVERLAY ZONES, AND PLAN DISTRICTS
32.34.010	Additional Standards for Specific Uses.
32.34.020	Additional Standards in the Overlay Zones.
32.34.030	Additional Standards in the Plan Districts.
Chapter 32.36	NONCONFORMING SIGNS
32.36.010	Purpose.
32.36.020	Regulations That Apply to All Nonconforming Signs.
32.36.030	Documenting a Nonconforming Sign.
Chapter 32.38	LAND USE REVIEWS
32.38.010	General.
32.38.020	Design Review and Historic Resource Review.
32.38.030	Adjustment Review.
32.38.040	Determination of Nonconforming Sign Status Review.
<i>STRUCTURAL REGULATIONS</i>	
Chapter 32.40	GENERAL
32.40.010	General.
Chapter 32.42	STRUCTURAL AND ELECTRICAL REGULATIONS
32.42.010	Construction and Structural Requirements.
32.42.020	Electrical Requirements.
32.42.030	Maintenance Requirements.
Chapter 32.44	ALTERNATIVE METHODS OF CONSTRUCTION
32.44.010	Review of Alternative Methods of Construction.
32.44.020	Alternative Building Construction Methods.
32.44.030	Alternative Electrical Construction Methods.
<i>SPECIAL REGULATIONS</i>	
Chapter 32.50	PURPOSE
32.50.010	Purpose.
Chapter 32.52	AWNINGS
32.52.010	Structural Standards.
32.52.020	Pre-Approved Designs.
32.52.030	Clearances.
32.52.040	Awnings and Signs on Awnings.

- 32.52.050 Electrical Requirements.
- 32.52.060 Maintenance.

Chapter 32.54 STROBE LIGHTS

- 32.54.010 Strobe Lights Prohibited.

ADMINISTRATION

Chapter 32.60 GENERAL

- 32.60.010 Interpretations and Clarifications.
- 32.60.020 Rulemaking.

Chapter 32.62 PERMITS AND REGISTRATION

- 32.62.010 Permit or Registration Required.
- 32.62.020 Application Requirements.
- 32.62.030 Review of Applications and Issuance of Permits.
- 32.62.040 Expiration.
- 32.62.050 Suspension or Revocation.

Chapter 32.64 INSPECTION

- 32.64.010 General.
- 32.64.020 Inspections.
- 32.64.030 Refusal of Entry.

Chapter 32.66 ENFORCEMENT

- 32.66.010 Violations.
- 32.66.020 Civil Penalties and Fees.
- 32.66.030 Citations.
- 32.66.040 Stop Work Orders.
- 32.66.050 Review by the Director.

Chapter 32.68 FEES

- 32.68.010 General.
- 32.68.020 Sign Permit Fees.
- 32.68.030 Fee refunds.

HOW TO USE THIS DOCUMENT

Organization of Title 32

General layout. The sign code is organized as a reference document. It is not intended to be read from cover to cover. Instead, it is organized so you may look up only the parts you need. The list of chapters in the table of contents is, therefore, very important, as are the section listings at the beginning of each chapter. A later portion of this introduction explains how to use the code for commonly asked questions. There are many other ways to use this code, depending on your objectives.

Land Use vs. Structural and Permitting Regulations

This code contains both land use and structural regulations relating to signs. In general, land use processes cannot be applied to structural regulations and structural processes cannot be applied to land use regulations:

- **“Land use” regulations** implement the livability and design-related goals of Portland’s Comprehensive Plan. Adoption or amendment of land use regulations must follow a special legislative specified by state law. In addition, discretionary decisions made under these regulations must go through special quasi-judicial review processes. Chapters 32.30 through 32.38 of this code contain land use regulations. Chapters 32.10 through 32.24 contain additional information, including definitions, that is needed to apply the land use regulations. In most cases land use reviews are found in Title 33, Planning and Zoning.
- **Structural regulations** provide standards to safeguard life, health, property and public welfare. Adoption, amendment, and interpretation of structural regulations must go through a process that is different than that required of land use regulations. Chapters 32.40 through 32.54 contain structural regulations. In most cases, structural review processes are found in Title 24, Building Regulations and Title 26, Electrical Regulations.
- **Permitting and enforcement regulations** describe the administrative procedures that will be used to review sign proposals against the objective land use and structural standards of the code. Chapters 32.60 through 32.68 contain information about sign permitting and enforcement.

References to other Codes

This code is to be used in conjunction with other City Titles, especially Title 33, Planning and Zoning; Title 24, Building Regulations; and Title 26, Electrical Regulations. The Sign Code contains references to regulations, definitions, and review processes in these and other titles that also apply to signs.

10s - Introduction. Chapters 32.10 and 32.12 contain information about the purpose of this code, what is regulated by this code, what is prohibited under the code, what is exempt from regulation, and who has the authority to administer the code.

20s – Measurements and Terms. Chapters 32.20, 32.22, and 32.24 describe methods of measurement for signs and lists definitions and terminology needed to understand the regulatory portion of the code.

30s - Land Use Regulations. Chapters 32.30 through 32.38 contain land use regulations affecting the size, placement, location, and materials of signs by zone, land use, and special district.

40s - Structural Regulations. Chapters 32.40 through 32.44 contain structural and safety-related standards for all signs.

50s - Special Regulations. Chapters 32.50 through 32.54 contain regulations for development features that are not signs, but that are related to the sign regulations. These include awnings and strobe lights.

60s - Administration. Chapters 32.60 through 32.68 contain permitting and enforcement procedures, including application requirements and fees.

Determining the Sign Regulations for a Specific Site

Answering the questions below will help you figure out what regulations apply to your sign.

Is the sign regulated by Title 32? Is the sign prohibited?

Look at Chapter 32.12 to determine whether the sign code applies to the location and type of sign to be installed, and whether the sign type would be prohibited.

What land use standards will apply to the sign?

- ◆ **Step 1:** Look at the Official Zoning Maps to determine the zone, overlay zone, and any plan districts that cover the site where the sign will be installed. Look at the street classification maps of the Transportation Element of the Comprehensive Plan to determine whether the site is within a pedestrian district, and to determine the classifications of streets adjacent to the site.
- ◆ **Step 2:** Determine the use of the site. If the use has not already been determined as part of a land use review, refer to the descriptions of use categories in Chapter 33.920 of the Zoning Code. In the Open Space and Residential zones, as well as in certain plan districts, sign standards are tied to the land use of the site. In addition, some uses must meet special sign standards regardless of the location of the site.
- ◆ **Step 3:** Look at Chapter 32.32 to determine whether the sign is allowed in the zone and what standards will apply based on the type of sign and the base zone of the site.

- ◆ **Step 4:** Check Chapter 32.34 to determine whether there are any special standards that will apply to the sign based on the use or development of the site, or because the site is covered by an overlay zone or plan district.

What construction standards must be met?

Look at Chapters 32.42 through 32.44 to determine what construction standards must be met. In many cases, construction standards are included through reference to the State Building Code.

Will I need a permit or registration with the Office of Planning and Development Review?

Check Chapter 32.62 to determine whether you will need to apply for a permit or register the sign you are proposing.

Will I need to go through any special reviews before I can receive a permit for my sign?

- ◆ Chapters 32.30 through 32.38 indicate whether design review or historic design review will be required. In addition, you may request an adjustment to one or more of the land use standards.
- ◆ Chapters 32.40 through 32.44 indicate whether special structural or electrical review will be required. In addition, you may apply for an alternative methods review in order to install a sign that will differ from one or more of the construction standards.

Format of Title 32

Outline. The format of Title 32 follows the layout of all revised Titles in the City Code. The chapter and section numbers use an expandable decimal numbering system adopted by the City in 1969. Major divisions within the Title are called chapters. Major divisions within chapters are called sections. The format of the divisions in the Title are shown below.

32.XX	
NAME OF CHAPTER	
32.XX.XXX	Section
A.	Subsection
1.	Paragraph
a.	Subparagraph
(1)	Subsubparagraph

Referencing. Within Title 32, references are made as follows:

Outside of the same section. When a reference is to text outside of the same section, the reference number starts with the Title number (i.e. 32), and continues to the appropriate level for the reference. For example, 32.30.010 A. refers to Subsection A. of Section 010, of Chapter 30, of Title 32. The names "Title" and "Chapter" are used if the reference is to an entire Title or Chapter.

Within the same section. When a reference is to text within the same section, the name of the division level is used (i.e. Subsection, Paragraph, Subparagraph, etc.), and the reference "number" starts with the appropriate subsection letter. For example, "See Paragraph D.2., below" refers to Paragraph 2., of Subsection D., of the same section.

Terms

The code has been written in a "plain English" style and the meaning is intended to be clear as read. However, because it is also a legal document and because of the need for terms with specific meanings, the code also provides guidance on how specific terms are used. Chapters 32.20, Applying the Code Language and 32.22, Definitions, define words and phrases that have a specific meaning in this code.

TITLE 32 -SIGNS AND RELATED REGULATIONS

(Title replaced by Ordinance No. 175204, effective March 1, 2001.)

TITLE 32

SIGNS AND RELATED REGULATIONS

CHAPTER 32.10 - LEGAL FRAMEWORK AND RELATIONSHIPS

Sections:

- 32.10.010 Short Title.
- 32.10.020 Purpose.
- 32.10.030 Where These Regulations Apply.
- 32.10.040 Hierarchy of Regulations.
- 32.10.050 Relationship to Approved Land Use Reviews.
- 32.10.060 Legislative Amendments to the Code.
- 32.10.070 Severability.

32.10.010 Short Title.

Title 32 of the Portland City Code is also referred to as the Sign Code.

32.10.020 Purpose.

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs and awnings have the following specific objectives:

- A.** To ensure that signs and awnings are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
- B.** To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties;
- C.** To reflect and support the desired character and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;
- D.** To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the appearance of the area; and
- E.** To ensure that the constitutionally guaranteed right of free speech is protected.

The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away.

TITLE 32
SIGNS AND RELATED REGULATIONS

32.10.030 Where These Regulations Apply.

- A.** General. The requirements of this Title apply to all signs, sign structures, awnings, and strobe lights located within the City of Portland, except as specified in Subsection B., below.
- B.** Clarification for rights-of-way.
 - 1.** Signs within public rights-of-way are regulated by Title 17, Public Improvements, and not by Title 32, except in the following situations where both Titles apply:
 - a.** Signs, sign structures, and awnings that extend from private property over rights-of-way; and
 - b.** Portable signs.
 - 2.** Signs and sign structures located on streets within the boundary of Portland International Airport, as shown on Maps 1-5, are not regulated by Title 32.

32.10.040 Hierarchy of Regulations.

- A.** Conflicts within Chapters 32.30 through 32.38. In general, an area with base zoning, overlay zoning, or in a plan district is subject to all of the sign regulations of each. When the regulations conflict, unless specifically indicated otherwise, the regulations for a plan district supersede regulations for an overlay zone and the regulations for an overlay zone supersede regulations for base zones. The regulations for plan districts and overlay zones also supersede conflicting regulations for a specific use or development unless specifically stated otherwise.

Where there is a conflict between regulations for a specific use or development and the base zone regulations, the specific use or development regulations supersede the base zone regulations.
- B.** Other conflicts. Where there is a conflict between a land use regulation and a structural regulation, or other conflicts not otherwise addressed by this section, the most restrictive applies.
- C.** Relationship to Titles 24 and 26. Title 32 contains objective construction standards that apply to signs, sign structures, and awnings. Title 24, Building Regulations, adopts the Oregon Structural Specialty Code and Title 26, Electrical Regulations, adopts the Oregon Electrical Specialty Code, respectively, by reference. In situations where an electrical standard is used in both Titles 32 and 26, standards specific to signs and awnings contained in Title 32 supersede those in Title 26. In situations where other construction standards are used in both Titles 32 and 24,

TITLE 32

SIGNS AND RELATED REGULATIONS

standards specific to signs, sign structures, and awnings contained in Title 32 supersede those in Title 24.

- D.** Relationship to Title 33. Title 32 contains the objective land use standards and definitions that apply to signs and awnings. Signs being constructed as part of a larger development project may be subject to additional standards and discretionary reviews in Title 33. Where a discretionary land use review is required, the review procedures and criteria are contained in Title 33, Planning and Zoning, except as follows:
1. Sign adjustments. Approval criteria for sign adjustments are in Title 32.
 2. Nonconforming signs. Approval criteria for the Determination of Nonconforming Sign Status Review are in Title 32.
- E.** Relationship to other City, Regional, State and Federal regulations.
1. Compliance required. In addition to the requirements of the Sign Code, signs must comply with all other applicable City, regional, state, and federal regulations. Compliance with Title 32 does not in any way imply, either directly or indirectly, compliance with any other law. Where the provisions of this Title conflict with those set forth in other regulations under the City Code or ordinance, the more restrictive will control.
 2. References to other regulations. References in the sign code to other City, regional, state, or federal regulations do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations.
 3. Current versions and citations. All references to other City, regional, state, or federal regulations in the sign code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, sign code requirements for compliance are no longer in effect.

32.10.050 Relationship to Approved Land Use Reviews.

(Amended by Ordinance No. 185915, effective May 1, 2013.) The sign-related provisions of any approved land use review that applies to the site supersede the standards of this code. Examples of land use reviews include Master Plans, Impact Mitigation Plans, Conditional Uses, Adjustments, Design and Historic Resource Reviews.

32.10.060 Amendments to this Code.

- A.** General. Amendments to regulations of this Title must be enacted through the procedures required under Title 1, Administration except as described under Subsection B, below.

TITLE 32
SIGNS AND RELATED REGULATIONS

- B.** Exception for land use regulations. Amendments to provisions contained in Chapters 32.10 through 32.38 must follow the procedure required under state law as described in Chapter 33.835, Goal, Policy, and Regulation Amendments.

32.10.070 Severability.

If any word, sentence, section, chapter or any other provision or portion of this Title or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

TITLE 32

SIGNS AND RELATED REGULATIONS

CHAPTER 32.12 - AUTHORITY AND SCOPE

Sections:

- 32.12.010 Authority.
- 32.12.020 Exemptions.
- 32.12.030 Prohibitions.

32.12.010 Authority.

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

- A.** Responsibility. This Title will be administered and enforced by the Director of the Bureau of Development Services (BDS).
- B.** Administration. The Director will administer the code as set forth under Chapters 32.60 through 32.68. The Director may implement procedures, forms, and written policies for administering the provisions of this Title.

32.12.020 Exemptions.

(Amended by Ordinance Nos. 178946 and 182962, effective July 31, 2009.) The following are exempt from the regulations of this Title, but may be subject to other portions of the City Code:

- A.** Signs which are not visible from a right-of-way or another property; however signs located within malls and atriums must comply with all provisions of this Title except Chapters 32.30 through 32.38;
- B.** Signs inside a building. However:
 - 1.** In the OS, RF through RH, and IR zones, illuminated signs in windows are not exempt; and
 - 2.** Signs located within malls and atriums must comply with all provisions of this Title except Chapters 32.30 through 32.38;
- C.** Signs carved into a building;
- D.** Signs required by federal or state law if the sign is no more than 32 square feet in area or is painted directly on pavement;
- E.** Flags;
- F.** Signs required by city law if the sign is no more than 32 square feet in area. Such signs include building addresses, development review or construction review public notices, and commercial parking facility postings;
- G.** Painted wall highlights;

TITLE 32
SIGNS AND RELATED REGULATIONS

- H.** Illuminated wall highlights;
- I.** Public Art as defined in Chapter 5.74; and
- J.** Permitted Original Art Murals as defined in Title 4.

32.12.030 Prohibitions.

The following are prohibited and existing ones must be removed:

- A.** Signs containing strobe lights;
- B.** Abandoned sign structures;
- C.** Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by the code;
- D.** Permanent balloon signs;
- E.** Outdoor, portable electric signs;
- F.** Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign or signal;
- G.** Signs that focus or flash a beam of light into the eyes of a driver of a motor vehicle upon a right of way within 200 feet from such sign; and
- H.** Signs erected, constructed or structurally altered that are required by Section 32.62.010, Permit or Registration Required to have a permit that were erected, constructed or altered without a permit.

TITLE 32

SIGNS AND RELATED REGULATIONS

CHAPTER 32.20 - APPLYING THE CODE LANGUAGE

Sections:

- 32.20.010 General Rules For Reading and Applying the Code Language.
- 32.20.020 Terms.
- 32.20.030 Applying the Code to Specific Situations.

32.20.010 General Rules For Reading and Applying the Code Language.

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

- A.** Reading and applying the code. Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Application of the regulations that are consistent with the rules of Chapters 32.20 through 32.24 are non-discretionary actions of the Director of BDS to implement the code. The action of the Director of BDS is final.
- B.** Situations where the code is silent. Proposals for signs where the code is silent, or where the rules of this chapter do not provide a basis for concluding that the sign is allowed, are prohibited.

32.20.020 Terms.

- A.** Defining words. Words used in the sign code have their dictionary meaning unless they are listed in Chapter 32.22, Definitions. Words listed in the Definitions chapter have the specific meaning stated, unless the context clearly indicates another meaning.
- B.** Tenses and usage.
 - 1.** Words used in the singular include the plural. The reverse is also true.
 - 2.** Words used in the present tense include the future tense. The reverse is also true.
 - 3.** The words "must," "will," and "may not" are mandatory.
 - 4.** "May" is permissive.
 - 5.** "Prohibited" means that an adjustment, conditional use, or other land use review may not be requested in order to allow a modification to the regulation in question.
 - 6.** When used with numbers, "Up to x," "Not more than x" and "a maximum of x" all include x.

TITLE 32
SIGNS AND RELATED REGULATIONS

- C.** Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
- 1.** "And" indicates that all connected items or provisions apply;
 - 2.** "Or" indicates that the connected items or provisions may apply singly or in combination;
 - 3.** "Either...or" indicates that the connected items or provisions apply singly, but not in combination.
- D.** Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

32.20.030 Applying the Code to Specific Situations.

Generally, while the code cannot list every situation or be totally definitive, it provides guidance through the use of descriptions and examples. In situations where the code provides this guidance, the descriptions and examples are used to determine the applicable regulations for the situation. If the code regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the stated intent of the regulation and its relationship to other regulations and situations are considered.

TITLE 32 SIGNS AND RELATED REGULATIONS

CHAPTER 32.22 - DEFINITIONS

Sections:

- 32.22.010 General.
32.22.020 Definitions.

32.22.010 General.

Words used in this Title have their normal dictionary meaning unless they are listed in Section 32.22.020, below. Words listed in Section 32.22.020 have the specific meaning stated or referenced, unless the context clearly indicates another meaning.

32.22.020 Definitions.

(Amended by Ordinance Nos. 176469, 176955 and 182671, effective May 15, 2009.)

- A. Abandoned sign structure.** A sign structure where no sign has been in place for a continuous period of at least 6 months.
- B. Arterial.** As defined in Title 33, Planning and Zoning.
- C. Atrium.** As defined in the Building Code.
- D. Awning.** A roof-like structure of fabric or similar non-rigid material attached to a rigid frame that is supported completely or partially by either an exterior building wall or wall exterior to an individual tenant space.
- E. Awning sign.** A sign incorporated into or attached to an awning.
- F. Backed Sign.** A sign where the faces of the sign are parallel or within 10 degrees of parallel to each other.
- G. Banner.** A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind. See also Flag.
- H. Building.** As defined in Title 33, Planning and Zoning.
- I. Building Code.** The Oregon Structural Specialty Code as adopted by Title 24, Building Regulations, of the Portland City Code.
- J. Changing image sign.** Any sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message. Changing image signs do not include otherwise static signs where illumination is turned off and back on not more than once every 24 hours.

TITLE 32
SIGNS AND RELATED REGULATIONS

- K. Comprehensive Plan.** The adopted Comprehensive Plan of the City of Portland.
- L. Dangerous sign.** A sign constituting a hazard to public safety because it no longer meets the lateral and/or vertical loads as specified in the Building Code, or no longer meets the wiring and installation standards of the Electrical Code.
- M. Days.** Calendar days, unless specifically stated as working days.
- N. Desired character.** As defined in Title 33, Planning and Zoning.
- O. Development.** As defined in Title 33, Planning and Zoning.
- P. Directional sign.** A sign exclusively limited to guiding the circulation of motorists or pedestrians on the site.
- Q. Director.** The Director of the City of Portland Bureau of Development Services, or the Director's designee.
- R. Driveway.** As defined in Title 33, Planning and Zoning.
- S. Electric sign.** Any sign containing electrical wiring, lighting or other electrical components, but not including signs illuminated by a detached exterior light source.
- T. Electrical Code.** The Oregon Electrical Specialty Code as adopted by Title 26, Electrical Standards, of the Portland City Code.
- U. Facade.** As defined in Title 33, Planning and Zoning.
- V. Fascia sign.** A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Fascia signs do not include signs that are attached to or projected onto structures defined as sign structures by this Title.
- W. Flag.** A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also Banner.
- X. Freestanding sign.** A sign on a frame, pole, or other support structure that is not attached to any building.
- Y. Home occupation.** As defined in Title 33, Planning and Zoning.
- Z. Illuminated wall highlights.** Lighted areas that highlight a building's architectural or structural features and that do not convey a message or image. Illuminated wall

TITLE 32

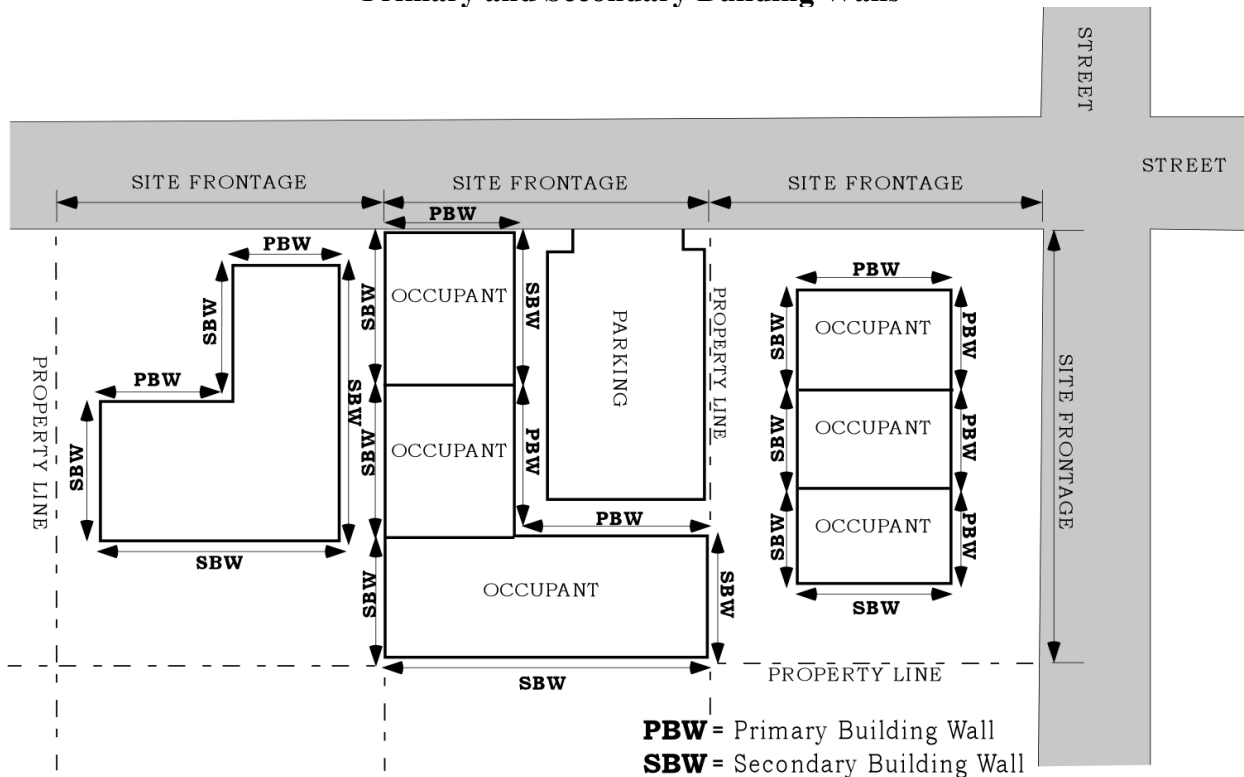
SIGNS AND RELATED REGULATIONS

highlights can either be created by light projected onto a feature or highlighting a feature with neon tubing or other light fixture.

- AA. Lawn sign.** A freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.
- BB. Lighting methods:**
- 1. Direct.** Exposed lighting or neon tubes on the sign face. Direct lighting also includes signs whose message or image is created by light projected onto a surface.
 - 2. Indirect.** The light source is separate from the sign face or cabinet and is directed to shine onto the sign.
 - 3. Internal.** The light source is concealed within the sign.
- CC. Mall.** As defined in the Building Code.
- DD. Marquee sign.** A sign incorporated into or attached to a marquee or permanent canopy.
- EE. Monument sign.** A freestanding sign where the base of the sign structure is on the ground or a maximum of 12 inches above the lowest point of the ground adjacent to the sign. The width of the top of the sign structure can be no more than 120 percent of the width of the base.
- FF. Nonconforming sign.** A sign that was created in conformance with development regulations, but which subsequently, due to a change in the zone or land use regulations, is no longer in conformance with the current applicable development standards. Nonconforming signs also includes signs that do not conform with the land use regulations of this Title and that were established prior to November 18, 1998.
- GG. Owner.** The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed-holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.
- HH. Painted wall highlights.** Painted areas that highlight a building's architectural or structural features and that do not convey a message or image.

- II. Painted wall sign.** A sign applied to a building wall with paint or a thin layer of vinyl, paper or similar material adhered directly to the building surface and that has no sign structure.
- JJ. Parking area.** As defined in Title 33, Planning and Zoning.
- KK. Permanent sign.** Any sign not classified as a temporary sign.
- LL. Pitched roof sign.** A sign attached to a roof with a pitch of one-to-four or greater and placed parallel to the building wall.
- MM. Portable sign.** A movable sign that is not attached to a structure or the ground. Portable signs include A-boards, portable readerboards, and similar signs.
- NN. Primary building walls.** Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. See Figure 1.

Figure 1
Primary and Secondary Building Walls



TITLE 32

SIGNS AND RELATED REGULATIONS

- OO. Projecting sign.** A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.
- PP. Responsible party.** A person who is either:
1. The property owner or person authorized to act on the owner's behalf; or
 2. Any person causing or contributing to a violation of this Title.
- QQ. Review body.** As defined in Title 33, Planning and Zoning.
- RR. Right-of-way.** A public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.
- SS. Roadway.** The portion of a street that is improved for motor vehicular travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.
- TT. Roof line.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.
- UU. Roof top sign.** A sign on a roof that has a pitch of less than one-to-four.
- VV. Scenic Resources Protection Plan.** The most recently adopted version of the Scenic Resources Protection Plan, maintained by the Bureau of Planning and Sustainability and administered by the Bureau of Development Services.
- WW. Secondary building walls.** Exterior building walls that are not classified as primary building walls. See Figure 1.
- XX. Setback.** As defined in Title 33, Planning and Zoning.
- YY. Sign.** Materials placed or constructed, or light projected, that (1) conveys a message or image and (2) is used to inform or attract the attention of the public. Some examples of 'signs' are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, billboards, murals, diagrams, banners, flags, or projected slides, images or holograms. The scope of the term 'sign' does not depend on the content of the message or image conveyed.
- ZZ. Sign maintenance.** Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs.

TITLE 32
SIGNS AND RELATED REGULATIONS

- AAA. Sign repair.** Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.
- BBB. Sign structure.** A structure specifically intended for supporting or containing a sign.
- CCC. Site.** As defined in Title 33, Planning and Zoning.
- DDD. Sports field.** An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.
- EEE. Street.** A public or private right-of-way that is intended for motor vehicle travel or for motor vehicle access to abutting property. Street includes all the area within the right-of-way, such as roadways, parking strips, and sidewalks. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highway including their ramps.
- FFF. Street frontage.** The lot line abutting a street.
- GGG. Structural alteration.** Modification of a sign, sign structure or awning that affects size, shape, height, or sign location; changes in structural materials; or replacement of electrical components with other than comparable materials. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign would all be structural alterations. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.
- HHH. Structure.** Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.
- III. Temporary sign.** A sign placed on a structure or the ground for a specifically limited period of time as provided in Subsection 32.32.030.K.
- JJJ. Tenant space.** Portion of a structure occupied by a single commercial lease holder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

TITLE 32
SIGNS AND RELATED REGULATIONS

KKK. Through pedestrian zone. The portion of a sidewalk that is intended for pedestrian travel and is entirely free of permanent and temporary objects.

LLL. Vehicle areas. As defined in Title 33, Planning and Zoning.

CHAPTER 32.24 - MEASUREMENTS

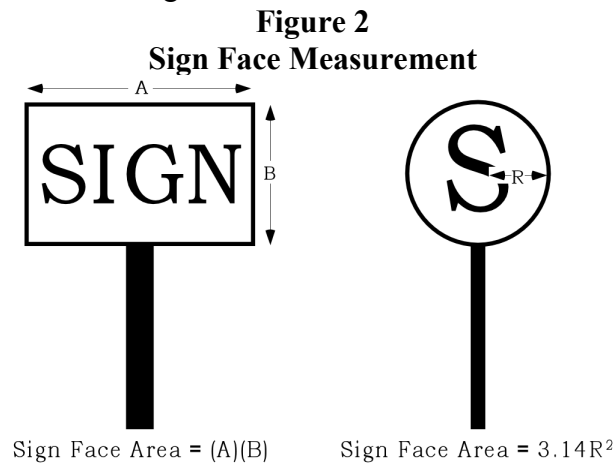
Sections:

- 32.24.010 Sign Face Area.
- 32.24.020 Height of Signs.
- 32.24.030 Clearances.
- 32.24.040 Primary Building Walls.
- 32.24.050 Diagonal Corner Signs.

32.24.010 Sign Face Area.

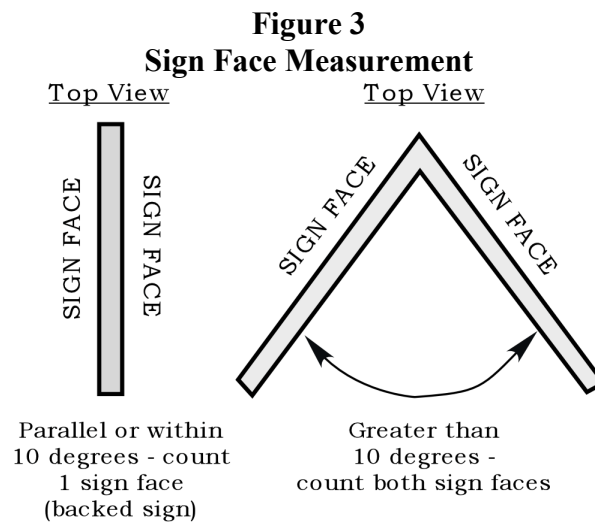
(Amended by Ordinance No. 176469, effective July 1, 2002.)

- A.** Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. See Figure 2.
- B.** Backed signs. Only one side of a backed sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area. For changing image features, see Section 32.32.030 F.1. See Figure 3.



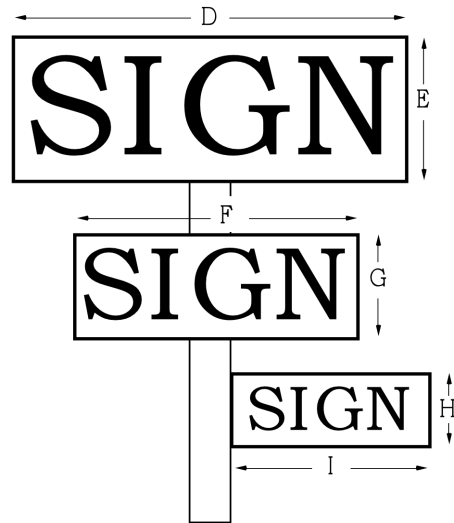
TITLE 32

SIGNS AND RELATED REGULATIONS



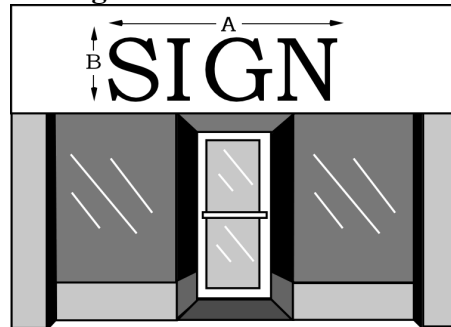
- C. Multiple cabinets. For freestanding and projecting signs that contain multiple cabinets on one structure and oriented in the same direction, the modules together are counted as one sign face. See Figure 4.
- D. Round signs. The maximum surface area visible at one time of a round, three dimensional or three or more sided sign is counted to determine sign area.
- E. Signs on a base material. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used.
- F. Individual elements. When signs are constructed of individual elements attached to a building wall, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements. See Figure 5. Sign elements will be measured as one unit when the distance between the elements is less than two times the dimension of each element. See Figure 6.

Figure 4
Sign Face Measurements



$$\text{Sign Face Area} = (D)(E) + (F)(G) + (H)(I)$$

Figure 5
Sign Face Measurements



$$\text{Sign Face Area} = (A)(B)$$

- G.** Painted wall signs. Painted wall signs are measured by drawing an imaginary rectangle around the edge of each of the sign elements. Sign elements will be measured as one unit when the distance between the elements is less than two times the length of each element. See Figure 6. Visible wall area includes windows and doors, but not openings such as loading entrances.
- H.** Awnings and marquees. When signs are incorporated into awnings, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign face. When the ends of awnings or marquees are parallel and contain sign faces, only one side is counted in addition to the sign face area on the front.
- I.** Changing image signs.

TITLE 32

SIGNS AND RELATED REGULATIONS

1. Changing image sign features are measured by drawing an imaginary rectangle around the edge of each of the changing elements. Sign elements will be measured as one unit when the distance between the elements is less than two times the length of each element. See Figure 6.
2. When used as a border around an otherwise static sign, changing image sign elements are measured by drawing a series of rectangles around the changing elements. See Figure 7.
3. When the changing image sign feature is composed of moving light from a projected source, including laser light, or other display that has the appearance of a static element moving across a static background, the changing image sign element is measured by drawing a rectangle around the entire area affected by the moving element. See Figure 8.

32.24.020 Height of Signs.

The overall height of a sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the sign or sign structure. See Figure 9.

32.24.030 Clearances.

Clearances are measured from the highest point of the ground directly below the sign to the bottom of the sign structure enclosing the sign face. See Figure 9.

32.24.040 Primary Building Walls.

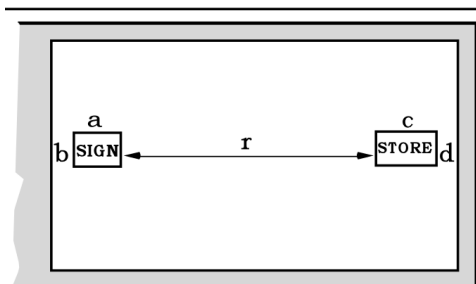
(Amended by Ordinance No. 176469, effective July 1, 2002.) The length of a primary building wall is derived for each tenant space's ground floor exterior wall. See Figure 1. When walls are not parallel to a street, they are assigned to the street frontage to which they are most oriented. See Figure 10a. When the primary entrance is located in a building wall that is adjacent to, at an angle from, and shorter than the street-facing wall, the primary building wall will be measured as a combination of the street wall and the wall containing the entrance. Where the angled wall is on the corner of the building between two street-facing walls, the applicant may choose which street facing wall to combine with the wall containing the entrance to be considered the primary building wall. The length of the primary building wall will be measured in a straight line parallel to the street-facing wall. See Figure 10b.

32.24.050 Diagonal Corner Signs.

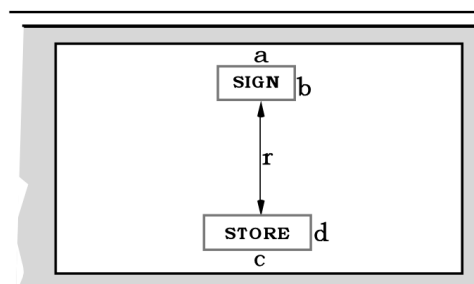
Diagonal corner signs that face more than one street must be assigned to a street and building frontage by the applicant. The sign must meet all standards for the street and building frontage to which it is assigned. See Figure 10.

Figure 6
Multiple Elements in a Painted Wall Sign, Fascia Sign, or Changing Image Sign

Sign elements counted as 2 sign faces.

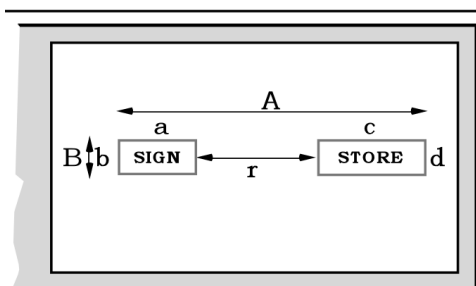


Total sign face area = $(a \times b) + (c \times d)$
 $r > 2(a + c)$

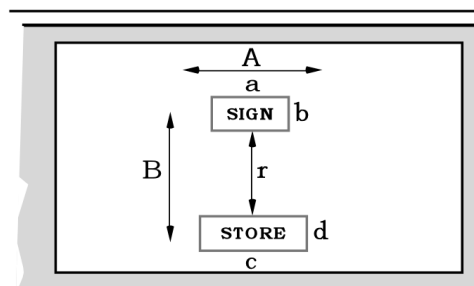


Total sign face area = $(a \times b) + (c \times d)$
 $r > 2(b + d)$

Sign elements counted as 1 sign face



Total sign face area = $(A \times B)$
 $r < 2(a + c)$



Total sign face area = $(A \times B)$
 $r < 2(b + d)$

TITLE 32
SIGNS AND RELATED REGULATIONS

Figure 7
Measuring Changing Image Sign Features Used as a Border

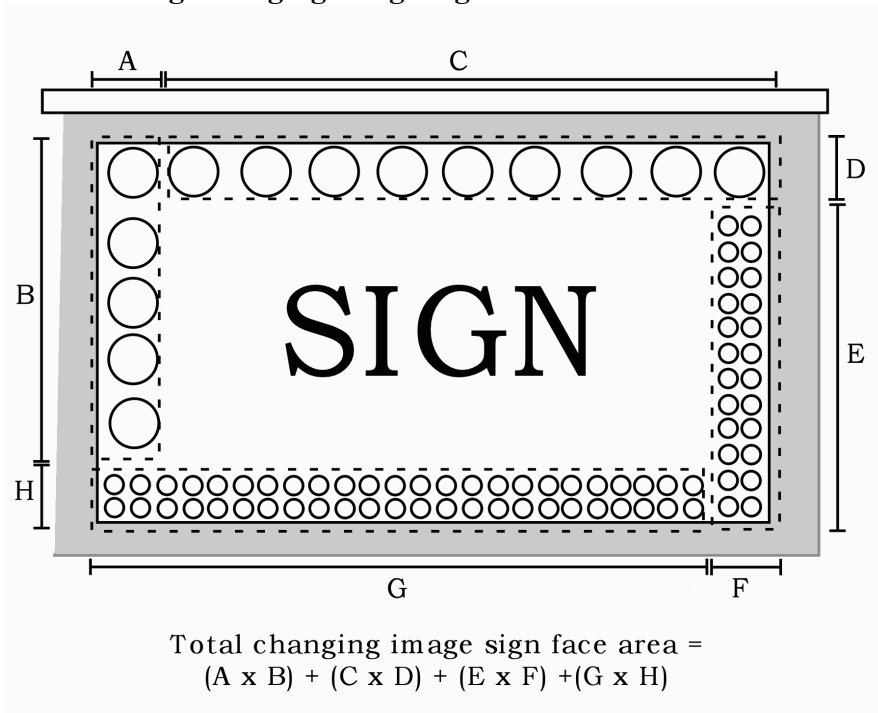


Figure 8
Measuring Changing Image Sign Features Created by Projected Light

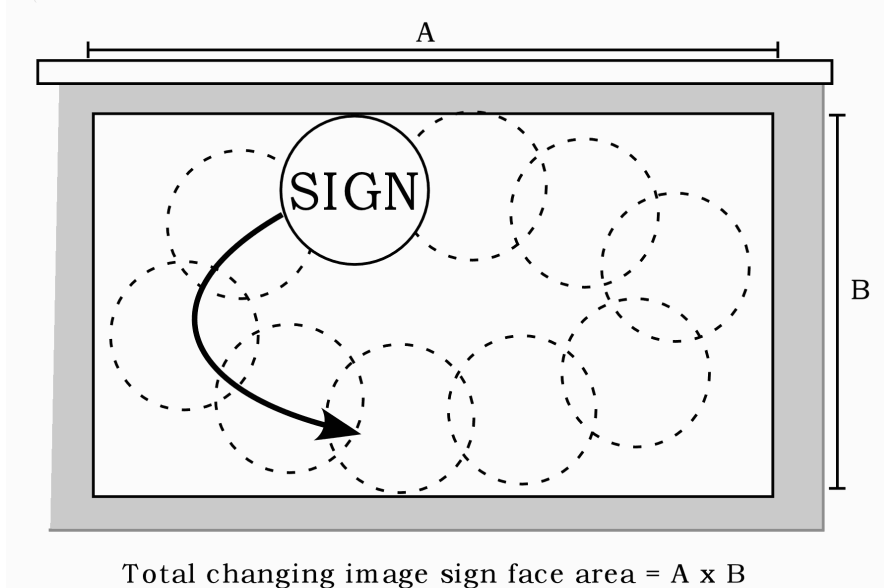


Figure 9
Sign Heights and Clearances

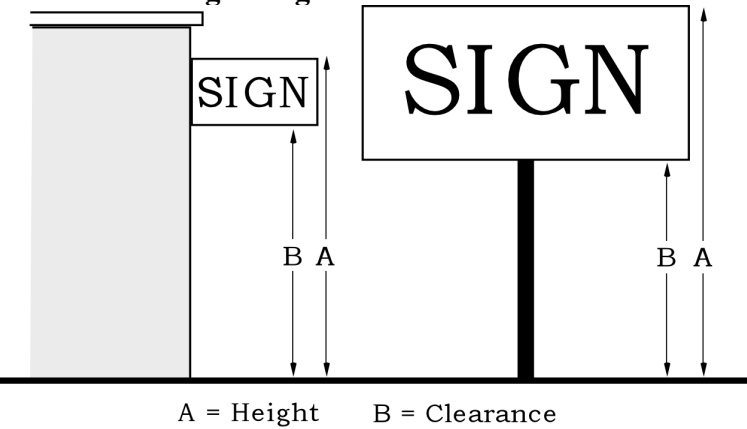
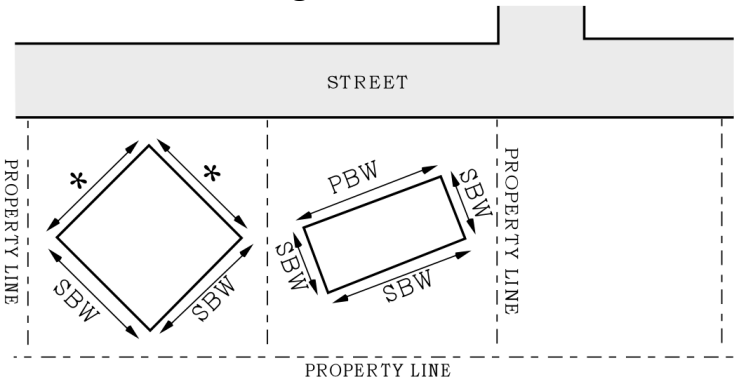


Figure 10a
Building Wall Orientation

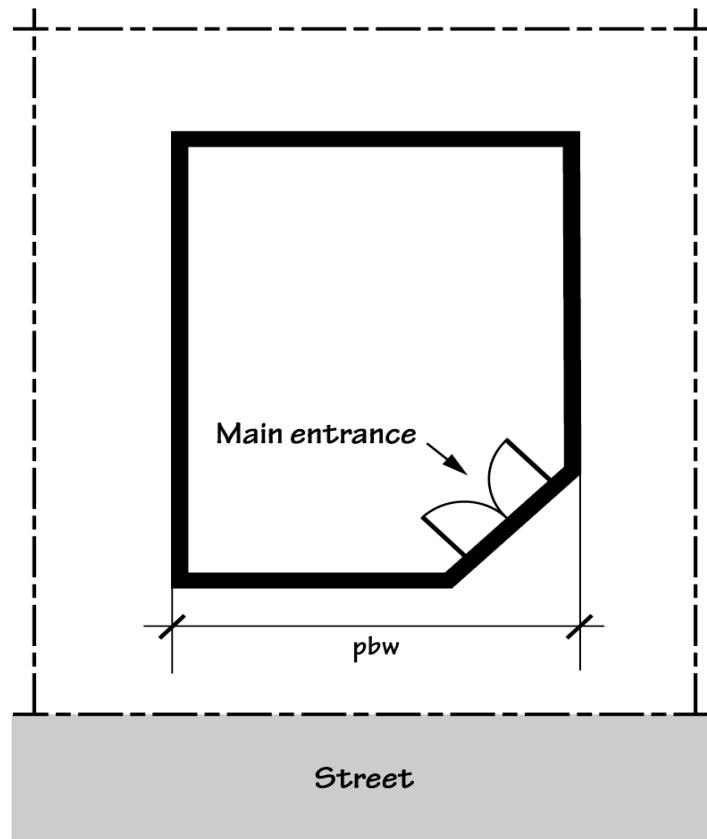


PBW = Primary Building Wall
SBW = Secondary Building Wall

*Equal orientation - applicant chooses one for primary wall and one for the secondary wall.

TITLE 32
SIGNS AND RELATED REGULATIONS

Figure 10b
Primary Building Wall - Angled Entrance
(Added by Ordinance No. 176469, effective July 1, 2002.)



TITLE 32
SIGNS AND RELATED REGULATIONS

CHAPTER 32.30 - GENERAL

Sections:

- 32.30.010 Purpose.
- 32.30.020 Official Zoning Maps.
- 32.30.030 Uses, Use Categories, and Structure Types.

32.30.010 Purpose.

The regulations contained in Chapters 32.30 through 32.38 are land use regulations which work in combination with Title 33, Planning and Zoning, to implement Portland's Comprehensive Plan. The standards contained in Chapters 32.32 through 32.34 encourage signs to be compatible with the distinct character of specific areas of the city by regulating the size, placement, and features of signs by base zone, overlay zone, and plan district. Chapter 32.34 includes standards that encourage signs that further the objectives of certain land use categories.

32.30.020 Official Zoning Maps.

The boundaries and locations of all base zones, overlay zones, plan districts, and historic resource designations referenced in Chapters 32.30 through 32.38 are shown on the City's Official Zoning Maps. See Title 33, Planning and Zoning for additional information.

32.30.030 Uses, Use Categories, and Structure Types.

In some cases, sign regulations are applied based on the land use or use category of a site, or structure type on the site. All of these are described or defined in Title 33, Planning and Zoning.

TITLE 32

SIGNS AND RELATED REGULATIONS

CHAPTER 32.32 - BASE ZONE REGULATIONS

Sections:

- 32.32.010 Standards in the Residential Zones and Open Space Zone.
 32.32.020 Standards in the Commercial, Employment, and Industrial Zones.
 32.32.030 Additional Standards in All Zones.
 32.32.010 Standards in the Residential Zones and Open Space Zone.

- A.** General standards. The standards for permanent signs in the RF through RH zones and for the IR and OS zones are stated in Table 1. The sign standards for the RX zone are stated in Table 2. All signs must conform to the regulations of Section 32.32.030.

Table 1 Standards for Permanent Signs in IR, OS and RF Through RH Zones [1]					
Use Category/Structure Type[2]	Number of Signs	Max. Sign Face Area	Types of Signs Allowed	Maximum Sign Height	Additional Signs Allowed [3]
Household Living/ Houses, Duplexes, Attached Houses.	1 per site	1 sq. ft.	Fascia, Painted Wall Freestanding	Top of wall, or 10 ft. whichever is less. 6 ft.	lawn signs, directional signs
Household Living/ Townhouse, Multi-dwelling Group Living, Day Care, Nonresidential category uses not listed below.	1 per building	10 sq. ft.	Fascia, Awning, Painted Wall Freestanding	Top of wall 10 ft.	lawn signs, directional signs
Subdivisions, PUDs, Houseboat Moorages, Mobile Home Parks, Agricultural Uses. [4]	1 per entrance	32 sq. ft.	Monument	10 ft.	lawn signs, directional signs
Parks and Open Areas [5]	1 per street frontage	10 sq. ft.	Monument	10 ft	lawn signs, directional signs
Colleges, Community Service, Medical Centers, Religious Institutions, Schools, Commercial Outdoor Recreation, Major Event Entertainment, and nonconforming uses in Commercial and Industrial use categories.	The sign standards of the CN zones apply. See Section 32.32.020.				

Notes:

[1] Temporary signs are regulated by 32.32.030 K, Temporary Signs.

[2] See 32.30.030, Uses, Use Categories, and Structure Types.

[3] These signs are allowed in addition to other signs when they meet the standards of 32.32.030 H.-J.

[4] These signs are allowed in addition to those for individual buildings.

[5] Signs in, or adjacent to and facing, a sports fields associated with Parks and Open Areas are subject to the standards of the CN zone. See 32.32.020.

- B.** Sign features. Signs in the RF through RH zones and in the IR and OS zones, except for those subject to the CN zone sign standards, are subject to the standards of this subsection. Illuminated signs placed in windows are subject to these sign regulations. Extensions into the right-of-way are prohibited. Changing image sign features are prohibited and only indirect lighting is allowed.

TITLE 32 SIGNS AND RELATED REGULATIONS

32.32.020 Standards in the Commercial, Employment, and Industrial Zones.

- A.** General standards and sign features. The standards for permanent signs and sign features in the C, E, and I zones are stated in Tables 2 and 3. All signs must conform to the regulations of Section 32.32.030.

Table 2 Standards for Permanent Signs in Nonresidential Zones and RX Zone [1] (Amended by Ordinance No. 176469, effective July 1, 2002.)			
	CO2, CG, EG1&2, EX, IG1&2, IH	CS, CX	CN1&2, CO1, CM, RX
Signs Attached to Buildings			
Size Allocation	<ul style="list-style-type: none"> • 1 sq. ft. per 1 ft. of primary bldg. wall if a freestanding sign is also on the same street frontage • 1-1/2 sq. ft. per 1 ft. of primary bldg. wall if there is no freestanding sign on the same street frontage 	Same	Same
Maximum Number	No limit within size allocation	Same	Same
Maximum Area Per Sign	200 sq. ft.	100 sq. ft.	50 sq. ft.
Min. Guaranteed Sign Area For A Ground Floor Tenant Space	32 sq. ft.	Same	Same
Types Allowed			
Fascia, Awning, Marquee, Pitched Roof, Painted Wall	Yes	Yes	Yes
Projecting	Yes, but no projecting signs if a freestanding sign is also on the same street frontage	Same	Same
Rooftop	No	No	No
Freestanding Signs			
Maximum Number	1 per site or 1 per 300 ft. of arterial street frontage and 1 for each additional 300 ft. or fraction thereof [2].	1 per arterial street frontage [3]	1 per arterial street frontage [3]
When Not Allowed	Not allowed if there is already a projecting sign on the same site frontage, or if existing signs attached to buildings exceed the limit of 1 sq. ft. to 1 ft. of primary building wall	Same	Same
Size Allocation For All Freestanding Signs	1 sq. ft. per 1 ft. of arterial street frontage. Local street frontage can be used if there are not arterial site frontages.	Same	Same
Size Limit	200 sq. ft.	100 sq. ft.	50 sq. ft.
Maximum Height	25 ft. [4]	20 ft. [4]	15 ft. [4]
Additional Signs Allowed [5]			
Directional Signs, Portable Signs, Lawn Signs	See Subsections 32.32.030 G-J		

Yes = Allowed

No = Prohibited

Notes:

[1] Temporary signs are regulated under 32.32.010 K, Temporary Signs.

[2] On sites with frontages longer than 300 feet, sign area earned from the first 300 feet may not be used on the second sign. For example, a 350 foot street frontage may have a 200 sq. ft. and a 50 sq. ft. freestanding sign. Regional Trafficways that are not also Major City Traffic Streets are not considered arterial streets for purposes of this Title.

[3] Where a site has no arterial street frontage, one freestanding sign is allowed.

[4] This height limit is for the total height of the combined sign face and sign structure.

[5] These signs may be allowed in addition to signs attached to buildings and freestanding signs when they meet the standards of 32.32.030 G-J.

TITLE 32

SIGNS AND RELATED REGULATIONS

Table 3 Sign Features for All Signs In Table 2		
CO2, CS, CG, CX, EG1&2, EX, IG&2, IH		CN1&2, CO1, CM, RX
Changing Image Sign Features (see 32.32.030.D)	Yes [1]	No[2]
Lighting	Direct, Indirect, or Internal	Same
Maximum Distance Extending Into R-O-W (see 32.32.030.C)	6-1/2 ft. or 2/3 of distance to roadway, whichever is less	Same
Maximum Area Extending into R-O-W (see 32.32.030.C)	30 sq. ft.	Same

Yes = Allowed

No = Prohibited

Notes:

[1] Changing image sign features are allowed in the CO2, CS, CG, CX, EG1 &2, EX, IG1 &2, and IH zones if they meet the standards of 32.32.030 D., Changing image sign features.

[2] Changing image sign features are prohibited in the RX, CN, CO1, and CM zones; except, changing image sign features are allowed in these zones if the sign is in, or adjacent to and facing, a sports field and meets the standards of 32.32.030 C, Changing image sign features.

B. Signs adjacent to freeways or bridges. The following regulations supersede those stated in Tables 2 and 3.

1. Freeways. For purposes of this title, freeways are Regional Trafficways that are not also classified as Major City Traffic Streets by the Transportation Element of the Comprehensive Plan. These are the I-5, I-84, I-205, I-405 freeways, US Highway 30 between I-405 and NW Nicolai, and US Highway 26 west of the I-405 freeway.
 - a. Sign faces that are within 100 feet of a freeway right-of-way, and that are visible from the freeway, may not exceed 200 square feet in area. Adjustments or modifications to the standard of this Subparagraph are prohibited.
 - b. Freestanding signs that are facing and within 100 feet of a freeway right-of-way or its on- and off-ramps are prohibited. Freestanding signs that are beneath the level of the surface of the roadway are allowed.
 - c. Changing image signs that are facing and within 100 feet of a freeway right-of-way or its on-and off-ramps are prohibited. Changing image signs that are beneath the level of the surface of the roadway are allowed.
2. Bridges.
 - a. Sign faces within 100 feet of the Willamette River bridges or bridge approach ramps shown in Figures 11a-e, or within 100 feet of the Columbia River or Columbia Slough bridges or bridge approach

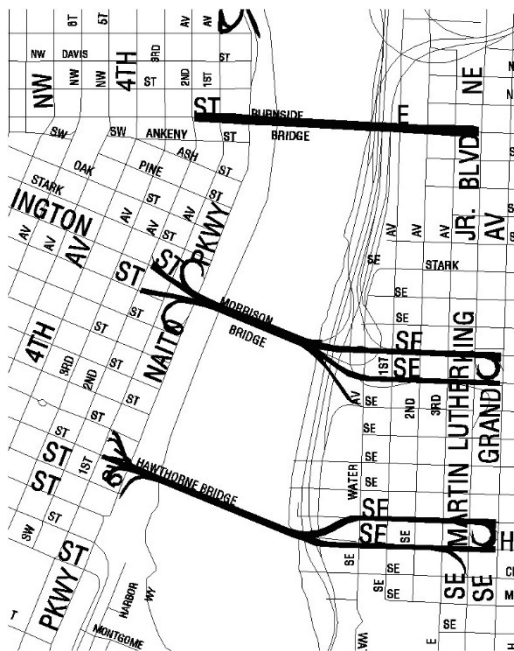
TITLE 32

SIGNS AND RELATED REGULATIONS

ramps, and that are visible from the bridge or bridge approach ramp, may not exceed 100 square feet in area.

- b. Freestanding signs that are within 100 feet of the Willamette River bridges or bridge approach ramps shown in Figures 11a-e, or within 100 feet of the Columbia River and Columbia Slough bridges and bridge approach ramps are prohibited. Freestanding signs that are beneath the level of the surface of the roadway are allowed.
 - c. Changing image signs that are within 100 feet of the Willamette River bridges or bridge approach ramps shown in Figures 11a-e, or within 100 feet of the Columbia River and Columbia Slough bridges and bridge approach ramps are prohibited. Changing image signs that are beneath the level of the surface of the roadway are allowed.
- C. Pedestrian districts. In pedestrian districts as shown by the Arterial Streets Classification of the Transportation Element of the Comprehensive Plan, the sign standards of the Central Commercial (CX) zone apply.

Figure 11a
Willamette River Bridges and Approach Ramps



TITLE 32
SIGNS AND RELATED REGULATIONS

Figure 11b
Willamette River Bridges and Approach Ramps

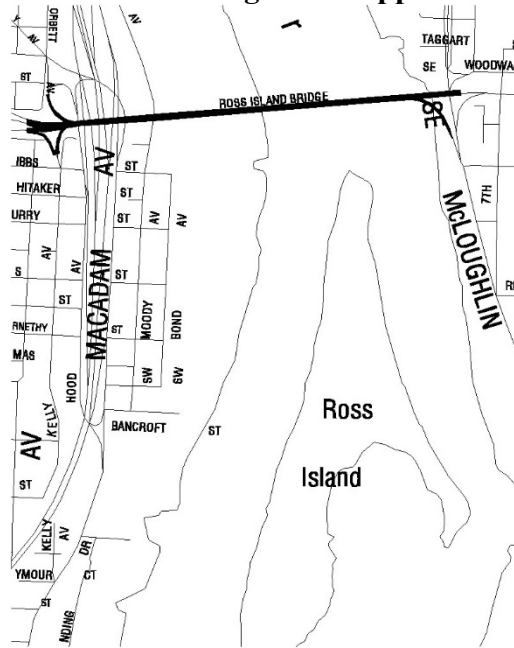


Figure 11c
Willamette River Bridges and Approach Ramps

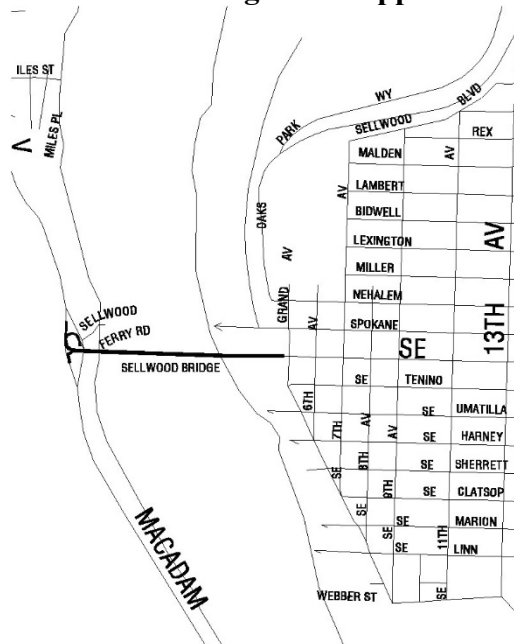


Figure 11d
Willamette River Bridges and Approach Ramps

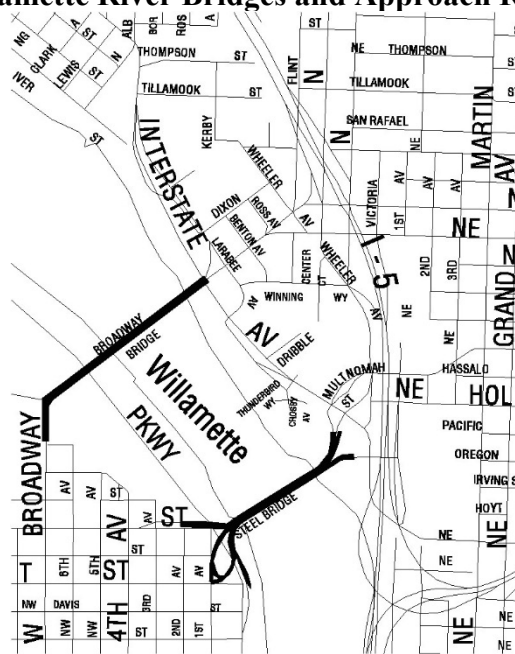
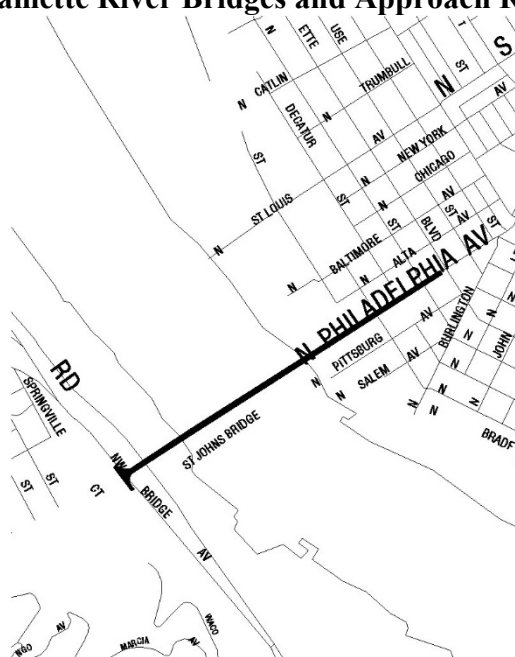


Figure 11e
Willamette River Bridges and Approach Ramps



32.32.030 Additional Standards in All Zones.

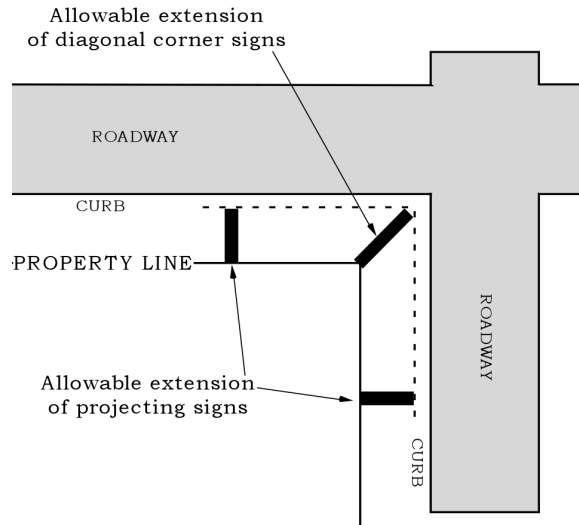
(Amended by Ordinance Nos. 176469 and 185915, effective May 1, 2013.)

TITLE 32

SIGNS AND RELATED REGULATIONS

- A.** Where these regulations apply. These regulations apply to all signs regulated by this title.
- B.** Sign placement. All signs and sign structures must be erected and attached totally within the site except when allowed to extend into the right-of-way by this Title.
- C.** Signs extending into the right-of-way. The standards of this subsection apply to permanent signs that are erected on private property and that extend into the right-of-way and portable signs that are in the right-of-way.
 - 1.** Projecting signs. Projecting signs that extend into the right-of-way must meet the following standards:
 - a.** Distance into the right-of-way.
 - (1)** Where allowed, signs may extend into the right-of-way 6 ½ feet or 2/3 of the distance to the roadway, whichever is less. However, in no case may signs extend within 2 feet of the roadway.
 - (2)** Diagonal corner signs may extend into the right-of-way to a point that is determined by extending a line from the maximum points allowed for projecting signs on each street frontage. See Figure 12.
 - b.** Maximum sign face area in the right-of-way. No more than 30 square feet of a projecting sign face may extend into a right-of-way.
 - c.** Blanketing. A projecting sign that extends into the right-of-way more than 3 feet may not be within 20 feet of another projecting or freestanding sign that extends more than 3 feet into the right-of-way if the new sign is within horizontal lines drawn from the top and bottom of the prior sign.
 - 2.** Awnings and marquees. Awnings and marquees that contain signs may extend into the right-of-way the same distance as awnings and marquees that do not contain signs. See Chapter 32.52, Awnings.

Figure 12
Diagonal Corner Signs



3. Portable signs. Portable signs may be placed in the right-of-way if they meet the following standards:
 - a. The sign is entirely outside the roadway;
 - b. The sign is no larger than 8 square feet in size. The sign face is no wider than 2 ½ feet and no taller than 4 feet;
 - c. The sign is entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. See Figure 13a;
 - d. The sign is entirely outside the area of a sidewalk that is between the lines created by extending the edges of any curb ramp across the sidewalk to the property line;
 - e. The sign is within six inches of the curb. See Figure 13b;
 - f. The sign does not obstruct a continuous through pedestrian zone of at least six feet in width. See Figure 13b; and
 - g. The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:
 - (1) transit stop areas;

TITLE 32

SIGNS AND RELATED REGULATIONS

- (2)** designated disabled parking spaces;
 - (3)** disabled access ramps; or
 - (4)** building exits including fire escapes.
 - h.** Physical attachment to public property. Portable signs placed in the right-of-way must remain portable and may not be attached or anchored in any way to trees or to public property including utility or light poles, parking meters, the ground or pavement.
 - i.** Additional placement standards for temporary portable signs. Temporary portable signs placed in the right-of-way must meet the following additional standards:
 - (1)** Where no curb exists, the sign must be placed outside the roadway at least five feet from the edge of the roadway. Temporary portable signs may not be placed in medians, traffic islands, or other areas within the roadway.
 - (2)** Temporary portable signs must not be placed in parking spaces, pedestrian pathways, or bicycle paths.
 - (3)** Where the sidewalk is less than 8 feet in width, temporary portable signs may not be placed on the sidewalk.
- 4.** Removal of signs. The City Engineer may require signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements made in the right-of-way, which result in the creation of unsafe conditions. The modification or moving will be at the owner's expense. If a nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance.

Figure 13a
Placement of Portable Signs in the R-O-W

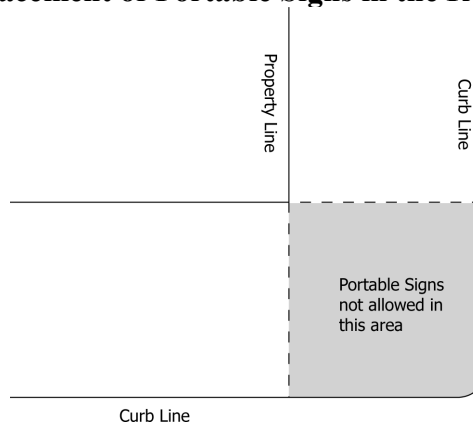
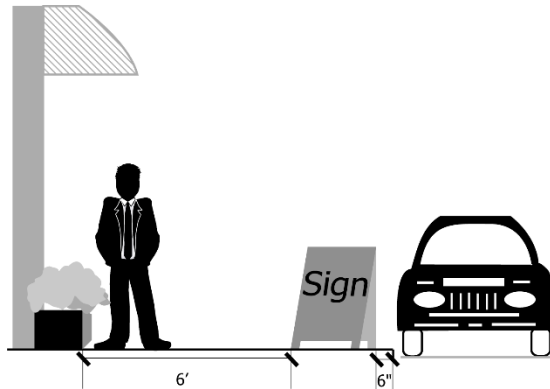


Figure 13b
Placement of Portable Signs in the R-O-W



D. Changing image sign features.

1. **Size.** Where allowed under this Title, changing image sign features are limited to a total combined area of 20 square feet per site. No single sign may have more than 10 square feet of changing image sign features unless those features cover less than 60 percent of the face of the sign. Each area of changing image feature on each sign face is included in the total for the site. Section 32.24.010 B, Backed Signs, may not be applied to changing image sign features.
2. **Brightness.** Changing image sign features are subject to the glare standards of Chapter 33.262, Off-site impacts.
3. **Signs subject to the standards of the CN zone.** If the sign is subject to the standards of the CN zone, changing image sign features are allowed if the sign meets the standards of a. and b., below. All other changing image sign features are prohibited.

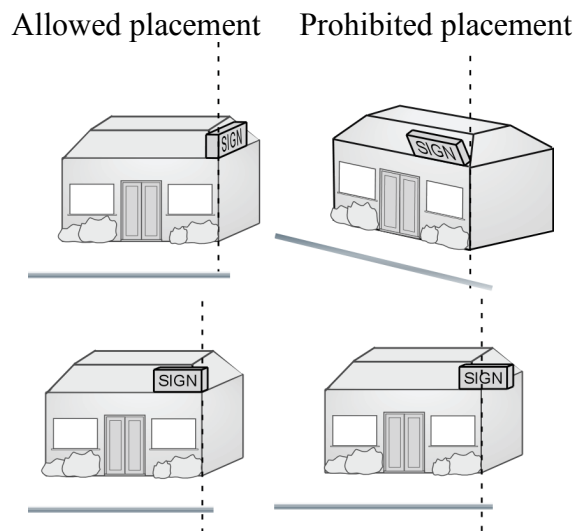
TITLE 32
SIGNS AND RELATED REGULATIONS

- a. Location. The sign must be in, or adjacent to and facing, a sports field.
 - b. Duration. The changing image sign features may be turned on no sooner than one hour before scheduled events and must be turned off no later than one hour after scheduled events.
4. Modifications or adjustments to the size standard. Modifications through design review or historic resource review or adjustments to this regulation are prohibited, except as stated in paragraphs 4.b. through 4.d., below:
 - a. Purpose. The character, scale and special communication needs of bright lights districts, sports fields and Major Event Entertainment uses may support the use of changing image sign features that are larger than 20 square feet. The scale, multiple use and special communication needs of sites with major event entertainment uses may support the use of changing image sign features that are substantially larger than 20 square feet.
 - b. Broadway “bright lights” district. In the Broadway “bright lights” Unique Sign District of the Downtown Design District, a modification through design review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.
 - c. Major Event Entertainment. If the sign is on a site that contains a Major Event Entertainment use, an adjustment or a modification through design review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.
 - d. Sports field. If the sign is in, or adjacent to and facing, a sports field, an adjustment or a modification through design review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.
- E. Signs attached to buildings or structures.
 1. Placement. Signs attached to buildings or structures that are based on the sign rights of a primary building wall may be placed on that primary building wall, on a secondary building wall or on another structure. They may not be placed on another primary building wall.

TITLE 32
SIGNS AND RELATED REGULATIONS

2. Awnings and marquees. Signs attached to an awning or marquee that extends into the right-of-way must comply with the pedestrian clearance and right-of-way extension standards of Chapter 32.52. Awnings.
3. Fascia signs.
 - a. Vertical extensions. Fascia signs may not extend more than 6 inches above the top of the building wall. Fascia signs attached to other structures may not extend above the top of the structure.
 - b. Horizontal extensions. A fascia sign may not extend more than 18 inches out from the wall or structure to which it is attached. Fascia signs may not extend beyond the corner of buildings or other structures.
4. Pitched roof signs.
 - a. Vertical extensions. The face of pitched roof signs may not extend more than 6 inches above the roofline.
 - b. Placement and angle. Pitched roof signs must be parallel to the building face. They may not extend beyond the building wall. See Figure 14.
 - c. Support structures. Support structures must be designed so that there is no visible support structure above the sign.

Figure 14
Pitched roof sign placement



TITLE 32

SIGNS AND RELATED REGULATIONS

5. Projecting signs

- a.** Vertical extensions. The face of a projecting sign may not extend more than 6 inches above the roof line.
- b.** Placement. The edge of the projecting sign may not be more than 1 foot from the building wall. Projecting signs are not allowed on rooftops or on pitched roofs. Projecting signs that extend over the right-of-way must meet the placement standards of Subsection 32.32.030 C, Signs extending into the right-of-way.
- c.** Support structures. Support structures must be designed so that there is no visible support structure above the sign face.

F. Freestanding signs and monument signs.

1. Setbacks. Freestanding signs are regulated as follows:

- a.** R zones. In R zones, freestanding signs are allowed in required setbacks, however, in required front setbacks they may not be more than 3-1/2 feet tall.
- b.** C, E, and I zones. In C, E, and I zones, freestanding signs are allowed in required setbacks for buildings and parking areas. However, freestanding signs are prohibited in the setback between a property line abutting a residentially zoned site and the building line or parking area setback line.

2. Frontages. Freestanding signs must be placed on arterial street frontages unless there are none. Freestanding signs that are allowed based on the length of one arterial street frontage may not be placed on another arterial street frontage. Frontage on a freeway is not considered arterial street frontage.

3. Undeveloped sites. Permanent freestanding signs on sites without a primary use are subject to the regulations for Subdivisions shown in Table 1, Standards for Permanent Signs in the IR, OS and RF-RH Zones.

4. Extensions into the right-of-way. Freestanding signs may not extend into the right-of-way.

G. Portable signs.

- 1. General standards. Portable signs that meet the standards of this subsection are allowed in the RX, C, E and I zones and are not counted in the total**

TITLE 32
SIGNS AND RELATED REGULATIONS

square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.

2. Number.
 - a. General. One portable sign is allowed per public entrance to buildings.
 - b. Commercial parking. One portable sign is allowed for each vehicle entrance to a commercial parking facility, but in no case more than four portable signs for the facility.
 - c. Tenant spaces without public entrances. Where a ground floor tenant space or portable cart does not have any public entrance and only provides customer service through a window, one portable sign is allowed for each ground floor tenant space or portable cart.
3. Size. Portable signs may be up to 12 square feet in area. Only one side of a portable sign will be counted. The vertical dimension of the sign including support structure may be no greater than 42 inches. Portable signs extending into the right of way must comply with the size standards of Subsection 32.32.030 C, Signs extending into the right-of-way.
4. Features. Electrical signs and changing image sign features are prohibited.
5. Placement. Portable signs must be entirely on private property or they must meet the placement standards of Subsection 32.32.030 B, Signs extending into the right-of-way.
6. Portable signs that do not meet the standards of this subsection. Portable signs that do not meet the standards of this subsection must meet the standards for freestanding signs or for temporary signs.

H. Directional signs.

1. General standards. Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.
2. Size. Freestanding directional signs may be up to 6 square feet in area and 42 inches in height. Fascia directional signs may be up to 6 square feet in area and 8 feet in height.
3. Sign features. Direct or indirect lighting is allowed. Changing image sign features and extensions into the right-of-way are prohibited.

TITLE 32

SIGNS AND RELATED REGULATIONS

4. Directional signs that do not meet the standards of this subsection. Directional signs that do not meet the standards of this subsection must meet either the standards for signs attached to buildings or the standards for freestanding signs.

I. Permanent banners.

1. General. Banners used as permanent signs are allowed in all zones and will be included in the total square footage of permanent signage allowed on the site. Temporary banners are regulated under Subsection K., below.
2. Standards. Permanent banners are subject to the standards for either fascia signs or projecting signs depending on how the banner is supported or anchored.

J. Lawn signs.

1. General standards. Lawn signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.
2. Size. Lawn signs may be up to 3 square feet in area.
3. Placement. Lawn signs must be entirely outside the right-of-way.
4. Sign features. Illumination, electric signs, and changing image sign features are prohibited.
5. Lawn signs that do not meet the standards of this subsection. Lawn signs that do not meet the standards of this subsection must meet the standards for freestanding signs.

K. Temporary signs.

1. Relationship to permanent sign standards. Signs that meet the standards of this subsection are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on the site. Signs that do not meet the standards of this subsection are subject to the standards for permanent signs. Adjustments or modifications to this subsection are prohibited.
2. Sign features. Temporary signs may not have direct or internal illumination. Changing image sign features and electronic elements are prohibited.

TITLE 32
SIGNS AND RELATED REGULATIONS

- 3.** Temporary banners. Temporary banners are subject to the following regulations:
- a.** Banners on lots with houses, duplexes, and attached houses. In all zones, temporary banners are not allowed on sites with houses, duplexes, and attached houses.
 - b.** OS, R, CN, CO1, and CM zones. In OS, R, CN, CO2, and CM zones, up to three banners no larger than 32 square feet in size are allowed per site. Only one of these banners may be hung on each building wall or on each separate structure. Additional banners, or banners larger than 32 square feet in size, must meet the standards for permanent signs.
 - c.** CS and CX zones. In the CS and CX zones, up to three banners no larger than 32 square feet in size are allowed per site. Only one of these banners may be hung on each building wall or on each separate structure. Additional banners, or banners larger than 32 square feet in size, must meet the following standards:
 - (1)** In no case may a site have more than four temporary banners.
 - (2)** Up to one temporary banner larger than 32 square feet in size is allowed per site. This banner may be no larger than 50 square feet in size.
 - (3)** Banners larger than 32 square feet in size, or in excess of three banners, may be hung for up to 180 days per calendar year.
 - (4)** Banners that do not meet the regulations of this subparagraph, must meet the standards for permanent signs.
 - d.** CO2, CG, E, and I zones. In the CO2, CG, E, and I zones, up to three banners no larger than 32 square feet in size are allowed per site. Only one of these banners may be hung on each building wall or on each separate structure. Additional banners, or banners larger than 32 square feet in size, must meet the following standards:
 - (1)** In no case may a site have more than four temporary banners.
 - (2)** Up to one temporary banner larger than 32 square feet in size is allowed per site. This banner may be no larger than 100 square feet in size.

TITLE 32

SIGNS AND RELATED REGULATIONS

- (3) Banners larger than 32 square feet in size, or in excess of three banners may be hung for up to 180 days per calendar year.
 - (4) Banners that do not meet the regulations of this subparagraph, must meet the standards for permanent signs.
- 4. Balloon signs. One balloon sign is allowed per site for a maximum of one week per calendar year in the RX, C, E, and I zones. Temporary balloon signs may be located on a building rooftop. The vertical dimension of the balloon may not exceed 25 feet.
- 5. Temporary fascia signs. One temporary fascia sign is allowed per street frontage in the RX, C, E, and I zones. Temporary fascia signs may be up to 32 square feet in area. Temporary fascia signs may not extend above roof lines. Extensions into the right-of-way are prohibited. A temporary fascia sign may be hung for two continuous periods of up to 180 days per year. A temporary fascia sign may be installed for an additional 360 days if it meets the registration requirements of 32.62.010.
- 6. Temporary freestanding signs. One temporary freestanding sign is allowed per site in the RX, C, E, and I zones. However, larger sites may install one temporary freestanding sign per 300 feet of arterial street frontage. Temporary freestanding signs may be up to 32 square feet in area. Temporary freestanding signs may have an additional face up to 32 square feet in size if the angle between the sign faces is less than 90 degrees. Extensions into the right-of-way are prohibited. A temporary freestanding sign may be up for two continuous periods of up to 180 days per year. A temporary freestanding sign may be installed for an additional 360 days if it meets the registration requirements of 32.62.010.
- 7. Temporary portable signs.
 - a. Temporary portable signs are allowed in all zones.
 - b. Size. Temporary portable signs may be up to 4 square feet in area. Only one side of a temporary portable sign will be counted. The vertical dimension of the sign including support structure may be no greater than 24 inches.
 - c. Placement. Temporary portable signs must be entirely on private property or they must meet the placement standards of Subsection 32.32.030 C., Signs extending into the right-of-way.

TITLE 32
SIGNS AND RELATED REGULATIONS

- d.** Hours of use. Temporary portable signs are allowed only between the hours of six (6) p.m. Friday and eight (8) p.m. Sunday, and the hours of six (6) a.m. and one (1) p.m. on Tuesdays.

TITLE 32

SIGNS AND RELATED REGULATIONS

CHAPTER 32.34 - ADDITIONAL REGULATIONS FOR SPECIFIC USES, OVERLAY ZONES, AND PLAN DISTRICTS

Sections:

- 32.34.010 Additional Standards for Specific Uses.
- 32.34.020 Additional Standards in the Overlay Zones.
- 32.34.030 Additional Standards in the Plan Districts.

32.34.010 Additional Standards for Specific Uses.

- A.** Bed and Breakfast facilities. Sites with Bed and Breakfast facilities must meet the sign regulations for Household Living.
- B.** Short Term Housing. Sites with Short Term Housing or Mass Shelters must meet the sign regulations for Household Living.
- C.** Temporary Activities. Permanent signs associated with Temporary Activities are prohibited. All signs associated with a Temporary Activity must be removed when the activity ends.

32.34.020 Additional Standards in Overlay Zones.

(Amended by Ordinance Nos. 176469, 178172, 179092 and 185915, effective May 1, 2013.) Overlay zones are shown on the Official Zoning Maps.

- A.** Buffer Overlay Zone
 - 1.** Where this regulation applies. The regulation of this subsection applies to signs within the Buffer Overlay Zone.
 - 2.** Regulation. Signs are prohibited in the Buffer Overlay Zone.
- B.** Design Overlay Zone
 - 1.** Where these regulations apply. The regulations of this subsection apply to exterior signs in excess of 32 square feet within the Design Overlay Zone, and all signs within the South Auditorium plan district. However, signs are not required to go through design review if they meet one of the following standards:
 - a.** The sign is a portable sign, lawn sign, directional sign or temporary sign; or
 - b.** The sign is a part of development exempt from design review under Section 33.420.045, Exempt from Design Review.

TITLE 32
SIGNS AND RELATED REGULATIONS

2. Awnings. Awnings within the Design Overlay Zone are subject to Chapter 33.420. Awnings must also meet the requirements of Chapter 32.52 of this Title.
3. Regulations.
 - a. Generally. Signs must either meet the Community Design Standard in Subparagraph B.3.c., below or go through Design Review, as described in this paragraph. The Community Design Standards provide an alternative process to design review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Subparagraph B.3.c., below. If the proposal meets the Community Design Standards, no design review is required. Proposals that are not eligible to use the Community Design Standards, that do not meet the Community Design Standards, or where the applicant prefers more flexibility, must go through the design review process.
 - b. When Community Design Standards may be used. See Chapter 33.420, Design Overlay Zone.
 - c. Community Design Standard for signs. In the C, E, and I zones, signs must meet the sign regulations of the CM zone. Signs with a sign face area of over 32 square feet may not face an abutting regional trafficway or any Environmental Protection Overlay Zone, Environmental Conservation Overlay Zone, or River Natural Greenway Overlay Zone that is within 1,000 feet of the proposed site.

C. Historic Resource Overlay Zone

1. Where these regulations apply. The regulations of this subsection apply to signs on sites with the historic resource overlay zone. However, signs are not required to go through historic resource review if they meet one of the following standards:
 - a. The sign is a portable sign, lawn sign, or temporary sign; or
 - b. The sign is exempt from historic resource review under Sections 33.445.140, Alterations to a Historic Landmark; 33.445.230, Alterations to a Conservation Landmark; 33.445.320, Development and Alterations in a Historic District; or 33.445.420, Development and Alterations in a Conservation District.

TITLE 32

SIGNS AND RELATED REGULATIONS

2. Regulations.

- a.** Generally. Signs must either meet the Community Design Standards in Subparagraph C.2.c., below, or go through historic resource review, as described in this paragraph. The Community Design Standards provide an alternative process to historic resource review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary historic resource review process set out in Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of Subparagraph C.2.c. If the proposal meets the Community Design Standards, no historic resource review is required. Proposals that are not eligible to use the Community Design Standards, that do not meet the Community Design Standards, or where the applicant prefers more flexibility, must go through the historic resource review process.
- b.** When Community Design Standards may be used. See Chapter 33.445, Historic Resource Overlay Zone.
- c.** Community Design Standard for signs. In the C, E, and I zones, signs must meet the sign regulations of the CM zone. Signs with a sign face area of over 32 square feet may not face an abutting regional trafficway or any Environmental Protection Overlay Zone, Environmental Conservation Overlay Zone, or River Natural Greenway Overlay Zone that is within 1,000 feet of the proposed site.

D. Scenic Resource Overlay Zone

- 1.** Where these regulations apply. The regulations of this subsection apply to signs within Scenic Resource Overlay Zone.
- 2.** Regulations.
 - a.** View corridors. The standards of this subparagraph apply to signs within areas designated as view corridors in the Scenic Resources Protection Plan. All signs within the designated view corridors are subject to the height limits of the base zone, except when a more restrictive height limit is established for the view corridor by the Scenic Resources Protection Plan.
 - b.** Scenic corridors. The standards of this subparagraph apply to signs within areas designated as scenic corridors in the Scenic Resources Protection Plan. The standards of this subparagraph apply within the

TITLE 32
SIGNS AND RELATED REGULATIONS

street setback adjacent to the identified resource or within the first 20 feet from the resource if no setback exists. The maximum height of a freestanding sign is 15 feet. The maximum size of a freestanding sign is 100 square feet. Changing image signs are prohibited. When they are more restrictive, the sign standards of the base zone supersede the regulations of this subparagraph.

32.34.030 Additional Standards in Plan Districts.

(Amended by Ordinance Nos. 176469, 179092 and 182072, effective August 22, 2008.)
Plan districts are shown on the Official Zoning Maps.

A. Albina Community plan district.

1. Where this regulation applies. The regulation of this subsection applies to signs in the Albina Community plan district.
2. Sign standard. Signs for commercial uses in the RH zone are subject to the sign regulations for the CX zone.

B. Central City plan district

1. Purpose. Signs in the Open Space zone are limited in keeping with the low intensity of most uses in the zone. However, the more intense uses allowed in Central City plan district Open Space zones necessitate more visible signage. These regulations are tailored to those uses.
2. Sign standards. The following regulations apply to sites in the Open Space zone.
 - a. The sign regulations of the CX zone apply to sites with allowed Major Event Entertainment and Commercial Outdoor Recreation uses.
 - b. The sign regulations of the CN zones apply to sites with allowed Retail Sales and Service uses.

C. Columbia South Shore plan district

1. Purpose. Signs in this plan district should not dominate the landscape or compete with views of streetscapes, view corridors and natural resources. Sign standards are intended to allow for signs to be visible to streets that abut the site, but not to interstate freeways and locations outside the district. Businesses are encouraged to rely on monument signs to identify and communicate their presence.

TITLE 32

SIGNS AND RELATED REGULATIONS

2. Where these regulations apply. The regulations of this subsection apply to signs in the Columbia South Shore plan district.
3. Sign standards.
 - a. Signs must conform to the sign standards of the CX zone as modified by the requirements of this subsection. When they are more restrictive, the regulations of the base zone supersede the regulations of this subsection. Adjustments to this subsection are allowed only for the sign height on sites more than 10 feet below the level of the surface of the adjacent roadway. All other sign adjustments are prohibited.
 - b. The following signs are prohibited:
 - (1) Freestanding signs, except monument signs, temporary freestanding signs, and directional signs;
 - (2) Changing image signs; and
 - (3) Awning signs with illumination internal to the awning.
 - c. Monument signs. One monument sign is allowed per street frontage. Monument signs are allowed to a maximum height of 6 feet above the adjacent sidewalk and a maximum of 10 feet in length. The end width of the monument structure may not exceed 2 1/2 feet. Signage may be located on two parallel monument faces.
 - d. Signs along Marine Drive. Signs are prohibited within 200 feet of the toe of the levee slope, except for directional signs. Between 200 and 500 feet from toe of the levee slope, signs that face Marine Drive are limited to 1/2 square foot of sign face area per lineal foot of building wall, with a maximum sign area of 100 square feet.
- D. Hillsdale plan district.
 1. Where this regulation applies. The regulation of this subsection applies to signs in the Hillsdale plan district.
 2. Sign standard. Portable signs are prohibited in the right-of-way in the Hillsdale Plan District.
- E. Macadam plan district
 1. Where these regulations apply. The regulations of this subsection apply to signs in the Macadam plan district.

TITLE 32
SIGNS AND RELATED REGULATIONS

2. Standards.

- a.** Freestanding signs are limited to 1/2 square foot of sign face area per lineal foot of arterial street frontage. Signs attached to buildings, marquees, or other structures are limited to 1/2 square foot of sign face area per lineal foot of primary building wall. Maximum sign face area is 100 square feet.
- b.** The maximum height of a freestanding sign is 15 feet.
- c.** Changing image sign features are prohibited.

F. Portland International Raceway plan district

- 1.** Where these regulations apply. The regulations of this subsection apply to signs in the Portland International Raceway (PIR) plan district.
- 2.** Standard. Signs must conform to the sign program of an approved PIR Master Plan. See Chapter 33.564, Portland International Raceway Plan District.

G. South Auditorium plan district

- 1.** Where these regulations apply. The regulations of this subsection apply to the South Auditorium plan district.
- 2. Standards.**
 - a.** Design review. Unless exempted under Subparagraphs G.2.f. and g., below, all exterior signs, regardless of size, are subject to design review. See Chapter 33.420, Design Overlay Zone.
 - b.** Projecting signs. Projecting signs are prohibited.
 - c.** Signs for Retail Sales And Service uses. All signs on sites with Retail Sales And Service uses must be fascia signs. The total square footage of signs per retail tenant space must not exceed 1 square foot of sign for each lineal foot of primary building wall of tenant space.
 - d.** Signs for residential-only developments. Sites developed with only residential uses are limited to one fascia sign not exceeding 10 square feet in total area.
 - e.** Signs for other uses and developments. The maximum total sign area allowed per frontage for uses or developments not listed in Subparagraphs G.2.c. and d., above is 1 square foot for each 3 lineal

TITLE 32

SIGNS AND RELATED REGULATIONS

feet of primary building wall. Only signs attached to buildings are allowed, except in a commercial zone where up to two freestanding signs per arterial street frontage are allowed. One sign is not allowed to exceed 12 feet in height and 100 square feet in area, and the other sign is not allowed to exceed 5 feet in height and 10 square feet in area. The regulations of the base zone supersede the regulations of this subparagraph when they are more restrictive.

- f.** Temporary signs, portable signs, and lawn signs. Temporary signs, portable signs, and lawn signs are exempt from the sign regulations of Subparagraph G.2.a. through e., above. Temporary signs and portable signs are limited to a total combined area of 25 square feet per site.
- g.** Directional signs. Directional signs are exempt from the sign regulations of Subparagraph G.2.c. through e., above.

H. Cascade Station plan district.

- 1.** Where this regulation applies. The regulation of this subsection applies to signs in Subdistrict A of the Cascade Station plan district.
- 2.** Sign standard. When a Cascade Station Sign Program has been approved, signs are exempt from the provisions of Chapter 32.30 through 32.38 of this Code. Until such time as a Sign Program is approved, signs will be subject to the provisions of Chapters 32.30 through 32.38.

I. Hollywood plan district.

- 1.** Where this regulation applies. This regulation applies to signs associated with new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3 in Chapter 33.536, Hollywood Plan District. Alterations or exterior improvements to existing development are exempt from this regulation.
- 2.** Freestanding signs are prohibited.

J. North Interstate plan district.

- 1.** Purpose. Encouraging retention of the mid-century signs identified in this subsection will represent Interstate Avenue Corridor's rich past as US Route 99, which was the West Coast's major north-south highway before Interstate 5 was built. Because their current locations may preclude desired development, allowing them to move to other locations along the corridor is necessary to ensure preservation.

TITLE 32
SIGNS AND RELATED REGULATIONS

2. Where these regulations apply. The regulations of this subsection apply only to signs in the North Interstate plan district listed in Paragraph J.4.
3. Relocation allowed. The special signs listed in Paragraph J.4, below, may be relocated as follows:
 - a. The sign may be moved to another location on the site where it is currently located, or to another location that meets the requirements of this subsection;
 - b. The receiving site must have frontage on North Interstate Avenue between N. Argyle St. and N. Fremont St.;
 - c. The receiving site must be zoned either EX, CX, CS, or IR;
 - d. Signs removed from their sites may be stored elsewhere before relocation;
 - e. Relocated signs are subject to discretionary Design Review. Design review will consider the location of the sign on the site, the visual relationship of the sign structure to other development on the site, and the visual relationship to North Interstate Avenue; in a content-neutral manner as provided in Section 32.38.010;
 - f. Relocated signs that are nonconforming as to size, height, lighting, or area of changing image do not have to come into conformance with the requirements of Chapters 32.30 through 32.38. However, they may not move further out of conformance with the size, height, and lighting regulations unless an adjustment or modification is approved. Increases to the area of changing image on a relocated sign are only allowed as provided in Section 32.32.030;
 - g. Relocated signs do not count towards the maximum sign allocation on the receiving site; and
 - h. Relocated signs are subject to the other requirements of this Title.
4. Special signs. The signs below may be relocated as specified in this subsection. The signs are:
 - a. Street address 4333 N. Interstate Avenue, also known as “The Westerner Motel sign.”
 - b. Street address 4024 N. Interstate Avenue, also known as “The Alibi sign.”

TITLE 32
SIGNS AND RELATED REGULATIONS

- c.** Street address 5226 N. Interstate Avenue, also known as “The Crown Motel sign.”
- d.** Street address 3801 N. Interstate Avenue #4, also known as “The Palms Motel sign.”
- e.** Street address 6701 N. Interstate Avenue , also known as “The Viking Motel sign.”
- f.** Street address 6423 N. Interstate Avenue, also known as “The Nite Hawk sign.”
- g.** Street address 4739 N. Interstate Avenue, also known as “The Budget Motel sign.”
- h.** Street address 5205 N. Interstate Avenue, also known as “The Super Value Motel sign.”
- i.** Street address 6049 N. Interstate Avenue, also known as “The Central Bowl sign.”

CHAPTER 32.36 - NONCONFORMING SIGNS

Sections:

- 32.36.010 Purpose.
- 32.36.020 Regulations That Apply to All Nonconforming Signs.
- 32.36.030 Documenting a Nonconforming Sign.

32.36.010 Purpose.

The intent of these regulations is to protect the character of an area by reducing the negative impacts from nonconforming signs. At the same time, the regulations assure that the signs may continue and that the sign regulations will not cause unnecessary burdens. The intent of these regulations is not to force all signs to be immediately brought into conformance with current regulations; instead, the intent is to gradually bring existing signs into conformance.

32.36.020 Regulations That Apply to All Nonconforming Signs.

(Amended by Ordinance No. 176469, effective July 1, 2002.)

- A.** Nonconforming permanent signs may continue to exist if they comply with the regulations of this chapter. Nonconforming signs that do not meet the regulations of this chapter have no legal right to continue and must be removed.
- B.** Signs established during a moratorium.
 - 1.** Generally. Signs established in violation of a moratorium must be brought into compliance with the standards of this Title, except as provided in Paragraph B.2, below.
 - 2.** Exception. Painted Wall Signs established during a moratorium, where permits were applied for before the effective date of the moratorium, are considered legal, nonconforming signs, and may remain. The effective date of the moratorium on Painted Wall Signs in the Central City plan district was December 16, 1997. The effective date of the moratorium on Painted Wall Signs outside the Central City plan district was August 12, 1998.
- C.** Sign maintenance, sign repair, and changing of permanent sign faces is allowed so long as structural alterations are not made and the sign is not increased in size.
- D.** Permanent signs and sign structures that are moved, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right of way improvements may be re-established. See paragraph 32.32.030 C.4, Removal of signs.
- E.** Nonconforming temporary signs must be removed.

TITLE 32

SIGNS AND RELATED REGULATIONS

- F.** Ownership. The status of a nonconforming sign is not affected by changes in ownership.
- G.** Change to a conforming sign. A nonconforming sign may be altered to become or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established. Unless prohibited, proposed changes that are not in conformance are subject to the adjustment process.
- H.** Loss of nonconforming sign status.
 - 1.** Discontinuance. If there is no sign in place on a sign structure or building wall for 6 continuous months, the nonconforming rights are lost and a nonconforming sign may not be re-established. If the sign structure is unused for less than 6 continuous months, a nonconforming sign may be re-established.
 - 2.** Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However:
 - a.** Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair. In order to preserve the nonconforming sign status, the person removing the sign must inform the Director, in writing, before the sign is removed. If the responsible party fails to inform the Director, any re-erected sign will be considered a new sign.
 - b.** Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials. An adjustment is required to allow the replacement sign to be more out of compliance with the standards than the previous sign.

32.36.030 Documenting a Nonconforming Sign.

To document legal nonconforming status, the applicant must provide evidence to show that the sign was established prior to November 18, 1998 or allowed when established, and that the sign has been maintained over time. If the applicant provides standard evidence from the lists below, the Director will determine if the evidence is satisfactory. If the applicant provides evidence other than the standard evidence listed below, a Determination of Nonconforming Sign Status Review is required, as specified in Section 32.38.040.

TITLE 32
SIGNS AND RELATED REGULATIONS

- A.** Sign established before November 18, 1998. If the sign was established before November 18, 1998, the applicant must provide evidence to show that the sign was established before November 18, 1998. Standard evidence that the sign was established before November 18, 1998 is:
1. A building, zoning, sign or development permit;
 2. A photograph of the sign at its current location from the Official Sign Photo Inventory; or
 3. A date-stamped photograph of the sign at its current location.
- B.** Sign legally established after November 18, 1998. If the sign was established after November 18, 1998, the applicant must provide evidence to show that the sign was allowed when established. Standard evidence that the sign was allowed when established is:
1. Building, zoning, sign, awning or development permits; or
 2. Zoning codes or maps.
- C.** Sign maintained over time. The applicant must provide evidence to show that the sign has been maintained over time. Standard evidence that the sign has been maintained over time is:
1. Utility bills;
 2. Sign-specific property or income tax records;
 3. Business licenses;
 4. Listings in telephone, business, or Polk directories;
 5. Advertisements in dated publications;
 6. Building, sign, land use, or development permits; or
 7. Records of sign lease agreements.

TITLE 32

SIGNS AND RELATED REGULATIONS

CHAPTER 32.38 - LAND USE REVIEWS

Sections:

- 32.38.010 General.
- 32.38.020 Design Review and Historic Resource Review.
- 32.38.030 Adjustment Review.
- 32.38.040 Determination of Nonconforming Sign Status Review.

32.38.010 General.

(Amended by Ordinance No. 185915, effective May 1, 2013.)

- A. Procedures. Land use reviews of signs are administered under the provisions of Title 33, Planning and Zoning as modified by this chapter.
- B. Adjustments and Modifications. Requests for adjustments from the regulations of Chapters 32.30 through 32.38 are reviewed under Section 32.38.030, Adjustments. Modifications from the regulations of Chapters 32.30 through 32.38 through Design Review or Historic Resource Review are reviewed as specified in Chapters 33.825 and 33.846 of the Zoning Code. When the provisions of this Title prohibit adjustments, applications for adjustments will not be accepted.
- C. Content-Neutral Administration of Land Use Reviews. Notwithstanding any other provision of this Title or of related standards referenced in this Title, applications for adjustments, design review, and historic resource review for signs will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint.

32.38.020 Design Review and Historic Resource Review.

(Amended by Ordinance No. 185915, effective May 1, 2013.) Where design review or historic resource review is required by this Title, the awning or sign will be reviewed in accordance with the provisions of either Zoning Code Chapter 33.825, Design Review or Chapter 33.846, Historic Resource Review.

32.38.030 Adjustment Review.

- A. Purpose. Sign adjustments are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area or allow for mitigation of unusual site conditions.
- B. Procedures. The adjustment procedures stated in Chapter 33.805, Adjustments, apply to sign adjustments. However, the approval criteria of this section are used, rather than of those of Chapter 33.805 of the Zoning Code.

TITLE 32
SIGNS AND RELATED REGULATIONS

- C.** Approval criteria. Sign adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1. or 2, below are met.
- 1.** Area enhancement. The applicant must meet criteria C.1.a. and b. and either C.1.c. or d.
 - a.** The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of a specific plan district or design district; and
 - b.** The sign will not create a traffic or safety hazard; and
 - c.** The adjustment will allow a unique sign of exceptional design or style that will enhance the area or that will be a visible landmark; or
 - d.** The adjustment will allow a sign that is more consistent with the architecture and development of the site.
 - 2.** Site difficulties. If there are unusual site factors that preclude an allowed sign from being visible to the street immediately in front of the site, an adjustment will be granted to achieve the visibility standards of Subparagraph d below. This adjustment is not intended to be used to make signs visible to other streets and rights of ways or to freeways. Site difficulties may include the sign face being blocked due to topography of the site, existing development or landscaping on the site, or from abutting development or landscaping. This set of adjustment criteria is generally intended for freestanding and projecting signs and allows greater flexibility in placement of the sign. The adjustment will be approved if all of the following criteria are found to be met:
 - a.** There is no reasonable place on the site for an allowed sign without an adjustment to achieve the visibility standards of Subparagraph d below;
 - b.** If the proposed sign extends into the right-of-way, the sign will not create a traffic or safety hazard;
 - c.** Of potential adjustments to meet the visibility standard of Subparagraph d., the request is the most consistent with the surrounding development and sign patterns; and
 - d.** The adjustment is the minimum needed for a sign to meet the following visibility standards:

TITLE 32
SIGNS AND RELATED REGULATIONS

Posted Road Speed	Visibility To Travel Lanes On The Street In Front Of The Site
35 mph or less	200 feet
40-50 mph	300 feet
55 mph or more	400 feet

32.38.040 Determination of Nonconforming Sign Status Review.

- A.** Purpose. This review determines if a sign has legal nonconforming sign status.
- B.** When this review is required. A Determination of Nonconforming Sign Status Review is required where a land use review or permit for a sign is requested, and the applicant does not provide standard evidence or the Director does not find the evidence to be satisfactory. This review also may be requested by an applicant when it is not required.
- C.** Procedure. Determination of Nonconforming Sign Status Reviews are processed through a Type II procedure. See Zoning Code Chapter 33.730, Quasi-Judicial Procedures.
- D.** Approval criteria. The legal nonconforming status of a sign will be certified if the review body finds that the applicant has shown that the following approval criteria have been met. The applicant must show that the sign meets criteria D.1. and either criteria D.2 or D.3:
 - 1.** The sign has not been moved, structurally altered, or increased in size since November 17, 1998; and
 - 2.** The sign existed before November 18, 1998; or
 - 3.** The sign would have been allowed when established.

CHAPTER 32.40 - GENERAL

Section:

32.40.010 General.

32.40.010 General.

The regulations in Chapters 32.40 through 32.44 are construction regulations which work in combination with Title 24, Building Regulations, and Title 26, Electrical Regulations. These standards are not land use regulations. The standards in Chapter 32.42 require signs to be compatible with the structural and electrical standards of the State Building Code. These standards apply to all signs at all locations.

TITLE 32
SIGNS AND RELATED REGULATIONS

**CHAPTER 32.42 - STRUCTURAL AND
ELECTRICAL REGULATIONS**

Sections:

- 32.42.010 Construction and Structural Requirements.
32.42.020 Electrical Requirements.
32.42.030 Maintenance Requirements.

32.42.010 Construction and Structural Requirements.

A. Structural standards.

1. Signs, sign structures, sign foundations and methods to attach and anchor signs must be designed and constructed in accordance with applicable provisions of the Building Code. All signs and their foundations and attachments must be designed for the appropriate dead and seismic loads. Exterior signs must also be designed to support appropriate snow and wind loads.
2. Signs erected within 5 feet of an exterior wall opening must be constructed of noncombustible or other approved materials.
3. The supports and foundations used in construction for all signs and sign structures must be located outside of any rights-of-way. Portable signs may be located in the right of way if they meet the standards of Subsection 32.32.030 B, Signs extending into the right-of-way.
4. Welds of sign structures must be welded in accordance with the Building Code. Welding must be done by approved welders as provided in the Building Code.

B. Engineering standards. Signs, sign structures, sign foundations and anchorages to a building must be individually designed in accordance with the Building Code and the provisions of this Title.

Exceptions:

1. Pre-Approved sign designs. The Director may approve structural sign designs which can be used for more than one sign at more than one site. Subsequent permit applications can reference pre-approved sign designs.

Requests for pre-approved sign designs must include appropriate plans and calculations prepared and stamped by an Oregon licensed engineer. The following types of sign designs may be pre-approved:

TITLE 32

- a. Freestanding signs that are symmetrically balanced on the sign structure and sign foundation, that have a maximum of 200 square feet of sign area, and that have a maximum height from the lowest ground level below the sign to the top of sign of 25 feet.
 - b. Freestanding signs that are asymmetrically balanced on a sign structure and foundation, that have a maximum of 200 square feet of sign area, and that have a maximum height from the lowest level of ground below the sign to the top of the sign of 25 feet.
 - c. Projecting wall mounted signs that have a maximum of 200 square feet of sign area and that provide at least 8 feet below the sign to the highest ground level. Pre-approved sign designs for projecting signs will be limited to the attachment methods and materials and the wall materials specified in the request and approved by the Director.
2. Flush mounted signs. Signs that are mounted flush to a wall if the sign does not weigh more than 7 pounds per square foot or, in total, weigh more than 400 pounds.
3. Temporary banners. Temporary banners less than 50 square feet in area, must be attached to a structure at least at the four corners of the banner. Temporary banners 50 square feet in area or larger must be attached the structure at least at the 4 corners and at the midpoints of the two longest sides. Temporary banners may be attached as prescribed in this paragraph along the top edge and weighted at the bottom edge.
4. Permanent banners. Permanent banners must be attached to a structure in one of the following manners:
 - a. Continuously along two sides of the banner for the full dimension of the banner; or
 - b. At each corner of the banner and at intervals no greater than 18 inches along the perimeter of the banner.

C. Clearances.

1. Vision clearance areas.

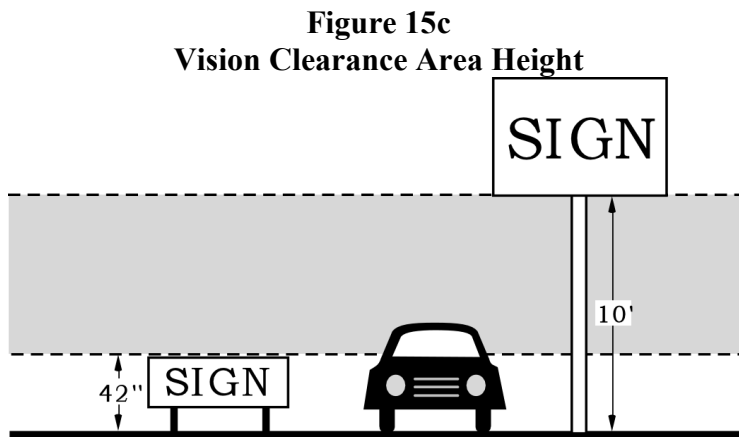
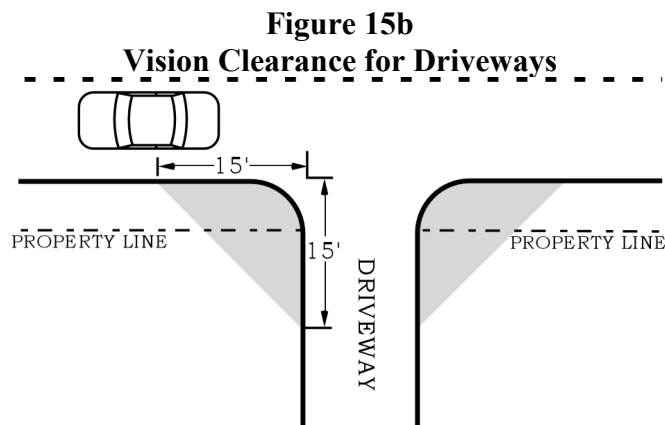
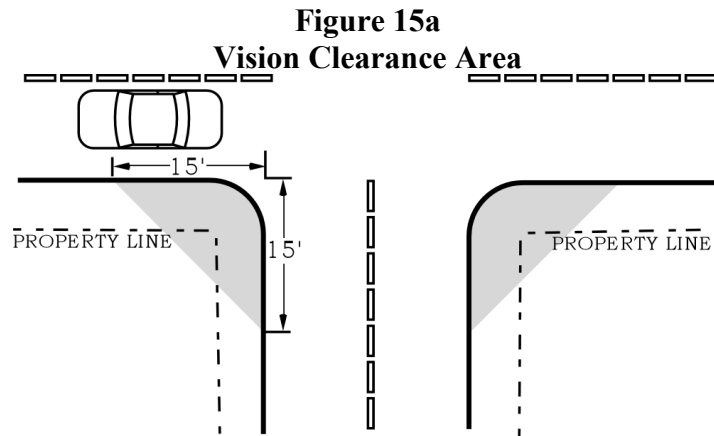
- a.** Vision clearance areas. Vision clearance areas are triangular-shaped areas located at the intersection of any combination of rights-of-way, alleys or driveways. The sides of the triangle extend 15 feet from the intersection of the vehicle travel areas. See Figure 15a and b. The height of the vision clearance area is from 42 inches above

TITLE 32

SIGNS AND RELATED REGULATIONS

the ground to 10 feet above the ground immediately below the sign or awning. See Figure 15c.

- b.** Signs in vision clearance areas. Signs may not be located within a vision clearance area as defined in this paragraph. Support structures for a sign may only be located in a vision clearance area if the combined total width is 12 inches or less and the combined total depth is 12 inches or less.
- 2.** Vehicle area clearances. In areas outside of rights-of-way, when a sign or awning extends over where vehicles travel or are parked, the bottom of the structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.
- 3.** Pedestrian area clearances. When a sign or awning extends over a sidewalk, walkway or other space used by pedestrians, the bottom of the structure must be at least 8 feet above the ground. Free-hanging valances made of fabric or other non-rigid material hung on signs, awnings, and marquees must be at least 7 feet above of a sidewalk, walkway or other space used by pedestrians.
- 4.** Clearances from fire escapes, means of egress or standpipes. Signs, sign structures and awnings are prohibited from being erected in any manner that interfere in any way with the free use of any fire escape, means of egress or standpipe. Attaching signs, sign structures or awnings to a fire escape is prohibited.
- 5.** Obstruction of windows and ventilation. Signs, sign structures and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation or exhaust are reduced to a level below that required by either the Building Code; Title 25, Plumbing Regulations; Title 27, Heating and Ventilating Regulations or Title 29 Housing and Maintenance Regulations.
- 6.** Access to signs. Access clear of all obstructions must be provided to all signs. The access path must be at least 3 feet wide and 4 feet high. In the case of an roof sign, the access must be provided above the roof and set back from any parapet.



32.42.020 Electrical Requirements.

- A. Electrical components of signs and of lighting projected on a sign or to create a sign must comply with the requirements of the Electrical Code.

TITLE 32

SIGNS AND RELATED REGULATIONS

- B.** Horizontal and vertical clearances between power conductors and signs and sign structures must be as specified in the Electrical Code.

32.42.030 Maintenance Requirements.

- A.** General. Signs, sign structures and awnings, together with their supports, braces, guys, anchors and electrical components must be maintained in a proper state of repair. The Director may order the removal of any sign, sign structure or awning that is not maintained in accordance to this Title.
- B.** Dangerous structures and equipment.
 - 1.** Signs, sign structures or awnings that are dangerous must be taken down and removed or made safe as the Director deems necessary. Signs may be deemed dangerous for one or more of the following reasons:
 - a.** Whenever a sign structure or its foundation, a sign's attachments to a building, or a building to which a sign is attached is damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of the Buildings Code;
 - b.** Whenever any portion or member of a sign, sign structure or awning is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or property;
 - c.** Whenever any portion or member of a sign, sign structure or awning is likely to partially or completely collapse as a result of any cause, including, dilapidation, deterioration, or decay; faulty construction or wiring; or removal, movement or instability of any portion of the ground or building necessary for supporting such structure; or
 - d.** Whenever a sign, sign structure or awning is structurally or electrically unsafe or otherwise hazardous to human life or safety by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment.
 - 2.** All signs, sign structures and awnings determined after inspection by the Director to be dangerous must be abated by repair, rehabilitation, demolition or removal according to the procedures specified in Title 29, Housing and Maintenance Regulations.

**CHAPTER 32.44 - ALTERNATIVE METHODS
OF CONSTRUCTION**

Sections:

- 32.44.010 Review of Alternative Methods of Construction.
- 32.44.020 Alternative Building Construction Methods.
- 32.44.030 Alternative Electrical Construction Methods.

32.44.010 Review of Alternative Methods of Construction.

Alternative methods of construction may be approved by the Director for signs, sign structures and awnings as prescribed in this Chapter.

32.44.020 Alternative Building Construction Methods.

The Director may approve alternative materials, designs or methods of construction other than those prescribed in the Chapters 32.42, Structural and Electrical Regulations and 32.52, Awnings. Alternative methods of construction for Section 32.42.010, Construction and Structural Requirements and 32.52.010, Structural Standards must be reviewed and approved under procedures established in the Building Code. The Director must find that the proposed design is satisfactory and complies with the intended purpose of the non-land use provisions of this Title and are at least the equivalent of that prescribed in this Title in suitability, strength, effectiveness, fire resistance, durability and safety.

32.44.030 Alternative Electrical Construction Methods.

Where there are practical difficulties in meeting the provisions of Section 32.42.020, Electrical Requirements or Section 32.52.050, Electrical Requirements, the Director may approve alternative materials, designs, or methods of construction other than those prescribed in this Title. Alternative methods of construction for Sections 32.42.020 and 32.52.050 must be reviewed and approved under procedures established in the Electrical Code. The Director must find that the proposed design is satisfactory and complies with the intended purpose of the non-land use provisions of this Title and are at least the equivalent of that prescribed in this Title in suitability and do not lessen the safety of the electrical installation.

TITLE 32
SIGNS AND RELATED REGULATIONS

CHAPTER 32.50 - PURPOSE

Section:

32.50.010 Purpose.

32.50.010 Purpose.

The regulations in Chapters 32.50 through 32.54 are construction regulations which work in combination with Title 24, Building Regulations, and Title 26, Electrical Regulations to provide structurally and electrically safe awning installations. These standards are not land use regulations. The standards in Chapter 32.52 require awnings to be compatible with the structural and electrical standards of the State Building Code. These standards apply all awnings at all locations. Chapter 32.54 prohibits the installation of strobe lights.

CHAPTER 32.52 - AWNINGS

Sections:

- 32.52.010 Structural Standards.
- 32.52.020 Pre-Approved Designs.
- 32.52.030 Clearances.
- 32.52.040 Awnings and Signs on Awnings.
- 32.52.050 Electrical Requirements.
- 32.52.060 Maintenance.

32.52.010 Structural Standards.

- A. Exterior awnings, including those not located over a public right-of-way and interior awnings located within malls and atriums, must comply with the provisions of Chapter 32 of the Building Code and this Title. Awnings may be fixed or retractable.
- B. Exterior awnings must be designed to support appropriate snow and wind loads, including drifting.
- C. Awnings and methods to attach and anchor awnings to buildings must be designed and constructed in accordance with applicable provisions of the Building Code. All awnings and attachments must be designed for the appropriate dead and seismic loads. The awning framework must be capable of supporting not less than 15 pounds per square foot of uniform load over the entire horizontal projection without consideration of snow drifting.
- D. The supports for all awnings must be located outside of any right-of-way.
- E. Welds of awning frames must be welded in accordance with the Building Code. Welding must be done by approved welders as provided in the Building Code.
- F. Awning structures and anchorages to a building must be individually designed in accordance with the Building Code and the provisions of this Title, except as provided in Section 32.52.020, Pre-Approved Designs.

32.52.020 Pre-Approved Designs.

(Amended by Ordinance No. 178172, effective March 5, 2004.) The Director may approve structural awning designs which can be used for more than one awning at more than one site. Subsequent permit applications can reference pre-approved awning designs. Requests for pre-approved awning designs must include appropriate plans and calculations prepared and stamped by an Oregon licensed engineer. Pre-approved awning designs will be subject to the following limitations:

TITLE 32

SIGNS AND RELATED REGULATIONS

- A.** Pre-approved designs are limited to awnings that are no more than 40 feet from the lowest ground level to the maximum height of the awning; and such awnings must comply with the pedestrian clearance requirements of Subsection 32.42.010 C, Clearances.
- B.** Pre-approved designs for awnings will be limited to the attachment methods and materials and the wall materials specified in the request and approved by the Director.
- C.** In the Design Overlay Zone, awnings using pre-approved designs are subject to Chapter 33.420, Design Review.

32.52.030 Clearances.

Awnings must be installed in accordance to the clearances specified in Subsection 32.42.010 C., Clearances.

32.52.040 Awnings and Signs on Awnings.

(Amended by Ordinance No. 178172, effective March 5, 2004.) Awnings and signs attached to or incorporated into awnings must comply with all applicable standards of Chapters 32.30 through 32.38.

32.52.050 Electrical Requirements.

- A.** Electrical components of awnings must comply with the requirements of the Electrical Code.
- B.** Horizontal and vertical clearances between power conductors and any awning must be as required in the Electrical Code.

32.52.060 Maintenance.

Awnings must be maintained according to Section 32.42.030, Maintenance. The Director may determine an awning is dangerous according to Subsection 32.42.030 B, Dangerous structures and equipment.

CHAPTER 32.54 - STROBE LIGHTS

Section:

32.54.010 Strobe Lights Prohibited.

32.54.010 Strobe Lights Prohibited.

Strobe lights that are visible beyond the property line are prohibited. Existing strobe lights visible beyond the property line must be removed.

TITLE 32
SIGNS AND RELATED REGULATIONS

CHAPTER 32.60 - GENERAL

Sections:

- 32.60.010 Interpretations and Clarifications.
32.60.020 Rulemaking.

32.60.010 Interpretations and Clarifications.

- A.** The Director may issue interpretations on the meaning and intent of all chapters of this Title except Chapters 32.10 through 32.38. Such interpretations will conform to the purposes of this Title.
- B.** Where language in Chapters 32.10 through 32.38 is ambiguous or unclear, the Director may issue a statement of clarification as set out in Subsection 33.700.070 B. of the Zoning Code.

32.60.020 Rulemaking.

- A.** The Director has the authority to adopt administrative rules and supplemental regulations related to the provisions of Chapters 32.40 through 32.68 of this Title. The rules and regulations must be in conformance with the intent and purpose of this Title. The Director has the authority to administer such rules and regulations. Rules will be adopted according to the procedures in this section.
- B.** Permanent rules.
 - 1.** Prior to the adoption of a permanent rule, the Director will:
 - a.** Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than thirty days before the hearing. The notice must identify the place, time and purpose for the hearing; a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments and the location where copies of the full set of the proposed rules may be obtained. A copy of the notice will be provided to the Office of Neighborhood Involvement at least thirty days before the hearing.
 - b.** At the hearing, a designee of the Director will hear testimony and receive written comments regarding the proposed rules. The designee will provide a recommendation to the Director. The recommendation will take into consideration the comments received.
 - c.** The Director will review the recommendation of the designee and may either adopt the proposed rule, modify or reject it.

TITLE 32

SIGNS AND RELATED REGULATIONS

- d. If a substantial modification is made to the proposed rule, the Director may adopt the modification as an Interim Rule or provide additional public review prior to adoption.
 2. Unless otherwise stated, all rules will be effective two weeks after adoption by the Director.
- C. Interim rules.
 1. An interim rule may be adopted by the Director without prior notice upon a finding that a failure to act promptly will result in a serious threat of injury or hazard to the public health or public or private property. The rule will include specific reasons for the finding.
 2. Interim rules will be effective for a period of not longer than 180 days.
 3. Not more than 30 days after adoption of an interim rule, public notice of interim rules must be given by publication in a newspaper of general circulation and notice sent to the Office of Neighborhood Involvement. Such notice must also identify the location at which copies of the full set of the interim rules may be obtained.
- D. All final and interim rules must be filed in the offices of the Director. All final and interim rules will be available to the public at the Development Services Center.

TITLE 32

SIGNS AND RELATED REGULATIONS

CHAPTER 32.62 - PERMITS AND REGISTRATION

Sections:

- 32.62.010 Permit or Registration Required.
- 32.62.020 Application Requirements.
- 32.62.030 Review of Applications and Issuance of Permits.
- 32.62.040 Expiration.
- 32.62.050 Suspension or Revocation.

32.62.010 Permit or Registration Required.

(Amended by Ordinance No. 176469, effective July 1, 2002.)

- A.** General. No person, firm or corporation can erect, mount, install, construct, enlarge, structurally alter, move, display or electrify or connect a sign or awning, or cause the same to be done without first obtaining an awning permit, a sign permit or sign registration as provided in this section. Certain installations are exempt from permit or registration. Exemption from permit or registration does not grant authorization for any sign, sign structure or awning to be erected or structurally altered in violation of the provisions of this Title. Permanent signs that were not erected prior to November 18, 1998 nor were erected subject to a valid permit subsequent to that date, must be removed March 31, 2001, or the owner of such sign must obtain a valid permit.

The following are exempt from permit and registration:

1. Lawn signs;
2. Non-electrified directional signs;
3. Temporary banners meeting the following standards:
 - a. Up to three banners are allowed per lot in all zones;
 - b. Each banner may be no larger than 32 square feet in area; and
 - c. No more than one banner can be hung on each building wall or on each separate structure.
4. Temporary fascia signs that are installed for 360 or fewer days;
5. Temporary freestanding signs that are installed for 360 or fewer days;
6. Temporary portable signs; and

TITLE 32
SIGNS AND RELATED REGULATIONS

7. Signs that are being re-erected following sign repair and sign maintenance. When a sign is removed for repair and maintenance, the person removing the sign must inform the Director, in writing, before the sign is removed, otherwise the re-erected sign will be considered a new sign.
- B.** Sign Permits. A sign permit must be obtained for all permanent signs other than signs on awnings. Indirect lighting for a sign requires a separate electrical permit. A sign permit must be one of the types listed below:
1. Permanent sign;
 2. Permanent sign with internal or direct lighting or with other electrical component;
 3. Structural alteration to a sign; or
 4. Structural alteration to a sign including internal or direct lighting or other electrical components.
- C.** Awning Permits. An awning permit must be obtained for all awnings and awning signs. Lighting for an awning requires a separate electrical permit. An awning permit must be one of the types listed below:
1. Awning only;
 2. Awning with sign; or
 3. Sign addition to existing awning.
- D.** Registration. Temporary banners, balloon signs and portable signs must be registered in accordance with this section. Signs that have been registered under this subsection are exempt from the permit requirements of Subsection B, above.
1. Temporary banners and balloon signs.
 - a. Registration requirements and time periods. The following temporary signs must be registered. Registration is limited to the time periods specified.
 - (1) Balloon signs. Maximum registration period is one week per calendar year.
 - (2) Temporary banners. The registration period for temporary banners is 30 days. The number of banners registered on a site may not exceed one for any registration period. Temporary banner registrations on a site may not exceed six

TITLE 32

SIGNS AND RELATED REGULATIONS

registration periods in any calendar year. An individual banner may be registered for up to 6 registration periods. The following temporary banners must be registered:

- (a)** Banners larger than 32 square feet in area;
 - (b)** Banners not larger than 32 square feet in area, but in excess of 3 on a single site; or
 - (c)** Banners not larger than 32 square feet in area, but in excess of one hung on the same wall or hung on the same structure.
- b.** Temporary banners and balloon signs existing as March 1, 2001 must be registered by April 30, 2001. Banners that are not registered must either be allowed without registration under this code, be permitted as a permanent sign, or be removed. Temporary balloon signs that are not registered must be removed.

2. Portable signs.

- a.** All portable signs must be registered as provided in this section. Portable signs must be registered for either one or two years. Portable signs may be re-registered. Owners of the sign may choose either registration period for initial registration or each renewal. A Portable Sign registration is valid for the size and address for which the sign was specifically registered. Changes to the size or address of the portable sign require a new registration.
- b.** Portable signs existing on March 1, 2001 must be registered by September 1, 2001. Portable signs that are not registered must be removed.

3. Temporary fascia and temporary freestanding signs. Temporary fascia and temporary freestanding signs erected for more than 360 days must be registered. The maximum registration period is 360 days.

32.62.020 Application Requirements.

(Amended by Ordinance No. 176469, effective July 1, 2002.)

- A.** General. The applicant must submit an application for a sign permit, awning permit or sign registration to the Director for review. The applicant may not commence any sign or awning installation before the Director has approved the requested permit or registration. A separate application is required for each sign or awning.
- B.** Who may apply.

TITLE 32
SIGNS AND RELATED REGULATIONS

1. The owner of a site on which a sign, sign structure or awning is to be placed must be the applicant for a permit or registration. The owner may authorize another responsible party to obtain a permit or registration. The Director may require written documentation of such authorization.
 2. Signs with electrical components. When a sign includes electrical components the applicant must either be a licensed State of Oregon electrical contractor or the owner of the property. Permits issued to property owners must comply with Paragraph 32.62.030 B.3.
- C.** General application requirements. Applications for sign and awning permits and registrations must be made in writing upon forms furnished by the Director. The Director will determine the number of copies of each document and plan required for application. The application must contain the general information specified in Paragraphs C.1 through C.6., below and the additional information specified in Subsections D. through E., below, as appropriate to the application type.
1. Address of the site on which the sign or awning is to be located;
 2. Property owner's name and address;
 3. Sign owner's name and address, when different than property owner;
 4. Authorization of property owner to apply for and erect sign;
 5. Contractor's Registration number or numbers; and
 6. Applicant's name, address and telephone number.
- D.** Additional application requirements for permanent signs. In addition to the application requirements contained in Subsection C, applications for permits for permanent signs must include the following information:
1. Method of attachment to building, foundation and other construction requirements specified in the plan standards of Subsection 32.62.020 H;
 2. Electrical component specifications;
 3. Sign dimensions and area;
 4. Height of sign and height of clearances above pedestrian areas or for vision clearances;
 5. For fascia signs, the weight of the sign;
 6. Sign type;

TITLE 32

SIGNS AND RELATED REGULATIONS

7. Location on the property, building or structure;
8. A listing of existing signs on the property including type, location and size;
9. Calculations needed to show allowed, existing and proposed sign area;
10. A site plan, drawn to scale, showing:
 - a. Site address;
 - b. Property lines and lengths of street frontages;
 - c. Building footprint;
 - d. Length of building walls that:
 - (1) face a street and have a public entrance; and
 - (2) for tenant spaces without street frontage, walls with a public entrance and face a parking area;
 - e. Public entrance to each building and ground level tenant space;
 - f. Names of abutting street(s);
 - g. Vision clearance areas; and
 - h. North arrow;
11. Sign elevation drawing, drawn to scale, that includes:
 - a. All details and dimensions of the sign;
 - b. Type of material and all dimensions of supports and footings;
 - c. Clearances above ground;
 - d. Height above ground;
 - e. Distance of any projecting sign extension into a right of way;
 - f. Where a sign is attached to a building, the building roof line for the wall on which the sign will be mounted; and
 - g. Type of lighting (if any).

TITLE 32
SIGNS AND RELATED REGULATIONS

- E.** Additional application requirements for awnings. In addition to the application requirements contained in Subsection C., above, applications for permits for awnings, awnings with signs and awnings with electrical elements must include the following information:
1. Method of attachment to building and other construction requirements specified in the plan standards of Subsection 32.62.020 H;
 2. Location of installation on wall;
 3. Clearances above ground or pedestrian walking surface;
 4. Height above ground;
 5. Distance of any extension into a right of way and relationship to curb;
 6. Type of lighting (if any); and
 7. For those awnings including signs, additional information as specified in Subsection D., above.
- F.** Registration application for temporary banners and temporary balloon signs. Applications for registration of temporary banners and temporary balloon signs must be made in writing upon forms furnished by the Director. The application must contain the following information:
1. Address of the site on which the banner or balloon sign is to be located;
 2. Property owner's name and address;
 3. Applicant's name, address and telephone number;
 4. Size of the banner or balloon;
 5. Building wall/location to mounted;
 6. Attachment/mounting method
 7. The number and size of other banners currently hung on the building and site; and
 8. Dates the banner or balloon is to be erected and removed.
- G.** Registration application for portable signs. Applications for registration of portable signs must be made in writing upon forms furnished by the Director. The application for a portable sign must contain the information specified below:

TITLE 32

SIGNS AND RELATED REGULATIONS

1. Portable sign owner's name, address and telephone number;
 2. Applicant's name, address and telephone number;
 3. Size, height and area of the portable sign; and
 4. For a portable sign registered to a specific site, the application must contain the following additional information:
 - a. Address of the site on which the portable sign is to be located or the address of the site adjoining the portion of the right-of-way where the sign is to be located;
 - b. Property owner's name and address; and
 - c. Number of public entrances to the building on the site.
- H.** Registration application for temporary fascia and temporary freestanding signs. Applications for registration of temporary fascia and temporary freestanding signs must be made in writing upon forms furnished by the Director. The application must contain the information specified below:
1. Property owner's name and address;
 2. Applicant's name, address, and telephone number;
 3. Size of temporary fascia or temporary freestanding sign;
 4. Location of installation on wall (for fascia signs) or on property (for freestanding signs); and
 5. Dates the temporary sign is to be erected and removed.
- I.** Information on plans and drawings. All plans and drawings must be complete and drawn to scale. Line quality and contrast must be easily read and result in a readable document after photocopying, microfilming, scanning or similar reproduction. All plans and calculations must be on substantial paper. The plans must provide the appropriate wind, seismic, dead load and load combinations for each sign and awning. The plans must show the dimensions, materials, connections and attachments. If the sign or awning is to be attached to a building, the plans must contain information specifying the attachment methodology and information justifying the adequacy of building members to support the loads imposed by the sign, sign structure or awning. The plans for the foundation and attachment of permanent signs and awnings must be prepared and sealed by a State of Oregon registered engineer.

TITLE 32
SIGNS AND RELATED REGULATIONS

- J.** Expiration of application. An application for a permit or registration for any proposed sign or awning will be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit or registration has been issued. The Director may grant one extension for a time not to exceed 180 days. The extension must be requested by the applicant in writing.
- K.** Delegation of Registration. The Director is authorized to establish a program that delegates registration of signs through third parties. The Director must establish the program in accordance with the procedures established in Section 32.60.020, Rulemaking.

32.62.030 Review of Applications and Issuance of Permits.

(Amended by Ordinance Nos. 176469 and 176955, effective October 9, 2002.)

- A.** Review of applications.
 - 1.** General. Applications for sign permits and registrations will be reviewed for compliance with the requirements of this Title. Proposals for signs and awnings that are allowed without other reviews are reviewed for compliance with the requirements of this Title. The review is a nondiscretionary administrative review. Decisions on application are made by the Director and are final. The review will be done according to general operating procedures of the Bureau of Development Services and the City.
 - 2.** Actions of the Director. Where the Director finds that a proposed sign or awning does not comply with this Title, the Director must either require revisions to the proposal, require additional reviews or deny the application.
 - 3.** Additional reviews required. Applications for permits or registration for signs that require additional reviews, or that do not comply with the provisions of this Title, may require additional review according to procedures described in Chapters 32.38 and 32.44.
- B.** Issuance of permits and registrations.
 - 1.** General. No sign permit or registration will be issued until the application is approved by the Director.
 - 2.** Electrical sign contractor. Permits for signs containing electrical components will be issued only to an appropriately licensed State of Oregon electrical contractor or the owner of the property. Lighting for awnings or indirect lighting for signs require a separate electrical permit.
 - 3.** Permits issued to property owners. Permits for signs or awnings containing electrical components will be issued to a property owner only where all

TITLE 32

SIGNS AND RELATED REGULATIONS

work done under the permit will be performed by the owner or by a member of the immediate family of the owner and when the owner does not intend to sell, exchange, lease or rent the property within 6 months of final approval of the permitted work.

4. Access consent required. As a condition of permit or registration issuance, the responsible party must agree to allow access to the site for all inspections to be conducted.
5. Posting of sign permit and sticker and registration sticker.
 - a. Sign permits and stickers. A sign permit for permanent signs attached to buildings and freestanding signs must be prominently posted in a location visible from the outside of the building located closest to the location of the sign installation until such time that the sign has received final inspection and has been approved.

Permanent signs must be permanently identified with a sign sticker provided by the Director.

- b. Temporary banners, balloons, temporary fascia, temporary freestanding, and portable signs. Temporary banner, temporary balloon, temporary fascia, temporary freestanding, and portable sign registration must be identified with a registration sticker for each registration period. Stickers must be affixed to the approved banner, balloon, fascia or freestanding sign, or approved portable sign in a location that is visible from the right-of-way. Registration stickers must remain affixed and visible for the entire registration period during which the sign is visible from the right-of-way.
6. Identification. The installer of a permanent sign or permanent banner must display on the sign or banner the installer's name and date of installation.

32.62.040 Life of Permit and Registration Limited.

(Amended by Ordinance Nos. 176469 and 188647, effective November 17, 2017.)

A. Sign and awning permits.

1. Initial permit. If no inspection approval has taken place within six months of issuance of a sign or awning permit, the permit is void, and no further work may be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit is deemed to be automatically extended for six months, until final approval is granted.

TITLE 32
SIGNS AND RELATED REGULATIONS

2. Extensions. The Director may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond the permittee's control. A request for permit extension must be in writing and must be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit is void. A permit may be extended only once under the standards of this subparagraph.
3. Renewals. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. A permit may be renewed only once. No permit that has been expired for more than six months may be renewed.

B. Registration.

1. Temporary banners. Each registration for a temporary banner is valid for a maximum of 30 days. A banner may be registered for a maximum of 6 times in a calendar year.
2. Balloon signs. Registration for temporary balloons is valid for a maximum of one week. Balloon registrations may not be extended or renewed.
3. Portable signs. Registration for portable signs is valid for either 1 or 2 years as requested by the applicant. At the end of each registration period, portable sign registration must be renewed or the sign must be removed from display. There is no limit to the number of renewals for a portable sign registration.
4. Temporary fascia or temporary freestanding signs. Registration for temporary fascia and temporary freestanding signs is valid for a maximum of 360 days. Registrations may not be extended or renewed.

32.62.050 Suspension or Revocation.

The Director may suspend or revoke a permit or registration issued under the provisions of this Title. The Director will inform the permit holder of the suspension or revocation in writing. Permits and registrations may be suspended or revoked when:

- A. The permit or registration is issued in error;
- B. The permit or registration is issued on the basis of incorrect information supplied by the applicant; or
- C. The permit or registration is issued in violation of any of the provisions of this Title.
- D. A registered portable sign has been the subject of multiple citations.

TITLE 32
SIGNS AND RELATED REGULATIONS

CHAPTER 32.64 - INSPECTION

Sections:

32.64.010 General.
32.64.020 Inspections.
32.64.030 Refusal of Entry.

32.64.010 General.

- A.** The Director may conduct inspections whenever it is necessary to enforce any provision of this Title, to determine compliance with this Title or whenever the Director has reasonable cause to believe there exists any violation of this Title.
- B.** Inspections will occur at reasonable times of the day. If the responsible party is at the site when the inspection is occurring, the Director or authorized representative will first present proper credentials to the responsible party and request entry. If such entry is refused, the Director will have recourse to any remedy provided by law to obtain entry, including obtaining an administrative search warrant.

32.64.020 Inspections.

- A.** Signs and awnings with permits. The Director will conduct the following inspections on signs and awnings for which a permit has been issued. The permit holder must notify the Director at the appropriate inspection phases that the work is ready for inspection. Inspections are required at the following stages of construction:
 - 1.** Foundation, anchorage, attachments and other structural support of the sign, sign structure and awning.
 - 2.** Electrical connections of the sign, sign lighting or awning lighting. No person may make connections of a sign, sign lighting or awning lighting to a power source until all electrical components and connections have been approved.
 - 3.** Final sign installation to determine compliance with the approved plans.
- B.** Registered signs. The Director will conduct random inspections to determine compliance of registered banners, balloons, temporary fascia, temporary freestanding, and portable signs with the provisions of this Title.
- C.** Other inspections. The Director may conduct other inspections not specifically addressed above to determine compliance with this Title.

TITLE 32
SIGNS AND RELATED REGULATIONS

- D.** Re-inspections. The Director may conduct re-inspections whenever a sign or awning is found not to be in compliance with this Title or with the issued permit or registration.

32.64.030 Refusal of Entry.

No person may refuse entry or access to a site of a permitted or registered sign or awning to any authorized representative of the Director who provides proper credentials and requires entry for the purpose of conducting an inspection. In addition, no person may obstruct, hamper or interfere with representatives of the Director while in the process of carrying out their official duties.

TITLE 32
SIGNS AND RELATED REGULATIONS

CHAPTER 32.66 - ENFORCEMENT

Sections:

- 32.66.010 Violations.
- 32.66.020 Civil Penalties and Fees.
- 32.66.030 Citations.
- 32.66.040 Stop Work Orders.
- 32.66.050 Review by the Director.

32.66.010 Violations.

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

32.66.020 Civil Penalties and Fees.

(Amended by Ordinance Nos. 176469 and 183793, effective May 19, 2010.) A violation of this Title may result in assessment of civil penalties or enforcement fees, as provided below:

- A.** Civil penalties.
 - 1.** For each separate violation, a civil penalty of up to \$1,000 may be assessed.
 - 2.** In determining the amount of any civil penalty to be assessed, the Director will consider the following:
 - a.** The nature and extent of the responsible party's involvement in the violation;
 - b.** The benefits, economic, financial or otherwise, accruing or likely to accrue as a result of the violation;
 - c.** Whether the violation was isolated and temporary, or repeated and continuing;

TITLE 32
SIGNS AND RELATED REGULATIONS

- d.** The magnitude and seriousness of the violation;
- e.** The City's cost of investigation and remedying the violation;
- f.** Any other applicable facts bearing on the nature and seriousness of the violation.

B. Administrative enforcement fees.

- 1.** In addition to other penalties and fines, the Director may charge a penalty in the form of a monthly enforcement fee or penalty for any violation that meets the following conditions:
 - a.** Either a citation, as described in Section 32.66.030, Citations, or a stop work order, as described in Section 32.66.040, Stop Work Orders, has been issued; and
 - b.** A response period of at least 30 days has passed since the citation or stop work order became final; and
 - c.** The violation, as described in the initial citation of violation or stop work order or any subsequent citation or stop work order, has not been corrected, inspected and approved.
- 2.** The amount of the monthly enforcement fee or penalty shall be charged as set forth in the Enforcement and Penalty Fee Schedule as approved by City Council. If the responsible party does not have all violations corrected, inspected and approved within three months from the date of the initial notice of citation or stop work order, then monthly enforcement fees or penalties will subsequently be twice the amount stated in the Enforcement Fee and Penalty Schedule as approved by City Council.
- 3.** Once the monthly enforcement fees or penalties begin, they will continue until all violations identified in the initial citation or stop work order, or any subsequent citations or stop work orders, have been corrected, inspected and approved.
- 4.** The responsible party must notify the Director when the responsible party believes that all violations listed in the initial citation or stop work order, or any subsequent citations or stop work orders, have been corrected. Upon confirmed receipt of such notice, the Director will promptly schedule an inspection of the violation and will notify the responsible party if any violations remain uncorrected.
- 5.** When a violation meets the conditions for charging an enforcement fee or penalty as described in this Section, the Director will file a statement with

TITLE 32

SIGNS AND RELATED REGULATIONS

the City Auditor that identifies the property, the amount of the monthly fee or penalty, the amount of citations fines, and the date from which the charges are to begin. The City Auditor will then:

- a.** Notify the responsible party of fines and enforcement fees and penalties;
 - b.** Record a property lien in the Docket of City Liens;
 - c.** Bill the responsible party monthly for the full amount of the accumulated fines and enforcement fee or penalty owing, plus additional 10 percent charges to cover the administrative costs of the City Auditor; and
 - d.** Maintain lien records until:
 - (1)** The lien and all associated interest, fines, penalties, charges, and costs are paid in full; and
 - (2)** The Director certifies that all violations listed in the initial and any subsequent citations or stop work orders have been corrected, inspected and approved.
- C.** Portable sign penalties. In addition to other penalties and fees established in this section, where a registered or temporary portable sign has been the subject of multiple citations, the Director may either impound the sign, or revoke the registration of a sign or prohibit future portable sign registrations to the owner of the sign, or any combination of these actions. The Director may charge, in addition to any other fine, the administrative costs of impounding a portable sign.

32.66.030 Citations.

- A.** If the Director has reasonable belief that a violation has occurred, the Director may issue a citation. The citation may be personally delivered to the responsible party, or may be delivered by Registered or Certified Mail to the responsible party. The citation will include:
- 1.** A reference to the particular section or sections of this Title that have been or are being violated;
 - 2.** A short and plain statement of the matters asserted or charged;
 - 3.** A statement of the amount of the applicable penalties; and
 - 4.** A reference to the process by which the responsible party may request review by the Director.

TITLE 32
SIGNS AND RELATED REGULATIONS

- B.** The responsible party cited as violating this Title must, within 15 days of receiving the citation, pay to the City the stated penalty or request review by the Director. If, after review by the Director, the Director upholds the civil penalty, payment of the penalty must be received by the City or postmarked no later than 15 days after the review determination becomes final.

32.66.040 Stop Work Orders.

- A.** When any work is being in violation of this Title, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, the responsible party may not resume work until such time as the Director gives specific approval in writing. The stop work order will be in writing and will include:
- 1.** The date that the order is issued;
 - 2.** The permit or registration number, where applicable;
 - 3.** The site address, legal description or project location that is subject to the order;
 - 4.** A description of the violations that have been observed; and
 - 5.** The conditions under which the work may resume.
- B.** The stop work order will be posted by the Director at a conspicuous location at the site. In addition, a copy of the order will either be personally delivered to the responsible party, or delivered by Registered or Certified Mail to the responsible party. If the responsible party is not the property owner, a copy of the stop work order will also be sent to the property owner.
- C.** It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
- D.** A stop work order is effective upon posting.
- E.** When an emergency condition exists, the Director may issue a stop work order orally. The Director will then issue a written order as provided under Subsection A., above, within one working day.

32.66.050 Review by the Director.

- A.** If a responsible party has received a written citation or stop work order as described in this Chapter and the responsible party believes the citation or order has been issued in error, the responsible party may request that the citation or order be

TITLE 32

SIGNS AND RELATED REGULATIONS

reviewed by the Director. The responsible party must submit a written request to the Director within 15 days of the date of the citation or order. The written request shall be submitted together with all evidence that supports the responsible party's request. Work subject to a stop work order may not be resumed until approved according to Section 32.66.040, Stop Work Orders. Following review, the Director will issue a written determination. The Director's determination will be served on the responsible party by regular mail.

- B.** A responsible party may appeal the Director's written determination to the Code Hearings Officer in accordance with Chapter 22.10 of Portland City Code.
- C.** Nothing in this Chapter limits the authority of the Director to initiate a code enforcement proceeding under Title 22, Hearings Officer for any violations of this Title.

TITLE 32
SIGNS AND RELATED REGULATIONS

CHAPTER 32.68 - FEES

Sections:

- 32.68.010 General.
- 32.68.020 Sign Permit Fees.
- 32.68.030 Fee refunds.

32.68.010 General.

Before any permit or registration required by this Title may be issued, the applicant must pay a permit or registration fee to the City as specified in this Title.

32.68.020 Sign Permit Fees.

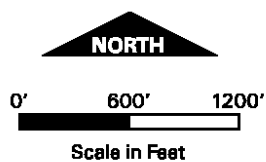
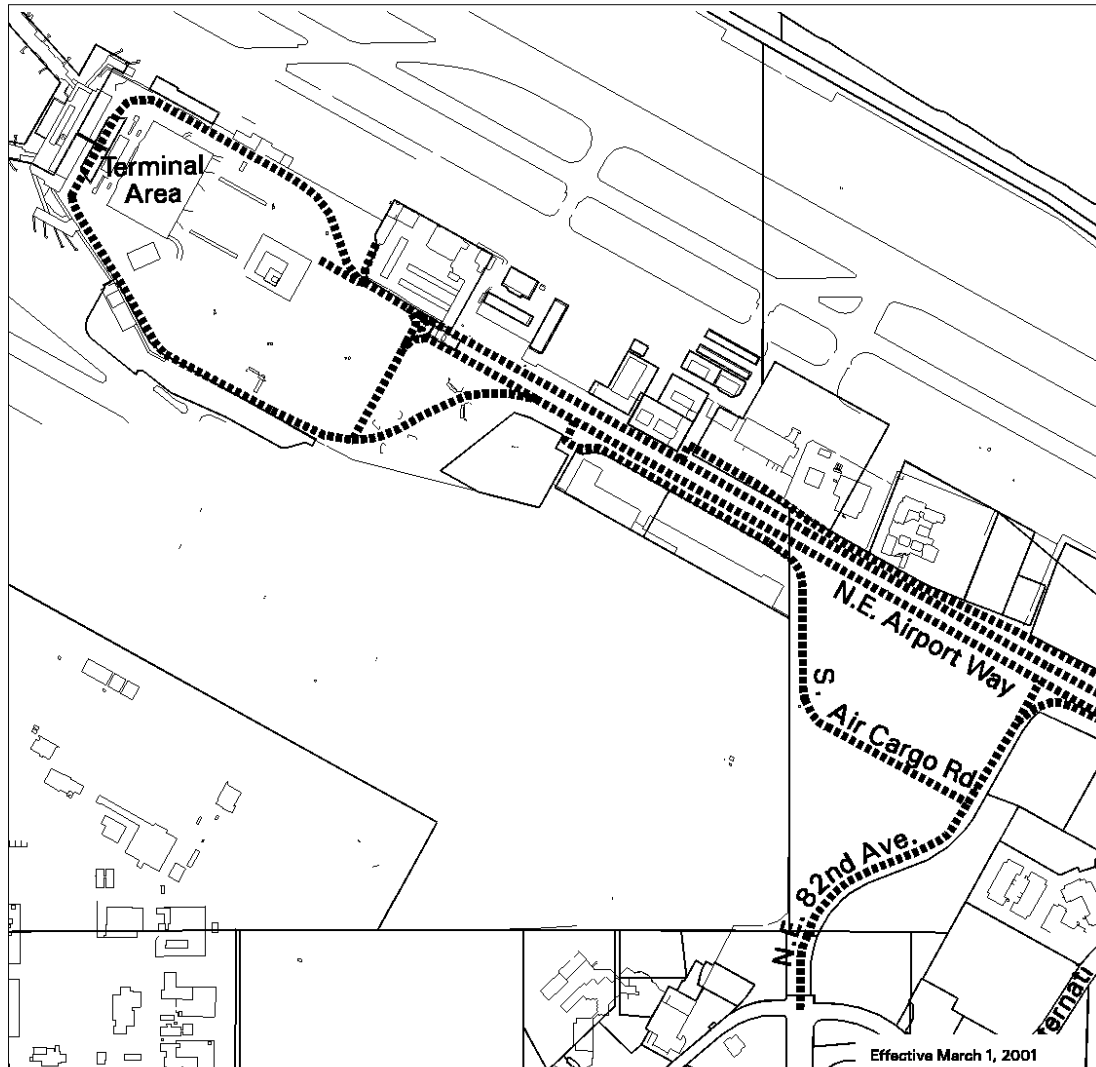
All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.

32.68.030 Fee Refunds.

Fee refunds may occur according to this section. Exceptions to the requirements of this section may be made by the Director.

- A.** Permit, registration and plan check fees will, as a general rule, be refunded when the services covered by the fee have not commenced, or the permit, registration or plan review fees were paid incorrectly due to an error on the part of the City. When a permit applicant requests a refund, but the City was not at fault in accepting payment, fees will be retained to cover the cost of plan review or inspections actually performed and 20 percent of the amount remaining.
- B.** State surcharge fees are only refundable when a permit was issued in error.
- C.** Requests for refunds must be made within six months of payment, permit issuance or registration issuance, whichever occurred last.
- D.** Refunds are to be made to the same person or firm who paid the fee.

**TITLE 32
SIGNS AND RELATED REGULATIONS**

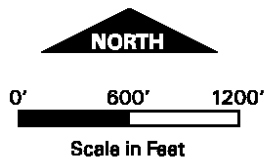
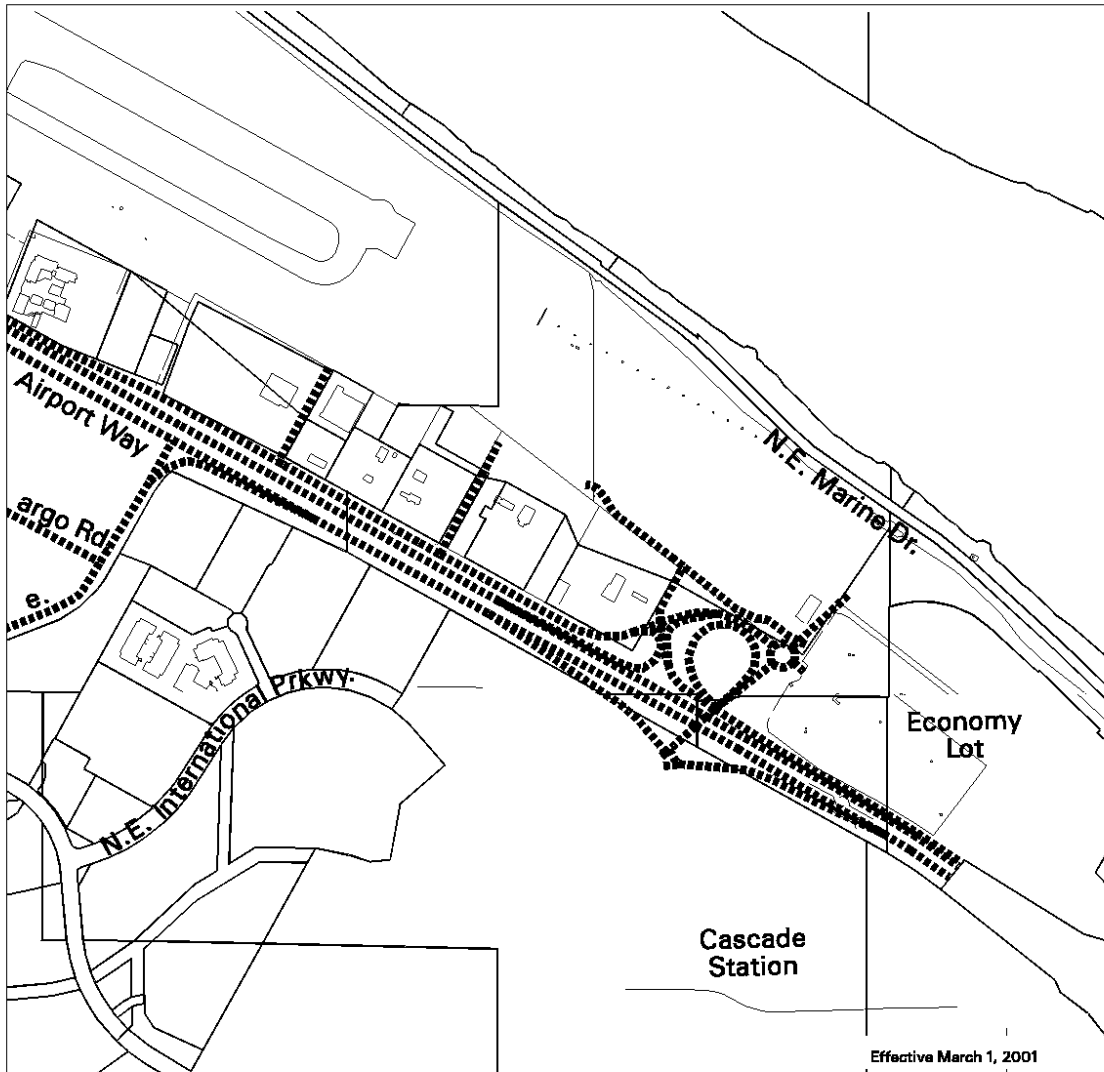


Map 1 Portland International Airport Sign Exception

----- Exception Streets

Note: Portland International Airport street right-of-way widths extend to abutting lease lines. Where no abutting lease lines exist, the right-of-way will be defined as within 15 feet of the outside curb line or edges of pavement.

Bureau of Planning • City of Portland, Oregon



Map 2

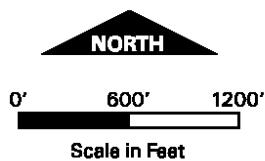
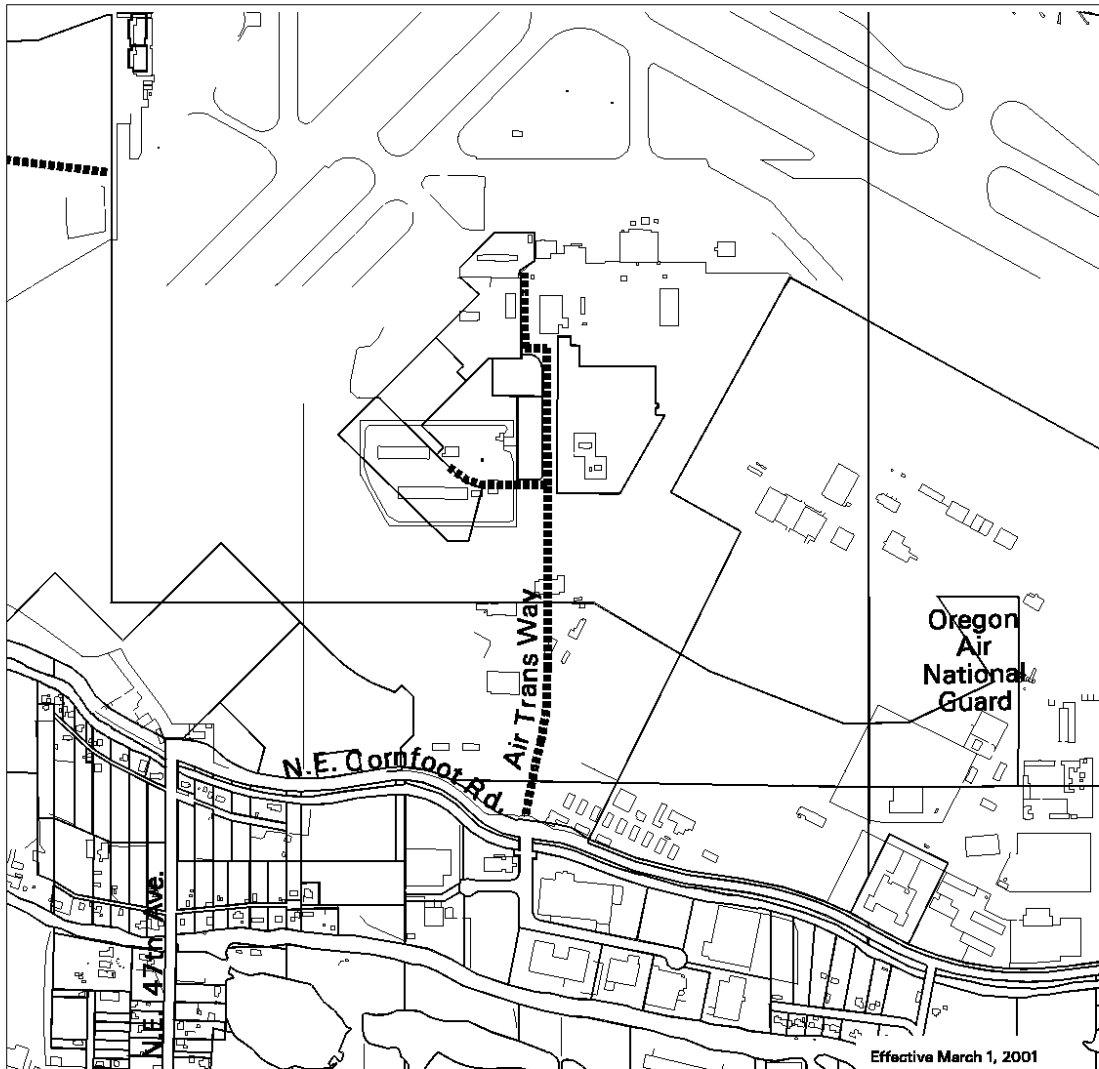
Portland International Airport Sign Exception

----- Exception Streets

Note: Portland International Airport street right-of-way widths extend to abutting lease lines. Where no abutting lease lines exist, the right-of-way will be defined as within 15 feet of the outside curb line or edge of pavement.

Bureau of Planning • City of Portland, Oregon

**TITLE 32
SIGNS AND RELATED REGULATIONS**

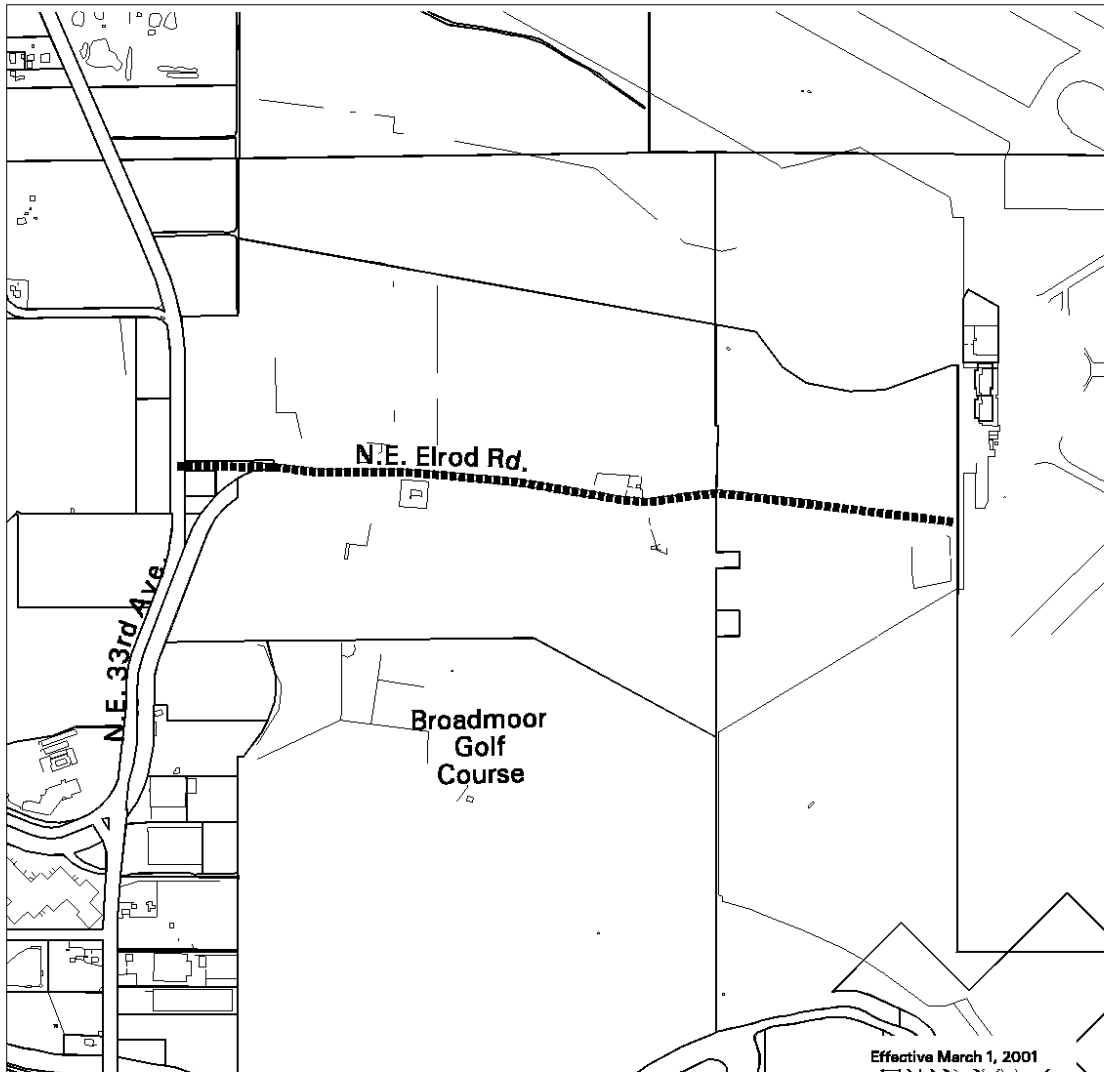


Map 3 Portland International Airport Sign Exception

----- Exception Streets

Note: Portland International Airport street right-of-way widths extend to abutting lease lines. Where no abutting lease lines exist, the right-of-way will be defined as within 15 feet of the outside curb line or edge of pavement.

Bureau of Planning • City of Portland, Oregon



Map 4

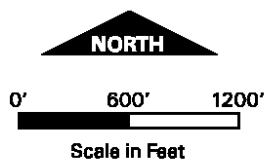
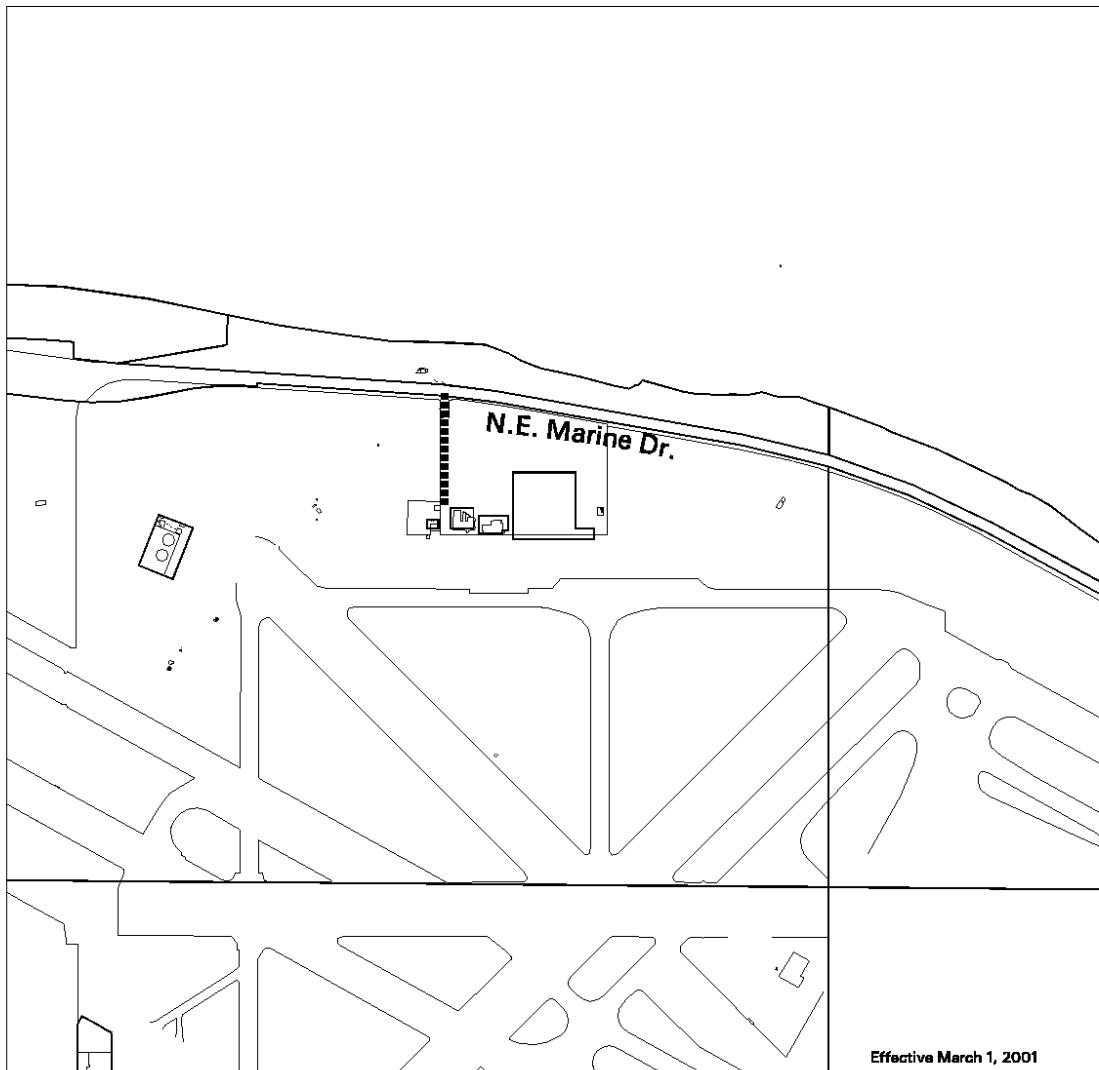
Portland International Airport Sign Exception

..... Exception Streets

Note: Portland International Airport street right-of-way widths extend to abutting lease lines. Where no abutting lease lines exist, the right-of-way will be defined as within 15 feet of the outside curb line or edge of pavement.

Bureau of Planning • City of Portland, Oregon

TITLE 32
SIGNS AND RELATED REGULATIONS



Map 5 Portland International Airport Sign Exception

----- Exception Streets

Note: Portland International Airport street right-of-way widths extend to abutting lease lines. Where no abutting lease lines exist, the right-of-way will be defined as within 15 feet of the outside curb line or edge of pavement.

Bureau of Planning • City of Portland, Oregon