UPDATE INFORMATION

Vols. I & II – Portland City Code

December 31, 2018 – Quarterly Update

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Previous Update Packet September 30, 2018

CODE OF THE CITY OF PORTLAND, OREGON
Insertion Guide for Code Revisions
Office of the City Auditor 503-823-4082
4th Quarter 2018 (December 31, 2018)

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TITLE 1 - GENERAL PROVISIONS

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TITLE 1 - GENERAL PROVISIONS

CHAPTER 1.01 - CODE ADOPTION

Sections:

1.01.010 Title - Citation - Reference.

This Code shall be known as the "Code of the City of Portland, Oregon," and it shall be sufficient to refer to this Code as the "Code of the City of Portland, Oregon," in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Code of the City of Portland, Oregon." Further reference may be had to the Titles, Chapters, Sections, and Subsections of the "Code of the City of Portland, Oregon," and such reference shall apply to that numbered Title, Chapter, Section, or Subsection as it appears in this Code.

1.01.020 Reference Applies to Amendments.

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

1.01.030 Codification Authority.

This Code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances of the City of Portland, Oregon, codified pursuant to State law.

1.01.035 City Auditor to Specify the Form and Style of City Code Provisions.

(Added by Ordinance No. 156865; effective December 6, 1984.)

A. The City Auditor shall provide for a uniform form and style for provisions of the City Code. The Auditor may make minor corrections to such ordinances submitted for filing to provide the required uniformity. The Auditor shall also have authority to change the form and style of current provisions of the City Code to conform to the requirements provided for by the Auditor.

B. Subject to approval of the City Attorney, the Auditor shall have authority to rearrange, renumber, reletter, capitalize, punctuate and divide provisions of the City Code, and to correct clerical errors and omissions and insert captions in accordance with the meaning and intent of the provisions of the Code, and may delete provisions which have become inoperative or ruled invalid by a court of competent jurisdiction.

C. The Auditor may substitute any current title of an officer, bureau, department, commission or committee in lieu of the title originally appearing in the Code provision, in accordance with changes of title or duties subsequently made by law.

1.01.037 Planning Director Authority to Correct Portland Comprehensive Plan and Zoning Code Maps.

(Added by Ordinance No. 177422; Amended by Ordinance Nos. 181357 and 182671, effective May 15, 2009.) Subject to the approval of the City Attorney, the Director of the Bureau of Planning and Sustainability shall have the authority to correct the Comprehensive Plan Map and Portland Zoning maps, including the City's Official Zoning Map:

A. When a map line does not match the legal description or map referenced in the ordinance or approved land use decision that applied the designation; or

B. When there is a discrepancy between maps and there is clear legislative intent for where the line should be located; or

C. When the Open Space zone has been applied to property in private ownership that is not in an open space use, or is not receiving special tax considerations because of its status as open space.

Comprehensive Plan and Zoning map corrections initiated under this Section must be clear and objective. Discretionary map corrections must be processed under the procedures set forth in Sections 33.810.080 and 33.855.070.

1.01.040 Definitions.

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

A. **"City"** means the City of Portland, Oregon, or the area within the territorial City limits of the City of Portland, Oregon, and such territory outside of this City over which the City has jurisdiction or control by virtue of ownership or any Constitutional or Charter provisions, or law;

B. **"City Council"** or **"Council"** means the City Council of the City of Portland, Oregon;

C. **"County"** means the County and/or Counties of Multnomah, Washington, and Clackamas;

D. **"Mayor"** means the Mayor of the City of Portland, Oregon;

E. **"Commissioner"** means a Commissioner of the City of Portland, Oregon. If "Commissioner" or "Commissioner in Charge" is used in connection with any department, bureau, or division, it shall mean the Commissioner In Charge of such department, bureau, or division.

F. **"Charter"** or **"Ordinance"** means the Charter or Ordinance of the City, unless otherwise specifically designated;

G. **"Oath"** includes affirmation;

H. **"Office"** or **"officer."** The use of the title of any officer, employee, or any office means such officer, employee, or office of the City, unless otherwise specifically designated.

I. **"Person"** means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer, or employee of any of them;

J. **"State"** means the State of Oregon;

K. **"Shall"** and "must." Each is mandatory;

L. **"May"** is permissive;

M. **"Written"** includes handwritten, printed, typewritten, mimeographed, multigraphed, or otherwise duplicated from printed or written material;

N. **"Law"** denotes applicable federal law, the Constitution of the United States, the Constitution and statutes of the State of Oregon, the Charter and Ordinances of the City of Portland, Oregon, and when appropriate, any and all rules and regulations which may be promulgated thereunder, and court decisions.

1.01.050 Grammatical Interpretation.

The following grammatical rules shall apply in this Code.

A. **Gender.** Any gender includes other genders;

B. **Singular and plural.** The singular number includes the plural and the plural includes the singular;

C. **Tenses.** Words used in one tense include any other tenses as the context may require;

D. **Use of words and phrases.** Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language.

1.01.060 Construction.

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

1.01.070 Title, Chapter, and Section Headings.

Title, Chapter, and Section Headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any Title, Chapter, or Section hereof.

1.01.080 Reference to Specific Ordinances.

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

1.01.090 Effect of Code on Past Actions and Obligations.

Neither the adoption of this Code nor the repeal or amendment hereby of any ordinance or a part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty due and unpaid at said effective date under such ordinances, nor be construed as affecting any of the provisions

of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. When a requirement or obligation under a prior ordinance superseded by this Code is continued by this Code in substantially similar terms, the requirement or obligation and any time limit fixed by the prior ordinance, or by official act, or notice thereunder shall continue, and time shall be computed, in accordance with the terms of the prior ordinance, act or notice.

1.01.100 Repeal Shall Not Revive Any Ordinances.

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

1.01.110 Repeal.

The following general ordinances of the City are repealed, subject to preservation thereof under Section 1.01.090:

A. Code of General Provisions, Ordinance No. 77820:

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

B. Legislation and Elections Code, Ordinance No. 77641:

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

C. Administration Code, Ordinance No. 77780:

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

D. Finance Code, Ordinance No. 777613:

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

E. Public Works Code, Ordinance No. 128743:

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

F. Planning and Zoning Code, Ordinance No. 110103:

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

G. Building Code, Ordinance No. 103415:

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

H. Housing Code, Ordinance No. 115647:

"An Ordinance to be known as the Housing Code for the City of Portland, Oregon, to provide health and sanitary regulations for buildings used for human habitation; prescribing penalties, fixing an effective date, repealing Ordinance No. 86820,

passed by the Council March 4, 1948, and all ordinances amendatory thereto, but preserving the same for certain purposes, and preserving certain war Code permits as provided in Ordinance No. 104586," passed by the Council August 16, 1962, as amended.

I. Heating and Ventilating Code, Ordinance No. 77094:

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

J. Plumbing Code, Ordinance No. 77482:

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

K. Water Code, Ordinance No. 115258:

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

L. Electrical Code, Ordinance No. 126527:

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

M. Air Quality Control Code, Ordinance No. 118114:

"An Ordinance providing for the control of air quality within Portland by providing standards of maximum permissible emissions [sic] of air contaminants, with exemptions, providing for registration by persons emitting the contaminants, providing for the enforcement by the Health Officer by order with a procedure of appeal from such order, or enforcement by judicial process, providing for variances from certain provisions, providing for a penalty for violation, and repealing Article

22 of Ordinance No. 77013, Health and Sanitation Code," as passed by the Council February 27, 1964, as amended.

N. Fire Code, Ordinance No. 114851:

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

O. Sign Code, Ordinance No. 76571: "An Ordinance providing for the Sign Code, defining terms, regulating the erection, construction, and maintenance of signs within the corporate limits of the City of Portland, providing for permits and fees, and fixing penalties for violation thereof," passed by the Council January 15, 1942, as amended.

P. Police Code, Ordinance No. 76339:

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

Q. Elevator Code, Ordinance No. 77614:

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

R. Health and Sanitation Code, Ordinance No. 77013:

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

S. Traffic Code, Ordinance No. 75607:

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

T. License and Business Code, Ordinance No. 76398:

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

U. Disaster Code, Ordinance No. 127292:

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

1.01.120 Exclusions.

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

1.01.130 Effective Date.

This Code shall be effective on or after May 15, 1970.

1.01.140 Violations - Penalty.

It is unlawful for any person to violate any provision or to fail to comply with any requirement of this Code. Any person violating any provision or failing to comply with any requirement of this Code, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine of not more than $500, or by imprisonment for a period of not more than 6 months, or by both such fine and imprisonment. However, no greater penalty shall be imposed than the penalty prescribed by the Oregon statute for the same act or omission. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and may be punished accordingly. In addition to the penalties herein above provided, any condition caused or permitted to exist in violation of any provision of this Code is a public nuisance and may be summarily abated

by the City as authorized by this Code. In addition, property shall be forfeited and City license may be suspended or revoked as provided in this Code.

1.01.150 Prohibited Acts Include Causing, Permitting, Etc.

Any act or omission made unlawful under this Code shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing such act or omission.

1.01.160 Constitutionality.

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

1.01.170 Consistency With State Law Criminal Law.

(Added by Ordinance No. 168708, effective April 19, 1995.) This Code shall be construed so as to render it consistent with state criminal law, and any procedures or defenses made available in the prosecution of the same or similar offenses under state criminal law shall apply in prosecutions under this Code.

CHAPTER 1.03 - CODE OF ETHICS

(Chapter added by Ordinance No. 167619, effective May 4, 1994.)

Sections:

1.03.010 Definitions.

A. **"City official"** means any elected official, employee, appointee to a board or commission, or citizen volunteer authorized to act on behalf of the City of Portland, Oregon.

B. **"Ethics"** means positive principles of conduct. Some ethical requirements are enforced by federal, state, or local law. Others rely on training, or on individuals' desire to do the right thing. The provisions of this Chapter which are not elsewhere enforced by law shall be considered advisory only.

1.03.020 Trust.

The purpose of City government is to serve the public. City officials treat their office as a public trust.

A. The City's powers and resources are used for the benefit of the public rather than any official's personal benefit.

B. City officials ensure public respect by avoiding even the appearance of impropriety.

C. Policymakers place long-term benefit to the public as a whole above all other considerations, including important individuals and special interests. However, the public interest includes protecting the rights of under-represented minorities.

D. Administrators implement policies in good faith as equitably and economically as possible, regardless of their personal views.

E. Whistle-blowing is appropriate on unlawful or improper actions.

F. Citizens have a fair and equal opportunity to express their views to City officials.

G. City officials do not give the appearance of impropriety or personal gain by accepting personal gifts.

H. City officials devote City resources, including paid time, working supplies and capital assets, to benefit the public.

I. Political campaigns are not conducted on City time or property.

1.03.030 Objectivity.

City officials' decisions are based on the merits of the issues. Judgment is independent and objective.

A. City officials avoid financial conflict of interest and do not accept benefits from people requesting to affect decisions.

B. If an individual official's financial or personal interests will be specifically affected by a decision, the official is to withdraw from participating in the decision.

C. City officials avoid bias or favoritism, and respect cultural differences as part of decision-making.

D. Intervention on behalf of constituents or friends is limited to assuring fairness of procedures, clarifying policies or improving service for citizens.

1.03.040 Accountability.

Open government allows citizens to make informed judgments and to hold officials accountable.

A. City officials exercise their authority with open meetings and public records.

B. Officials who delegate responsibilities also follow up to make sure the work is carried out efficiently and ethically.

C. Campaigns for election should allow the voters to make an informed choice on appropriate criteria.

D. Each City employee is encouraged to improve City systems by identifying problems and proposing improvements.

E. City government systems are self-monitoring, with procedures in place to promote appropriate actions.

1.03.050 Leadership.

A. City officials obey all laws and regulations.

B. City officials do not exploit loopholes.

C. Leadership facilitates, rather than blocks, open discussion.

D. Officials avoid discreditable personal conduct and are personally honest.

E. All City bureaus and work teams are encouraged to develop detailed ethical standards, training, and enforcement.

F. The City Auditor will publish a pamphlet containing explanations and examples of ethical principles.

CHAPTER 1.04 - CORPORATE SEAL

Sections:

1.04.010 Description.

(Amended by Ordinance No. 179441, effective August 3, 2005.) The seal of the City shall be 1-3/4 inches in diameter and is described left to right as follows: Three-masted ship, sails partially unfurled; auxiliary steam stack with smoke extending to the left; river extends from the left side of the seal slightly beyond the lower center; central figure of a woman straight front with face profile looking out on river; right hand holding three (separate) pronged spear: left hand pointing towards fir forest with Mt. Hood in background: six-pointed star over head of figure: cog wheel and sledge hammer at lower right; sheaf of grain at the right of figure. On the outer rim shall be the words: "City of Portland, Oregon," and the figures "1851." The impression of such seal is shown in figure 1.

Figure 1 - Section 1.04.010

CHAPTER 1.06 - OFFICIAL FLAG

Sections:

1.06.010 Description.

(Amended by Ordinance No. 176874 and 186794, effective October 3, 2014.) There is designated an official flag for the City to be known as the City flag and described as follows:

A. The standard size measures 5 feet in length by 3 feet in height. The background shall be green, symbolizing the forests and our green City. The design includes a four-pointed directional star, formed by the vertical and horizontal intersection of counterchanged light blue stripes, symbolizing our rivers. The blue stripes are paralleled with yellow stripes, symbolizing agriculture and commerce. The yellow stripes are separated from the green background and the blue river stripes by white lines called fimbriations. The white central star is positioned slightly left of center, toward the staff end of the flag, called the hoist. The design components are in multiples of 1-inch units, and the following description refers to the units within the basic design as viewed from the front side. Any variation in flag size must be based on the diagonal proportions of the basic design; i.e., when a length is selected, the height is determined by the intersection of the vertical at one end of the length, with the diagonal projection of the original design. The flag size is then divided into units similar to the original design.

B. The following is a description of the component parts of the flag:

The center point of the white star formed at the intersection of the counterchanged center band of the intersection is 26-1/2 inches (units) from the left (staff) side, and 17 inches (units) from the top. The star is 9 inches (units) high and wide, with four concave sides, and is formed at the intersection of the vertical and horizontal blue stripes by 4 inch radius quarter circles at the ends of the stripes.

C. The sizes of the background sections are as follows:

1. Canton (upper left hand section) 18 inches (units) wide and 14-1/2 inches (units) high,

2. Upper right hand section is 30 inches (units) wide and 9-1/2 inches (units) high,

3. Lower right hand section is 25 inches (units) wide and 14-1/2 inches (units) high,

4. Lower left hand section is 23 inches (units) wide and 9-1/2 inches (units) high,

D. The widths of the stripes are as follows:

1. The center band of blue is 4 inches (units) wide,

2. The flanking bands of white are 1 inch (unit) wide,

3. The yellow bands flanking the white are 2 inches (units) wide, and the outer bands of white flanking the yellow are 1 inch (unit) wide,

4. The total width of the arms is 12 inches (units).

E. All cloth colors are to be standard colors used for the fabrication of flags, and meeting the U.S. Flag Specifications for cotton and nylon.

Colors are: White - White; Blue - U.N. Blue; Yellow - Golden Yellow; Green - Kelly or Irish Green.

On printed or painted flags the colors shall match the following colors of the Pantone® Matching System (PMS): White; Blue - No. 279; Green - No. 349; Yellow - No. 1235.

1.06.020 Requirements for the Official Flag of the City When Displayed Outdoors from Pole or Staff and for Miniature Flags Wherever Displayed.

(Repealed by Ordinance No. 176874, effective October 4, 2002).

CHAPTER 1.07 - DOCUMENTATION OF RULES AND POLICIES

(Chapter added by Ordinance No. 175959, effective October 26, 2001.)

Sections:

1.07.010 Purpose.

The purpose of this Chapter is to establish a procedure by which formally adopted policies and administrative rules are collected and maintained in a format that provides easy access for the public. The repository created by this chapter supplements other resources that are maintained independently, such as the Portland City Code and the Portland Comprehensive Plan.

1.07.020 Definitions.

(Amended by Ordinance No. 177556, effective June 11, 2003.) As used in this Chapter, the following definitions apply:

A. "Binding City Policy" means statements of the City Council, expressed in a resolution or ordinance, that are directed to future decision-making or procedure and have binding effect or serve as mandatory approval criteria. Such resolutions or ordinances, if adopted after October 26, 2001, must state in their text that they are "Binding City Policy." Examples include policies establishing requirements for City employees or other matters regulating the City's budget and internal management. This category of policies excludes Comprehensive Plan Policies, which are organized separately.

B. "Non-binding City Policy" means a statement of a City Council's opinion that does not have binding effect or serve as mandatory approval criteria for future decision-making. Such resolutions or ordinances, if adopted after October 26, 2001, must state in their text that they are "Non-Binding City Policy." Examples include statements urging support for charitable or political efforts and statements encouraging civic involvement.

C. "Administrative rule" means binding requirements, regulations or procedures that are formally adopted by the City Council or a City official pursuant to rule-making authority expressly delegated by the Council. Administrative rule making authority must be adopted by Binding Resolution or Ordinance. An administrative rule adopted after October 26, 2001 must state in its text that it is an "Administrative Rule."

D. "Bureau Policy" means a requirement or procedure adopted by a Bureau, Department or Office in the absence of formally delegated rule-making authority that has binding effect on the Bureau, Department or Office. Examples include bureau-specific work rules and administrative procedures. Bureau policies are maintained and documented by the individual bureau, department or office.

E. "Formally adopted" means adopted by City Council or by another City official pursuant to procedures contained in a delegation of authority from the City Council.

F. "Comprehensive Plan Policy" means a policy that relates to the exercise of the City's zoning and land use responsibilities. Comprehensive plan policies are organized and maintained within the framework of the City's Comprehensive Plan.

G. "Legislation" means a municipal law, enacted by ordinance. Legislation is codified and maintained separately in the Portland City Code.

1.07.030 Creation of Portland Policy Documents repository.

The Auditor shall retain a copy of all binding city policies, non-binding city policies, and administrative rules. Those documents shall be placed in a repository to be known as the Portland Policy Documents ("PPD"). The PPD shall be available during normal working hours of the Auditor's Office and via Internet. Costs for providing copies or other services shall be recovered according to the standard practice of the Auditor's Office.

1.07.040 Creation of Index.

The Auditor shall create an index of documents in the PPD, organized by subject matter and by any additional methods deemed appropriate by the Auditor, to assist citizens with identifying and locating documents. The Auditor may also, at his or her discretion, provide automated tools for searching documents.

1.07.050 Publication to the Internet.

By January 1, 2002, the Auditor shall publish documents in the PPD to the Internet in the same manner as the Code. Documents published to the internet shall be kept current to the extent the Auditor has staff available for that purpose; however, documents published to the internet are provided only as a resource and do not constitute the official repository required by this Chapter.

1.07.060 Submission of Documents to Auditor for Filing in the PPD.

(Amended by Ordinance Nos. 177556, 178099 and 178475, effective June 9, 2004.)

A. As of November 1, 2001, all bureaus that adopt or amend documents required to be retained in the PPD shall submit a copy of those newly adopted or amended documents to the Auditor for inclusion in the PPD. It shall be the responsibility of each City official adopting or amending such documents to furnish the Auditor with a copy of any new or amended documents, including information concerning any items that are repealed, within 2 weeks of such adoption, amendment or repeal.

B. As of September 30, 2004, all documents in the categories listed in section 1.07.030 must be filed with the Auditor for inclusion in the PPD to be in effect.

C. All documents submitted for inclusion in the PPD shall be submitted in both paper and electronic form, using the format specified by the Auditor.

1.07.070 Format for PPD.

Although retaining flexibility in the format of individual policy documents is preferred, the Auditor is authorized to establish a standard format for documents that are retained in the PPD, to facilitate compilation and use of those documents by the public. Bureaus are authorized to reformat documents to comply with the Auditor's requirements without engaging in rulemaking procedures, so long as the reformatting does not result in substantive changes.

1.07.080 Status of PPD.

(Amended by Ordinance Nos. 177556, 178099 and 178475, effective June 9, 2004.) Documents kept in the PPD are not legislation. Rules and policies establishing requirements for City employees or other matters regulating the City's budget and internal management are binding on City bureaus and employees. Administrative rules are binding pursuant to the delegation of authority under which the rules were adopted. Documents in the repository are not land use decisions and do not in any manner constitute criteria for future decisions in the land use context. After September 30, 2004, policies and administrative rules defined in 1.07.020 A., B., C. that were previously adopted by the City Council or other City official but not filed in the PPD will be null and void.

1.07.090 Other City Documents Not Affected.

Documents required to be filed in the PPD represent a small percentage of the documents used in the performance of the City's business. Nothing in this Chapter is intended or shall be construed as limiting the availability or effect of documents that are not required to be filed in the PPD.

CHAPTER 1.08 - SERVICE OF NOTICE

Sections:

1.08.010 Methods - Proof.

Wherever notice is required to be given under a provision of the Municipal Code such notice may be given either by personal delivery thereof to the person to be notified or by disposition in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the same appears in the public records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of disposition in the post office. Whenever a different method of serving notice is prescribed in the Municipal Code for a specific purpose, all notices for such purpose shall be given as prescribed in such Code. Proof of giving any notice may be made by the certificate of any officer or employee of the City or by affidavit of any person over the age of 18 years which shows service in conformity with the provisions of the Municipal Code or of any other law applicable to the subject matter concerned.

POLICE ARREST DOCKET AND MUNICIPAL COURT TRANSCRIPT City of Portland, Oregon DEPARTMENT OF FINANCE AND ADMINISTRATION Bureau of Police						
Name of Defendant	Address of Defendant	Arresting Officer	Complainant	Charge	Where	Age
Nativity	Occupation	Bail	Plea	Fine	Days	Remarks

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

3.20.140 Police Review Board.

(Replaced by Ordinance No. 183657; Amended by Ordinance Nos. 183995, 186416, 189159 and 189292, effective December 12, 2018.)

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

B. Powers of the Board:

1. Review incidents and investigations. Except as provided in Code Section 3.20.140 J., the Board shall review incidents and investigated complaints of alleged misconduct by non-probationary sworn officers ("officers") who are employed by the Portland Police Bureau ("Bureau") in the following cases:

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

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

c. The following incidents involving use of force:

(1) All officer involved shootings.

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

(3) All in custody deaths.

(4) Any use of force where the recommended finding is "out of policy".

d. All investigations regarding alleged violations of Human Resources Administrative Rules regarding complaints of discrimination resulting in a recommended sustained finding.

e. Discretionary cases referred by the Chief, Branch Chief, or the IPR Director.

2. Probationary sworn officers. The Board shall review incidents and investigated complaints of alleged misconduct by Portland Police Bureau probationary officers when referred by the Chief, Branch Chief or the IPR Director. However, nothing in this section prohibits the Bureau from terminating the employment of a probationary officer without following the procedures of this section.

3. Recommendations to Chief. The Board shall make recommendations to the Chief regarding findings and discipline. The Board may make recommendations regarding the adequacy and completeness of an investigation. The Board may also make policy or training recommendations to the Chief. The Board shall make recommendations as to discipline based on discipline guidelines. The guidelines shall be developed by the Bureau in consultation with IPR

4. On September 1, 2010, the Board shall replace the Use of Force and Performance Review Boards set forth in the Bureau's 2009 Manual of Policy and Procedure. Before September 1, 2010, the Use of Force and Performance Review Board shall review incidents and investigated cases pursuant to the existing Bureau directives.

C. Composition of Board

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

a. Voting members

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

(a) Citizens shall be appointed for a term of no more than three years. Citizens may serve two full terms plus the remainder of any unexpired vacancy they may be appointed to fill.

(b) All citizen members must meet at least the following qualifications to participate on the PRB:

(i) Pass a background check performed by the Bureau.

(ii) Participate in Bureau training to become familiar with police training and policies.

(iii) Sign a confidentiality agreement.

(iv) Participate in ride alongs to maintain sufficient knowledge of police patrol procedures.

(c) The Chief or the City Auditor may recommend that City Council remove a citizen member from the pool for the following reasons:

(i) Failure to attend training

(ii) Failure to read case files

(iii) Objective demonstration of disrespectful or unprofessional conduct

(iv) Repeated and excessive unavailability for service when requested.

(v) Breach of confidentiality

(vi) Objective demonstration of bias for or against the police

(vii) Objective demonstration of conflict of interest

(2) One peer member of the same rank/classification as the involved officer; peer member will be selected from a pool of Bureau representatives pre-approved by the Chief.

(3) The Assistant Branch Chief who is the supervisor of the involved officer.

(4) The Director of IPR (or designee).

(5) A Commander or Captain who is the supervisor of the involved officer (RU Manager).

b. Advisory members

(1) The Office of Accountability and Professional Standards manager.

(2) Representative from Bureau of Human Resources.

(3) Representative from City Attorney's Office.

(4) The Internal Affairs Division Manager.

(5) Review Board Coordinator.

(6) Representative of Commissioner in Charge of the Bureau ("Commissioner in Charge").

(7) Representative of the Training Division.

(8) The Assistant Chief(s) that are not the supervisor of the involved member.

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

(1) Bargaining Units

(2) Involved Member

2. However, when the incident to be reviewed by the board involves the following use of force incidents, one additional citizen member drawn on a rotating basis from the pool of current Citizen Review Committee members, as those members are described in Code Section 3.21.080, and one additional peer member shall serve on the Board, for a total of seven voting members. A quorum of six voting members, including two citizen members, and the RU manager or designee, and four Advisory members is required to be present to make recommendations to the Chief.

a. All officer involved shootings.

b. Physical injury caused by an officer that requires hospitalization.

c. All in custody deaths.

d. Any use of force where the recommended finding is "out of policy".

3. Citizen Review Committee members serving on the Board shall be subject to the same qualification and removal standards as other citizen members of the Board.

4. A Citizen Review Committee member who participates in a Board review of an incident cannot participate in a later appeal to the Committee of the same allegation(s).

5. Removal from participation on the Board shall not affect Citizen Review Committee membership.

D. Access to information

1. All members of the Board shall have access to necessary and relevant documents and an equal opportunity to participate in Board deliberations.

a. The Bureau and IPR shall develop a Bureau Directive establishing confidentiality provisions and distribution timeline provisions of Board materials.

2. The RU manager or designee will provide a written recommendation of the findings, reasoning for the recommendation and disposition recommendation.

E. Board Facilitator

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

a. The Bureau and IPR shall develop a Bureau Directive establishing selection criteria and confidentiality provisions for the Facilitator(s).

b. The voting members of the Board shall schedule a meeting to recommend a pool of facilitators based the Bureau Directive for approval of the Commissioner in Charge in accordance with City contract rules.

2. The Board facilitator shall write the statement of recommended findings and discipline and a summary of any training and/or investigation issues or

concerns on behalf of the Board and submit the statement to the Chief within two weeks of the Board meeting date.

F. Board Recommendations

1. The Board shall prepare a statement of its recommended findings and proposed discipline, if any, in every case for submission to the Chief. Such statement shall include:

a. The Board's recommended findings and a brief explanation of the Board's rationale for its recommendation, and a record of the Board's vote.

b. In the event that the Board is not unanimous, the statement shall contain a portion detailing the minority's recommendation.

2. The Board facilitator shall write the Board's statement of recommended findings and proposed discipline and a summary of any policy training and/or investigation issues or concerns on behalf of the Board and submit the statement to the Chief.

a. IPR and the Bureau will develop a Bureau Directive setting forth the timeliness provisions of the statement.

G. Appeal of Board Recommendation.

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

2. Until the appeal period allowed by Code Chapter 3.21 has expired, and if an appeal is filed, until there is a final decision by the Citizen Review Committee or Council, the Chief may not issue proposed discipline or make recommendations to the Commissioner in Charge.

3. The Director of IPR, the Chief of Police, or Commissioner in Charge may request an expedited hearing by the Citizen Review Committee of an appeal when deemed necessary due to the nature of the underlying complaint.

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

1. In the following cases, the Chief shall make a recommendation regarding the appropriate findings and level of discipline to the Commissioner in Charge:

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

b. The following incidents involving use of force:

(1) All officer involved shootings.

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

(3) All in custody deaths.

(4) Any use of force where the recommended finding "out of policy".

2. In the cases described in Subsection 1 above, the Commissioner in Charge shall make the final decision on findings and discipline, consistent with obligations under state and federal law, Portland City Charter and collective bargaining agreements.

3. In all other cases, unless the Commissioner in Charge exercises authority over the case, the Chief shall make the final decision on proposed findings and discipline, consistent with obligations under state and federal law, Portland City Charter and collective bargaining agreements.

4. In all cases where the Chief's and Police Commissioner's final discipline is outside of the range recommended by the discipline guide, the Chief and Police Commissioner shall provide an explanation in the final discipline letter of the reason or reasons for imposing discipline outside of the recommended range. The Chief and Police Commissioner shall not be required to disclose information that is confidential or otherwise protected against disclosure. The cumulative report of discipline imposed outside of the recommended range shall be included in the PPB semi-annual report.

I. Public reports. As often as deemed necessary by the Board, but at least twice each calendar year, the Board shall publish public reports summarizing its statements of findings and a summary of any training and/or investigation issues or concerns. Except as provided otherwise in this Subsection, the reports shall keep confidential and not include involved officers' names, the names of witnesses, or the name of any complainants. The reports shall be written by the Board facilitator. The reports

may not be released before a final decision, including discipline if any, is made by the Chief or Commissioner in Charge.

1. The public reports shall include the following for each case brought before the Board:

a. Allegation(s) heard by the Board.

b. A factual summary of the case.

c. Summary of the Board's discussion.

d. Record of the Board's vote, including recommended findings and discipline.

e. Training and policy recommendations, including whether the recommendations were accepted by the Chief.

f. The final decision of the Chief or Commissioner in Charge.

2. The public reports shall include the names of involved officers and witnesses in cases of officer involved shootings or in custody deaths where the names of such persons have previously been publicly released in connection with the incident, unless confidentiality or non-disclosure is required by statute, a court order, an administrative order, or a collective bargaining agreement. Where the names have not been previously released, the report may include the names if the public interest requires disclosure or if nondisclosure would undermine the public's confidence.

3. The public reports shall include any stipulated agreements where a final decision has been reached.

J. Stipulated Findings and Discipline

1. The following categories of cases are not eligible for stipulated findings and recommended discipline: cases involving alleged use of excessive force; those categories of cases listed under Subsection 3.20.140 B.1.c.; cases involving alleged discrimination, disparate treatment or retaliation; reviews of officer involved shootings and in-custody deaths; and cases in which the Chief or the Commissioner in Charge does not agree to accept the member's proposed stipulation to findings and recommended discipline. These categories of cases, if they otherwise meet the criteria for review by the Board, shall go through Board review and recommendations.

2. The following categories of investigations are eligible for stipulated findings and recommended discipline without review by the Board when

the involved member elects, with the concurrence of the Chief and the Commissioner in Charge, to accept the proposed findings and recommended discipline of the RU Manager following a full investigation of the alleged misconduct, issuance of investigative findings and concurrence with the findings by the Independent Police Review, the Professional Standards Division and the member's Branch Chief:

a. First time offenses that fall under Category A through Category D of the Police Bureau Discipline Guide.

b. Second time offenses that fall under Category A of the Police Bureau Discipline Guide.

c. First time off-duty driving while under the influence offenses that fall under Category E of the Police Bureau Discipline Guide. To be eligible for stipulated discipline for an off-duty driving under the influence offense, there can be no other driving-related violations or charges and the member must comply with all court ordered conditions of a diversion or delayed prosecution.

d. In an investigation involving multiple sustained violations, the violation with the highest category from the Police Bureau Discipline Guide will be used to determine whether the case qualifies for stipulated discipline.

3.20.150 Fingerprints, Photographs and Records of Identification.

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

3.20.160 Police Chief to Make Rules and Regulations.

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

3.20.170 Uniforms.

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

A. The Chief of Police shall, subject to the approval of the Commissioner In Charge, prescribe specifications for police uniforms and establish rules, regulations and conditions of wearing thereof;

B. Upon report from the Commissioner In Charge of the Bureau of Police, the Council shall designate which items of the uniform specified by the Chief of Police under subdivision (1) above shall be furnished by the City to those employees required to wear the prescribed uniform in performance of their normal and usual police duties. Each new employee shall be furnished a complete set of designated items of uniform. All other employees shall be furnished designated items of uniform on the basis of replacement when needed as determined by the Chief of Police. Items furnished by the City shall remain property of the City; and the Chief of Police shall establish rules, regulations, and conditions for issuance and control thereof;

C. The Chief of Police shall have the authority to designate duty assignments which require dress other than the prescribed uniform. For such designated duty, no items of uniform shall be furnished, and those employees affected shall receive an annual cash clothing allowance in lieu of items of uniform furnished by the City. Clothing allowances shall be paid in accordance with Section 5.08.070.

3.20.180 Appointment and Removal of Police Reserves.

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

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

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

(Amended by Ordinance Nos. 143623 and 164223, effective May 29, 1991.) Each new member of the police reserve shall make an application on a blank form provided by the Chief of Police, giving such data concerning his age, weight, identification, residence, occupation, previous experience in police work, if any, citizenship, and other data as the Chief of Police may find necessary or convenient, including fingerprinting for better identification. Members of such police reserve shall be entitled to no compensation unless

specifically authorized and provided by the Council. Upon appointment each member shall take an oath of office similar to the oath required of regular members of the Bureau of Police, and such oath shall be filed with the City Auditor. Regular members of the reserve shall serve during the pleasure of the Chief and shall wear a uniform prescribed by the Chief of Police. They shall perform the duties and take training as directed by the Chief of Police. They shall observe the rules of deportment and conduct applicable to regular police officers. They shall, in the performance of their duties, be subject to the orders of commanding officers of the regular and reserve police force of the City. They shall, at all times, cooperate with regular police officers in the performance of their duties. While on any authorized assignment they shall be covered by the City's self-insurance as authorized under the provisions of the Oregon State Workers' Compensation Act. The insurance shall be in a form approved by the City Attorney. It is unlawful for any person whose appointment has been terminated, to retain possession or refuse to return any badge, identification or equipment issued to such person after demand for the return has been made by the Mayor, Chief of Police or anyone acting under and by the authority of the Mayor or Chief of Police. Members of the special duty police reserve shall be subject to police duty only when special occasion therefor arises. Each member shall provide his own equipment, subject to the approval of the Chief of Police, and shall make such reports as the Chief of Police may require.

3.20.200 Membership Card and Star of Police Reserves.

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

3.20.210 Police Reserves Exempt from Civil Service.

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

3.20.230 Medical Examinations.

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

3.20.240 Membership.

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

take and file with the City Auditor the oath of office required of members of the Bureau of Police, before they shall have full status as such members.

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

3.20.260 Block Home Applicants, Background Investigation Required.
(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.270 Maintenance of Property Room.
(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.280 Receipts for Property.
(Repealed by Ordinance No. 175944, effective September 26, 2001.)

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

3.20.300 Prisoner's Property.
(Repealed by Ordinance No. 175944, effective September 26, 2001.)

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

3.20.320 Miscellaneous Property and Storage Charges.
(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.330 Storage Charge on Prisoner's Property.
(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.340 Storage Charge on Evidence Property.
(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.350 Lien and Foreclosure.
(Repealed by Ordinance No. 176585, effective July 5, 2002.)

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

apprehension, prosecution, or the direct supervision of the parole or probation, of criminal offenders.

3.20.370 Accountability and Disposition of Fees.

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

3.20.380 Conveyances Seized for Drug Transport.

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

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

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

CHAPTER 3.21 - CITY AUDITOR'S INDEPENDENT POLICE REVIEW

(Chapter replaced by Ordinance No. 175652; amended by Ordinance No. 188331, effective May 19, 2017.)

Sections:

3.21.010 Purpose.

(Amended by Ordinance No. 188331, effective May 19, 2017.) The City hereby establishes an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to act on complaints against Police Bureau personnel for alleged misconduct, and recommend appropriate changes of Police Bureau policies and procedures toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of community policing services. This office shall be known as the Independent Police Review.

3.21.020 Definitions.

(Amended by Ordinance Nos. 176317, 183657, 186416 and 188331 effective May 19, 2017.) In this Chapter:

A. "Appellant" means either:

CHAPTER 3.103 - PROPERTY TAX EXEMPTION FOR MULTIPLE-UNIT HOUSING DEVELOPMENT

(Chapter replaced by Ordinance No. 187283, effective August 5, 2015.)

Sections:

3.103.010 Purpose.

A. The City of Portland adopts the provisions of Oregon Revised Statutes 307.600 through 307.637, and administers a property tax exemption program for multiple-unit housing development authorized under those provisions.

B. In addition to meeting the legislative goals set forth in ORS 307.600, the program also seeks to accomplish the following additional core goals:

1. Stimulate the inclusion of affordable housing where it may not otherwise be made available.

2. Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau's Strategic Plan.

3. Provide transparent and accountable stewardship of public investments.

3.103.020 Definitions.

(Amended by Ordinance No. 188163, effective February 1, 2017.) As used in this Chapter:

A. **"Administrative Rules"** means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes, and procedures.

B. **"Applicant"** means the individual or entity who is either the owner or a representative of the owner who is submitting an application for the tax exemption program.

C. **"Regulatory Agreement"** means a low-income housing assistance contract recorded agreement between the owner and the Portland Housing Bureau stating the approval and compliance criteria of a project's tax exemption.

D. **"Multiple-unit housing"** has the meaning set forth in ORS 307.603(5).

E. **"Owner"** means the individual or entity holding title to the exempt project and is legally bound to the terms and conditions of an approved tax exemption, including but not limited to any Regulatory Agreement and any compliance requirements under this Chapter.

F. **"Project"** means property on which any multiple-unit housing is located, and all buildings, structures, fixtures, equipment and other improvements now or hereafter constructed or located upon the property.

3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.

A. Multiple-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.612 and the Administrative Rules.

B. However, the maximum amount of estimated foregone tax revenue provided as a benefit of the exemption under this Chapter may not exceed the amount approved by Council.

3.103.040 Program Requirements.

(Amended by Ordinance Nos. 188163 and 189302, effective December 12, 2018.) In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the project meets the following program requirements as further described in the program Administrative Rules:

A. Financial need for the exemption

1. Rental projects. The project would not include low to moderate-income units because it would not be financially feasible without the benefit provided by the property tax exemption.

2. For-sale projects. The units receiving tax exemption will be sold to buyers meeting the affordability requirements contained in this Section.

B. Property eligibility

1. Projects must be located within the taxing jurisdictions of the City of Portland and Multnomah County.

2. Projects must conform to City of Portland's zoning and density requirements.

3. Projects must include 20 or more units.

C. Affordability

1. For rental projects, for applications received on or before December 31, 2018, during the term of the exemption, a minimum of 15 percent of the number of units or bedrooms must be affordable to households earning 80 percent or less of the area median family income, or a minimum of 8 percent of the number of units or bedrooms must be affordable to households earning 60 percent or less of the area median family income. For applications received after December 31, 2020, during the term of the exemption, a minimum of 20 percent of the number of units or bedrooms must be affordable to households earning 80 percent or less of the area median family income, or a minimum of 10 percent of the number of units or bedrooms must be affordable to households earning 60 percent or less of the area median family income. The units meeting the affordability requirements must match the unit mix in the project as a whole in terms of number of bedrooms.

2. For projects containing for-sale units, those units receiving the exemption must not exceed the maximum price established under City Code Section 3.102.040 at initial sale and must sell to an initial homebuyer who income qualifies and occupies the unit as established under City Code Section 3.102.040. During the term of the exemption, the unit must be occupied by a homebuyer as established under City Code Section 3.102.040.

D. Accessibility. At least 5 percent of the affordable units in the project must be built to be Type A as defined in the Oregon Structural Specialty Code.

3.103.050 Application Review.

A. The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.621.

B. Applications for tax exemption must be submitted and approved prior to issuance of the project's building permit.

C. Applications must include an application processing fee, to be established annually by the Portland Housing Bureau, including the fee to be paid to Multnomah County.

3.103.060 Application Approval.
(Amended by Ordinance No. 188163, effective February 1, 2017.)

A. Applications will be considered based on the Inclusionary Housing Program requirements as per City Code Section 30.01.120.

B. Portland Housing Bureau will take applications to City Council for approval in the form of an ordinance and deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.621.

C. If construction of an approved project is not completed or an application for exemption is not received within the timeframe described in ORS 307.637, Portland Housing Bureau may extend the deadline consistent with ORS 307.634.

3.103.070 Rental Project Compliance.
(Amended by Ordinance No. 188163, effective February 1, 2017.)

A. The owner of a rental project approved for exemption will be required to sign a Regulatory Agreement to be recorded on the title to the property.

B. During the exemption period, the owner or a representative shall submit annual documentation of tenant income and rents for the affordable units in the project to the Portland Housing Bureau.

3.103.080 For-Sale Unit Compliance.

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

B. For-sale units which sell to homebuyers who do not meet the affordability or owner occupancy qualifications at initial sale will have the tax exemption removed as of the next tax year.

C. For-sale units which sell over the established sale price at initial sale will have the tax exemption terminated according to Section 3.103.100 and require the owner to repay any exempted taxes consistent with ORS 307.631.

3.103.090 Extension of the Exemption for Low Income Housing Projects.
(Repealed by Ordinance No. 188163, effective February 1, 2017.)

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

CHAPTER 3.134 - OFFICE OF THE PORTLAND CHILDREN'S LEVY

(Chapter added by Ordinance No. 189192, effective November 9, 2018.)

Sections:

3.134.010 Creation, Organization, and Purpose.

There is established the Office of the Portland Children's Levy. The Office of the Portland Children's Levy shall consist of the Director and such other employees as the Council may provide. The Director shall report to the Commissioner in Charge. The purpose of the Office of the Portland Children's Levy is to administer the Children's Investment Fund in accordance with the current measure enacted by voters of the City of Portland, Oregon.

3.134.020 Director's Powers and Duties.

The duties of the Director of the Office of the Portland Children's Levy include, but are not limited to:

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

B. Implementing the policy directives of the City Council, the Commissioner in Charge, and the tax levy approved by voters to fund the Children's Investment Fund;

C. Proposing policies and practices to achieve the purpose of the Office, and adopt procedures and forms to assist in implementing City policies.

3.134.030 Duration and Dissolution.

The Office of the Portland Children's Levy shall remain in existence so long as the voters renew the Children's Investment Fund and associated tax levy. In the event the tax levy is not renewed by voters, the Office may exist thereafter only for such reasonable time as is necessary for the orderly closing of affairs of the Children's Investment Fund.

TITLE 4 - ORIGINAL ART MURALS

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TITLE 4 - ORIGINAL ART MURALS

(Title added by Ordinance No. 182962, effective July 31, 2009.)

CHAPTER 4.10 - PURPOSE

Sections:

4.10.010 Purpose of This Title.

The purpose of this Title and the policy of the City of Portland is to permit and encourage original art murals on a content-neutral basis on certain terms and conditions. Original art murals comprise a unique medium of expression which serves the public interest. Original art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion.

CHAPTER 4.12 - DEFINITIONS

Sections:

4.12.010 General.

Words used in this Title have their normal dictionary meaning unless they are listed in Section 4.12.020 or unless this Title specifically refers to another Title. Words listed in Section 4.12.020 have the specific meaning stated or referenced unless the context clearly indicates another meaning.

4.12.020 Definitions.

A. **Alteration.** Any change to the Permitted Original Art Mural, including but not limited to any change to the image(s), materials, colors or size of the Permitted Original Art Mural. "Alteration" does not include naturally occurring changes to the Permitted Original Art Mural caused by exposure to the elements or the passage of time. Minor changes to the Permitted Original Art Mural which result from the maintenance or repair of the Permitted Original Art Mural shall not constitute "alteration" of the Permitted Original Art Mural within the meaning of this Title. This can include slight and unintended deviations from the original image, colors or materials that occur when the Permitted Original Art Mural is repaired due to the passage of time, or as a result of vandalism such as graffiti.

B. **Changing Image Mural.** A mural 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 mural image or message. Changing image murals do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.

C. **Compensation.** The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. "Compensation" does not include:

1. goodwill; or

2. an exchange of value that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and the building owner or leaseholder fully controls the content of the mural.

D. **Conservation District.** A collection of individual resources that is of historic or cultural significance at the local or neighborhood level, as identified through an inventory and designation process and mapped as such in Title 33, Planning and Zoning.

E. **Conservation Landmark.** A structure, site, tree, landscape, or other object that is of historic or cultural interest at the local or neighborhood level, as identified through an inventory and designation process and mapped as such in Title 33, Planning and Zoning.

F. **Design Overlay Zones.** These are areas where design and neighborhood character are of special concern. They are identified by having a "d" (Design Overlay) designation on the City's official Zoning Maps, as regulated by Title 33, Planning and Zoning.

G. **Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building (the Uniform Building Code as amended by the State).

H. **Historic District.** A collection of individual resources that is of historic or cultural significance at the local, state, or national level, as identified through an inventory and designation process and mapped as such in Title 33, Planning and Zoning.

I. **Historic Landmark.** A structure, site, tree, landscape, or other object that is of historic or cultural significance, as identified through a historic landmark designation process and mapped as such on the City's inventory of Historic Landmarks. Historic Landmarks are regulated by Title 33, Planning and Zoning.

J. **Original Art Mural.** A hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building. Original Art Mural does not include:

1. mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl;

2. murals containing electrical or mechanical components; or

3. changing image murals.

K. **Permitted Original Art Mural**. An Original Art Mural for which a permit has been issued by the City of Portland pursuant to this Title.

L. **Public Right-of-Way.** An area that allows for the passage of people or goods, that has been dedicated or deeded to the public for public use. Public Rights-of-Way

include passageways such as freeways, pedestrian connections, alleys, and all streets.

TITLE 4
ORIGINAL ART MURALS

CHAPTER 4.20 - ALLOWED AND PROHIBITED ORIGINAL ART MURALS

Sections:

4.20.010 Allowed Original Art Murals.

(Amended by Ordinance No. 185915, effective May 1, 2013.) Original Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

A. No part of the mural shall exceed 30 feet in height measured from grade.

B. The mural shall remain in place, without alterations, for a period of five years, except in limited circumstances to be specified in the Bureau of Development Services Administrative Rules. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of five years without alteration.

C. The mural shall not extend more than 6 inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.

D. In Design Overlay Zones, the mural shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.

E. In the Historic Resource Overlay Zones, murals may be allowed on buildings that have been identified as non-contributing structures within Historic and Conservation Districts. These murals shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.

4.20.020 Prohibited Murals.

The following are prohibited:

A. Murals on residential buildings with fewer than five dwelling units.

B. Murals on historic or conservation landmarks.

C. Murals on buildings that have been identified as contributing structures to a historic or conservation district.

D. Murals in a public right-of-way.

E. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.

F. Murals which would result in a property becoming out of compliance with the provisions of Title 33, Planning and Zoning, or land use conditions of approval for the development on which the mural is to be located.

4.20.030 Relationship of Permitted Original Art Mural to other Regulations.

The exemption of PCC Subsection 32.12.020 J. applies only to Original Art Murals for which a permit has been obtained under this Title and any adopted Administrative Rules. Issuance of an Original Art Mural Permit does not exempt the permittee from complying with any other applicable requirements of the Portland City Code, including but not limited to Titles 24 and 33.

4.20.040 Exceptions to this Title.

Exceptions to the regulations of this Title are prohibited.

CHAPTER 4.30 - NEIGHBORHOOD INVOLVEMENT PROCESS

Sections:

4.30.010 Establishment of Neighborhood Involvement Process for Permits.

The Bureau of Development Services shall adopt through Administrative Rule a community involvement process requiring an applicant for an Original Art Mural permit to provide notice of and to hold a community meeting on the mural proposal at which interested members of the public may review and comment upon the proposed mural. No Original Art Mural permit shall be issued until the applicant certifies that he or she has completed the required Neighborhood Involvement Process. This is a process requirement only and in no event will an Original Art Mural permit be granted or denied based upon the content of the mural.

CHAPTER 4.40 - ADMINISTRATIVE RULES

Sections:

4.40.010 Administrative Rules to Be Adopted

The Bureau of Development Services is authorized and directed to adopt and administer Administrative Rules implementing this Title, and setting forth the substantive and procedural requirements and fees for an Original Art Mural Permit. Such fees shall in no event exceed the actual costs of administration.

CHAPTER 4.50 - VIOLATIONS AND ENFORCEMENT

Sections:

4.50.010 Violations.

It is unlawful to violate any provision of this Title, any Administrative Rules adopted by the Bureau of Development Services pursuant to this Title, or any representations made or conditions or criteria agreed to in an Original Art Mural permit application. This applies to any applicant for an Original Art Mural permit, to the proprietor of a use or development on which a permitted Original Art Mural is located, or to the owner of the land on which the permitted Original Art Mural is located. For the ease of reference in this Title, all of these persons are referred to by the term "operator."

4.50.020 Notice of Violations.

The Bureau of Development Services must give written notice of any violation to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

4.50.030 Responsibility for Enforcement.

The regulations of this Title, and the conditions of Original Art Mural permit approvals, shall be enforced by the Director of the Bureau of Development Services pursuant to Chapter 3.30 and Title 22 of the City Code.

7.02.400 Exemptions.

(Amended by Ordinance Nos. 183727, 185394 and 187339, effective October 16, 2015.) The Division may require the filings of tax returns or other documentary verification of any exemption claimed under this section. To the extent set forth below, the following persons are exempt from payment of the business license tax, and/or the following incomes are exempt from calculation of the business license tax:

A. Persons whom the City is prohibited from taxing under the Constitution or laws of the United States, the Constitution or laws of the State of Oregon, or the Charter of the City.

B. Income arising from transactions which the City is prohibited from taxing under the Constitution or the laws of the United States, the Constitution or laws of the State of Oregon, or the Charter of the City.

C. Persons whose gross receipts from all business, both within and without the City, amounts to less than $50,000 ($25,000 for tax years that begin prior to January 1, 2007).

D. Corporations exempt from the Oregon Corporation Excise Tax under ORS 317.080, provided that any such corporation subject to the tax on unrelated business income under ORS 317.920 to 317.930 must pay a business tax based solely on such income.

E. Trusts exempt from Federal income tax under Internal Revenue Code Section 501, provided that any exempt trust subject to tax on unrelated business income and certain other activities under Internal Revenue Code Section 501 (b), must pay a business tax based solely on that income.

F. The following incomes of an individual:

1. Income from sales, exchanges or involuntary conversions of a primary residence;

2. Income from the sale of personal property acquired for household or other personal use by the seller;

3. Income from interest and dividend income earned from investments if the income is not created in the course of or related to the taxfiler's business activities;

4. Income from gains and losses incurred from the sale of investments (other than real property) that are not a part of a business.

G. Any person whose only business transactions are exclusively limited to the following activities:

1. Raising, harvesting and selling of the person's own crops, or the feeding, breeding, management and sale of the person's own livestock, poultry, furbearing animals or honeybees, or sale of the produce thereof, or any other agricultural, horticultural or animal husbandry activity carried on by any person on said person's own behalf and not for others, or dairying and the sale of dairy products to processors. This exemption does not apply if, in addition to the farm activities described in this subsection, the person does any processing of the person's own farm products which changes their character or form, or the person's business includes the handling, preparation, storage, processing or marketing of farm products raised or produced by others; or the processing of milk or milk products whether produced by said person or by others for retail or wholesale distribution.

2. Operating within a permanent structure a display space, booth or table for selling or displaying merchandise by an affiliated participant at any trade show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any tax year.

H. Gross revenues subject to Chapters 7.12 or 7.14. Unless otherwise prohibited by law, gross revenue which is not otherwise subject to Chapters 7.12 or 7.14 is subject to the Business License Law.

7.02.500 Tax Rate.

(Amended by Ordinance Nos. 187743, 188129, 189017 and 189261, effective December 28, 2018.)

A. The tax established by the Business License Law is 2.2 percent of adjusted net income, for tax years beginning on or before December 31, 2017. For tax years beginning on or after January 1, 2018, the tax is 2.6 percent of adjusted net income, except as provided in Subsections B., C., D. and E. of this Section.

B. Surcharges applicable to Tax Years 2002 through 2005. The following surcharges are imposed in addition to the 2.2 percent tax established in Subsection A. above. The proceeds of the surcharges are dedicated to supplementing the funding provided by the State to the public schools within the City, and allocated to all of the public school districts within the City of Portland.

1. For the tax year beginning on or after January 1, 2002, a surcharge is imposed in the amount of 1 percent.

2. For tax year beginning on or after January 1, 2003, a surcharge is imposed in the amount of 0.4 percent.

3. For tax year beginning on or after January 1, 2004, a surcharge is imposed in the amount of 0.4 percent.

C. Surcharge applicable to Tax Years 2006 through 2007. The following surcharges are imposed in addition to the 2.2 percent tax established in Subsection A. above. The proceeds of the surcharges are dedicated to supplementing the funding provided by the State to the public schools within the City, and allocated to all of the public school districts within the City of Portland. The proceeds of the surcharges must be used by the school districts only for programs and activities on which the City is authorized to expend funds pursuant to its charter and state law.

1. For the tax year beginning on or after January 1, 2006, a surcharge is imposed in the amount of 0.14 percent.

2. No penalties or interest for failure to make quarterly estimated payments in the amount of the surcharge will be charged or imposed for the 2006 tax year.

3. For the tax year beginning on or after January 1, 2007, a surcharge is imposed in the amount of .07 percent.

4. If the surcharges raise more than $9 million plus City costs but less than $9.5 million plus City costs for the 2006 and 2007 tax years combined, the excess over $9 million, less City costs, will be dedicated to public schools within the City as provided in Subsection C. of this Section. If the surcharges raise more than $9.5 million plus City costs for the 2006 and 2007 tax years combined, the excess over $9 million, less City costs, will be retained as a credit for taxes due in a later tax year. The Director will apply the credit to taxes due no later than the 2010 tax year. The Director has the sole discretion to determine the method of calculating and distributing credits.

D. Heavy Vehicle Use Tax applicable to Tax Years 2016 through 2019. The following tax is imposed in addition to the tax established in Subsection A. above. The proceeds of this tax are dedicated to supplementing the funding of City of Portland street maintenance and safety and shall be deposited in a Street Repair and Traffic Safety Program of the Transportation Operating Fund where street repair and traffic safety expenditures are recorded.

1. For the tax years beginning on or after January 1, 2016, January 1, 2017, January 1, 2018 and January 1, 2019, a Heavy Vehicle Use Tax is imposed on taxpayers who operate one or more Heavy Vehicles on streets owned or maintained by the City of Portland. For purposes of this tax, a Heavy Vehicle is any vehicle that is subject to the Oregon Weight-Mile Tax pursuant to ORS 825.450 et seq. This tax is 2.8 percent of the total Oregon Weight-Mile Tax calculated for all periods within the tax year.

2. The minimum Heavy Vehicle Use Tax due for a tax year is $100. The minimum tax would be in addition to the $100 minimum tax described in Section 7.02.545, if applicable.

3. No penalties or interest for failure to make quarterly estimated payments in the amount of the Heavy Vehicle Use Tax will be charged or imposed for the 2016 tax year only. Thereafter, penalties and interest will be calculated as provided for in the Code.

E. Pay ratio surtax applicable to publicly traded companies subject to U.S. Securities and Exchange Commission pay ratio reporting requirements. The following surtax is imposed in addition to the 2.2 percent tax established in Subsection A. above.

1. For tax years beginning on or after January 1, 2017, a surtax of 10 percent of base tax liability is imposed if a company subject to this section reports a pay ratio of at least 100:1 but less than 250:1 on U.S. Securities and Exchange Commission disclosures.

2. For tax years beginning on or after January 1, 2017, a surtax of 25 percent of base tax liability is imposed if a company subject to this section reports a pay ratio of 250:1 or greater on U.S. Securities and Exchange Commission disclosures.

7.02.510 Registration Form and Tax Return Due Dates.

(Amended by Ordinance Nos. 183727 and 187339, effective October 16, 2015.)

A. All persons subject to the requirements of this Chapter must register with the Division on a form provided or approved by the Division. Thereafter, taxfilers must file tax returns with the Division. The following timing requirements apply:

1. Registration forms must be filed within 60 days of the person beginning business in the City.

2. Tax returns must be filed by the 15th day of the fourth (4th) month following the end of the tax year. For cooperatives and non-profit corporations that have later due dates under Oregon tax law, the due date for filing tax returns with the Division must conform to the due date under Oregon tax law.

B. The Division may, for good cause, grant extensions for filing tax returns, except that no extension may be granted for more than six (6) months beyond the initial filing due date. This extension does not extend the time to pay the tax.

C. Registration forms and tax returns must contain a written declaration, verified by the taxfiler, to the effect that the statements made therein are true.

D. The Bureau will prepare blank registration forms and tax returns and make them available at its office upon request. Failure to receive or secure a form does not relieve any person from the obligation to pay a business tax.

7.02.520 Quarterly Estimates.

Every taxfiler expecting to have a tax liability under Section 7.02.500 of $1,000 or greater must make an estimate of the tax based upon the taxfiler's current tax year and pay the amount of tax determined as provided in Section 7.02.530.

7.02.530 Schedule for Payment of Estimated Tax.

(Amended by Ordinance No. 187339, effective October 16, 2015.) A taxfiler required under Section 7.02.520 to make payments of estimated business taxes must make the payments in installments as follows:

A. One quarter or more of the estimated tax on or before the 15th day of the fourth (4th) month of the tax year; and

B. One quarter or more of the estimated tax on or before the 15th day of the sixth (6th) month of the tax year; and

C. One quarter or more of the estimated tax on or before the 15th day of the ninth (9th) month of the tax year; and

D. The balance of the estimated tax must be paid on or before the 15th day of the twelfth (12th) month of the tax year.

E. Any payment of the estimated tax received by the Division for which the taxfiler has made no designation of the quarterly installment to which the payment is to be applied, will first be applied to underpayments of estimated taxes due for any prior quarter of the tax year. Any excess amount will be applied to the installment that next becomes due after the payment was received.

7.02.545 Tax Returns.

Except as provided in Section 7.02.540, each tax return must be accompanied by a tax payment at the rate established in Section 7.02.500, provided that each such tax return must be accompanied by a minimum tax of $100 plus any amount due as a result of the temporary surcharge established in Section 7.02.500 B. and D. The minimum payment may have previously been paid by quarterly payments, an extension payment, or credit available from a prior tax year.

7.02.550 Presumptive Tax.

(Amended by Ordinance No. 187339, effective October 16, 2015.)

A. If a person fails to file a tax return, a rebuttable presumption exists that the tax payable amounts to $500 for every license tax year for which a tax return has not been filed.

B. Nothing in this Section prevents the Division from assessing a tax due which is less than or greater than $500 per license tax year.

C. Presumptive taxes assessed under this subsection are considered filed documents and are subject to the time limitations for deficiencies and refunds as described in Section 7.02.280.

D. Taxes determined under this subsection are subject to penalties and interest from the date the taxes should have been paid as provided in Section 7.02.510 in accordance with Sections 7.02.700 and 7.02.710. The Division will send notice of the determination and assessment to the taxfiler.

7.02.560 Payment Plan Fee.

(Amended by Ordinance No. 187339, effective October 16, 2015.) If a person fails to pay the business tax when due, the Division may establish a payment plan and charge a set up fee pursuant to written policy.

7.02.600 Income Determinations.

(Amended by Ordinance Nos. 183727, 185781, 186331, 187339 and 189017, effective July 13, 2018.)

A. **Owners Compensation Deductions.** "Owners Compensation Deduction" is defined as the additional deduction allowed in Subsections B., C. and D. below. The owners compensation deduction is indexed (beginning in January 1999) by the Consumers Price Index - All Urban Consumers (CPI-U) US City Average as published by the US Department of Labor, Bureau of Labor Statistics, using the September to September index, not seasonally adjusted (unadjusted index). The Division determines the exact deduction amount and publishes the amount on forms. Any increase or decrease under this paragraph that is not a multiple of $500 will be rounded up or down to the next multiple of $500 at the Division's discretion.

1. For tax years beginning on or after January 1, 2007, the Owners Compensation Deduction cannot exceed $80,000 per owner as defined in Subsections B., C. and D. below. For tax years beginning on or after January 1, 2008, the Owners Compensation Deduction will be indexed as described above.

2. For tax years beginning on or after January 1, 2013, the Owners Compensation Deduction cannot exceed $90,500 per owner as defined in Subsections B., C. and D. below.

3. For tax years beginning on or after January 1, 2014, the Owners Compensation Deduction cannot exceed $100,000 per owner as defined in Subsections B., C. and D. below. For tax years beginning on or after January 1, 2015, the Owners Compensation Deduction will be indexed as described above.

4. For tax years beginning on or after January 1, 2018, the Owners Compensation Deduction cannot exceed $125,000 per owner as defined in Subsections B., C. and D. below. For tax years beginning on or after January 1, 2019, the Owners Compensation Deduction will be indexed as described above.

B. **Sole Proprietorships.** In determining income, no deduction is allowed for any compensation for services rendered by, or interest paid to, owners. However, 75 percent of income determined without such deductions is allowed as an additional deduction, not to exceed the amounts listed in Subsection A. per owner.

C. **Partnerships.** In determining income, no deductions are allowed for any compensation for services rendered by, or interest paid to, owners of partnerships, limited partnerships, limited liability companies, limited liability partnerships, or family limited partnerships. Guaranteed payments to partners or members are deemed compensation paid to owners for services rendered. However:

1. For general partners or members, 75 percent of income determined without such deductions is allowed as an additional deduction, not to exceed the amounts listed in Subsection A. per general partner or member.

2. For limited partners or members of LLCs who are deemed limited partners by administrative rule or policy, 75 percent of income determined without such deductions is allowed as an additional deduction, not to exceed the lesser of actual compensation and interest paid or the amounts listed in Subsection A. per compensated limited partner.

D. **Corporations.** In determining income, no deduction is allowed for any compensation for services rendered by, or interest paid to, controlling shareholders of any corporation, including but not limited to, C and S corporations and any other entity electing treatment as a corporation, either C or S. However, 75 percent of the corporation's income, determined without deduction of compensation or interest, is allowed as a deduction in addition to any other allowable deductions, not to exceed the lesser of the actual compensation and interest paid or the amounts listed in Subsection A. for each controlling shareholder.

1. For purposes of this Subsection, to calculate the compensation for services rendered by or interest paid to controlling shareholders that must be added

back to income, wages, salaries, fees or interest paid to all persons meeting the definition of a controlling shareholder must be included.

2. For purposes of this Subsection, in determining the number of controlling shareholders, a controlling shareholder and that person's spouse, parents and children count as one owner, unless such spouse, parent or child individually control more than five (5) percent ownership of outstanding stock or securities in their own name. In that case, each spouse, parent or child who owns more than five (5) percent of stock is deemed to be an additional controlling shareholder.

3. For purposes of this Subsection, joint ownership of outstanding stock or securities is not considered separate ownership.

E. **Estates and Trusts.** In determining income for estates and trusts, income is measured before distribution of profits to beneficiaries. No additional deduction is allowed.

F. **Non-business Income.** In determining income under this Section, an allocation is allowed for non-business income as reported to the State of Oregon. However, income treated as non-business income for State of Oregon tax purposes may not necessarily be defined as non-business income under the Business License Law. Interest and dividend income, rental income or losses from real and personal business property, and gains or losses on sales of property or investments owned by a trade or business is treated as business income for purposes of the Business License Law. Income derived from non-unitary business functions reported at the State of Oregon level may be considered non-business income. Non-unitary income will not be recognized at an intrastate level. The taxfiler has the burden of showing that income is non-business income.

G. **Taxes Based on or Measured by Net Income.** In determining income, no deduction is allowed for taxes based on or measured by net income. No deduction is allowed for the federal built-in gains tax.

H. **Ordinary Gain or Loss.** In determining income, gain or loss from the sale, exchange or involuntary conversion of real property or tangible and intangible personal property not exempt under Subsections 7.02.400 G. and H. must be included as ordinary gain or loss.

I. **Net Operating Loss.** In determining income, a deduction is allowed equal to the aggregate of the net operating losses incurred in prior years, not to exceed 75 percent of the income determined for the current license tax year before this deduction, but after all other deductions from income allowed by this Section and apportioned for business activity both within and without the City of Portland.

1. When the operations of the taxfiler from doing business both within and without the City result in a net operating loss, such loss will be apportioned in the same manner as the net income under Section 7.02.610. However, in no case may a net operating loss be carried forward from any license tax year during which the taxfiler conducted no business within the City or the taxfiler was otherwise exempt from payment of the business license tax.

2. In computing the net operating loss for any license tax year, the net operating loss of a prior year is not allowed as a deduction.

3. In computing the net operating loss for any license or tax year, no compensation allowance deduction is allowed to increase the net operating loss. "Compensation allowance deduction" is defined in Subsection 7.02.600 A.

4. The net operating loss of the earliest license tax year available must be exhausted before a net operating loss from a later year may be deducted.

5. The net operating loss in any license tax year is allowed as a deduction in the five (5) succeeding license tax years until used or expired. Any partial license tax year will be treated the same as a full license tax year in determining the appropriate carry-forward period.

7.02.610 Apportionment of Income.

(Amended by Ordinance Nos. 182427, 184597 and 187339, effective October 16, 2015.)

A. "Jurisdiction to tax" occurs when a person engages in business activities in a jurisdiction that are not protected from taxation by Public Law 86-272. Public Law 86-272 applies to interstate sales of tangible personal property. For purposes of the Business License Law, the limits imposed by Public Law 86-272 for interstate jurisdiction to tax shall also be presumed to apply on an intrastate basis. If a taxpayer's business is based in Portland, a taxpayer must have business activity outside Portland that results in a jurisdiction to tax outside Portland to apportion the income of the business. Without jurisdiction to tax outside Portland, all income of a business is taxable by Portland.

B. "Business activity" means any of the elements of doing business. The income reportable as income earned from business activity within the City of Portland will include all business incomes from sources within the City of Portland that are taxable incomes under Oregon tax laws and regulations unless otherwise exempted or excluded in this Chapter.

C. In computing the business license tax, taxfilers that have income from business activity both within and without the City must determine the income apportioned to the City by multiplying the total net income from the taxfiler's business by a

fraction, the numerator of which is the total gross income of the taxfiler from business activity in the City during the tax year, and the denominator of which is the total gross income of the taxfiler from business activity everywhere during the tax year.

D. In determining the apportionment of gross income within the City under Subsection 7.02.610 C.:

1. Sales of tangible personal property are deemed to take place in the City if the property is delivered or shipped to a purchaser within the City regardless of the f.o.b. point or other conditions of sale. If sales of tangible personal property are shipped from the City to a purchaser located where the taxfiler is not taxable, those sales are not apportioned to the City.

2. Sales other than sales of tangible personal property are deemed to take place in the City if the income producing activity is performed in the City.

E. Certain industries or incomes are subject to specific apportionment methodologies. Such methodologies are described in administrative rules adopted in accordance with Section 7.02.210. Industry specific or income specific apportionment methodologies required by Oregon Revised Statutes for apportionment of gross sales, will be used in cases where no rule has been adopted by the Division regarding the apportionment of such industry or income. When gross sales as reported to Oregon are used for apportionment purposes, such gross sales will be defined as gross income for apportionment purposes herein. All apportionment methodologies directed under this Subsection will be a single factor gross income apportionment as directed under Subsections 7.02.610 C. and 7.02.610 D. In those specific cases where Oregon has directed allocation of income, such income will be apportioned for purposes of this Chapter, unless allocation is otherwise allowed in this Chapter.

F. If the apportionment provisions of Subsection C. do not fairly represent the extent of the taxfiler's business activity in the City and result in the violation of the taxfiler's rights under the Constitution of this State or the United States, the taxfiler may petition the Division to permit the taxfiler to:

1. Utilize the method of apportionment used by the taxfiler under the applicable laws of the State of Oregon imposing taxes upon or measured by net income; or

2. Utilize any other method to effectuate an equitable apportionment of the taxfiler's income.

7.02.620 Changes to Federal and/or State Tax Returns.
(Amended by Ordinance No. 187339, effective October 16, 2015.)

A. If a taxfiler's reported net income under applicable Oregon laws imposing a tax on or measured by income is changed by the federal Internal Revenue Service or the Oregon Department of Revenue, or amended by the taxfiler to correct an error in the original federal or state return, a report of such change must be filed with the Division within 60 days after the date of the notice of the final determination of change or after an amended return is filed with the federal or state agencies. The report must be accompanied by an amended tax return with respect to such income and by any additional tax, penalty, and interest due.

B. The Division may assess deficiencies and grant refunds resulting from changes to federal, state, city or county tax returns within the time periods provided for in Section 7.02.280, treating the report of change in federal, state, city or county tax returns as the filing of an amended tax return.

C. The Division may assess penalties and interest on the additional tax due as provided in Subsection 7.02.700 A. and 7.02.710 A., or may refuse to grant a refund of business taxes as a result of the amended tax return if the amended tax return is not filed with the Division within the time limits set forth in Subsection A.

7.02.630 Income Long Term Construction Contract Methods.

A. A taxfiler reporting income using a long term construction contract method must file an additional tax return for the taxfiler's income earned during the last license tax year, not later than the 15th day of the fourth (4th) month following the end of the prior license tax year during which either:

1. The taxfiler ceases to do business in the City; or

2. The taxfiler ceases to receive income from such long term construction contracts.

B. Net income for such taxfiler must include apportioned income arising from all contracts completed during such license tax year.

7.02.700 Penalties.

(Amended by Ordinance No. 187339, effective October 16, 2015.)

A. A penalty will be assessed if a person:

1. Fails to file a tax return or extension request at the time required under Subsections 7.02.510 A. or 7.02.620 A.; or

2. Fails to pay the tax when due.

3. The penalty under Subsection A. is:

a. Five percent (0.05) of the total tax liability, but not less than $5, if the failure is for a period less than four (4) months;

b. An additional penalty of 20 percent (0.20) of the total tax liability if the failure is for a period of four (4) months or more; and

c. An additional penalty of 100 percent (1.00) of the total tax liability of all license tax years if the failure to file is for three (3) or more consecutive license tax years.

B. A penalty will be assessed if a person who has filed an extension request:

1. Fails to file a tax return by the extended due date; or

2. Fails to pay the tax liability by the extended due date.

3. The penalty under Subsection B. is:

a. Five percent (0.05) of the total tax liability, but not less than $5, if the failure is for a period less than four (4) months; and

b. An additional penalty of 20 percent (0.20) of the total tax liability if the failure is for a period of four (4) months or more.

C. A penalty will be assessed if a person:

1. Fails to pay at least 90 percent (0.90) of the total tax liability, but not less than $100, by the original due date; or

2. Fails to pay at least 100 percent (1.00) of the prior year's total tax liability by the original due date.

3. The penalty under Subsection C. is five percent (.05) of the tax underpayment, but not less than $5.

D. A penalty of $100.00 may be assessed if a person fails to file a registration form at the time required under Subsection 7.02.510 A.

E. The Director may impose a civil penalty of up to $500 for each of the following violations of the Business License Law:

1. Failure to file any tax return within 60 days from the due date as further outlined in Section 7.02.510 of this Chapter; or

2. Failure to pay any tax within 60 days of the Division's original written notice for payment; or

3. Failure to provide either documents or information (as required by Section 7.02.260) within 60 days of the Division's original written notice to provide the documents or information; or

4. Failure to fully complete any form required under this Chapter.

F. The Director may impose a civil penalty under Subsections E.2. and E.3. only if the Division gave notice of the potential for assessment of civil penalties for failure to comply or respond in the original written notice.

G. The Division may waive or reduce any penalty determined under Subsections A. through E. for good cause, according to and consistent with written policies.

7.02.710 Interest.

(Amended by Ordinance No. 187339, effective October 16, 2015.)

A. Interest will be assessed on any unpaid business tax at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the original due date of the tax to the 15th day of the month following the date of payment.

B. Interest will be assessed on any unpaid or underpaid quarterly estimated payment required by Sections 7.02.520 and 7.02.530 at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the due date of each quarterly estimated payment to the original due date of the tax return to which the estimated payments apply.

C. Notwithstanding Subsection B. there is no interest on underpayment of quarterly estimated payments if:

1. The total tax liability of the prior license tax year was less than $1,000; or

2. An amount equal to at least 90 percent (0.90) of the total tax liability, but not less than $100, for the current license tax year was paid in accordance with Section 7.02.530; or

3. An amount equal to at least 100 percent (1.00) of the prior year's total tax liability was paid in accordance with Section 7.02.530.

D. For purposes of Subsection B., the amount of underpayment is determined by comparing the 90 percent of the current total tax liability amount to quarterly estimated payments made prior to the original due date of the tax return. However, if 100 percent of the prior year's total tax liability is paid to the Division by the due date of the fourth quarterly payment, the Division may use the prior year's tax liability if doing so will reduce the amount of interest owed.

E. For purposes of Subsection A. of this Section, the amount of tax due on the tax return will be reduced by the amount of any tax payment made on or before the date for payment of the tax in accordance with Subsection 7.02.510 A. or Section 7.02.530.

F. Interest at the rate specified in Subsection A. of this Section accrues from the original due date without regard to any extensions of the filing date.

G. Any interest amounts properly assessed in accordance with this section may not be waived or reduced by the Division, unless specifically provided for by written policy.

7.02.715 Payments Applied.

(Amended by Ordinance No. 187339, effective October 16, 2015.) Business taxes received will be applied first to any penalty accrued, then to interest accrued, then to business taxes due, unless the Division determines in accordance with its written policies that a more equitable method exists for a particular taxfiler's account.

7.02.720 Interest on Refunds.

(Amended by Ordinance No. 187339, effective October 16, 2015.) When, under a provision of the Business License Law, taxfilers are entitled to a refund of a portion of the business tax paid to the Division, they will receive simple interest on such amount at the rate specified in Subsection 7.02.710 A., subject to the following:

A. Any overpayments will be refunded with interest for each month or fraction thereof for a period beginning four (4) months after the later of:

1. the original due date of the tax return, or

2. the date the tax return was filed or the refund was otherwise requested, or

3. the date the business tax was paid to the date of the refund; and

B. Any overpayments of taxes that are the result of an amended tax return being filed will be refunded with interest for each month or fraction thereof for the period beginning four (4) months after the date the taxfiler filed the amended tax return. This Subsection applies to tax returns that are amended due to a change to the federal, state, city or county tax return.

7.02.730 Criminal Penalties for Violation of the Business License Law by City Employee or Agent.

Anyone knowingly violating Section 7.02.230 may be punished, upon conviction thereof, by a fine not exceeding $500.00 or by imprisonment for a period not exceeding six (6) months, or by both fine and imprisonment. Any City employee that is convicted will be dismissed from employment and is ineligible for holding any position of employment or

office in the City for a period of five (5) years thereafter. Any agent of the City that is convicted is ineligible for participation in any City contract for a period of five (5) years thereafter.

7.02.800 Refundable Credit.

(Amended by Ordinance No. 187339, effective October 16, 2015.) For tax years beginning on or after January 1, 2005, a maximum of four (4) refundable credits of $500 each are allowed for qualifying businesses that employ disconnected youth. For the purpose of this credit, the terms used in this section are defined below or as defined in written policies adopted under Section 7.02.210 unless the context requires otherwise.

A. **"Local Business"** means a business operating in the pursuit of profit, gain or the production of income that:

1. has at least one physical location (such as an office, warehouse, store or restaurant) within the geographic boundaries of the State of Oregon and/or Clark County, Washington ; and

2. is registered to do business in the State of Oregon and said registration has not expired or otherwise been dissolved; or is a sole proprietorship that is not legally required to register to do business in the State of Oregon ; and

3. has a current account with the City of Portland and has complied with all filing and payment requirements of Portland 's Business License Law and the Multnomah County Business Income Tax Law.

B. **"Disconnected Youth"** means a youth that is

1. a resident of the City of Portland,

2. is 16-24 years old on the date on which the youth begins working with the local business,

3. has a household income that is at or below 50 percent of the HUD Portland Area Median Income, and

4. one or more of the following apply:

a. is receiving (or has received in the last six months) or is a member of a family receiving Temporary Assistance for Needy Families or Aid to Families with Dependent Children or Supplemental Security Income; or

b. is a 16-24 year old member of a family that is receiving (or has received in the last six (6) months) food stamps; or

c. is a custodial parent; or

d. is a high school drop-out; or

e. is an adjudicated youth, meaning that he/she currently is, or has been, in the Oregon Juvenile Justice System or the equivalent thereof in another state.

C. **"Qualified Youth Employment Organization"** means an organization that is qualified and funded to operate youth employment and training programs by the youth certifying agency.

D. **"Credit Certificate"** means a pre-numbered certificate issued by the Youth Certifying Agency upon fulfillment of the employment contract. A separate certificate is required for each credit granted to a business.

E. **"Youth Certifying Agency"** means an agency that has entered into an agreement or other memorandum of understanding with the Division to act as the Youth Certifying Agency for the purpose of this program.

F. **"2005 Tax Year"** means a tax year that begins on or after January 1, 2005 and ends on or before November 30, 2006, but does not exceed a 12 month period.

G. **"2006 Tax Year"** means a tax year that begins on or after January 1, 2006 and ends on or before November 30, 2007, but does not exceed a 12 month period.

H. **"Non-exempt"** means that the local business has not claimed an exemption from the requirements of the Business License Law as defined and provided for in 7.02.400.

7.02.810 Credits Issued.

A. For the 2005 tax year, a total of 100 refundable credits of $500 each will be available to non-exempt local businesses. For the 2006 tax year, a total of 100 refundable credits of $500 each will be available to non-exempt local businesses. The credit is non-refundable if the local business was exempt during the tax year in which it claimed the credit. The credit cannot be used to offset amounts due under the Multnomah County Business Income Tax.

B. The 100 refundable credits allocated per year will be issued on a first come, first served basis as measured by the date on which the youth certifying agency completes the certification process for any particular business.

C. A maximum of four (4) credits can be claimed on the tax return based on the taxable income for the tax year in which the credit is claimed. If a consolidated, combined

or joint return is required to be filed under Section 7.02.110 B., the consolidated, combined or joint group is limited to a maximum of four (4) credits.

D. Credit certificates can only be used in the tax year in which they are claimed and cannot be used in any other tax year.

E. For the 2005 tax year, only hours worked after June 30, 2005 may be counted towards the 300 hour minimum requirement.

F. Businesses cannot count reimbursable or otherwise subsidized hours (wages) toward the 300 hours.

G. A business may claim a credit for the same disconnected youth in successive tax years, provided that the youth works the required minimum 300 hours in each tax year.

H. The 300 hour requirement must be completed during the business' fiscal tax year rather than the calendar year.

7.02.820 Obligations of Participating Businesses.

To be eligible to receive a refundable credit and participate in the program, a local business must do each of the following:

A. Submit an application to the youth certifying agency that includes an intent to employ an eligible disconnected youth for an average of 25 hours per week and a minimum of 300 hours within four months.

B. Contact one or more qualified youth employment organizations for assistance in identifying youth, enrolling a specific youth in one of the qualified youth employment programs in order to pursue eligibility of the youth in the program, and/or seek assistance working with a youth to increase his/her opportunity for employment success.

C. Complete employee evaluations or conduct reviews of employees that fall under this program;

D. Report employment data for each youth to the participating qualified youth employment organization or the youth certifying agency.

7.02.830 Collection and Remittance of Donations to "Work for Art," a Program of the Regional Arts & Culture Council.

(Amended by Ordinance No. 187339, effective October 16, 2015.) The Revenue Division is authorized to collect and remit donations from taxfilers to "Work for Art," a program of the Regional Arts & Culture Council.

A. Taxfilers may donate to "Work for Art" by either

1. paying a sum above what is owed for their City business taxes, or

2. by designating that all or some of any refund due to them be instead donated to "Work for Art."

B. To indicate a desire to donate, the taxfiler must check the appropriate donation box on their tax return for the tax year in question. In addition, the taxfiler must indicate the amount that is to be donated.

C. Once the tax return is filed with the Division, the taxfiler may not cancel the donation or request that it be instead credited to any other outstanding receivable owed to the Division.

7.02.840 Frivolous Filing.

A $500.00 penalty will be assessed if a taxfiler takes a "frivolous position" in respect to preparing the taxfiler's tax return. A tax return is considered frivolous if a taxfiler does not provide information on which the substantial correctness of the self-assessment may be judged or if the tax return contains information that on its face indicates that the self-assessment is substantially incorrect. Examples of "frivolous positions" as provided in Oregon Administrative Rule 150-316.992(5) are hereby adopted by direct reference.

7.02.850 Hacking.

(Amended by Ordinance No. 187339, effective October 16, 2015.)

A. Any individual who intentionally accesses the Bureau's computer database without authorization will be fined:

1. $500 if the individual acquires any information regarding any business account found in the database;

2. $1,000 or the cost of the loss (whichever is greater) if the individual uses or attempts to use the acquired information for financial gain of any kind; or

3. $5,000 or the cost of the loss (whichever is greater) if the individual causes the transmission of a program, information, code, or command to the Division's computer database, and, as a result of such conduct, causes damage to the database.

B. Definitions. As used in this Section:

1. the term "Division's computer database" means computer application(s) used by the Division to calculate and store business and financial data collected under the authority granted by the Business License Law;

2. the term "loss" means any reasonable cost incurred by the City of Portland, including but not limited to the cost of responding to an offense, conducting

a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service;

3. the term "damage" means any impairment to the integrity or availability of data, a program, a system, or information.

7.02.860 First Year Adjustment Credit.

(Amended by Ordinance Nos. 182427 and 187339, effective October 16, 2015.)

A. Any taxfiler that was assessed a "First Year Adjustment" fee on a prior tax filing and has been licensed in all consecutive years since is entitled to receive a credit equal to that amount. The credit will be applied towards future City tax filings as a prepayment.

B. If the amount of the credit cannot be determined from Division records, a rebuttable presumption exists that the credit amount is equal to the amount of the minimum fee payment due for the tax year in which the City assessed the "First Year Adjustment" fee. A taxfiler may present evidence to the Division showing that its First Year Adjust fee was higher than the minimum fee amount due for a particular tax year.

C. Once the credit amount is determined, the Division will apply 100 percent of that amount towards tax payments due and owing for the 2008 license tax year. If that credit amount exceeds the tax amount due for the 2008 license tax year, the City will issue a refund for the difference or credit the overpayment forward to the next tax year if requested by the taxpayer.

7.02.870 Business Retention Credit for Qualifying Investment Management Firms.

(Added by Ordinance No. 183330, effective December 12, 2009.)

A. An Investment Management Firm is entitled to a credit against the total amount of its business license tax due. The business retention credit is determined by subtracting from the business license tax due the greater of

1. $6,000 times the number of owners, not including limited partners, subject to the Compensation Deductions allowed in Section 7.02.600 or

2. 30 percent of the total business license tax otherwise due. If the resulting difference is a negative number, the amount of the credit will be zero. Any allowed credit not used in a particular year will not be refunded and will not be carried forward to a succeeding tax year, except as provided in Subsection B.

B. For purposes of this credit, the "first tax year" would be a tax year in which the Investment Management Firm is doing business in the City of Portland and either

1. The Investment Management Firm was not doing business in the City of Portland in the prior tax year or

2. The prior tax year began prior to January 1, 2009.

a. In the first tax year, the credit is limited to 50 percent of the amount calculated in Subsection A. The remaining 50 percent shall be deferred and can only be claimed in the third of three consecutive tax years (in which the Investment Management Firm is doing business in the City of Portland) starting with the first tax year as defined above.

b. In the second consecutive tax year that the Investment Management Firm is doing business in the City of Portland, the credit is limited to 50 percent of the amount calculated in Subsection A. The remaining 50 percent shall be deferred and can only be claimed in the fourth of four consecutive tax years (in which the Investment Management Firm is doing business in the City of Portland) starting with the first tax year as defined above.

c. In the third consecutive tax year that the Investment Management Firm is doing business in the City of Portland, the Investment Management Firm, in addition to the full credit calculated in Subsection A, can claim the 50 percent deferred credit that was calculated in Subsection a. above.

d. In the fourth consecutive tax year that the Investment Management Firm is doing business in the City of Portland, the Investment Management Firm, in addition to the full credit calculated in Subsection A, can claim the 50 percent deferred credit that was calculated in Subsection b. above.

C. "Investment Management Firm" means a taxpayer that satisfies each of the following requirements during the tax year that the credit is sought:

1. At least 90 percent of the firm's gross income for the tax year must consist of fees that are

a. Received from Diversified Investing Fund or from persons unrelated to the firm, and

b. Determined as a percentage of the value of assets managed by the firm (including payments to the firm from their parties if the payments are credited against or offset such fees in whole or in part).

2. At least 90 percent of the assets managed by the firm must consist of Qualifying Investment Securities.

3. A majority of the voting interests in the firm must be owned by persons who received compensation from the firm that is subject to the Owner's Compensation Deduction in Section 7.02.600.

4. The firm was physically located within the City of Portland boundaries at the end of the tax year.

D. The terms "Diversified Investing Fund" and "Qualified Investment Securities" have the meanings as defined by Administrative Rule.

E. This credit is available for tax years beginning on or after January 1, 2009.

7.02.880 Youth Employment Credit Programs.

(Added by Ordinance No. 184716; amended by Ordinance No. 187339, effective October 16, 2015.)

A. For tax years beginning on or after January 1, 2011, any youth employment credit authorized by City Council will use the terms defined below or as defined by written policy adopted under Section 7.02.210 unless the context requires otherwise.

1. **"Local Business"** means a business operating in the pursuit of profit, gain or the production of income that:

a. has at least one physical location (such as an office, warehouse, store or restaurant) within the geographic boundaries of the State of Oregon and/or Clark County, Washington ; and

b. is registered to do business in the State of Oregon and said registration has not expired or otherwise been dissolved; or is a sole proprietorship that is not legally required to register to do business in the State of Oregon ; and

c. has a current account with the City of Portland and has complied with all filing and payment requirements of Portland 's Business License Law and the Multnomah County's Business Income Tax Law.

2. **"Non-exempt"** means the local business has not claimed an exemption from the requirements of the Business License Law as defined and provided for in 7.02.400.

3. **"Tax Year"** means any tax year allowed by the Internal Revenue Service and/or State of Oregon and used by the business to file their income taxes and begins during the year identified as the tax year of the credit.

4. **"Youth Certifying Agency"** means the agency that is responsible for determining youth that qualify for one or more Youth Employment Credit programs.

B. Credits issued under a Youth Employment Credit program will have the following features:

1. Credits will be non-refundable;

2. There will be a maximum number of credits per tax year per program;

3. There will be a maximum number of credits that can be claimed by a Local Business in any given tax year;

4. No individual credit will exceed $500; and

5. Credit certificates or letters will be provided by the Revenue Division to be attached to the tax return claiming the credit(s).

C. Each Youth Employment Credit program will outline any youth qualifications and business obligations to qualify for the credit, including but not limited to the number of hours and the length of time that the youth must be employed to qualify for the credit, the definitions of a qualifying youth, the certifying agencies for either the youth qualifications for the program or obligations of the business to obtain the credit, and any program goals and results that should be attained for renewal if the program is a pilot program.

7.02.881 Foster Youth Employment Opportunity Credit.

(Added by Ordinance No. 184716; amended by Ordinance No. 187339, effective October 16, 2015.)

A. A Youth Employment Credit, known as the Foster Youth Employment Opportunity Credit, is available for tax years 2011 and 2012 to local businesses that employ foster youth certified by the State of Oregon Department of Human Services (DHS).

B. For each tax year, 25 non-refundable $500 credits are available on a first-come, first-served basis. An individual business can claim one credit for each separate

foster youth employed for the minimum required hours, up to a maximum of four (4) credits in one tax year.

C. To qualify for the credit, a business must:

1. Employ a certified foster youth.

a. If the foster youth is enrolled in an educational program, the youth must average 12 hours per week and must have worked at least 200 hours in a six month period; or

b. If the foster youth is not enrolled in an educational program, the youth must average 25 hours per week and must have worked at least 400 hours in a six month period.

2. Submit the following documentation no later than one month following the close of the tax year in which the credit is to be claimed. The documentation can be submitted at any time once the youth has worked sufficient hours to qualify for the credit.

a. A copy of the youth's DHS certification;

b. Sufficient summary payroll records that supports the average hours per week and total minimum hours required; and

c. Sufficient documentation of the school or other educational program where the youth was enrolled if claiming the credit based on Subsection 1.a. above.

3. The Revenue Division will issue either a credit certificate or credit letter authorizing the maximum credit(s) for the tax year.

7.02.882 Youth Career Readiness Credit.

(Added by Ordinance No. 184716, effective August 5, 2011.)

A. A Youth Employment Credit, known as the Youth Career Readiness Credit, is available for tax years 2011 and 2012 as a pilot program with the goal to increase the number of students who graduate from high school "career-ready" by expanding the number of meaningful career-related learning experiences between the private sector and schools.

B. For purposes of the Youth Career Readiness Credit:

1. **"Career-Readiness"** involves three major skill areas: core academic skills and the ability to apply those skills to concrete situations in order to function in the workplace and in routine daily activities; employability skills (such

as critical thinking and responsibility) that are essential in any career area; and technical, job-specific skills related to a specific career pathway. These skills have been emphasized across numerous pieces of research and allow students to enter true career pathways that offer family-sustaining wages and opportunities for advancement.

2. **"Career-Related Learning Experiences"** (CRLEs) are structured student activities in the community, the workplace or in the school that connect academic content and career-related learning to real life applications. These experiences extend, reinforce and support classroom learning and also help students to clarify career goals and usually take form as "Career Awareness Activities", "Career Exploration Activities" and "Career Preparation Activities".

3. **"Career Awareness Activities"** include workplace tours and field trips, career and job fairs and guest speakers.

4. **"Career Exploration Activities"** include job shadowing, informational and mock interviews, career mentoring and enterprise and community-based projects.

5. **"Career Preparation Activities"** include work experience, internships and apprenticeships.

6. **"CRLE Certifying Agency"** means the partner agency that has entered into an agreement or other memorandum of understanding with the City to act as the certifying agency for CRLE programs and will issue the credit certificate to each qualifying business program.

C. For each tax year, 75 non-refundable $500 credits are available on a first-come, first-served basis, to Local Businesses that provide substantial career-readiness activities to high school students. An individual business can claim credits for each separate career readiness activity, up to a maximum of four (4) credits. However, no more than two (2) credits can be claimed for Career Awareness Activities.

D. To qualify for the credit, a business must:

1. Provide a Career Awareness, Career Exploration or Career Preparation activities program with direct costs of more than $2,500 or in-kind value of more than $5,000.

2. The CRLE program being provided by the business must be certified by the CRLE Certifying Agency.

3. Complete the certified program as agreed to obtain the credit certificate from the CRLE Certifying Agency.

7.02.890 Residential Rental Registration Program.

(Added by Ordinance No. 189086, effective July 25, 2018.)

A. For tax years beginning on or after January 1, 2018, all owners of residential rental property in the City are required to register the property and annually provide a schedule that includes the address of all owned residential rental units within the City. The Director may require additional data about the rental location by administrative rule. For purposes of this section, except where defined by administrative rule in accordance with Section 7.02.210, "residential rental unit" means any residential property rented or offered for rent for a period of more than 30 consecutive days. If a property contains more than one residential living quarter, the term residential rental unit refers to each separate living quarter.

B. In the first tax year of the Residential Rental Registration Program, no additional fee will be imposed in connection with the registration. In subsequent years, a fee may be enacted to partially or fully recover the administration costs of the program in addition to other services as the Council may direct. Any fee schedule would be created and amended by administrative rule in accordance with Section 7.02.210. Section 7.02.700, Penalties, shall not apply for failure to file rental registration data in the 2018 tax year. Beginning in tax year 2019 and beyond, the penalty provisions of Section 7.02.700 shall apply.

CHAPTER 7.03 - TEMPORARY BUSINESSES

(Chapter added by Ordinance No. 182137, effective September 19, 2008.)

Sections:

7.03.010 Temporary Businesses Exempt from Business License Law.

A. Persons doing business as defined in Section 7.03.030 are considered "temporary businesses" and are not subject to the provisions of the Business License Law, Chapter 7.02, but are subject to the provisions of this Chapter. This Chapter does not apply to a business that is currently licensed under the provisions of Chapter 7.02.

B. The term "person" includes, but is not limited to, a natural person, sole proprietorship, partnership, limited partnership, family limited partnerships, 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.

7.03.020 Fees for Revenue.

The term "license" as used in this Chapter does not mean a permit, nor is it regulatory in any manner. The fees prescribed under this Chapter are for revenue purposes only.

7.03.030 Temporary Businesses Defined.

The following persons, as defined, are considered "temporary businesses" subject to the requirements of this Chapter:

A. "Amusement Ride Operator" means an operator of amusement rides not in the same location for more than 14 days.

B. "Temporary Structure Vendor" means a vendor not located in a permanent structure for more than 14 days.

C. "Promoter" means a promoter of commercial entertainment doing business in the City of Portland for no more than three (3) days in any calendar year.

D. "Production Company" means a production company filming in the City of Portland for no more than three (3) days in any calendar year.

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8.08.010 County Health Officer to Act as City Health Officer.

For the purposes of enforcing the provisions of this Title, the Health Officer in charge of the Division of Public Health, Department of Medical Services for Multnomah County hereby is designated as the City Health Officer.

8.08.020 Powers of the Council - Rules and Regulations.

The Council shall have the management and control of the City hospital, ambulance service receiving hospitals, and supervision of all matters pertaining to the preservation, promotion and protection of the lives and health of the inhabitants of the City. It may adopt rules and regulations, not inconsistent with the Charter or City ordinances, for determining the character of nuisances, and providing for their abatement, and the discharge of its functions in general. Such rules shall be kept on file in the Auditor's Office.

It shall have the sanitary supervision of all institutions of the City, including jails, schoolhouses and all public buildings; of the disposition of the dead; of the disposition of garbage, offal and other offensive substances.

It shall have the exclusive control and disposition of all expenditures necessary in the institution under its immediate control.

8.08.030 Duties of the Bureau of Health.

The Bureau of Health shall enforce all ordinances, rules and regulations which may be adopted for the carrying out and enforcement of a good sanitary condition in the City; for the protection of the public health; for determining the nature and character of nuisances and for their abatement by the Bureau of Nuisance Abatement; and when acting as a local registrar under the authority of ORS 432.035, for securing the proper registration of births, deaths and other statistical information.

8.08.040 Enforcement of State Law.

The Health Officer and his duly appointed deputies shall perform the duties required by ORS 432, and such other laws of the state as provided for the registration of births and deaths.

8.08.050 Copies of Records.

Except as herein provided, the Health Officer shall charge and collect from every applicant seeking information respecting the record of any death or birth, and shall also charge and collect from every applicant for a certified copy of any death or birth certificate, a fee of $1 for making the search to determine whether such death or birth certificate is of record

in his office. Payment of an additional $1 fee shall entitle the applicant to a certified copy of any death or birth certificate, except that the total fee for the birth registration card as distinguished from a birth certificate, shall be only $1, if the same be found of record, and, if not of record, to a certificate so stating; provided, that local and federal governmental agencies or other official agencies may obtain such information by direct verification from the Bureau of Health or receive a certified copy of such certificate free of charge or fee, upon request by the agency involved or the individual concerned, such verification or certificate upon such request to be transmitted directly to the agency and not to the individual; and provided further, that verification of such record for use in connection with a claim based upon war veterans' benefits shall be supplied free of charge or fee to the Veterans' Administration or to the State Officer of Veterans' Affairs for use as evidence of such claim involving war veterans' benefits, upon the request of any war veteran or his duly appointed agent or the Director of Veterans' Affairs or other agency processing such claim, such verification to be transmitted directly to the agency involved and not to the individual; and data relating to war veterans if requested by the director of Veterans' Affairs shall be forwarded to said Director free of charge.

CHAPTER 8.12 - PERMITS

Sections:

8.12.010 Permit Must Be Obtained.

It is unlawful for any person to do anything for which a permit is required by ordinance from the Health Officer unless such person shall have first obtained such permit.

8.12.020 Information Required on Application.

In making any application for a permit to do anything that requires a permit from the Health Office, the applicant shall furnish such true and precise information as will give the Health Officer a correct understanding of the character and extent of the application. Such information shall be in writing on a form to be provided by the Health Officer.

8.12.030 Permit to Be Specific.

Each permit issued shall state specifically the name of the person to whom it is issued, together with the location to which it applies and the character and extent of the privileges authorized thereby. No permit shall be construed to grant privileges beyond those specified. Licenses issued in lieu of permits shall grant no additional privileges to those specified in the permit.

8.12.040 Life of Permit.

If any work or undertaking for which a permit has been issued is not commenced within a reasonable time, not to exceed 90 days from the date of the issuance of the permit, or if after the commencement of such work or undertaking the same is discontinued for 1 year, or less, and there appears to be no reasonable grounds for delay, said permit shall automatically become void and of no effect beyond that which has been lawfully performed or accomplished.

8.12.050 Posting.

Each permit shall be posted by the person to whom it is issued, in a conspicuous place at the location to which it applies, unless a license is issued in lieu thereof, and it shall remain posted without defacement, alteration, or concealment until the activity authorized thereby has been fully performed or completed in a manner approved by the proper authority. No permit shall be effective or extend beyond the limitations specified thereon or as otherwise determined by ordinance.

CHAPTER 8.20 - HOUSING AND SCHOOL SANITATION

Sections:

8.20.010 Right of Entry.

The Health Officer may, in the performance of his duties and to the full extent permitted by law, enter, examine and survey all dwellings, premises and grounds thereof in the City without hindrance. The owner or his agent, his representative, and the lessee or other occupant, or any person having the care and management thereof, shall give free access to said officer at all reasonable times when required to do so.

8.20.020 Dwelling as Unlawful Structure.

If any dwelling or part thereof is occupied by more persons or families than provided for in this Code, or is erected, altered or occupied contrary to law, such dwelling shall be deemed an unlawful structure. The Health Officer shall give due notice to the owner or his agent and the occupant requiring him, within a reasonable time, to comply with the law. Upon failure to comply with the law as required, the Health Officer shall institute

appropriate legal action. Any dwelling vacant or thereafter vacated shall not again be occupied until it or its occupancy shall have been made to conform to the law.

8.20.030 Service of Notices and Orders.

Every notice or order in relation to a dwelling shall be served upon the owner or his agent, and the occupant, allowing a specified reasonable time for the doing of the thing required in the notice. However, the posting of a copy of such notice or order in a conspicuous place in or upon the dwelling, and mailing a copy thereof to such owner or agent at his last known address, shall constitute service of any notice required by this Code, unless otherwise provided.

8.20.040 Person in Charge of Multiple Dwelling.

If so required by the Health Officer, the owner of any multiple dwelling shall notify the Health Officer and post in an easily visible place at the entrance of the multiple dwelling and in legible form, the name of some responsible person resident in the City who is authorized by the owner to receive notices or take emergency action.

8.20.050 Toilets for Workmen on Construction of Buildings.

The owner or contractor of any building in course of erections or removal must provide toilet accommodations for the workmen. The toilet must be connected with the sewer just inside the pavement wall, supplied with water, and kept clean. In case it is impossible to connect with a sewer for lack of a sewer in the street or alley, then the owner or contractor shall provide a temporary vault not less than 6 feet deep. The vault must be disinfected each day by covering the contents to a depth of not less than 3 inches with fresh earth and air slacked lime. On completion of the work, the vault shall be removed and the premises left in a sanitary condition. The use of such a vault shall not exceed 90 days on any premises.

Properly constructed "portable sanitary chemical toilets" may be used when serviced by a recognized sanitary service organization approved by the Bureau of Health.

8.20.060 Street Contractors to Provide Toilets.

Any contractor having any street work such as grading, paving or the opening of a new street, construction of a railroad, or any other kind of work where a number of men are employed, shall provide toilet accommodations for the men in his employ. This may be done by using a manhole in any street in which a sewer has been laid or by providing a temporary vault as provided in Section 8.20.050.

8.20.070 Public Bathhouses and Swimming Pools.

Every person owning, maintaining, or operating any bathhouse or other place where the public is admitted with or without charge for bathing, shall at all times keep the premises, appurtenances and all equipment in a clean and sanitary condition. All such premises and equipment shall be subject at all reasonable times to inspection by the Health Officer or any sanitary inspector of the City. The Health Officer may from time to time require such changes to be made or such measures to be taken as may in his judgment be necessary in the interests of public health.

Whenever it shall appear to the Health Officer that a condition exists which is an immediate menace to the public health, he shall serve written notice upon the owner, manager, operator or person in charge of such place, requiring him immediately to discontinue the use thereof until such condition is remedied and the premises are put in a clean and sanitary condition.

The Health Officer shall from time to time inspect all public and semi-public swimming pools and make sanitary tests of the water. In case he finds a condition existing which is a menace to the public health, he shall proceed to give notice and cause discontinuance thereof in the manner provided in the preceding paragraph.

8.20.080 Tourist and Traveler Facilities.

A. Definition. "Travelers' accommodations" includes any establishment having rooms or apartments rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities.

B. Cleanliness. It is unlawful for any owner, lessee, or person managing or in control of such premises to let, lease or rent lodgings in any hotel, tenement, flat, rooming house, cubicle, dormitory or dwelling that is infested with bedbugs, lice or other vermin. Every such building and every part thereof shall be at all times kept clean and free from dirt, garbage and refuse. Whenever it shall appear to the Health Officer that any such building or room is in an unsanitary condition or infested with bedbugs, lice or other vermin, he shall notify the person in charge of such building to immediately fumigate, cleanse or paint the interior of any such building or room or take such other action as may be reasonably necessary to remedy the condition. It is unlawful for the owner or person in charge of such building and their agents to use or maintain any such building or room or permit their use for sleeping apartments until such order has been complied with.

C. Certificate of sanitation. No person shall establish, operate, manage or maintain any travelers' accommodation or tourist park without first securing a certificate of sanitation from the Bureau of Health. Application for a certificate of sanitation shall be made in writing on a form prepared for the purpose and provided by the Bureau of Health.

D. Cubic contents. It is unlawful for any person to use any building as a sleeping apartment which contains less than 400 cubic feet of air space for each person over 14 years of age, 300 cubic feet of air space for each person over 6 years of age but not over 14 years of age, and 200 cubic feet of air space for each person 6 years of age and under.

E. Bedding. All mattresses shall be provided with conventional mattress covers or pads. All mattresses shall be provided with waterproof coverings whenever required by the Health Officer. All beds, bed clothing, mattresses and pillows shall be kept clean and free from vermin. Clean sheets and pillowcases shall be furnished

for each bed at least once a week; provided, however, that they must be furnished each time a new lodger occupies the bed.

F. Toilet facilities. When rental units are not equipped with self-contained toilet facilities, there shall be provided one approved water closet, bath and lavatory for each sex, in the ratio of one of each for every 10 rental units or fraction thereof and not less than one for each sex for each 10 beds. Toilet rooms shall be clearly marked for men and women. All toilet and bathrooms for general use shall be provided with nonabsorbent floors and base in conformity with the requirements of the housing Code; the walls and ceilings shall be of approved materials and finished smooth. Toilet and bathrooms shall be adequately lighted and ventilated to the outside air.

G. Insects, rodents and pets. All practical measures of sanitation and construction shall be used to effectively build out and control insects and rodents. No pet animals shall be permitted to run at large or to commit any nuisances within the premises of a travelers' accommodation or tourist park.

8.20.090 Lighting Public Halls in the Daytime.

In every multiple dwelling where the public halls and stairs are not sufficiently lighted to permit a person with normal vision to read 10-point type in every part thereof without the aid of artificial light, the owner or person in charge of such building shall keep a light, producing at least 2 foot candle illumination burning in the hallway upon each floor and lighting every part thereof as may be necessary from sunrise to sunset.

8.20.100 Lighting Public Halls and Stairs at Night.

In every multiple dwelling a light or lights shall be kept burning by the owner or person in charge of such building, in the public hall or corridor and in the stair enclosure, every night from sunset to sunrise. Such light shall produce at least 2 foot candle illumination over the entire area. In case a multiple dwelling has a stair hall or enclosure which is not provided with windows to light and illuminate the same, the provision for lighting in the daytime shall be the same as is required for stair halls and corridors at night in other multiple dwellings.

8.20.110 Water Closet and Sink Maintenance.

No water closet shall be maintained in the cellar of any dwelling that does not conform to the requirements of the housing regulations, Title 29. All water closets and sinks in dwellings shall be maintained in good operating condition and in a clean and sanitary manner.

8.20.120 Repairs and Maintenance.

A. Every dwelling and all parts thereof shall be kept in good repair, the roof free from leaks, and all rain water shall be drained and conveyed away so that the same shall not cause dampness in the walls or ceilings.

B. Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight, and rodent proof, shall be capable of affording privacy and kept in good repair.

C. Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight and rodentproof and shall be kept in sound working condition and in good repair.

D. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and in good repair.

E. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

F. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

G. Every supplied facility, piece of equipment or utility which is required under this Code, shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

H. No owner, operator or occupant shall cause any service facility equipment or utility which is required under this Code, to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Health Officer.

I. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

J. All electric wiring shall be installed according to the requirements of the City electrical Code and every dwelling shall conform to the requirements of the City Fire Code. All plumbing and plumbing fixtures shall be installed according to the requirements of the City Plumbing Code.

8.20.130 Responsibilities of Owner and Occupants for Cleanliness.

A. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies or controls.

C. Every occupant of a dwelling or dwelling unit shall dispose of all of his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner by placing it in the garbage facilities or garbage storage containers required by this Chapter. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

D. Every occupant of a dwelling containing a single unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this Subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

E. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

8.20.140 Walls of Courts.

In multiple dwellings, the walls of all enclosed courts or line courts, unless of a light colored material, shall be painted a light color and so maintained.

8.20.150 Walls and Ceilings of Rooms.

In all multiple dwellings, the Health Officer may require the walls and ceilings of any room to be painted in a light color when necessary to improve the lighting of such room.

8.20.160 Wallpaper.

Whenever required by the Health Officer, all old wallpaper shall be removed and the walls and ceilings thoroughly cleaned.

8.20.170 Receptacles for Ashes, Rubbish and Garbage.

Suitable tight metal cans with metal covers, for holding ashes, garbage, refuse or other waste, shall be provided and maintained for every dwelling and for every apartment in

apartment houses for family unit in multiple dwellings. It shall be the duty of the occupant of every dwelling to keep the cans used by him in good condition at all times.

8.20.180 Prohibited Uses.

No horse, mule, cow, calf, swine, sheep, goat or domestic fowl shall be kept in any dwelling or part thereof. Nor shall any animal be kept on the same lot or premises within a dwelling except under such conditions as may be prescribed by the Health Officer. No such animal shall under any circumstances be kept on the same lot or premises with a multiple dwelling. No dwelling or the lot or premises thereof shall be used for the business of storage or handling of rags or junk.

8.20.190 Storage of Dangerous Materials.

No dwelling or any part thereof, or any part of the lot upon which it is situated, shall be used as a place for storing or handling feed, hay, straw, excelsior, cotton, paper stock, feathers, rags, or any other combustible material, or any article which is dangerous or detrimental to life or health, except under such conditions as may be prescribed by the fire marshal upon written permit issued by him.

There shall be no transom, window, or door opening into a public hall from any portion of a multiple dwelling where paint, oil or spirituous liquors are stored.

No explosive or highly inflammable material shall be stored in any hospital, jail or similar multiple dwelling, unless such material shall be enclosed in a fireproof room with masonry walls. This room shall have only one opening into the building, and that opening shall be protected with a fire door approved by fire underwriters. This room shall have a window opening to the exterior air, so placed as to prevent the direct rays of the sun from gaining access thereto. Hotels, lodging houses and dwellings of similar occupancy shall also comply with the requirements of the Building Code and the Fire Code as they relate to prohibited hazards.

8.20.200 Notice of Unsanitary or Unhealthful Condition of Premises to be Given and Posted - Unlawful to Remove.

When upon investigation or inspection by the City Health Officer, or any of his assistants, it shall have been found that any building, property or place in which any person or persons dwell, or engage in any occupation, or assemble, is kept or permitted to be or remain in an unsanitary or filthy condition, is not lighted or ventilated as required by City ordinance, in which the drainage or plumbing is so defective or unsanitary as to constitute a danger to health, or where the construction or condition of a building or part thereof is such as to endanger health, it shall be the duty of the Health Officer to notify in writing the owner, agent or occupant of such building or property, stating therein the condition or thing to be corrected, and requiring that the same be corrected within a reasonable time to be specified in such notice. If within such time the condition be not remedied, it shall be the further duty of the Health Officer to post or cause to be posted in a conspicuous place on such building or property a notice stating that such building or property has been found to be dangerous to health and unfit for occupancy. Such posted notice shall require that the premises be vacated until the dangerous condition has been corrected and the premises again have been inspected and found to be in a healthful condition, whereupon the Health

Officer shall remove the notice so posted. It is unlawful for any person, other than the Health Officer or his duly authorized agents, to remove, destroy, deface, cover up or conceal any notice posted as herein provided, except by written permission of the Health Officer.

In case an order to vacate is not complied with within the time specified, the Health Officer or his duly authorized agent shall institute such legal action against the owner or occupant as may be appropriate. The Health Officer may extend the time within which to comply with the order, and whenever he is satisfied that the danger from the dwelling has ceased to exist, or that the dwelling is fit for human habitation, may revoke such order.

8.20.210 Maintenance of Health Hazard not Permitted.

It is unlawful for the owner, agent or occupant of any dwelling, building, structure, excavation or premises to suffer or permit the plumbing, sewerage, drainage, light, ventilation or any other matter or thing in or on the dwelling, building, structure, excavation or premises to be or remain in a condition dangerous or detrimental to life or health. It is further unlawful for the owner, agent, occupant or responsible party to fail to correct any such condition within the time specified in the notice, after having been notified by the Health Officer to do so.

8.20.220 Sinks, Water Closets and Bathing Facilities.

A. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Health Officer.

B. Every dwelling unit, except as otherwise permitted in Subsection D of this Section, shall contain a room which affords privacy to a person within the room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Health Officer.

C. Every dwelling unit, except as otherwise permitted in Subsection D of this Section, shall contain, within a room which affords privacy to a person within the room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Health Officer.

D. In every dwelling erected prior to the effective date of the housing Code passed January 22, 1919, the occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower, in good condition and properly connected to a water and sewer system approved by the Health Officer.

E. Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this ordinance shall be properly connected with both hot and cold water lines.

F. Every dwelling unit shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Subsection (e), and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit.

G. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, whose type and location are approved by the Health Officer.

H. Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.

8.20.230 Basements and Cellars.

The floor of the cellar or other lowest floors of every dwelling shall be free from dampness. When it is necessary to secure such condition, it shall be concreted with not less than 3 inches of waterproof concrete of good quality with finished surface.

8.20.240 Courts, Areas and Yards Concreted.

When required by the Health Officer, courts, areas and yards shall be properly graded and drained, and if necessary to serve that purpose, shall be concreted.

8.20.250 Minimum Heat Requirements.

Every person leasing or renting to another, space in any building under an agreement, express or implied, which includes the furnishing of heat by such person, shall at any time that the outside temperature is below 68 degrees Fahrenheit furnish heat in such space so leased or rented, heat sufficient to maintain a temperature of not less than 68 degrees Fahrenheit at a height of 3 feet from the floor, between the hours of 7:00 a.m. and 10:30 p.m. of each day; except in buildings which are regularly and customarily occupied only during the day by the lessees or tenants thereof, said minimum heat shall be furnished between the hours of 8:00 a.m. and 5:30 p.m. of each day except Sundays, and in buildings occupied at irregular intervals, the minimum heat shall be furnished during the period of occupancy.

8.20.260 School Sanitation.

In all schools in the City:

A. Toilet rooms shall be properly equipped, clean, free from marks, and well ventilated. All toilet facilities shall be separate for each sex. The floors thereof shall be constructed of cement, tile or other waterproof material free from cracks or other conditions which would prevent thorough and proper cleaning. The walls and ceilings shall be constructed of smooth surface, washable materials and kept free from obscene writings and markings. In toilet rooms each toilet shall occupy a separate compartment. The walls of compartments or partitions between fixtures may be less than the height of the room walls but the top shall not be less than 6

feet from the floor and the bottom not less than 1 foot from the floor. The door to every toilet room shall be fitted with an effective self-closing device and screened so that the interior of the room is not visible from the outside.

B. Water closets shall be provided in the following ratio:

	Girls	Boys
Elementary Schools	1-20	1-30
Secondary Schools	1-45	1-90

At least two water closets shall be installed in each general toilet room. Urinals shall be provided in all schools in the ratio of 1 urinal to 30 boys, but at least 2 urinals shall be installed in each boy's general toilet room.

Additional facilities properly located with regard to rooms for community use, playgrounds, cafeterias, gymnasiums, auditoriums and other special needs, shall be provided in addition to those determined by the ratios above.

C. Wash basins in elementary schools shall be provided in the ratio of 1 for each 20 girls and 1 for each 20 boys. When the practice of providing wash facilities in each classroom is followed, then those installed in the toilet rooms may be in the ratio of 1 to 40. Twenty-four inches of the circumference of a wash fountain shall be considered the equivalent of one wash basin. Wash basins in secondary schools shall be provided in the ratio of 1 to each 50 pupils or fraction thereof, provided that a minimum of 2 such fixtures shall be installed in each general toilet room.

D. Drinking fountains of a type approved by the Health Officer shall be provided in the ratio of 1 fountain for each 50 children or fraction thereof. Drinking fountains shall be located conveniently to playgrounds, shops and gymnasiums. Drinking fountains shall not be located in toilet rooms.

E. Toilet rooms shall be kept clean, and they shall be swept daily and scrubbed at least twice a week and more often if necessary. Toilets, urinals and wash basin fixtures shall be scrubbed daily. A constant supply of paper towels, soap and toilet paper shall be provided in each toilet room. All buildings shall receive regular and efficient cleaning at least once a week. Windows, transoms, mirrors and light fixtures shall be kept clean.

CHAPTER 8.24 - HOSPITALS AND INSTITUTIONAL HOMES

Sections:

8.24.010 Definitions.

For the purposes of this Chapter, the terms “hospital” and “institutional homes” are hereby defined as follows:

A. **"Hospital"** means any institution devoted primarily to the rendering of healing, curing and nursing care, or healing, curing or nursing care, which maintains and operates facilities for the diagnosis, treatment and care of two or more nonrelated individuals suffering from illness, injury or deformity, or where obstetrical or other healing, curing or nursing care is rendered over a period exceeding 24 hours.

B. **"Institutional homes"** mean any institution within the definitions of "maternity home," "nursing home," "home for the aged," "day nursery," "kindergarten," "child caring institution," and "group care home for physically handicapped or mentally handicapped children" as stated in this Code.

8.24.020 Hospital Types Classified.

For the purposes of administration, all hospitals shall be classified by the Bureau of Health in accordance with the following descriptive titles. Each title shall be selected and applied with due regard to the nature and purpose of the hospital and the definition applicable thereto. No hospital shall operate in any capacity beyond that indicated by the definition of its title:

A. General hospital. To operate as a general hospital, an institution must provide complete medical and surgical care to the sick and injured, and maternity care, and have:

1. An organized staff of qualified professional, technical and administrative personnel, with a chief or chairman of the attending staff, and appropriate hospital department heads;

2. An approved laboratory with standardized equipment necessary for the performance of biochemical, bacteriological, serological and parasilogical tests, and the services of a consulting clinical pathologist. Necessary equipment should be available for the preparation of pathological specimens. Housing and lighting facilities for the laboratory must be adequate for the accurate performance of all the required tests;

3. X-ray facilities with the services of a consulting radiologist. These facilities shall include, as a minimum, a complete radiographic unit, consisting of a transformer, tube stand, table with a stereoscopic attachment, fluoroscopic equipment adjustable to horizontal and vertical positions, a viewing box, a stereoscope, and a dark room equipped for the development of films;

4. A separate surgical unit, with the following as minimum facilities: An operating room, a sterilizing room, a work room, a scrub room and a dressing room;

5. A separate isolation unit, consisting of sufficient number of rooms, according to the size and needs of the hospital, located either in a separate

building or in a location that may be isolated as a separate Section, with separate lavatory and toilet facilities;

6. Separate maternity facilities, preferably a separate maternity unit with a separate entrance, including as minimum requirements wards or rooms for patients, labor rooms and delivery room, all exclusively designated and used for maternity patients, and a nursery;

7. Mental unit. In the case of all general hospitals, hereafter constructed, provision shall be made for a mental unit, consisting of an adequate number of soundproofed rooms with adequate safeguards for the patients, and in case of all other general hospitals such facilities should be provided at their earliest convenience;

8. Dental unit. In the case of general hospitals, with 100 or more beds, hereafter constructed, it is recommended that consideration be given to the inclusion of a separate dental unit, in charge of a duly licensed dental surgeon, with standardized equipment for the diagnosis and treatment of diseases of the teeth, performance of orthodontia, and rehabilitation of the defective teeth and oral surgery, including all necessary anesthetic and sterilization equipment.

B. Intermediate general hospital. To operate as an intermediate general hospital, an institution must have not less than 16 nor more than 75 beds for patients, provide medical and surgical care to the sick and injured, and maternity care, and have:

1. A staff of qualified personnel;

2. The services of an approved laboratory, such as required for a general hospital, readily available, in addition to which hospitals in this classification with 30 or more beds shall have suitable space, laboratory equipment and supplies for the performance of urinalyses, blood counts, blood cross-matching and serological tests for syphilis, as minimum facilities within the institution; and those having less than 30 beds shall have, as an absolute minimum, laboratory facilities for blood counts and urinalyses within the institution.

3. X-ray facilities, such as required for a general hospital, conveniently available with portable x-ray facilities as minimum equipment within the institution.

4. An operating room with standard equipment, in addition to which there shall be adequate provision for sterilization of equipment and supplies.

5. Isolation facilities, with adequate and proper procedures for the care and control of infectious, contagious and communicable disease, and for the prevention of cross infections.

6. Maternity facilities, consisting of wards or rooms a delivery room, all exclusively designated and used for maternity patients, and a nursery.

C. Contagious disease hospital. To operate as a contagious disease hospital, an institution must be maintained in a separate building, be devoted exclusively to the care of persons who have, or are suspected of having, infectious, contagious, or communicable disease, and meet the requirements for an intermediate general hospital, except for the isolation facilities required of such hospitals.

D. Convalescent hospital. To operate as a convalescent hospital, an institution must have at least 20 beds for patients, provide medical and nursing care for persons afflicted with a chronic illness, or a chronic disability resulting from injury, or are convalescing from illness or injury, and exclude the acutely ill, the acutely injured, and persons who are surgical or maternity patients. Persons with tuberculosis shall not be admitted unless they are in a noninfectious stage, and are admitted primarily for the care of another chronic disease, or will be cared for in an isolation unit under strict isolation procedures, conforming to Section B of Regulations VII in the booklet "Rules and Regulations of the State Board of Health for the Control of Communicable Diseases." The institution shall have:

1. A staff of qualified personnel, including a dietitian on a consultative basis;

2. The services of an approved laboratory readily available;

3. The X-ray facilities conveniently available, with portable X-ray facilities within the institution;

4. Isolation facilities, with adequate and proper procedures, for the care and control of infectious, contagious and communicable diseases, and for the prevention of cross infections, sufficient to care for such illnesses as may occur in persons being cared for within the institution until such persons can be transferred to an institution equipped to care for acute illness. If persons suffering from infectious, contagious or communicable disease are to be admitted, a separate isolation unit as required for a general hospital must be provided;

5. Mental unit. If mentally disturbed patients are to be admitted to the institution, provision must be made for a mental unit as required for a general hospital. A convalescent hospital shall have at least one room equipped as a psychiatric unit in which patients who may become mentally

disturbed may be cared for until such time as they may be transferred to a mental disease hospital;

6. Physical therapy facilities. Reasonable physical therapy facilities and equipment adequate to meet the needs of those patients requiring physical therapy are to be provided, including as a minimum wheel chairs, walkers, crutches, walking bars, suspended bar over beds and heat therapy equipment and are to be under the supervision of a physician and qualified physical therapist on a consultative basis;

7. The building shall have adequate space to use the physical therapy equipment and room or rooms in which the physical therapist may carry out procedures and direct the recreational activities of patients;

8. Adequate provision shall be made for immediate removal of acutely ill patients to a general hospital or intermediate general hospital.

E. Maternity hospital. To operate as a maternity hospital, an institution must be in a separate building, provide service for maternity patients exclusively, have on the staff professional personnel especially qualified in obstetrics, meet the requirements for a general hospital except that when the hospital is operated in connection with a general hospital the requirements for a laboratory, X-ray, surgical and isolation facilities may be met through appropriate technique by the use of those in the general hospital, and in addition all special regulations governing maternity hospitals and maternity units in general hospitals must be carefully observed.

F. Medical hospital. To operate as a medical hospital, an institution must provide special facilities for diagnosis and drug therapy; meet all minimum requirements for an intermediate general hospital except those pertaining to the operating room, delivery room and nursery; have on its staff professional personnel especially qualified in internal medicine, including one or more physicians qualified by training and experience for certification by the American Board of Internal Medicine; have an approved laboratory under the direct supervision of a physician qualified by training and experience for certification by the American Board of Pathology; have an X-ray department directly under the supervision of a physician qualified by training and experience for certification by the American Board of Radiology; exclude surgical and maternity patients; and have an enforceable agreement in writing with a licensed general hospital or intermediate general hospital permitting the prompt transfer to and admission by the latter of any patients requiring surgical or maternity service.

G. Mental hospital. To operate as a mental hospital, an institution must be devoted exclusively to the care of mental patients, have on the staff professional personnel especially qualified in the diagnosis and treatment of mental illness, have adequate facilities for the protection of the patients and staff against physical injury by

patients becoming violent, and meet the requirements for an intermediate general hospital, except that maternity facilities need not be provided as part of the mental hospital service if provision is made for adequate prenatal care at the institution and for the delivery and postpartum care of the mother and infant at some readily available licensed hospital that does provide the service.

H. Orthopedic hospital. To operate as an orthopedic hospital an institution must be devoted exclusively to the care of orthopedic patients, have on the staff professional personnel especially qualified in the diagnosis and treatment of orthopedic conditions, and meet the requirements for a general hospital, except that maternity facilities are not required and isolation facilities may be substituted for separate isolation unit.

I. Pediatric hospital. To operate as a pediatric hospital, an institution must be devoted exclusively to the diagnosis and treatment of pediatric patients, have on the staff professional personnel especially qualified in the diagnosis and treatment of diseases of children, and meet the requirements for a general hospital, except that maternity facilities are not required.

J. Tuberculosis hospital. To operate as a tuberculosis hospital, an institution must be devoted exclusively to the care of tuberculosis patients, have on the staff professional personnel especially qualified in the diagnosis and treatment of tuberculosis, and meet the requirements for a general hospital, except that maternity facilities need not be provided as a part of the tuberculosis hospital service if provision is made for adequate prenatal care at the institution, and for the delivery and postpartum care of the mother and infant at some readily available licensed hospital that does provide the service.

K. Chiropractic facility. To operate as a chiropractic facility, an institution must be devoted exclusively to treatment by adjustment with the hand or hands of the bony framework of the human body and the employment and practice of physiotherapy, electrotherapy, and hydrotherapy; exclude all persons requiring surgical, maternity, or drug therapy; comply with the requirements for an intermediate general hospital except those for a laboratory, an operating room, X-ray and maternity facilities; except that a registered nurse is not required if the nursing personnel is under the direct supervision of one or more licensed chiropractic physicians constantly on call and available in an emergency.

L. Community health facility. To operate as a community health facility, an institution must have not more than 15 beds for patients, provide medical and surgical care to the sick and injured, and maternity care, and meet the requirements for an intermediate general hospital, including minimum laboratory equipment for urinalyses and blood counts.

M. Facility for the treatment of alcoholism. To operate as a facility for the treatment of alcoholism, an institution must be maintained in a separate building, provide facilities and services for the treatment of patients suffering from acute alcoholism exclusively, and meet the requirements for a mental hospital, except that surgery and maternity facilities are not required.

N. College infirmary. To operate as a college infirmary a facility must be part of a college or university, provide care primarily for college students, have registered nurses and other qualified personnel, and the facility shall be directed by a physician licensed by the State Board of Medical Examiners, provide nursing care, diagnosis and treatment of illness and injury, post-operative care, perform minor surgery; and meet the regulation governing communicable diseases, and those pertaining to the general sanitary regulations of the State Board of Health.

8.24.030 Institutional Homes Classified.

(Amended by Ordinance No. 137869, effective March 23, 1974.) For the purposes of administration, all institutional homes shall be classified by the Health Officer in accordance with the following descriptive titles. Each Title shall be selected and applied with due regard to the nature and purpose of the home and the definition applicable thereto. No home shall operate in any capacity beyond that indicated by the definition of its title:

A. **"Maternity home"** means a private home or institution (with no more than 10 beds for patients) which has facilities for the receiving no less than two nonrelated maternity patients at one time before, during or after delivery, or where obstetrical care is rendered over a period exceeding 24 hours.

B. **"Nursing home"** means any institution, including a private home, providing nursing care for two or more nonrelated individuals who are suffering from chronic illness, or requiring a rest regime, and excluding all persons who are acutely ill or are surgical or maternity cases.

C. **"Home for aged"** means any institution, including a private home where three or more aged persons are given board, room and home care. This does not apply to a private home wherein members of the family only are receiving such care.

D. **"Day nursery"** means any institution, establishment or place in which are commonly received at one time three or more children not of common parentage, under the age of 14 years, for a period or periods not exceeding 12 hours, for the purpose of being given board, care or training apart from their parents or guardians.

E. **"Kindergarten"** means any institution, establishment or place in which are commonly received at one time three or more children not of common parentage, between the ages of 2 and 6 years, inclusive, for a period not exceeding 4 hours in any 24 hour period, for the purpose of being given care or training apart from their parents or guardians.

F. **"Child caring institution"** means any institution, establishment or place in which are commonly received at one time six or more children not of common parentage, under the age of 14 years, for a period or periods exceeding 12 hours, for the purpose of being given board, care or training apart from their parents or guardians.

G. **"Group care home for physically handicapped or mentally handicapped children"** means any home or private institution maintained and operated for the care, boarding, housing and training of one or more physically handicapped or mentally handicapped children under the age of 18 years by any person who is not the parent or guardian of, and who is not related by blood or marriage to such children, but does not include any institution that is covered by any other definition in this Section.

8.24.040 Definitions Generally.

The following words and phrases shall have the meanings ascribed to them in this Section:

A. **"Duly licensed"** when applied to a person means that the person to whom the term is applied has been duly and regularly licensed by the proper authority to follow his or her profession or vocation with the State; when applied to a hospital or institution means that the same has been issued a permit to operate by the Bureau of Health and has been duly and regularly licensed in accordance with Chapter 7.28 of this Code;

B. **"Registered nurse"** means a person graduated from any accredited school of nursing and currently registered through the Oregon State Board for Examinations and Registration of Graduate Nurses;

C. **"Licensed practical nurse"** means a person licensed in the State as a practical nurse;

D. **"Bureau of Health"** means the Bureau of Health of the City;

E. **"Ambulatory person"** means a person who, unaided, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

8.24.050 Changes in Classification.

Any hospital or institutional home desiring to change from one classification or title to another may do so by obtaining a permit from the Food and Sanitary Division of the Bureau of Health. Application for such permit shall be made in the same manner as is herein required for the establishment and maintenance of hospitals and institutional homes.

8.24.060 Local Health Officer Defined.

"Local Health Officer," used in Rules and Regulations of the Oregon State Board of Health, as hereinafter adopted, filed and made a part of this Chapter, means the Health Officer of the City, or his duly authorized representative.

8.24.070 Records.

Any and all records required by Rules and Regulations of the Oregon State Board of Health, as hereinafter adopted, filed and made a part of this Chapter, shall be available for inspection at reasonable times by the City Health Officer or his duly authorized representative.

8.24.080 Licensing.

In addition to obtaining a permit, each hospital and institutional home operating under this Chapter shall be licensed in accordance with Chapter 7.28 of this Code.

8.24.090 Expiration of Permits.

All permits issued under this Chapter expire on June 30 following date of issue, except as otherwise specifically provided herein.

8.24.100 Permits Required.

It is unlawful for any person to establish, maintain or conduct in the City any hospital or institutional home as hereinbefore defined, without first having obtained a permit in writing therefor, from the Food and Sanitary Division of the Bureau of Health. Such permit shall be granted only upon compliance with the provisions of this Code applicable thereto.

8.24.110 Application to be Made.

Every person desiring to establish, maintain or conduct a hospital or institutional home in the City shall make a written application for a permit so to do upon a form supplied by and addressed to the Food and Sanitary Division of the Bureau of Health. The application shall contain a statement giving an intelligible description of the property or place in or upon which the applicant proposes to establish, maintain, or conduct such hospital or institutional home; the classification desired; the number of patients or inmates which can be taken care of; the number of floors to be occupied; the number of beds on each floor and such references as to character, reputation, and professional standing of the applicant as shall be required by the Bureau of Health.

8.24.120 Time of Granting Permit.

A permit shall be issued by the Food and Sanitary Division of the Bureau of Health for the establishment and maintenance of a hospital or institutional home upon a satisfactory showing by the applicant that such hospital or institutional home is to be established and maintained in a building conforming to the requirements of all City ordinances applicable thereto and that its management and control will at all times be in strict accord with all other City ordinances applicable thereto and the ethical practices common to the profession involved therein.

8.24.130 Information on Permit.

Every such permit shall state the name of the permittee; the particular premises in which the hospital or institutional home shall be carried on; the classification under which it will operate; the number of beds that may be maintained on each designated floor and in toto at any one time for the accommodation and care of patients or inmates; the number of persons employed or engaged in taking care of patients or inmates; and such other information as the Health Officer may require.

8.24.140 Permits not Transferable.

No permit which has been issued for the operation of a hospital or institutional home to any person for given location, or classification, shall be valid for use by any other person, or at any location, or classification, other than that for which it was issued.

8.24.150 Limitations on Number of Patients.

It is unlawful for any hospital or institutional home to receive, keep, or care for any number of patients, inmates, or wards beyond the number of beds specified in the permit for such hospital or institutional home.

All limitations and restrictions set forth in any regular or special permit shall be construed as necessary precautionary requirements necessitating the strictest observance.

8.24.160 Revocation of Permit.

The Health Officer shall have authority to revoke any permit for a hospital or institutional home under the following circumstances:

A. When it is evident that any of the conditions set forth herein as prerequisites for the issuance of such permit no longer obtain;

B. When the permit was issued under fraudulent or untrue representation;

C. When the owner or operator has failed to observe the rules and regulations duly and properly required for the safe operation of such hospital or institutional home;

D. When he or she has been convicted in the municipal or other competent court for a violation of any of the provisions of the Code, or any state or federal law by which moral turpitude is disclosed.

8.24.170 Hospitals - Operation and Maintenance.

Operation and maintenance of hospitals shall be in accordance with Rules, Regulations and Standards for Hospitals in Oregon, dated 1968, promulgated by the Oregon State Board of Health, and filed with the Secretary of State December 16, 1968, a copy of which shall be filed with the Auditor, and applicable provisions of the Rules, Regulations and Standards for Hospitals in Oregon hereby is made a part of this Charter.

8.24.180 Maternity Hospitals and Maternity Units in General Hospitals.

Operation and maintenance of maternity hospitals and maternity units in general hospitals shall be in accordance with Section III, Buildings and Equipment; Section IV, Policies; Section V, Reports and Records; and Section VI, Additional Rules, Regulations and Standards for Hospitals and Related Institutions, dated 1955, and filed with the Secretary of State April 1, 1955, a copy of which pamphlet shall be filed with the Auditor, and which Sections III, IV, V and VI, as contained therein, and as filed, hereby are made a part of this Chapter.

8.24.190 Nursing Homes - Operation and Maintenance.

Operation and maintenance of nursing homes shall be in accordance with Rules, Regulations and Standards for Nursing Homes in Oregon, dated 1968, as promulgated by the Oregon State Board of Health, filed with the Secretary of State February 2, 1969, a copy of which shall be filed with the Auditor, and applicable provisions of the Rules, Regulations and Standards for Nursing Homes in Oregon hereby is made a part of this Chapter.

8.24.200 Homes for the Aged - Operation and Maintenance.

Operation and maintenance of homes for the aged shall be in accordance with Rules and Regulations Governing the Operation of Homes for the Aged in Oregon dated 1968, as promulgated by the Oregon State Board of Health, filed with the Secretary of State, a copy of which shall be filed with the Auditor, and applicable provisions of the Rules and Regulations Governing the Operation of Homes for the Aged in Oregon is hereby made a part of this Chapter.

8.24.210 Day Nurseries - Operation and Maintenance.

Operation and Maintenance of day nurseries shall be in accordance with Rules and Regulations Governing Day Nurseries in Oregon, dated 1967, promulgated by the Oregon State Board of Health, filed with the Secretary of State, a copy of which shall be filed with the Auditor, and applicable provisions of the Rules and Regulations Governing Day Nurseries in Oregon hereby is made a part of this Chapter.

8.24.220 Kindergartens - Operation and Maintenance.

Operation and maintenance of kindergartens shall be in accordance with Paragraphs D through M of the Oregon State Board of Health Rules and Regulations Governing Day Nurseries in Oregon, except that provisions for preparation and serving of food and maintaining of sleeping space need not be met.

8.24.230 Group Care Homes for Physically Handicapped or Mentally Handicapped Children under the Age of Eighteen Years - Operation and Maintenance.

Operation and maintenance of group care homes for physically handicapped or mentally handicapped children under the age of eighteen years shall be in accordance with Section 3, Physical Plant; Section 4, Operational Policies; and Section 5, Admittance and Discharge Records, of the Oregon State Board of Health Rules and Regulations Relating to Sanitation and Safety in Group Care Homes, dated April 1, 1955, and filed with the Secretary of State

April 1, 1955, a copy of which pamphlet shall be filed with the Auditor, and which Sections 3, 4, and 5, and which Sections entitled Sanitation and Food Sanitation, as contained therein, and as filed, hereby are made a part of this Chapter.

8.24.240 Building and Equipment of Child Caring Institutions.

A. All buildings in which children are housed shall be placed on a well-drained ground and separated from stables and barns at least 200 feet.

B. All buildings shall be built to comply with the sanitary regulations of the State Board of Health and the Bureau of Health.

C. All institution buildings including school buildings which are more than one story in height shall be fitted with easily accessible fire escapes to provide for the rapid emptying of buildings in case of fire.

D. The minimum requirements for rooms for a child caring institution are:

1. Playground. The playground should be well equipped. Sufficient outdoor space shall be provided so that each child shall have at least 15 square feet of space. Provision shall be made for a part of the playground to be covered and protected from rain, and this area must contain a minimum of 5 square feet of space per child.

2. Playroom. The playroom shall provide at least 15 square feet of floor space for each child. The walls and floors must be finished so as to be washable, and the rooms shall be cleaned daily. The furniture and toys shall be constructed of material that is washable and easily cleaned. The use of lead base paint in such rooms is prohibited.

3. Rest or sleeping room. The rest or sleeping room shall be used exclusively for sleeping purposes and shall furnish at least 500 cubic feet of air space for each child. Separate beds or cots shall be provided for each child. The bends shall have satisfactory springs in good repair and they shall be kept clean. All the sleeping rooms shall provide at least 50 square feet of floor space for each bed. When beds are placed side by side, there shall be a minimum space of 5 feet between the beds so that the face of the occupants may be at least 6 feet apart. Adequate ventilation shall be provided for these rooms;

4. Dining room. The dining room shall have walls and floor finished so as to be washable. The tables, chairs and eating utensils shall be kept clean;

5. Kitchen equipment. Kitchen equipment shall be adequate for the service of good meals. Kitchen utensils shall be kept in good repair and so designed

as to be easily cleaned. Utensils contained or plated with cadmium or lead shall not be used;

6. Isolation room. An isolation room shall be provided for the treatment and care of children who are suspected of having communicable disease, and be available at all times;

7. Lavatories and bathrooms. The lavatories and bathrooms shall be equipped with washbasins and toilets of such a size that they may be used by the children without assistance. Every toilet shall be scrubbed daily with soap and water. Each ward or corridor shall be provided with at least one bath and toilet for every 15 children. Each child shall be given an individual towel, toothbrush and comb;

8. Receiving ward. A receiving ward shall be provided where new children are received and isolated for the required time to prevent the introduction of communicable disease into the institution.

E. Floors shall be of such construction as to be easily cleaned and maintained. Walls shall be of smooth and washable material.

F. There must be a heating plant capable of maintaining a temperature of approximately 70 degrees Fahrenheit at a point 24 inches above the floor in all rooms occupied by the children.

G. All living and sleeping rooms shall have window space of at least twenty percent of the floor area and shall be constructed to give sufficient light and ventilation.

H. A water supply under pressure from the City water mains shall be provided in ample quantity for the needs of the institution.

I. The sewage of the institution shall be disposed of in a manner approved by the Bureau of Health, and in accordance with applicable ordinances of the City.

8.24.250 Policies of Child Caring Institutions.

(Amended by Ordinance No. 138428, effective July 27, 1974.)

A. The kitchen, dining room, toilets and rooms where patients are confined, shall be screened and measures installed for the prevention and destruction of flies, vermin or rodents.

B. All institutions shall furnish wholesome food which shall be stored, prepared, cooked and served under sanitary conditions and shall at all times be protected from dust, flies, vermin and other contamination.

C. The serving of raw milk is prohibited.

D. Covered metal garbage containers must be provided in sufficient number to care for the daily needs of the institution. Garbage cans shall be kept covered and thoroughly cleaned after they are emptied. The garbage shall be disposed of in such a manner that there will be no nuisance condition created.

E. All children shall be treated kindly and in no instance shall a child be subject to corporal punishment.

F. There shall be attached to the staff, a physician of good professional standing, duly licensed to practice medicine and surgery in the State, and who shall be responsible for health supervision and medical care, including health examinations on admission and at subsequent intervals, and control of communicable disease. At the time of admission, an effort should be made to obtain a list of communicable diseases, immunizations, and other significant information concerning the child's health.

G. Each child shall have a health record showing growth and development, accidents, illness and other pertinent information. Dental care should be provided.

H. In the event of a communicable disease occurring in the institution, the Bureau of Health, or the City Health Officer must be notified immediately by telephone.

8.24.260 Reports and Records of Child Caring Institutions.

A. The following information regarding each child received for care shall be recorded at the time of admission and kept on file:
Name
Address
Sex
Date of birth
Date of entering
Names, work addresses and telephone numbers of parents or guardians
Name, address and telephone number of the person to be notified in case of emergency

B. The date and hour when the child left the institution shall be recorded and filed with the admittance record.

8.24.270 Restraint of Inmates Restricted.

A. No patient, inmate or ward of any hospital or institutional home who is bedridden, crippled, or for any reason deprived of his ability to walk or escape from his place of confinement in case of fire or other emergency, shall be permitted to occupy space on any floor other than the ground or first floor unless such hospital or institutional home shall have first obtained a permit so to do from the fire marshal.

This shall not apply to hospitals and institutional homes where an attendant or special police guard shall be constantly on duty in or near the room where such patient, inmate, or ward is confined.

B. No patient, inmate, or ward of any hospital or institutional home shall be placed under bodily restraint by the erection of any barrier or obstruction over any window or door unless such hospital or institutional home shall have a permit to do so from the fire marshal or constantly maintains an attendant or special police guard in or near the room where such patient, inmate, or ward is restrained.

C. No lock or bar shall be permitted on any door of any room where patients, inmates or wards are confined or housed unless such lock or bar shall be of a type approved by the fire marshal which can be readily and easily opened from the corridor side without the use of key and that does not require any special knowledge to operate.

8.24.280 Inflammable Material Not to be Stored.

The storage of paints, oils, thinners, lacquers or any volatile flammable liquids or gases not otherwise specifically provided for in any hospital or institutional home is strictly prohibited. This shall not be construed to prevent the storage and use of anesthetics in accordance with ordinances and regulations applicable thereto.

8.24.290 Fire Protection Required.

Every building occupied in whole or in part as a hospital or institutional home shall have such fire protection and shall be provided with such fire gongs, fire extinguishers, sprinklers, fire escapes, means of egress or ingress, and other equipment and facilities for the protection of the patients or inmates against fire as shall be required by the Fire Marshal.

8.24.300 Electric Appliances to be Approved.

Electric heating pads and blankets must be of a type approved by the Health Officer, who may consider the recommendations of the National Board of Fire Underwriters. They shall not be used by or applied to a patient, inmate or ward unless attendant shall be present during the time of such use or application.

8.24.310 Heating and Cooking Devices and X-Ray Installations.

All boilers, furnaces, stoves, ranges, or other cooking or heating devices or appliances and all X-Ray and high frequency apparatus requiring special circuit or using high voltage must be installed or placed in hospitals and institutional homes in accordance with the provisions of the building, fire and electrical codes of the City.

8.24.320 Curtains in Doorways.

Doorways of rooms or compartments used by any patients or inmates in any hospital or institutional home shall not be hung with draperies or other textile fabrics in lieu of a door.

8.24.330 Inspection Required.

To the full extent permitted by law, the Health Officer or his representative shall have full authority to enter and to inspect the permit, license, register, and the sanitary conditions, and to question the patients, inmates or wards of any hospital or institutional home.

8.24.340 Reports to the Bureau of Police.

Every person conducting, maintaining or having charge of any hospital or institutional home, on receiving any person at such hospital or institutional home who cannot be identified or who is suffering from poisoning, administered by himself or another, or from any bullet wound or knife wound, or from any other physical injury, or traumatism inflicted with probable criminal intent, shall report the same immediately to the Bureau of Police. Any authorized representative of the Bureau of Police or the Bureau of Health may visit such person and seek such information as may appear necessary in determining the cause of poisoning, wound or other injury. In the event of the death of any such person the same shall be reported to the Bureau of Police immediately following such death.

8.24.350 General Safety Requirements.

A. All hospitals and institutional homes shall be required to familiarize themselves with and particularly enforce all applicable provisions of the fire, housing, building, plumbing and electrical codes.

B. All hospitals and institutional homes shall have at least one telephone (not including pay telephones) on each floor of the building, so located as to be easily accessible to anyone on the floor for the purpose of summoning help in case of fire or other emergency.

CHAPTER 8.32 - AUTOMOBILE TRAILER COURTS

Sections:

8.32.010 Definitions.

The following words and phrases shall have the meanings ascribed to them in this Section:

A. **"Approved"** when applied to plumbing fixtures, plumbing connections, etc., means that the fixtures, connections, etc., have been approved by the chief inspector of the plumbing division. When the same term is applied to sanitary provisions or measures, it means that the same has been approved by the chief of the sanitary division of the Bureau of Health. When the same term is applied to fire prevention appliances or equipment, it means that the same has been approved by the fire marshal. When the same term is applied to building construction, it means that the same has been approved by the chief of the building division. When the same term is applied to electric wiring or appliances, it means that the same has been approved by the chief of the electrical division.

B. **"Permit"** means a written permit issued by the Health Officer permitting the trailer court to operate under this Chapter and regulations promulgated thereunder;

C. **"Trailer court"** means a lot or parcel of ground arranged or used for the parking of automobile trailer coaches. For brevity an automobile trailer court may be referred to as a "court";

D. **"Trailer coach"** means any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons;

E. **"Dependent trailer coach"** means a trailer coach which does not have a water closet and a bathtub or shower;

F. **"Independent trailer coach"** means a trailer coach that has a water closet and a bathtub or shower;

G. **"Trailer coach space"** means a plot of ground within a trailer court, designated for the accommodation of one trailer coach;

H. **"Service building"** means a building housing toilet facilities for men and women, with a slop-water closet and laundry facilities, and with separate bath and shower accommodations.

8.32.020 License and Permits Required.

No automobile trailer court shall be established or maintained unless a license has been obtained for the court, which license shall not be issued by the Bureau of Licenses until the City Council has first approved the issuance of the same.

Permits shall be taken out for building, electrical or plumbing work, which may be performed in connection with such court.

8.32.030 Information to be Furnished by Applicant.

(Amended by Ordinance No. 176955, effective October 9, 2002.) Every applicant for the establishment of a trailer court shall submit to the Bureau of Health an application and a plan showing the location and arrangement of the court, and shall give full information relative to the facilities that are to be supplied, showing the location and character of construction of buildings, the layout and surfacing of driveways, and the arrangements made for sanitation, lighting, fire protection, etc. Before submitting the application and plan to the Council, the Health Officer shall obtain reports from the Bureau of Development Services, the fire marshal, and the State Board of Health, and shall transmit the application, the plan, the reports, and his recommendations to the Council. If it appears to the Council that the fire protection and sanitary arrangements are adequate and that the establishment of the court will not be a detriment to the neighborhood or to the City as a whole the Council may approve the issuance of a license.

The Bureau of Development Services shall not issue a permit for building, plumbing or electrical work in connection with the court until the Council has approved the issuance of a license.

8.32.040 Location.

An automobile trailer camp shall be located only in Zones C2 and M3, under conditional use procedure, as established by the planning and zoning Code. No trailer camp shall be located in Fire District No. 1 or Fire District No. 2 as the same are designated in Building Code.

8.32.050 Layout of Grounds.

A. Every trailer court shall be enclosed by a substantial fence not less than 6 feet in height, constructed of masonry, woven wire, or other similar construction approved by the building inspector.

B. Each trailer coach space shall contain a minimum of 1,000 square feet inclusive of parking space for the propelling vehicle, shall be at least 25 feet wide, shall be plainly marked in some permanent manner, and shall abut on a driveway or the clear area with unobstructed access to a public street. Such spaces shall be clearly defined, and trailer coaches shall be parked in such spaces so that there will be a minimum of 15 feet between trailer coaches and so that no trailer coach will be less than 10 feet from the exterior boundary of the trailer court.

C. Access roads shall be provided to each trailer space. Each access road shall be continuous, shall connect with a street or highway, shall have a minimum width of 20 feet and shall be properly surfaced.

D. An occupied trailer coach shall not be parked closer than 25 feet to any public street or highway, and no part of such trailer coach shall obstruct any public roadway or walkway. An occupied trailer coach shall not be allowed to remain in a trailer court unless a trailer space is available.

E. Adequate areas shall be provided for the parking of motor vehicles of guests.

F. Outside drying space adjacent to the service building, or other clothes drying facilities, shall be provided.

8.32.060 Buildings.

A. Every court shall have an office and a sign designating it as such. Each trailer court shall be provided with one or more service buildings adequately equipped with flush type water closet fixtures. Each establishment shall have not less than one water closet for females, one water closet for males, one lavatory and shower for each sex, one urinal for males, one laundry unit (laundry tray or washing machine), and one slop-sink. Dependent trailer coaches shall be parked not more than 200 feet from a service building.

B. Service buildings shall:

1. Be located 15 feet or more from any trailer space;

2. Be of permanent construction and adequately lighted;

3. Be provided with a floor and a base not less than 6 inches in height, the floor and the base being made of waterproof material such as concrete, tile, or other approved impervious material;

4. Have sufficient toilet and laundry facilities, according to the ratio stipulated, to serve adequately both males and females;

5. Have adequate heating facilities to maintain a temperature of 70 degrees Fahrenheit during cold weather, and to supply minimum of 3 gallons of 140 degrees Fahrenheit minimum hot water per hour per trailer coach space during time of peak demands;

6. Have all rooms properly ventilated, with all openings effectively screened;

7. Shall have at least one slop-sink with hot and cold water, accessible to both sexes at all times;

8. All trailer court buildings shall comply with the housing, building, electrical, plumbing and health and sanitation regulations.

8.32.070 Sanitation.

A. Water from City mains shall be provided for the court so that water either is furnished directly to each coach or is accessible for the occupants of each coach by a faucet located in accordance with the rules of the State Board of Health, but in no case shall each faucet be over 100 feet from any coach.

B. Trailer coaches provided with water closets, sinks, lavatories, or showers shall be connected to the City sewer system or to a sewer system approved by the Health Officer.

C. To serve more than 10 dependent coaches, additional fixtures shall be provided in the following ratios:

1. Toilet facilities for males and females shall be separated, if located in the same building, by sound resistant wall;

2. A lavatory for each sex shall be provided for every 10 dependent trailer coaches or fraction thereof. A bathtub or shower stall in a separate compartment shall be provided for each sex in the ratio of one for every 12 dependent trailer coaches or fraction thereof;

3. There shall be provided not less than one sink for every 10 units requiring sink facilities;

4. All rooms used by the public for toilet purposes shall be lighted at night with illumination amounting to not less than two foot candles in all portions of the room.

D. All trailer courts shall be kept free from refuse, weeds and brambles.

There shall be provided for each two units at least one approved galvanized metal garbage can of not less than 20 gallon capacity, provided with a close-fitting cover, which can be set on a base at least 6 inches above the ground. Such can shall be emptied at least once every 24 hours, and the garbage disposed of in a manner approved by the Health Officer. The garbage cans shall be thoroughly cleaned before they are returned to the units.

No washing or cleaning of coaches or of the propelling vehicles, other than dusting or brushing out, shall be done while in the court, unless such washing or cleaning is performed over a wash-rack provided with a drain conforming to the regulations of the plumbing division.

All plumbing and plumbing fixtures shall be properly installed to conform to the requirements of the plumbing division and shall be maintained in good operating condition at all times.

8.32.080 Fire Protection.

Every court shall be provided with a water main not smaller than 2 inch pipe size, connected to the City water supply and having approved outlets, valves, hose connections, etc., for a 1-1/2 inch fire hose, with the outlets so arranged that with a length of hose not exceeding 75 feet, a stream of water will reach every portion of the court. The water main shall not be less in pipe size than the size given in the following table, based on the number of 1-1/2 inch hose outlets served.

Number of Outlets Not to Exceed	Pipe Size In Inches
2	2
4	2 1/2
6	3
8	3 1/2
10	4

No rubbish or trash shall be burned in open fires. No bonfires shall be permitted. Incinerators shall be located and constructed under the direct supervision of the Fire Marshal.

All fire protection equipment shall be maintained in serviceable condition under the direction of the Fire Marshal.

8.32.090 Electrical Regulations and Connections for Trailer Coaches.

Where facilities are provided for the supply of electrical energy to trailer coaches while in court, the following requirements shall be complied with:

A. At least one weatherproof fused receptacle outlet with fuses located in locked enclosure shall be installed for each unit. This outlet shall be so located that not more than 30 feet of portable conductor will be required to connect with trailer coach wiring. The rating of fuses protecting trailer coach outlet shall not exceed three amperes, unless the trailer coach is wired in compliance with the National Electrical Code;

B. Overhead yard wires supplying trailer coach outlet shall have a clearance above ground of not less than 15 feet, except across spaces accessible to pedestrians only, in which case the clearance above ground shall be not less than 10 feet. Wires connecting to trailer coach outlets shall be installed in conduit or electrical metallic tubic where less than 8 feet from the ground;

C. Portable cord used for the connection of trailer coach unit shall be of a type approved for hard service and shall not be less in size than no. 16, B & S gauge. Where the trailer coach wiring is approved for use with fuses in excess of three amperes, as permitted above, the cord shall have a current carrying capacity at least equal to the fuse rating;

D. In all other respects the permanent wiring of the court shall comply with the electrical Code of the City;

E. No trailer coach shall be connected to the court electric system if the electrical division finds the wiring of any such trailer coach to be hazardous.

8.32.100 Registration Book.

Every court shall have a registration book, and the names and addresses of all the members of the trailer coach party shall be entered in the book by a member of the party, together with information relative to the make and year of manufacture and license number of the trailer coach and the propelling vehicle. The registration book shall show the date of arrival and departure of every trailer coach and the trailer coach unit occupied. This registration book shall be available for the inspection of officers or employees of the City, county, state or federal governments upon request.

The manager of a court shall report without delay to the Bureau of Health any illness of any member of a trailer coach party, whether such illness appears to be of a contagious nature or not.

8.32.110 Removal of Wheels.

The removal of the wheels or the setting of a trailer coach on posts or footings will not be considered as removing the same from the regulations affecting trailer coaches, unless such

trailer coach is made to conform with housing, building and other codes regulating a dwelling.

8.32.120 Parking in Court Required.

(Amended by Ordinance No. 131420 and 142952, effective December 22, 1976.) Any trailer coach used for sleeping or living purposes shall not be parked for any period of time exceeding 3 hours except in a trailer court, and no cooking shall be done in a trailer coach outside of a trailer court; provided that self-contained camping or recreational vehicles shall, at the discretion of the Exposition - Recreation Commission, be allowed to park in the parking lot of the Memorial Coliseum complex in order to provide living quarters for persons to care for animals involved in shows at the Memorial Coliseum complex, for such time as may be necessary to care for such animals. The activities of all persons occupying such vehicles during the times mentioned shall be under the supervision of the City-County Bureau of Health and all such activities shall comply with applicable provisions of this Code.

8.32.130 Licenses Fees.

License fees shall be as provided in Title 7, and every trailer court shall be subject to all the regulations provided in Title 7.

CHAPTER 8.36 - DISPOSAL OF CARCASSES AND REFUSE

Sections:

8.36.010 Disposal of Dead Animals.

(Amended by Ordinance No. 132188, effective April 1, 1971.) It is unlawful for any person to bury the carcass of any dead horse, cattle, or other large animal within the corporate limits of the City, and it is unlawful for any owner or person in possession or control of the carcass of any dead animal to allow the carcass to remain upon or in any public street, alley, public highway, or other public place or premises, or in or upon any yard, lot, or private premises. Removal of the carcass shall be at the expense of the owner. If the owner or person responsible for the removal of such carcass is not found, such carcass shall nevertheless be removed by City personnel. Nothing in this Section shall excuse the City from performance of any existing contract regarding the disposal of dead animals with the Oregon Humane Society or other organization.

8.36.020 Spreading of Nonprocessed Organic Manure.

(Amended by Ordinance No. 167943, effective July 27, 1994.) It is unlawful for any person to create a nuisance in any park, street, alley, lot building, dock, or any other place by depositing human or animal excreta, except manure as provided for in this Section. It is unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within the City any nonprocessed manure, for fertilizing purposes, composed in whole or in part of organic excreta, during the months of June, July, August, September, and October, or at other times of the year when weather conditions are such as to permit the breeding of flies.

8.36.030 Hides, Curing and keeping.

(Amended by Ordinance No. 167943, effective July 27, 1994.) No person shall to keep or store uncured or green hides of any animal in any house, store building, or other place where the same shall cause or create a noisome or offensive smell or atmosphere, to persons traveling along the public streets or to the owners or occupants of premises adjacent thereto.

8.36.040 Noisome Odors or Vapors.

(Amended by Ordinance No. 167943, effective July 27, 1994.) The rendering, heating, processing, or steaming of any animal or vegetable product or substance generating noisome or offensive odors shall be conducted using methods to entirely condense, decompose, deodorize or destroy the odors, vapors, or gaseous products. Such methods may include airtight cooking or rendering kettles, tanks or boilers, fitted with proper escapes or vents for steam used in rendering or cooking. Escaping steam shall be released through traps or other means so as to not cause unnecessary annoyance or create a nuisance by generating noisome or offensive odors in its disposal. No person shall burn upon any premises or in any street, alley or other place, any animal or vegetable substance which shall create an offensive or noxious odor.

8.36.050 Disposal of Refuse.

(Amended by Ordinance No. 167943, effective July 27, 1994.) No person shall allow any sawdust, oil, rags, brush, cans, old metal, butchers' offal, garbage, any animal or vegetable matter to accumulate which is or might become putrid or cause or create any noisome or offensive odor.

8.36.060 Stagnant Water.

(Amended by Ordinance No. 167943, effective July 27, 1994) It is unlawful for any person to permit or suffer water to flow onto or be cast upon any yard, lot, block, place or premises, or into or upon any street, gutter, or place adjacent to or abutting upon any yard, lot, block, or premises so that the same may become stagnant or impure and create or cause a noisome or offensive smell.

8.36.070 Regulations for Transporting of Waste.

(Amended by Ordinance No. 132188, 167943 and 169817, effective March 22, 1996.)

A. Each vehicle used for the collection and transportation of wastes from food processing or food wastes intended for use as animal feed or to be further processed at a rendering plant shall be so constructed that the load therein will not spill or leak therefrom. All such vehicles shall be kept in a sanitary condition and shall be tightly covered in such a manner as to prevent the emanation of noxious or offensive odors. Metal containers may be used on such vehicles provided the same are at all times kept covered with tight-fitting covers to prevent leaking and/or spilling of the contents. The body and containers on all such vehicles shall be thoroughly washed and disinfected each day. No vehicle used for hauling food processing wastes or food wastes for animal feed shall at any time be used for the collection and

transportation of solid wastes as defined by ORS.459.005 but not including the following materials which the ORS definition includes:

1. Sewerage sludge, septic tank and cesspool pumpings or other sludge;

2. Discarded or abandoned vehicles;

3. Recyclable materials or yard debris which is source separated and set out for recycling purposes.

8.36.075 Enforcement and Appeal.
(Added by Ordinance No. 167943, effective July 27, 1994).

A. The City Health Officer is authorized to administer and enforce the provisions within Sections 8.36.030 through 8.36.070, and to investigate any violations of these provisions.

B. In the event of a violation of any provisions within Sections 8.36.030 through 8.36.070, the City Health Officer may:

1. Order the violation abated as a public nuisance; or,

2. Assess civil penalties for each violation. It shall be considered a separate violation for each and every day during any portion of which any violation of these sections are committed, continued or permitted to occur. In determining the amount of the civil penalties to assess, the City Health Officer shall consider the extent the nature of the violation, the benefits (economic or otherwise) accruing or likely to accrue as a result of the violation; whether the violations were repeated and continuous, or isolated the temporary; the magnitude and seriousness or the violation; the costs of City Health Officer's enforcement, investigating and abatement of the violation; whether the facts underlying the violation have been considered in a separate criminal proceeding; and such other factors as the City Health Officer deems relevant; or

3. Take such other action as the Health Officer may deem appropriate, in the exercise of the Health Officer's discretion.

C. Any person adversely affected by a decision of the City Health Officer may file an appeal within 10 days the decision, to the Code Hearings Officer of the City of Portland, as set forth is Chapter 22.10 of the Portland City Code. The notice of appeal shall be in writing, stating the name and address of the appellant to which required notices may be mailed. The notice shall identify the reasons why the Health Officer's decision was in error, and what the correct decision should be. The appellant shall deliver a copy of the appeal to the Health Officer.

1. The filing of a notice of appeal shall stay the effective date of the decision until the appeal if determined by the Code Hearings Officer.

8.36.080 Spitting in Public Places.

(Amended by Ordinance No. 197943, effective July 27, 1994.) It is unlawful for any person to expectorate on the floor or any other part of any public conveyance, or on the floor or walls of any public hall, building or office, or upon any sidewalk within the limits of the City, or on the floor or walls of any room where foodstuffs are prepared or kept for sale.

8.36.090 Time for Removal of Refuse.

(Amended by Ordinance No. 176585, effective July 5, 2002.) It is unlawful for any person to remove, transfer, or transport, any swill or garbage through the public streets at any time prohibited by Section 17.102.130, or by Title 16, Vehicles and Traffic.

8.36.100 Dumping of Garbage, Refuse and Other Solid Wastes.

(Repealed by Ordinance No. 169817, effective March 22, 1996.)

8.36.110 Permits for Searching Dumps.

(Repealed by Ordinance No. 169817, effective March 22, 1996.)

8.36.120 Disposal of Refuse from Outside the City.

(Repealed by Ordinance No. 169817, effective March 22, 1996.)

8.36.150 Burning Clothes.

It is unlawful to burn any clothes, bedding, wearing apparel, or personal property in any burial ground in the City, except in a stove within a building.

8.36.160 Cleaning Skeletons.

It is unlawful to scrape or clean the skeleton of any dead body in any burial ground within the City, except in a suitable building erected thereon. It is unlawful to deposit any scrapings or dead matter from any skeleton or dead body in any burial ground in said City in such manner as to expose the scrapings or dead matter to public view.

8.36.170 Construction of Vehicles to Convey Garbage, Refuse and Other Solid Waste.

(Amended by Ordinance No. 132188, effective April 1, 1971.)

A. No person shall use, suffer, or permit to be used any vehicle to convey garbage unless such vehicle is tightly constructed and equipped with a closely fitting cover, and unless such vehicle is tightly covered at all times, except when the same is being loaded or unloaded. No person shall load or drive or cause to be loaded or driven, on any thoroughfare, any such vehicle containing garbage so as to suffer or permit any part of the contents of such vehicle to fall, spill or leak therefrom.

B. No person shall load or drive, or cause to be loaded or driven on any thoroughfare, any vehicle transporting rubbish, refuse or other solid waste so as to suffer or permit

any part of the contents of such vehicle to fall, spill, sift or be blown from such vehicle.

8.36.180 Vehicles Containing Manure to be Covered.

No person shall use, suffer, or permit to be used any vehicle to convey manure unless such vehicle is equipped with a canvas cover securely fastened to such vehicle so as to completely cover all of the manure contained therein at all times except when the contents thereof are being loaded or unloaded. No person shall load, drive, or suffer or permit to be loaded or driven on any thoroughfare any such vehicle containing manure so as to suffer or permit any part of the contents of such vehicle containing manure to fall, spill, or leak therefrom.

CHAPTER 8.40 - RODENT CONTROL

Sections:

8.40.010 Definitions.

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

A. **"Approved"** as used in this Chapter where it applies to articles, materials, and methods means such articles as are approved by the Health Officer, who must approve each article, material, or method used in the exclusion of rodents.

B. **"Impervious material"** includes glass, wood, noncorrosive steel or iron and noncorrosive metal screen. The mesh of such screen shall not be larger than 1/4 inch and the thickness of the wire not less than No. 20, Brown and Sharpe gauge. Concrete masonry or other material which upon investigation by the Bureau of Development Services of this City shall be found to be of such hardness and texture as to effectively prevent penetration by rats. If any such material be found by the Health Officer to be insufficient to exclude rats by reason of decay, rot, breakage or other local or special condition, it shall no longer be termed impervious.

8.40.020 Regulations.

It is unlawful for any person to keep, store, or expose for sale any food, food product, or other thing which rats might eat, or to occupy any building, storeroom, grain elevator, warehouse, or residence within the corporate limits of the City without complying with the regulations herein provided for protection against, and elimination of rodents.

8.40.030 New Buildings to be Made Ratproof.

It is unlawful for any person to construct any building or structure or to repair or remodel any building or structure to the extent of 50 percent of the cost new unless the same shall be made ratproof by the use of impervious material as herein provided.

8.40.040 Additional Restrictions.

It is unlawful for any person to own, keep or use any storeroom, warehouse, grain elevator, residence or other building within this City where food or other things which rodents might eat, or where any animal or fowl is kept or any person resides or stays, without using impervious material in construction to effectively prevent rodents and especially rats from gaining entrance or being harbored underneath the floor or within the walls.

8.40.050 Docks and Wharves to be Protected.

It is unlawful for any person to own or keep any dock or wharf, public or private, unless it is protected so far as practicable by impervious materials installed to prevent rats from gaining entrance to or upon such dock or wharf from any vessel anchored or moored at or near such dock or wharf, or from other sources. All food on such dock or wharf, when remaining overnight, shall be effectively protected or guarded from rats. The owner or person in charge of any dock or wharf where food or other material which rats might eat is stored, when required by the Health Officer, shall provide bait and set traps as approved by the Health Officer. The Health Officer shall require such traps when conditions are such that rats are likely to gain access to any food product or other thing which rats might eat. The traps shall be set and baited in an effective and safe manner.

8.40.060 Requirements for Watercraft.

All docks and wharves shall be equipped with fender logs not less than 24 inches in diameter at the smallest part. It is unlawful for any vessel, steamboat, or other watercraft, except boats or watercraft operating exclusively on the Willamette or Columbia rivers, to lie alongside of any wharf or dock in the City, unless such vessel, steamboat or other watercraft shall be fended off from said wharf or dock so that no part of such vessel, steamboat, or other watercraft shall be nearer than 2 feet from the nearest point of the wharf or dock by a floating fender, log or spar of sufficient strength to maintain the distance of 2 feet. Each spar and each chain, Hawser, rope or line of any kind, extending from any vessel, steamboat, or watercraft, to the wharf or dock, shall be equipped with and have properly and securely attached thereto a rat shield or guard of such design, and in such manner, as shall be approved by the Health Officer.

8.40.070 Packing Houses.

It is unlawful for any person to own or use any packing house or cold storage plant where articles are kept which rats might eat unless such house or plant shall be so protected by impervious material as to prevent rats from gaining access thereto. All vents, windows, doors, holes, or openings thereto shall be so covered and protected by impervious material that rodents and especially rats may not gain access thereto. The doors shall be equipped with self-closing devices, which shall at all times be maintained in good operating condition.

8.40.080 Sanitary Maintenance of Buildings.

All buildings, places and premises in the City shall be kept and maintained by the owner, or occupant thereof, in a clean and sanitary condition, free from rats.

8.40.090 Unsanitary Accumulations.

The accumulation of any litter, filth, garbage, decaying animal or vegetable matter, or any animal or human excrement which may or does offer harborage or a source of food for rats is hereby declared to be a nuisance.

8.40.100 Nuisance Abatement.

It shall be the duty of the Health Officer, or those whom he may direct, to cause any person to abolish, remove or abate any nuisance defined in Section 8.40.090. In case such person shall fail, neglect or refuse to abolish, remove or abate such nuisance within 24 hours after being directed so to do or such further time as said Health Officer may reasonably allow, such nuisance shall be abated in the manner provided by City ordinance for the abatement of nuisances. The cost of abating such nuisance shall be assessed against the property and collected in the same manner as that provided by ordinance in case of abatement of any other nuisance. Any person against whose property such costs are assessed shall be subject to other penalties provided by this Code.

8.40.110 Metal Garbage Cans Required.

No person whether owner, lessee or occupant or agent of any premises improved or unimproved shall keep or permit to be kept in any building, areaway, or upon any premises or in any alley, street, or public place adjacent to any premises, any waste animal or vegetable matter, dead animals, butcher's offal, fish or parts of fish, swill, garbage, or any refuse matter from any public eating place, place of business, residence or other building, whereon or wherein garbage shall be created unless the same be collected and kept in an a tight covered metal can or vessel.

8.40.120 Accumulation of Waste Matters Attractive to Rats.

No rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building, place, or premises in the City in such a manner that the same shall or may afford a harborage or breeding place or food for rats.

8.40.130 Demolition of Rat Infested Buildings.

(Amended by Ordinance No. 176955, effective October 9, 2002.) It is unlawful to demolish, wreck or raze any building in the City used for commercial purposes or as a warehouse, barn, or stable, under order of a department of the City, until the Bureau of Health shall have certified that it is free from rodents. The certificate shall state that the premises have been baited with rat poison in a manner approved by or under the direction of the bureau. When such a building is vacated for the purpose of its being demolished, wrecked, or razed, the owner or person having control of such premises shall report such vacation to the Bureau of Health within 3 days. The Bureau of Health shall immediately cause an inspection to be made of the premises, and if the premises are found to be infested with, or to be a breeding place for rodents, they shall be baited or treated under the direction of the Bureau for a period not to exceed 30 days, at the expense of the owner or person having control of the premises.

Upon receipt of an application for a permit to demolish, wreck, or raze a building in the City, it shall be the duty of the Bureau of Development Services to report such an

application to the Bureau of Health. No permit for demolition, wrecking, or razing shall be issued until the Bureau of Health certifies to the Bureau of Development Services that the building for which the application is made has been found free of rodents or has been treated or baited in the manner herein stated.

In the case of demolition, wrecking, or razing by the City under authority of an ordinance, the City shall be entitled to recover the cost for baiting or treating such premises in the same manner as it recovers other expenses incident to such demolition, wrecking or razing.

8.40.140 Additional Regulations.

The Health Officer may require any building used for storing food, food products, or other goods, wares, and merchandise, or in which foods, or food products, foods, wares, merchandise, or other material which rats might eat shall be stored to be provided with rat traps. The traps shall be baited and inspected, smoked, rebaited and set in an approved manner. Any person who shall have caught a rat shall inform the sanitary division of the Bureau of Health and keep such rat until disposed of under direction of the Health Officer, if he shall have been instructed by the officer so to do.

CHAPTER 8.44 - INSECT CONTROL

Sections:

8.44.010 Created - Duties and Powers.

The Bureau of Insect Control and the position of Insect Abatement Supervisor are hereby recreated and reaffirmed. The Bureau shall have in its charge the controlling of all nuisances created by earwigs, elm leaf beetles, mosquitoes and all other injurious insects affecting premises, buildings, trees, or shrubs within the corporate limits of the City. Earwigs, elm tree beetles, mosquitoes and other injurious and harmful insects are hereby declared to be a nuisance.

The Bureau of Insect Control shall be administered by and be under the direct supervision of the Insect Abatement Supervisor, subject to the overall supervision of the City Health Officer. The duties of the Insect Abatement Supervisor shall be to supervise the eradication of earwigs, elm leaf beetles, mosquitoes, and other injurious insects affecting premises, buildings, trees or shrubs within the City. To that end the Insect Abatement Supervisor or his assistants or employees in the Bureau of Insect Control shall to the full extent permitted by law, have power and authority to enter into and upon any premises in the City for the purpose of inspecting the same to determine the presence of earwigs, elm leaf beetles, mosquitoes, and all other injurious insects, whether they are on the premises or in the buildings, trees, or shrubs thereon. If it shall be determined from inspection that any nuisances exist on any such premises in any buildings, on any trees or shrubs, or in any other places within the City, such Insect Abatement Supervisor shall, either directly or through his assistants or employees in the Bureau of Insect Control, take immediate action to abate the same in such manner as may be deemed proper to accomplish such purpose. The Insect Abatement Supervisor shall have power and authority to confer with and receive gratuitous service and advice from persons trained in eradicating injurious insects. The Bureau of Insect Control shall have power and authority to use such means, methods, materials, liquids, or poisons as shall be determined necessary to carry out the eradication of the said nuisances, or to use any other scientific and lawful means of eradication or control of such nuisance.

8.44.020 Interference with Officers.

It is unlawful for any person to hinder or interfere with or prevent the Insect Abatement Supervisor or his assistants, or any employees in the Bureau of Insect Control, from performing their duties as herein defined, or knowingly to do or perform any act or thing which will destroy or impair the efficiency of any device or means used by the Bureau of Insect Control for the destruction, prevention, or control of nuisances.

8.44.030 Brush to be Removed - Nuisance - Abatement - Lien.

(Amended by Ordinance No. 184522, 185448 and 186053, effective January 1, 2015.) The owner, his agent, or the person in possession of any lot, tract or parcel of land so situated

that it lies within 19 feet elevation above sea level, or which is flooded by the overflow from the Willamette River when at an 18 foot river level or stage, or so situated that during certain periods of the year water accumulates thereon, which facilitates the breeding of mosquitoes or other noxious insects, shall cut and remove, and keep cut and removed therefrom, all brush and undergrowth which may hamper or prevent the free spread of oil on such water. Any pruning or removal of trees shall be subject to the applicable requirements of Title 11. Nothing herein contained shall be considered to apply to bushes, trees, shrubbery and/or other vegetation grown for food, fuel, ornament or commercial purpose, or for the production of food, fuel, ornament or commerce, provided that the health and convenience of the public is not endangered by the maintenance of such growth or vegetation. Upon failure to keep such brush cut and removed, the owner, his agent, or the person in possession of such land, shall be subject to the penalties provided by this Code.

The existence of such brush or undergrowth upon such land is hereby declared to be a public nuisance. If such nuisance be found to exist a notice shall be posted as provided in Title 29, Property Maintenance Regulations. If such nuisance is not abated within the time provided by the notice so posted the Bureau of Insect Control shall abate such nuisance and charges for such abatement shall be made against the property and entered in the lien docket as there provided. The owner of any lot, tract, or parcel of land may notify the Bureau of Insect Control in writing that he desires the City to remove such nuisance and agrees to pay the reasonable and necessary expense thereof including 10 percent for overhead and with such notice deposit $5 as a guaranty for such payment.

CHAPTER 8.48 - GENERAL PUBLIC AND EMPLOYEE FACILITIES

Sections:

8.48.010 Common Drinking Cups and Towels.

It is unlawful for any person in the control or charge of any railroad station, public or private school, public building, office building, hotel, saloon, restaurant, theater, armory or any public place of amusement, or any establishment in which human food is handled, or in any library maintained for or used by the general public, to place, furnish or keep any common drinking cup or common towel for public use or to permit such public use.

"Common drinking cup" as used in this Section means any vessel or utensil used in conveying water to the mouth and available to the common use of the public guests, patrons, or inmates in the places mentioned herein. "Common towel" as used herein means a roller towel or towel intended or available for common use by more than one person without being thoroughly cleansed and sterilized after such use.

8.48.020 Public Drinking Fountain.

All schools shall be supplied with sanitary drinking fountains having bubbling cups and jets. All public drinking fountains shall be constructed and supplied with bubbling cups and jets and maintained in a clean and sanitary manner. This Section shall not apply to any fountains used exclusively by animals.

8.48.030 Seats for Employees.

Every employer in any manufacturing or mercantile establishment, store, department store, laundry, hotel or restaurant or other establishments shall provide for all employees a sufficient number of suitable seats, which in no case shall be less than one seat for each three employees, and shall permit them to use such seats when such employees are not engaged in active duties of their employment.

8.48.040 Seats in Elevators.

Any person owning or maintaining any elevator for the convenience of the public or tenants of any building who shall employ any person to operate such elevator shall furnish and keep in use in such elevator one comfortable and convenient stool or seat for the use and accommodation of the operator of such elevator during the time when such person shall be employed in operating the same. Stools shall also be provided for employees generally known as elevator starters, and shall be placed in the lobby of such building where such starters have their stand, while on duty.

8.48.050 Toilet Facilities for Industrial Employees.

Every place of industrial employment shall be provided with adequate toilet facilities which are separate for each sex, except as hereinafter provided. Separate accommodations shall be apart from each other and have their own separate approaches. The one for men shall be clearly marked "MEN" and the one for women shall be clearly marked "WOMEN."

A. Toilet rooms. Toilet rooms shall be readily accessible to employees using them. No toilet facilities shall be more than one floor above or below the regular place of work of the persons using them, unless passenger elevators are available for employee's use in going to and from toilet rooms. Toilet facilities shall be located within 200 feet of all locations at which workers are regularly employed.

The door to every toilet room shall be fitted with an effective self-closing device and screened so that the compartments are not visible from the working room.

All compartment doors shall be supplied with latch. No toilet room shall open directly into a room where food is prepared, stored, served, manufactured or processed.

B. Water closets and urinals. One water closet shall be deemed adequate when not more than five males and females are required to use the same accommodations. When there are more than a total of five persons, males and females, employed or engaged, separate accommodations for each sex shall be provided according to the following table:

Minimum Number of Persons	Number of Water Closets
6 to 9	1
10 to 24	2
25 to 49	3
50 to 74	4
75 to 100	5
Over 100	1 for each additional 30 persons

When three or more water closets are required for men, one urinal may be substituted for one water closet, up to a maximum of one-third of the total water closets required. Whenever urinals are used they shall be of the wall type or pedestal type urinals equipped with an integral trap. Urinals shall be flushed by a flush-meter valve equipped with a vacuum breaker or by an elevated urinal flush tank. An adequate supply of toilet paper shall be provided for every water closet. Dry, covered depositories for refuse shall be kept in all toilet rooms used by females.

C. Washing facilities. Adequate facilities for maintaining personal cleanliness shall be provided. The same shall be conveniently located for the employees for whom they are provided and shall be maintained in a clean and sanitary manner.

Individual towels of cloth or paper shall be provided and proper receptacles maintained for disposing of used towels. Other apparatus for drying the hands may be substituted for towels only after approval by the Health Officer. Unless the general washing facilities are on the same floor and in close proximity to the toilet rooms, adequate washing facilities shall be provided in every toilet room or adjacent thereto.

A suitable cleansing agent shall be provided at each wash basin.

At least one wash basin with an adequate supply of hot and cold water shall be provided for every 20 employees or portion thereof, up to 100 persons; and one wash basin for each additional 25 persons or portion thereof. Twenty-four inches of the circumference of a wash fountain shall be considered equal to one basin.

A wash basin supplied with hot and cold water from one facet shall be provided near the place of work for every five employees exposed to skin contamination by any poisonous, infectious or irritating material.

8.48.060 Drinking Fountains for Employees.

There shall be provided in all places of employment an adequate supply of clean, cool, wholesome and safe drinking water which is readily accessible to all employees. All water furnished for drinking purposes shall be from the City water supply.

The common drinking cup is prohibited. When individual disposable drinking cups are supplied, there shall be provided a suitable container for the unused cups and also a receptacle for disposing of the used cups.

All drinking fountains shall be of an approved sanitary type. The water supply shall be provided with an adjustable valve fitted with a loose key or an automatic self-closing valve permitting regulation of the rate of flow of water. The water issuing from the orifice shall be of sufficient volume and height so that persons using the fountain need not come in direct contact with the orifice guard.

Combination faucets and drinking fountain appliances shall not be used. Drinking fountains shall not be installed on wash basins. Drinking fountains shall not be installed in toilet rooms. Expectorating upon the walls, floors, workplaces, stairs or other parts of any establishment is prohibited. Cuspidors, if used, shall be of such construction that they can be kept clean and disinfected, and they shall be cleaned often enough, and at least daily, to prevent them from becoming in any way a menace to health.

CHAPTER 8.52 - TATTOO PARLORS

Sections:

8.52.010 Premises.

Any person maintaining, conducting, operating or managing any tattooing establishment must comply with the following regulations:

A. Premises and equipment must be maintained in a sanitary manner including physical cleanliness as well as antiseptic precautions;

B. All establishments shall be equipped with hot and cold running water, and adequate toilet facilities properly installed in compliance with the Building Code as well as the health and sanitation regulations shall be provided;

C. The premises and all equipment shall at all times be kept in a clean and sanitary condition.

8.52.020 Equipment.

A. Sterilization of equipment may be either by:

1. Dry heat at a temperature of 320 degrees Fahrenheit (160 degrees Centigrade) for at least 1 hour and preferably 2 hours;

2. Steam pressure sterilization (autoclave), approved by the City Health Officer;

3. Needles must be thoroughly cleaned with soap and water after each use. To prepare for sterilization each needle shall be flushed with freshly distilled water and left distinctly moist, just before being placed in the sterilizer. The tubes containing the needles shall rest on their sides in the sterilizer to facilitate air removal and steam intake to each tube and needle. Under these conditions the exposure period is 30 minutes at 250 degrees Fahrenheit, followed by drying for not less than 15 minutes.

B. All needles and other instruments shall be kept in a closed glass case while not in use.

8.52.030 Skin Preparation.

A. Antiseptic techniques must be used. Each operator is required to scrub his hands thoroughly before beginning operations on the customer's skin. The skin area to be tattooed shall be thoroughly cleaned with liquid green soap or detergent and water.

B. Only dyes containing an antiseptic may be used. Dyes shall be kept in individual containers.

C. After tattooing, a sterile dressing shall be applied to the tattooed area.

D. Tattooing shall not be performed on any person with any skin lesions or any communicable diseases.

8.52.040 General Supplies.

All establishments shall be provided with clean, laundered cloth or fresh paper towels in sufficient quantities. A clean towel must be used on each customer. Unused towels must be kept in a closed, dustproof container. All operators shall wear clean, washable garments. Operating tables preferably will be constructed of metal with a white enamel or porcelain finish or stainless steel.

8.52.050 Tattooing Minors - Infections - Medical Tests.

It is unlawful to tattoo any person under the age of 21 years.

All infections resulting from the practice of tattooing shall be reported to the City Health Officer by the person owning or operating the tattooing establishment. Any person engaged in the practice of tattooing shall submit to an annual chest X-ray and serological blood test for syphilis.

CHAPTER 8.65 - SMOKING

(Chapter replaced by Ordinance No. 165468,
effective May 27, 1992.)

Sections:

8.65.010 Smoking Instrument Defined.

"Smoking instrument" means any cigar, cigarette, pipe or other smoking equipment.

8.65.020 Smoking Prohibited Buildings.

(Amended by Ordinance Nos. 180917 and 181436, effective December 21, 2007.) No person shall smoke or carry any lighted smoking instrument in the interior portion or within 50 feet of the exterior of any building if:

A. The building is owned by the City; and,

B. The building is occupied by City employees as their work site, except for certain areas of Portland Fire & Rescue that are or can be fully opened to the out of doors as designated by the Fire Chief.

The exterior no-smoking zone shall be measured from the building footprint including any exterior structural elements such as portico and loggia. The exterior no-smoking zone shall not extend into any property adjacent to the building or onto the roadway, but does include driveways, planting strips, sidewalks and pedestrian ways within 50 feet of the building.

8.65.030 Smoking Prohibited Vehicles.

No person shall smoke or carry any lighted smoking instrument in any City owned or leased motor pool vehicle.

CHAPTER 8.68 - ENFORCEMENT

Sections:

8.68.010 Right of Entry.

To the full extent permitted by the law, the Health Officer has authority to enter in and upon all private and public premises at any reasonable time for the purpose of inspecting said premises or doing any other lawful act required or authorized to be done by him under this Code or ordinances of the City, the Charter or pursuant to state or federal law. It is unlawful for any person owning or controlling any premises used for any occupancy or business requiring a permit under this Code or used for any business licensed by the City, to refuse or neglect to obey any order of the Bureau of Health authorized by this Code or other ordinance or Charter provision, or to obstruct the Health Officer in the performance of his lawful duties.

8.68.020 Notice of Unhealthful Condition of Premises.

When upon investigation or inspection by the Health Officer, it is found that any building, property, or place where foodstuff of any kind or description is manufactured, processed, stored, handled, kept, or exposed for sale, or any such building, property, or place in which any person or persons dwell, or engage in any occupation, or assemble, is kept or permitted to be or remain in an unsanitary or filthy condition, or is not lighted or ventilated as required by Code, or in which the drainage and/or plumbing is so defective or unsanitary as to constitute a danger to health, or where the construction or condition of a building or part thereof is such as to endanger health, it shall be the duty of the Health Officer to notify in writing the owner or agent of the owner or person occupying such building or property, stating therein the condition or thing to be corrected and requiring that the same be corrected within a reasonable time to be specified in such notice. If, within such time, the condition is not remedied, it shall be the duty of the Health Officer to post or cause to be posted in a conspicuous place on such building or property a notice stating that such building or property has been found to be dangerous to health and that notice for correction has been given. The posted notice shall be continued until the dangerous condition has been corrected and the premises again inspected and found to be in healthful condition, whereupon the Health Officer shall remove the notice so posted. It is unlawful for any person other than the Health Officer, or those acting under him, to remove, destroy, deface, cover up, or conceal any notice posted as herein provided except by written permission of the Health Officer.

8.68.030 Use of Premises Found to be Unhealthful.

It is unlawful for any owner, lessee, or person representing the owner or lessee to rent or sublet or allow to be occupied any property after a notice, as prescribed in Section 8.68.020,

shall have been given, and before a correction of the condition in such notice has been made. It is unlawful for any person to occupy any premises after having knowledge of such a notice and before the correction of conditions mentioned in said notice has been made. In any case, however, the Health Officer may set such a time, as may be reasonable under the circumstances, in which either to obtain a correction of the conditions which cause the issuance of said notice or to discontinue completely the use of the premises.

8.68.040 Powers of Inspection.

All meat, milk, and sanitary inspectors shall, by nature of their position, be special policemen. They shall have full powers of police officers to enforce all laws or ordinances appertaining to the duties for which they are employed.

CHAPTER 8.70 - ANNEXATIONS

(Chapter added by Ordinance No. 131609, effective October 1, 1970.)

Sections:

8.70.010 Annexation to Remove Danger to Public Health.

When the State Board of Health finds that a danger to public health exists because of conditions within a territory contiguous to the City and otherwise eligible for annexation in accordance with Section 222.111, Oregon Revised Statutes, and that such conditions can be removed or alleviated by sanitary, water or other facilities ordinarily provided by the City, then the City shall follow the procedure authorized under Sections 222.850 to 222.915, Oregon Revised Statutes, to annex that territory.

CHAPTER 8.80 - RESIDENTIAL CARE FACILITIES

(Chapter repealed by Ordinance No. 159765, effective June 30, 1987.)

CHAPTER 8.95 - ADULT CARE HOMES

(Chapter added by Ordinance No. 155196, effective October 12, 1983.)

Sections:

8.95.010 Scope.

A. The provisions of Multnomah County Adult Care Home Registration Ordinance No. 392, three copies of which are on file in the Office of the City Auditor, hereby are adopted by reference and made a part of this Title. Such provisions shall apply within the City of Portland and shall be administered and enforced by the Director of Human Services of Multnomah County, or his or her designee.

B. Nothing in the provisions of this Section shall be construed to create a cause or right of action against the City of Portland, its agents or employees, for the enforcement or failure to enforce any provisions of this Section.

TITLE 9 - PROTECTED SICK TIME

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TITLE 9 - PROTECTED SICK TIME

(Title added by Ordinance No. 185926; amended by Ordinance No. 186293, effective January 1, 2014.)

TITLE 9
PROTECTED SICK TIME

CHAPTER 9.01 - PROTECTED SICK TIME

Sections:

9.01.010 Purpose.

The purpose of this Chapter is to promote a sustainable, healthy, and productive workforce by establishing minimum standards for Employers to provide sick leave and to ensure that all persons working in the City will have the right to earn and use paid sick time. Allowing employees to earn and take sick time will maintain a healthy workforce and promote a vibrant, productive, and resilient City. It is the City's aspiration that all persons working in the City will be provided the right to earn and use paid sick time.

9.01.020 Definitions.

For purposes of this Chapter, the following definitions apply:

A. "City" means the City of Portland as defined in Title 1 of the Code of the City of Portland.

B. "BOLI Commissioner" means the Commissioner of the Bureau of Labor and Industries (BOLI) of the State of Oregon as established by ORS 651.020.

C. "Employee" means an individual who renders personal services to an Employer where the Employer either pays or agrees to pay for the personal services or suffers or permits the individual to perform the personal services. "Employee" includes Home Care Workers as defined by ORS 410.600(8).

D. "Employee" does not include:

1. A copartner of the Employer

2. An Independent contractor

3. A participant in a work training program administered under state or federal assistance laws;

4. Those who are participating in a work study program that provides students in secondary or post secondary educational institutions with employment opportunities for financial and/or vocational training; or

5. Railroad workers exempted under the Federal Railroad Insurance Act (45 USC 363).

E. "Employer" means the same as that term is defined in ORS 653.010(3), but does not include:

1. The United States Government; or

2. The State of Oregon including any office, department, agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary; or

3. Any political subdivision of the State of Oregon or any county, city, district, authority, public corporation or public entity other than the City.

F. "Family Member" means the same as that term is defined in ORS 659A.150 (4) and includes domestic partners as defined under ORS 106.310.

G. "Health Care Provider" means the same as that term is defined in ORS 659A.150 (5).

H. "Paid Time Off" or PTO means:

1. A bank of time, including time accrued in regular increments according to an established formula, provided by an Employer to an Employee, that the Employee can use to take paid time off from work for any purpose, including the purposes covered by this Chapter; or

2. A contribution made by an Employer to a vacation pay account, in the name of a construction trade union Employee covered by a collective bargaining agreement, that the Employee may cash out or use for any purpose, including the purposes covered by this Chapter.

I. "Sick Time" means time that has been accrued and may be used by an Employee under this Chapter, and that is calculated at the same hourly rate and with the same benefits, including health care benefits, as the Employee normally earns during hours worked and is provided by an Employer to an Employee at the accrual rate described in Section 9.01.030.

J. "Sick Leave" means time off from work using Sick Time.

K. "Retaliatory Personnel Action" means:

1. Any threat, discharge, suspension, demotion, other adverse employment action against an Employee for the exercise of any right guaranteed under this Chapter, or

2. Interference with, or punishment for, participating in any manner in an investigation, proceeding or hearing under this Chapter.

3. Adverse employment actions based on Sick Leave use not covered in this Chapter are not Retaliatory Personnel Actions.

L. "Year" means any consecutive 12-month period of time that is normally used by an Employer for calculating wages and benefits, including a calendar year, tax year, fiscal year, contract year, or the year running from an Employee's anniversary date of employment.

9.01.030 Accrual of Sick Time.

A. Employers with a minimum of 6 Employees shall provide Employees with a minimum of one hour of paid Sick Time for every 30 hours of work performed by the Employee, within the geographic boundaries of the City, except as otherwise provided in this Chapter.

B. Employers with a maximum of 5 Employees shall provide Employees with a minimum of one hour of unpaid Sick Time for every 30 hours of work performed by the Employee, within the geographic boundaries of the City, except as otherwise provided in this Chapter.

C. Employees who are paid base wage plus piece rate, tips or commission shall accrue and be paid Sick Time based on the base wage.

D. Salaried executive, administrative or professional Employees under the federal Fair Labor Standards Act or the state minimum wage and overtime laws will be presumed to work 40 hours in each work week for purposes of earning and accruing Sick Time unless their normal work week is less than 40 hours, in which case Sick Time is earned and accrued based upon that normal work week.

E. Employees who travel to the City and make a stop as a purpose of conducting their work accrue benefits under this Chapter only for the hours they are paid to work within the City.

F. Employees may accrue a maximum 40 hours of Sick Time in a Year, unless the Employer provides, or is contractually obligated to provide, more. Sick Time

equivalent to this amount may be given at the beginning of a Year to meet this requirement for accrual.

G. Sick Time accrued by an Employee that is not used in a calendar year may be used by the Employee in the following Years. An Employer is not required to allow an Employee to carry over accrued hours in excess of 40 hours.

H. If an Employee is transferred by an Employer to a separate division, entity or location of the Employer within the City, the Employee is entitled to all Sick Time accrued at the prior division, entity or location and is entitled to transfer and use all Sick Time as provided in this Chapter. If a Sick Time equivalent is given at the beginning of a Year, in accordance with Subsection G. of this Section, the Employer is not required to allow an Employee to carry over accrued hours.

I. Accrued Sick Time shall be retained by the Employee if the Employer sells, transfers or otherwise assigns the business to another Employer and the Employee continues to work in the City.

J. An Employer shall provide previously accrued and unused Sick Time to an Employee who is rehired by that Employer within six months of separation from that Employer. The Employee shall be entitled to use previously accrued Sick Time immediately upon re-employment.

K. An Employer with a minimum of 6 Employees who provides a minimum of 40 hours in a Year of paid time off through a PTO policy, or an Employer with a maximum of 5 Employees who provides a minimum of 40 hours per Year of unpaid time off, that can be used under the same provisions of this Chapter, is not required to provide additional Sick Time.

L. Sick Time will begin to accrue for Employees who are employed on the date this ordinance takes effect on the effective date. New Employees shall begin accruing Sick Time on commencement of employment.

M. An Employer with a Sick Leave or PTO policy in effect that provides the Employee with accrual of Sick Time that equals or exceeds the requirements of this Section is compliant with this Section.

9.01.040 Use of Sick Time.

A. An Employee becomes eligible to use Sick Time when he or she has worked for an employer within the geographic boundaries of the City for at least 240 hours in a Year. Once an Employee becomes eligible to use Sick Time he or she remains eligible regardless of the number of hours worked for that employer in subsequent Years.

B. An Employee may use Sick Time for the following qualifying absences:

1. Diagnosis, care, or treatment of the Employee's, or the Employee's Family Member's, mental or physical illness, injury or health condition including, but not limited to, pregnancy, childbirth, post-partum care and preventive medical care;

2. Purposes described in ORS 659A.272 Domestic Violence, Harassment, Sexual Assault or Stalking.

3. An absence from work due to:

a. Closure of the Employee's place of business, or the school or place of care of the Employee's child, by order of a public official due to a public health emergency;

b. Care for a Family Member when it has been determined by a lawful public health authority or by a Health Care Provider that the Family Member's presence in the community would jeopardize the health of others; or

c. Any law or regulation that requires the Employer to exclude the Employee from the workplace for health reasons.

C. An Employee may use Sick Time:

1. In increments of one hour, unless a lesser time is allowed by the Employer. Where it is physically impossible for an Employee to commence or end work part way through a shift, the entire time an Employee is forced to be absent may be counted against an Employee's Sick Time.

2. To cover all or part of a shift.

3. To cover a maximum of 40 hours per Year, unless otherwise allowed by the Employer or as provided by law.

D. An Employee may not use Sick Time:

1. If the Employee is not scheduled to work in the City on the shift for which leave is requested; or

2. During the first 90 calendar days of employment, unless the Employer allows use at an earlier time.

E. Except as allowed under Subsection 9.01.040 G., an Employee, when absent from work for a qualifying reason under Subsection 9.01.040 B., shall use accrued Sick

Time hours on the first day and each subsequent day of absence until all accrued time has been used.

F. An Employer may not require the Employee to:

1. Search for or find a replacement worker as a condition of the Employee's use of Sick Time.

2. Work an alternate shift to make up for the use of Sick Time.

G. If the Employer allows shift trading, and if an appropriate shift is available, then the Employer shall allow the Employee to trade shifts instead of using Sick Time.

H. Employers shall establish a written policy or standard for an Employee to notify the Employer of the Employee's use of Sick Time, whether by calling a designated phone number or by using another reasonable and accessible means of communication identified by the Employer for the Employee to use.

I. The Employee shall notify the Employer of the need to use Sick Time, by means of the Employer's established policy or standard, before the start of the employees scheduled work shift or as soon as practicable.

J. When the need to use Sick Time is foreseeable, the Employee shall provide notice to the Employer by means of the Employer's established policy or standard as soon as practicable, and shall make a reasonable effort to schedule the Sick Leave in a manner that does not unduly disrupt the operations of the Employer. The Employee shall inform the Employer of any change to the expected duration of the Sick Leave as soon as practicable.

K. For absences of more than 3 consecutive days, an Employer may require reasonable documentation that Sick Time has been used for one of the purposes listed in Subsection 9.01.040 B., including but not limited to:

1. Documentation signed by a licensed Health Care Provider,

2. Documentation for victims of domestic violence, harassment, sexual assault or stalking as provided in ORS 659A.280 (4), or

3. A signed personal statement that the Sick Leave was for a purpose covered by Subsection 9.01.040 B.

L. If an Employer chooses to require documentation of the purpose for the use of Sick Time, the Employer shall pay the cost of any verification by the Health Care Provider that is not covered by insurance or another benefit plan as provided in ORS 659A.168 (2).

M. Employers suspecting Sick Leave abuse, including patterns of abuse, may require documentation from a licensed Health Care Provider verifying the Employee's need for leave at the Employee's expense. Indication of patterns of abuse may include but are not limited to, repeated use of unscheduled Sick Time on or adjacent to weekends, holidays, or vacation, pay day, or when mandatory shifts are scheduled.

N. Nothing in this Chapter requires an Employer to compensate an Employee for accrued unused Sick Time upon the Employee's termination, resignation, retirement, or other separation from employment.

O. An Employer with a Sick Time or PTO policy in effect that provides the Employee with use of Sick Leave that equals or exceeds the requirements of this Section is compliant with this Section.

9.01.050 Exercise of Rights Protected; Retaliation Prohibited.

A. It shall be unlawful for an Employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Chapter.

B. An Employer shall not take Retaliatory Personnel Action or discriminate against an Employee because the Employee has exercised rights protected under this Chapter.

C. Retaliatory Personnel Action shall not be taken against any person who mistakenly, but in good faith, alleges violations of this Chapter.

D. It shall be a violation for an Employer's absence control policy to count earned Sick Leave covered under this Chapter as an absence that may lead to or result in an adverse employment action against the Employee.

9.01.060 Notice and Posting.

A. Employers shall provide and post notice of Employee rights under this Chapter. The notice shall be in English and other languages used to communicate with the Employer's workforce. The City may contract with the Bureau of Labor and Industries to create and disseminate the required poster. The City shall provide a template for the notice.

B. In addition to providing Employees with written notice, Employers may comply with posting requirements of this Section by displaying a poster in a conspicuous and accessible place in each establishment where Employees are employed.

C. An Employer who knowingly violates the notice and posting requirements of this Section may be subject to a civil fine as provided in administrative rules.

D. Fines shall not be assessed against any Employer who mistakenly, but in good faith, violates this Section.

9.01.070 Employer Records.

Employers shall retain records documenting hours worked, and Sick Time accrued and used by Employees, for a period of at least two years as required by ORS 653.045(1). Employers shall allow access to such records by BOLI or other agency authorized to enforce this Chapter.

9.01.080 Administrative Rules Implementing this Chapter.

A. The City Attorney may adopt rules, procedures and forms to assist in the implementation of the provisions of this Chapter.

B. All rules adopted to implement this Chapter shall be subject to a public review process.

C. Not less than ten or more than thirty days before such public review process, a notice shall be published in a newspaper of general circulation and sent to stakeholders who have requested notice. The notice shall include the place and time, when the rules will be considered and the location at which copies of the full text of the proposed rules may be obtained.

D. The duration of public review process shall be a minimum of 21 calendar days from the date of notification for written comment.

E. During the public review process a designee of the City shall hear testimony or receive written comment concerning the proposed rules.

F. The City shall review and consider the comments received during the public review process, and shall either adopt, modify, or reject the proposed rules.

G. All initial rules shall be effective January 1, 2014, and all subsequent rules shall be effective 30 days after adoption by the City Attorney and shall be filed in the Office of the City Auditor.

H. Notice of changes in Administrative Rules shall be published in a newspaper of general circulation, sent to stakeholders who have requested notice and posted on the BOLI and City web sites.

9.01.090 Enforcement.

A. The City may contract with BOLI to enforce this Chapter.

B. Pursuant to agreement between BOLI and the City, enforcement may be governed by the procedures established pursuant to ORS 659A.800 et.seq, ORS. Chapter 652

or ORS Chapter 653, or such other procedures as may be agreed upon by BOLI and the City. Rules adopted by the City pursuant to Section 9.01.090 of this Chapter may also be used to implement enforcement and administration of this Chapter.

C. Pursuant to agreement between BOLI and the City, any person claiming to be aggrieved by an unlawful employment practice under this Chapter may file a complaint with BOLI under procedures established under ORS 659A.820, ORS Chapter 652 or ORS Chapter 653, or such other procedures as BOLI or the City may establish for taking complaints which shall include options for resolution of complaints through such means as mediation.

D. Pursuant to agreement, BOLI shall have the same enforcement powers with respect to the rights established under this Chapter as are established under ORS 659A.820 et. seq., ORS Chapter 652 and ORS Chapter 653, and if the complaint is found to be justified, the complainant may be entitled to any remedies provided under ORS 659A.850 et. seq., ORS Chapter 652 and ORS Chapter 653 and their implementing regulations and any additional remedies, provided that those remedies are specified in the agreement between the City and the BOLI Commissioner.

E. Any person claiming to be aggrieved by a violation of this Chapter shall have a cause of action for damages and such other remedies as may be appropriate. Election of remedies and other procedural issues relating to the interplay between administrative proceedings and private rights of action shall be handled as provided for in ORS 659A.870 et. seq. The court may grant such relief as it deems appropriate.

9.01.100 Confidentiality and Nondisclosure.

A. If the Employer obtains health information about an Employee or Employee's Family Member, such information shall be treated as confidential to the extent provided by law.

B. All records and information kept by an Employer regarding an Employee's request or use of Sick Time under Subsection 9.01.040 A.2. shall be confidential as described in ORS 659A.280(5).

9.01.110 Other Legal Requirements.

This Chapter provides minimum requirements pertaining to Sick Time and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater accrual or use by Employees of Sick Time, whether paid or unpaid, or that extends other protections to Employees.

9.01.120 Public Education and Outreach.

The City shall develop and implement an outreach program to inform Employers and Employees about the requirements for Sick Time under this Chapter.

9.01.130 Severability.

If any provision of this Chapter or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or application of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared severable.

9.01.140 Application.

This Chapter is effective January 1, 2014.

TITLE 12 - AIR POLLUTION EMERGENCY EPISODES

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TITLE 12 - AIR POLLUTION EMERGENCY EPISODES

CHAPTER 12.04 – PURPOSE

Sections:

12.04.010 Purpose.

The purpose of this Chapter is to provide for procedures, standards and penalties to control air pollution and thereby minimize or avert an adverse effect on the health of the general population and in order to prevent a substantial endangerment to the health of persons which may arise out of such air pollution.

CHAPTER 12.08 - EXECUTIVE RESPONSIBILITY

Sections:

12.08.010 Mayor and Successor to Mayor.

The Mayor is the Chief Executive of the City of Portland. If the Mayor, for any reason, is unable or unavailable to perform the duties of office under this Code during a state of emergency, the duties shall be performed by:

A. The president of the Council;

B. The available Council member who has most recently served as President of the Council;

C. The available Council member holding the position with the lowest number.

The powers of the successor to the Mayor shall be limited to those granted under this Code and duration of succession shall be until such time as the Mayor is able and available to perform the duties of office.

12.08.020 Authority.

The measure for and declaration of air pollution emergency episodes is in the Department of Environmental Quality of the State of Oregon, hereinafter referred to as DEQ or other designated regional authority as may lawfully replace DEQ. Based upon the type of declaration that is issued, the Mayor, on behalf of the City, shall take the appropriate procedure as set forth in Chapter 12.16. Once the procedure has been instituted, it shall remain in effect until terminated by the measuring and declaring authority. The air pollution emergency episodes consist of three levels designated as:

A. Air pollution condition ALERT,

B. Air pollution condition WARNING, and

C. Air pollution condition EMERGENCY.

12.08.030 Traffic Control Area Defined.

As used in this Chapter, the traffic control areas shall be within the following boundaries: downtown Portland, West Burnside on the north, S.W. Clay on the south, S.W. Front on the east, and S.W. 13th Street on the west; Lloyd Center area, N.E. Weidler Street on the

north, N.E. Holladay Street on the south, N.E. 16th Avenue on the east, and N.E. Grand Avenue on the west.

12.08.040 Authorized Vehicles Defined.

(Added by Ordinance No. 138468, effective July 3, 1974.) As used in the Chapter, authorized vehicles shall be as follows and as defined in Chapter 16.90 Vehicles and Traffic, of the Code of the City of Portland:

A. Authorized emergency vehicles;

B. Commercial vehicles;

C. Motor bus;

D. School bus;

E. Taxicab.

CHAPTER 12.12 - PENALTIES AND VIOLATIONS

Sections:

12.12.010 Penalties.

The penalty for any violation of this Chapter shall be a maximum of $500 fine or 6 months in jail or both.

12.12.020 Violation.

Except as provided and designated herein, it shall be unlawful for any person to drive a motor vehicle into the traffic control area during any prohibited time as may be declared by the Mayor or when an air pollution condition warning or air pollution condition emergency hereunder has been declared to exist.

CHAPTER 12.16 - AIR POLLUTION CONDITIONS

Sections:

12.16.010 Air Pollution Condition ALERT.

Upon notification by the authority as designated in Section 12.08.020 that an air pollution condition ALERT is in effect, the Mayor shall take the procedure as follows:

A. All City departments will respond to the voluntary actions of the ALERT level as ordered by the Mayor.

B. Tri-Met will be notified by the Mayor that an air pollution ALERT has been declared.

C. The Mayor will release a statement to the news media, which statement will contain the following basic information:

1. Basic information provided in the press release will be the measurement level, the request for voluntary restraints by all citizens in the use of motor vehicles within the traffic control area, a caution to citizens with respiratory ailments, the possibility of involuntary controls becoming necessary if pollution reaches warning condition and that the objective is to cut the use of automobiles to ½ present use level until the pollution is relieved.

D. The Mayor will request DEQ to keep the public informed of pollution levels as information becomes available.

E. The Mayor will encourage the news media to cooperate in keeping the public well informed.

12.16.020 Air Pollution Condition WARNING.

(Amended by Ordinance No. 138468, effective July 3, 1974.) Upon notification by the authority as designated in Section 12.08.020 that an air pollution WARNING is in effect, the Mayor shall take the procedure as follows:

A. The Mayor shall notify Tri-Met or other mass transit that air pollution WARNING is in effect and that additional bus service may be required.

B. The Mayor shall release a statement to the news media which will contain the basic information as follows:

1. Basic information to be provided in the press release will be the air pollution measurement level, that voluntary controls have not succeeded in regulating the carbon monoxide levels, that it is necessary to institute involuntary action, that the present level of carbon monoxide could have an adverse effect on the health of the general population; that at 9:00 a.m. to 7:00 p.m., on each day during such time as the warning is in effect, public work crews will place barricades on all streets into the traffic control area, which area is bounded by West Burnside, S.W. Front, S.W. Clay and S.W. 13th Streets in downtown Portland; N.E. Weidler, N.E. Holladay, N.E. 16th Avenue, N.E. Grant Avenue in the Lloyd Center area, after which time only authorized vehicles will be permitted to enter the area, through-traffic will be permitted on the above-named perimeter streets, that the police will enforce the prohibition against entry into the traffic control area and violators will be subject to arrest.

C. The Mayor will encourage the news media to cooperate in keeping the public well informed, and will request DEQ to provide the news media with the pollution levels.

D. The Mayor shall order the chief of police and the City Traffic Engineer to place in effect traffic control measures so as to prohibit entry of all motorized vehicles except authorized vehicles after 9:00 a.m. to 7:00 p.m., to the traffic controlled area during such time as the air pollution WARNING continues to exist. The Mayor hereby is authorized to erect barricades or place police to control entry to the traffic control area so as to limit all motorized vehicles, except authorized vehicles through the traffic control area after 9:00 a.m. to 7:00 p.m., during any day that the air pollution condition WARNING continues to exist.

12.16.030 Air Pollution Condition EMERGENCY.

(Amended by Ordinance No. 138468, effective July 3, 1974.) Upon notification by the authority as designated in Section 12.08.020 that an air pollution EMERGENCY is in effect, the Mayor shall take the procedure as follows:

A. The Mayor shall release a statement to the news media, which statement will contain the following basic information:

1. Basic information provided in the press release will be the carbon monoxide measurement level, that previous measures to curb the level of carbon monoxide have failed and that an air pollution condition EMERGENCY has been declared; that no traffic except authorized emergency vehicles as defined in 12.08.040 A herein will be permitted within the traffic control area; that barricades have been or will be erected and police will enforce the prohibition against vehicle entry into the traffic control area and violators will be subject to arrest. That the control measures are necessary and required to prevent carbon monoxide from reaching a level that would

constitute an imminent and substantial endangerment to the health of persons; that all controls will be continued until the carbon monoxide content returns to a safe level.

B. The Mayor will request DEQ and the news media to continue public information procedures.

C. The Mayor hereby is authorized and shall order the implementation of traffic control plans to prohibit entry of all vehicles, except authorized emergency vehicles as defined in 12.08.040 A herein, into the traffic control area.

TITLE 13 - ANIMALS

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TITLE 13 – ANIMALS

CHAPTER 13.05 - SPECIFIED ANIMAL REGULATIONS

(Chapter substituted by Ordinance No. 166281, effective February 24, 1993.)

Sections:

13.05.005 Definitions.

(Amended by Ordinance Nos. 172635 and 181539, effective February 15, 2008.) As used in this Chapter, unless the context requires otherwise:

A. **"Director"** means the Director of the Multnomah County Health Department Vector and Nuisance Control, or the director's designee.

B. **"Keeper"** means any person or legal entity who harbors, cares for, exercises control over or knowingly permits any animal to remain on premises occupied by that person for a period of time not less than 72 hours or someone who accepted the animal for purposes of safe keeping.

C. **"Livestock"** means animals including, but not limited to, fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine, or other farm animals excluding dogs and cats.

D. **"Person"** means any natural person, association, partnership, firm, or corporation.

E. **"A Secure Enclosure"** shall be:

1. A fully fenced pen, kennel or structure that shall remain locked with a padlock or a combination lock. Such pen, kennel or structure must have secure sides, minimum of five feet high, and the director may require a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction's building code.

2. A house or garage. Where a house or garage is used as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the specified animal. A house, garage, patio, porch, or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the specified animal to exit the structure of its own volition; or

F. **"Specified Animals"** means bees or livestock.

G. **"Specified Animal Facility"** means a permitted site for the keeping of one or more specified animals, including but not limited to a stable, structure, or other form of enclosure.

H. **"Stable"** means any place used for housing one or more domesticated animals or livestock, whether such stable is vacant or in actual use.

I. **"Sufficient liability insurance"** means, at a minimum, insurance in a single incident amount of not less than $50,000 for personal injury and property damages, covering all claims per occurrence, plus costs of defense.

13.05.010 Administration and Enforcement; Powers and Duties of Director.

A. It shall be the responsibility of the Director, and such other persons as the Director may designate, to enforce the provisions of this Chapter.

B. Persons designated by the Director to enforce this Chapter shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting it.

C. The Director may adopt procedures and forms necessary for administering and exercising the authority under this Chapter.

13.05.015 Permit Required for Specified Animal Facility.
(Amended by Ordinance Nos. 167649, 168900 and 181539, effective February 15, 2008.)

A. No person shall operate or maintain any specified animal facility unless a permit has first been obtained from the Director.

B. Applications for specified animal facility permits shall be made upon forms furnished by the Director, and shall be accompanied by payment of the required fee. Specified animal facility permits shall be valid from the date of issuance until such time as the Director determines by inspection that the facility is not being maintained in compliance with the issuance criteria. Applications for a specified animal facility permit shall be accompanied by adequate evidence, as determined by the Director, that the applicant has notified all of the property owners and

residents within 150 feet of the property lines of the property on which the specified animal facility will be located.

C. The Director shall issue a specified animal facility permit to the applicant, only after the Director has reviewed a completed and signed application which grants the Director permission to enter and inspect the facility at any reasonable time, and assuring the Director that the issuance criteria have been met. If the Director has reasonable grounds to believe that an inspection is necessary, the Director shall inspect the facility in order to determine whether the issuance criteria have been met. The criteria for issuing a specified animal facility permit are as follows:

1. The facility is in good repair, capable of being maintained in a clean and in a sanitary condition, free of vermin, obnoxious smells and substances;

2. The facility will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health;

3. The facility will reasonably prevent the specified animal from roaming at large. When necessary for the protection of the public health and safety, the Director may require the specified animal be kept or confined in a secure enclosure so that the animal will not constitute a danger to human life or property;

4. Adequate safeguards are made to prevent unauthorized access to the specified animal by general members of the public;

5. The health or well being of the animal will not be in any way endangered by the manner of keeping or confinement;

6. The facility will be adequately lighted and ventilated;

7. The facility is located on the applicant's property so as to be at least 15 feet from any building used or capable of being used for human habitation, not including the applicant's own dwelling. Facilities for keeping bees, such as beehives or apiaries, shall be at least 15 feet from any public walkway, street or road, or any public building, park or recreation area, or any residential dwelling. Any public walkway, street, or road or any public building, park or recreation area, or any residential dwelling, other than that occupied by the applicant, that is less than 150 feet from the applicant beehives or apiaries shall be protected by a six foot hedgerow, partition, fence or similar enclosure around the beehive or apiary, installed on the applicant's property.

8. If applicable, the structure must comply with the City's building code and must be consistent with the requirements of any applicable zoning code,

condition of approval of a land use decision or other land use regulation; and

9. The applicant shall demonstrate, to the Director's satisfaction, sufficient ability to respond to any claims for damages for personal injury or property damage which may be caused by any specified animal kept at the facility.

a. The Director may require the applicant to provide proof of sufficient liability Insurance to respond to damages for any personal or property damages caused by any specified animal kept at the facility. The insurance shall provide that the insurance shall not be canceled or materially altered so as to be out of compliance with the requirements of this Chapter without thirty (30) days written notice first being given to the Director. The applicant shall provide a certificate of insurance to the Director within ten (10) days of the issuance of the permit. The Director shall revoke the permit upon any failure to maintain sufficient liability insurance as required under this subsection.

D. Each specified animal facility permit issued by the Director shall be conditioned on the applicant maintaining the facility in compliance with each of the issuance criteria. If the Director determines by inspection that the specified animal facility is not being maintained in compliance with the issuance criteria, the specified animal facility permit shall no longer be valid and shall be revoked. Before operation of the facility resumes, submission of a new application for a specified animal facility permit accompanied by payment of the permit fees shall be required, and the facility shall not be allowed to operate until such time as the Director has inspected the facility and determined that all issuance criteria have been met. The Director may impose other conditions on the permit, including but not limited to, a bond or security deposit necessary to protect the public health or safety.

E. A person keeping a total of three or fewer chickens, ducks, doves, pigeons, pygmy goats or rabbits shall not be required to obtain a specified animal facility permit. If the Director determines that the keeper is allowing such animals to roam at large, or is not keeping such animals in a clean and sanitary condition, free of vermin, obnoxious smells and substances, then the person shall be required to apply for a facility permit to keep such animals at the site.

F. These provisions for specified animal control are intended to provide city-wide regulations for keeping specified animals within the City. However, due to the variety of animals covered by these regulations and the circumstances under which they may be kept, these regulations should be applied with flexibility. Variances provide flexibility for unusual situations, while maintaining control of specified animals in an urban setting. The Director should grant variances if the proposal

meets the intended purpose of the regulation, while not complying with the strict literal requirements.

1. Applicants for a specified animal permit may request a variance from the requirements set forth in Section 13.05.015 C. In determining whether to grant a variance request, the Director shall consider the following criteria:

a. Impacts resulting from the proposed variance will be mitigated as much as possible;

b. If more than one variance is proposed, the cumulative impact would still be consistent with the overall purpose of the regulations; and,

c. If in a residential area, the proposed variance will not significantly detract from the public health or safety in the area.

2. The Director may impose conditions on any variance, as may be appropriate to protect the public health or safety or the health or safety of the animals.

a. The Director may, at any time, revoke any variance, or amend the conditions thereof, as may be appropriate to protect the public health or safety or the health or safety of the animals.

b. Failure to comply with the conditions of any variance issued under Section 13.05.015 F is a violation of this Chapter.

13.05.020 Permit Fees.

(Amended by Ordinance Nos. 168900 and 181539, effective February 15, 2008.)

A. The application for a specified animal facility permit shall be accompanied by a nonrefundable fee.

B. The Director may establish application fees at amounts reasonably calculated to cover the costs of administration and enforcement of the specified animal facility program. Before such fees may become effective, the Director shall submit the fee schedule to the Portland City Council for review and approval by ordinance.

13.05.025 Unsanitary Facilities and revocation of permit.

A. All specified animal facilities shall be open at all times for inspection by the Director. If an inspection reveals that any provision in this Chapter is violated, the Director shall give written notice to the keeper or other responsible person, specifying the violation and requiring that the violation be corrected within 48 hours. If the violation is not corrected within the period specified, the Director may revoke the specified animal facility permit.

B. The Director may revoke any specified animal facility permit upon determining that the facility no longer meets the conditions required for the issuance of a permit or that the permit was issued upon fraudulent or untrue representations or that the person holding the permit has violated any of the provisions of this Chapter.

13.05.030 Seamless Banded Pigeon Permits.

Any keeper of pigeons generally known as "seamless" banded pigeons, recognized by the National Association of Pigeon Fanciers, such as flying tipplers, tumblers, homing pigeons or rollers, may, after obtaining the signed consent of two-thirds of the total number of property owners and occupants residing within property 200 feet from the property lines of the property where such pigeons are kept, obtain from the Director a permit to release such pigeons for exercise or performance at stated times or intervals. The Director may impose such other conditions on the permit as are necessary to maintain the public safety and health.

13.05.035 Livestock within Fifty Feet of Residence.

It is unlawful to picket any livestock, or allow any livestock to roam, so that it may approach within 50 feet of any building used as a residence, or any commercial building in which foodstuff is prepared, kept or sold.

13.05.040 Diseased Animals to be Confined.

A. It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with mange, eczema or other disease contagious to animals, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.

B. It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with ringworm, hepatitis, rabies or other disease contagious to humans, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.

C. If the Director finds, after investigation, that there is a preponderance of evidence indicating that any specified animal is infected with a contagious disease, the Director shall issue written notice to the keeper of such animal, requiring the keeper to confine such animal until it is examined and declared free of disease by a licensed veterinarian or the Director.

D. The Director may initiate an investigation under Subsection C hereof upon receipt of a signed statement by any person indicating that a certain animal is infected with a contagious disease.

13.05.045 Civil Penalties and Additional Restrictions.

(Amended by Ordinance No. 181539, effective February 15, 2008.) All enforcement of this Chapter by the Director shall follow the procedures set forth in Multnomah County Code Chapters 15.225 – 15.236

13.05.050 Appeals.

(Repealed by Ordinance No. 181539, effective February 15, 2008.)

CHAPTER 13.08 - ADMINISTRATION AND ENFORCEMENT

(Chapter added by Ordinance No. 146131; repealed by Ordinance No. 166281, effective February 24, 1993.)

CHAPTER 13.09 - LICENSING OF DOGS

(Chapter added by Ordinance No. 146131; repealed by Ordinance No. 166281, effective February 24, 1993.)

CHAPTER 13.10 - GENERAL ANIMAL REGULATIONS

(Chapter substituted by Ordinance No. 166281,
effective February 24, 1993.)

Sections:

13.10.010 Roosters Prohibited.

It is unlawful for any person to harbor, keep, possess, breed, or deal in roosters in the City of Portland. The provisions of this Section shall not be construed to prohibit the possession of roosters for commercial purposes.

13.10.015 Certain Exotic Animal Prohibited; Exceptions.

(Repealed by Ordinance No. 172635, effective September 25, 1998.)

13.10.020 Swine Not Allowed in City; Exceptions.

A. It is unlawful to have or to keep within the limits of the City any live pigs or swine for a longer period than 3 days.

B. Notwithstanding the above, or the terms of Chapter 13.05, the having or keeping of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pigs (sus scrofa vittatus) is allowed, subject to the following:

1. Any pig or swine shall be considered to fall within this exception if its maximum height is no greater than 18 inches at the shoulder and it weighs no more than 95 pounds.

2. No more than three Miniature Vietnamese, Chinese or Oriental pot-bellied pigs shall be kept at any one address for any period in excess of 3 days.

13.10.030 Permits to Kill Birds Damaging Private Property.

Whenever any person has been given written permission by a state or federal agency, with the proper authority, to kill birds which are damaging private property, the Chief of Police shall, upon presentation of such written permit, grant authority to the person named in a written permit to kill birds within the corporate limits of the City. No permit shall be issued by the Chief of Police to any person to kill birds which are damaging private property

within the City, unless such person has first been given a written permit by a duly authorized state or federal agency.

13.10.040 Sale and Display of Artificially Colored Fowl and Rabbits and Certain Fowls as Pets.

A. It is unlawful for any person to sell, offer for sale, keep, or display for the purpose of sale or advertising, or otherwise, any chicks or rabbits under two months of age which have been artificially colored or dyed.

B. It is unlawful for any person to advertise, display, sell, or offer for sale, barter or otherwise deliver to the public as pets or novelties, any live chicks, ducklings, goslings, poults, or other fowl under two months of age. The provisions of this Subsection shall not be construed as prohibiting the advertising, display or sale of any such chicks, ducklings, goslings, poults, or other fowl, for commercial purposes. The sale of any of the above fowl as pets or novelties shall not be considered a commercial purpose under this Subsection.

13.10.050 Animals Must Be Properly Shod.

It is unlawful for any person owning or having the care, custody or control of, or driving any horse, mule, or other large animal used for the purpose of driving or hauling, to permit or allow any such animal to be driven upon any of the streets, avenues or highways of the City unless such animal is shod in such manner as will prevent or tend with reasonable certainty to prevent it from slipping or damaging the street surface.

CHAPTER 13.11 - PROHIBITED AND REGULATED CONDUCT

(Chapter added by Ordinance No. 146131; Repealed by Ordinance No. 166281, effective February 24, 1993.)

CHAPTER 13.12 - PROSECUTION OF VIOLATIONS; DISPOSITION OF ANIMALS; PENALTIES

(Chapter added by Ordinance No. 146131; Repealed by Ordinance No. 166281, effective February 24, 1993.)

CHAPTER 13.13 - CLASSIFICATION OF DOGS

(Chapter added by Ordinance No. 162483; Repealed by Ordinance No. 166281, effective February 24, 1993.)

CHAPTER 13.15 - FEE SCHEDULE

(Chapter added by Ordinance No. 146437;
Repealed by Ordinance No. 166281, effective
February 24, 1993.)

CHAPTER 13.16 - RULES AND REGULATIONS GENERALLY

(Chapter repealed by Ordinance No. 166281, effective February 24, 1993.)

TITLE 17 - PUBLIC IMPROVEMENTS

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CHAPTER 17.13 - PARKS AND RECREATION SYSTEM DEVELOPMENT CHARGE

(Chapter added by Ordinance No. 172614, effective October 1, 1998.)

Sections:

17.13.010 Scope and Purposes.

(Amended by Ordinance Nos. 181669, 187150 and 189244, effective November 7, 2018.)

A. New development within the City of Portland contributes to the need for capacity increases for parks and recreation facilities and, therefore, new development should contribute to the funding for such capacity-increasing improvements. This SDC will fund a portion of the needed capacity-increasing capital improvement projects as identified in the City of Portland Parks and Recreation SDC Capital Improvement Plan (SDC-CIP).

B. ORS 223.297 through 223.314 grant the City authority to impose a SDC to equitably spread the costs of essential capacity-increasing capital improvements to new development.

C. The SDC is incurred upon the application to develop property for a specific use or at a specific density. The decision regarding uses, densities, and/or intensities causes direct and proportional changes in the amount of the incurred charge. The SDC is separate from other fees provided by law or imposed as a condition of development. It is a fee for service because it contemplates a development's receipt of parks and recreation services based upon the nature of that development.

D. The SDC imposed by this Chapter is not a tax on property or on a property owner as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or legislation implementing that section. This Chapter does not shift, transfer, or convert a government product or service, wholly or partially paid for by ad valorem property taxes, to be paid for by a fee, assessment or other charge, within the meaning of Section 11g, Article XI of the Oregon Constitution.

E. The funding provided by this Chapter constitutes a mandatory collection method based upon the guidelines set forth in ORS 223.297 through 223.314 to assure the provision of capacity-increasing improvements for parks and recreation facilities as identified in the Parks and Recreation SDC-CIP incorporated as an Appendix to the most recently adopted Parks SDC Methodology Report. The Parks and Recreation SDC-CIP is different from the City of Portland Parks and Recreation Capital Improvement Program and may be modified from time to time by the Council or by the Director, as provided in this Chapter.

F. This Chapter is intended only to be a financing mechanism for a portion of the capacity increases needed for parks and recreation facilities associated with new development and does not represent a means to fund maintenance of existing facilities or the elimination of existing deficiencies.

G. The SDC imposed by this Chapter is supported by the most recent Park System Development Charge Methodology Update Report adopted by the Council. The Council may from time to time amend or adopt a new SDC Methodology Report by ordinance.

17.13.020 Definitions.

(Amended by Ordinance Nos. 173386, 173565, 174617, 176511, 181669, 187150 and 189244, effective November 7, 2018.)

A. **"Acquisition"** means the addition, by purchase or donation, of a real property interest, and includes such physical activities, referred to as "stabilization," as are necessary to make the land suitable for development or use, including, but not limited to, fencing, demolition of existing structures, landscaping and restoration, or installation of security systems.

B. **"Administrator"** means that person designated by the Director to manage and implement this Parks and Recreation SDC program.

C. **"Applicant"** means the person or entity who applies for a building permit.

D. **"Application"** means the Parks SDC Information Form together with other required forms and documents submitted at the time of application for a building permit.

E. **"Building Official"** means that person, or other designated authority charged with the administration and enforcement of the state building codes for the City, or a duly authorized representative.

F. **"Building Permit"** means a permit issued by the City Building Official pursuant to the state building codes.

G. **"Campus Housing"** means dormitories and other buildings arranged and designed as living quarters on a college or university campus for students enrolled at that college or university. College or university campus is any property owned or controlled by the college or university within a Conditional Use Master Plan, Impact Mitigation Plan or other campus zone boundary.

H. **"Central City"** means the area identified in the SDC Methodology Report as the Central City Service Area, and whose boundaries are included on the map in the SDC Methodology Report. This area is also referred to as the Central City Sub-Area.

I. **"City"** means the City of Portland, Oregon.

J. **"Condition of Development Approval"** is any requirement imposed on an Applicant by a City land use or limited land use decision, site plan approval or Building Permit either by operation of law, including but not limited to the City Code or Rule or regulation adopted thereunder, or a condition of approval.

K. **"Cost Index,"** as related to construction costs, means the Seattle Area Engineering News Record (ENR) Construction Cost Index and, as related to land acquisition costs, means the change in the sum of the Central City and Non-Central City (the Sub-Areas) ratios of unimproved land values to the number of accounts, according to the records of the Multnomah County Tax Assessor.

L. **"Credit"** means the amount by which an Applicant may be able to reduce the SDC fee as provided in this Chapter.

M. **"Development Agreement"** means a written agreement approved by the Director that is:

1. An agreement between the City and another entity that includes as an element the conveyance to the City of capacity-increasing Real Property Interests or capacity-increasing capital improvements, for parks and recreation use, in connection with the undertaking of a New Development that is subject to the SDC imposed by this Chapter; or

2. An agreement between agencies of the City that includes as an element the acquisition of capacity-increasing Real Property Interests or construction of capacity-increasing capital improvements, for parks and recreation use, in

connection with a New Development that is subject to the SDC imposed by this Chapter; or

3. An agreement for the donation of capacity-increasing Real Property Interests or capital improvements, for parks and recreation use, that provides for the consideration of the donation as a Qualified Public Improvement in a subsequent New Development subject to the SDC imposed by this Chapter; or

4. An agreement under Subsections 1.-3. of this Section that, instead of or in addition to the conveyance of Real Property Interests or capital improvements, provides for donation to the City of money to be used for the acquisition of capacity-increasing Real Property Interests or the development of capacity-increasing capital improvements, for parks and recreation use.

N. **"Director"** means the Director of Portland Parks & Recreation for the City of Portland.

O. **"Dwelling Unit"** means one or more habitable, as defined in City Code Section 24.15.075.

P. **"Non-Central City"** means all portions of the City outside the Central City Service Area.

Q. **"Non-Residential Development"** means development which does not include Dwelling Units. When a Development contains both Dwelling Units and other uses, that portion of the Development containing Dwelling Units shall be considered "Residential Development," and that portion devoted to other uses shall be considered "Non-Residential Development."

R. **"New Development"** means development for which a Building Permit is required, including existing development for which a required Building Permit was not obtained.

S. **"Occupancy Group Codes"** means the use codes (A-1, B, H, e.g.) in the Oregon Structural Specialty Code, "Use and Occupancy Classification."

T. **"Occupancy Use Types"** means the occupancy classifications in the Oregon Structural Specialty Code, "Use and Occupancy Classification."

U. **"Parks and Recreation SDC Capital Improvement Plan,"** also called the Parks and Recreation SDC-CIP, means the City program set forth in the "SDC Methodology Report," as amended in accordance with this Chapter, of projects to be funded with Parks and Recreation SDC revenues.

V. **"Permit"** means a Building Permit.

W. **"Previous Use"** means the most intensive permitted use conducted at a particular property within 36 months before the date of completed Application. Where the property was used simultaneously for several different uses (mixed use), for the purposes of this Chapter all of the specific use categories shall be considered.

X. **"Proposed Use"** means the use proposed by the Applicant for the New Development.

Y. **"Qualified Public Improvement"** means any parks and recreation system capital facility or conveyance of a Real Property Interest that increases the capacity of the City's Parks and Recreation System, is approved by the Commissioner-in-Charge or designee, and meets the definition and requirements of qualified public improvements under ORS 223.304(4) and 223.304(5). Additionally, unless there is a conflict with ORS 223.304(4) or 223.304(5), the following will be considered qualified public improvements:

1. A conveyance of Real Property Interests or capital improvements for public recreational use specified in a Development Agreement between the City and a developer entered into before the effective date of this Ordinance. Conveyances of Real Property Interests or capital improvements for public recreational use specified in a Development Agreement between the City and a developer entered into after the effective date of this Ordinance are excluded from the definition of "qualified public improvement" unless the Development Agreement specifically provides otherwise. If the Development Agreement does include conveyances of Real Property Interests that are intended to be eligible for Parks SDC Credits, the value of the Real Property Interests must be established at the time the Development Agreement is finalized by the appraisal methods described in Section 17.13.070. The date of valuation is the date of the final Development Agreement. If there are subsequent amendments to the Development Agreement, the date of valuation will be the date of the original Development Agreement unless otherwise specified in future amendments.

2. A donation of money to the City to be used for acquisition of Real Property Interests or capital improvements for parks and recreational use, if memorialized in a Development Agreement.

3. A donation of a habitat or trail. If the donation is a habitat, it must be adjacent to a Portland Parks property, or it must be a minimum of 3 contiguous acres with at least 66 percent of its area covered by the City's environmental overlay zone. If the donation is a trail, it must be a major public trail designated on the City's Official Zoning Maps.

4. An improvement or conveyance of Real Property Interests for parks and recreational use that does not otherwise qualify as a Qualified Public Improvement; is not separately eligible for a credit, bonus, or other

compensation; and, in the opinion of the Director in their reasonable discretion, serves the City's public parks and recreation needs.

Z. **"Rate Group"** means one of four rates or groups of rates, each of which has its own percentage split between land costs and development costs as follows:

Central City	Non-Central City
71% Land Portion	49% Land Portion
29% Improvement Portion	51% Improvement Portion

AA. **"Real Property Interests"** means fee title, easement, or other permanent interests in real property as documented in a written conveyance.

BB. **"Remodel"** or **"remodeling"** means to alter, expand or replace an existing structure.

CC. **"Resident Equivalent"** means a measure of the impact on parks and recreation facility needs created by Non-Residential Development, as compared to the impact of a resident.

DD. **"SDC Methodology Report"** means the methodology report entitled Parks System Development Charge Methodology Update Report, dated April 15, 2015 and adopted as Exhibit A to Ordinance 187150, as may be modified.

EE. **"Temporary use"** means a construction trailer or other non-permanent structure.

17.13.030 Rules of Construction.

(Amended by Ordinance No 189244, effective November 7, 2018.) For the purposes of administration and enforcement of this Chapter, unless otherwise stated in this Chapter, the following rules of construction shall apply:

A. In case of any difference of meaning or implication between the text of this Chapter and any caption, illustration, summary table, or illustrative table, the text shall control.

B. The word "shall" is always mandatory and not discretionary: the word "may" is permissive.

C. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

D. The phrase "used for" includes "arranged for," "designed for," "maintained for," and "occupied for."

E. Where a regulation involves two or more connected items, conditions, provisions, or events:

1. "And" indicates that all the connected terms, conditions, provisions or events shall apply;

2. "Or" indicates that the connected items, conditions, or provisions or events may apply singly or in any combination.

F. The word "includes" shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

17.13.040 Application.

(Amended by Ordinance Nos. 181669, 187150 and 189244, effective November 7, 2018.) This Chapter applies to all New Development throughout the City of Portland. The amount of the Parks and Recreation SDC shall be calculated according to this section, using the rates set forth in the SDC Methodology Report.

A. Except as otherwise provided in this Chapter, a Parks and Recreation SDC shall be imposed upon all New Development for which an Application is filed on or after the effective date of this ordinance.

B. The Applicant shall at the time of Application provide the Administrator with the information requested on an SDC application form regarding the Previous Use and Proposed Use(s) of the property, including the following:

1. A description of each of the Previous Uses and Proposed Uses for the property for which the Permit is being sought, including the number of Dwelling Units and square footage for the entire property under the Previous Use and for the Proposed Use(s) of the New Development.

2. For residential uses, the number of residential dwellings and the square footage of each Dwelling Unit.

3. For non-residential uses, the square footage for each occupancy use type (i.e., office, retail, etc.).

C. Except as otherwise provided in this Chapter, the amount of the SDC due shall be calculated as follows:

1. Calculating the fee for the Proposed Uses ("the Proposed Use Fee");

a. Multiplying the number of Dwelling Units by their appropriate per-unit fee, based on square footage of each individual dwelling unit;

b. Multiplying the square footage of each non-Dwelling Unit

Proposed Use by the appropriate per-square-foot occupancy fee; and

c. Adding the fees for the proposed Dwelling Unit and non-Dwelling Unit uses.

2. Calculating the credit for the Previous Uses ("the Previous Use Credit"); and

a. Multiplying the number of Dwelling Units by their appropriate per-unit fee, based on square footage of each individual Dwelling Unit;

b. Multiplying the square footage of each non-Dwelling Unit Proposed Use by the appropriate per-square-foot occupancy fee; and

c. Adding the credits for the previous Dwelling Unit and non-Dwelling Unit uses.

3. Subtracting the Previous Use Credit from the Proposed Use Fee to arrive at the net Park SDC due. If the Previous Use(s) were vacant for more than 36 months prior to the date of the application, the SDC due shall be the full amount of the SDC for the Proposed Use(s) and no credit shall be provided for Previous Use(s).

D. The dollar amounts of the SDC set forth in the SDC Methodology Report are based on 2013 values and shall be adjusted on July 1, 2017 and thereafter annually on July 1st to account for changes in the costs of acquiring and constructing parks facilities. The adjustment factor shall be based on:

1. The percent change in the Cost Index for land acquisition per Subsection 17.13.020 K., by SDC Sub-Area, measured from annually, to the most recent annual tax year report;

2. The portion of Rate Group growth costs for land identified in Subsection 17.13.020 Z.;

3. The percent change in the Cost Index for construction costs per Subsection 17.13.020 K., measured annually, and

4. The portion of Rate Group growth costs for improvement identified in Subsection 17.13.020 Z.

The adjustment factor for each Rate Group shall be determined as follows:

Percent change in Land Cost Index multiplied by the Rate Group's Land Portion (percent)

\+ Percent change in Construction Cost Index multiplied by the Rate Group's Development Portion (percent)

= Park SDC Rate Group Adjustment Factor

The resulting Adjustment Factor will be multiplied by the adopted SDC rates by Rate Group and added to the base charges.

E. Notwithstanding any other provision, the adjustment shall not exceed a total of 12 percent in any consecutive 2 year period. This is calculated by dividing the proposed new rate by the rate of 2 years prior, or, if a new rate structure was adopted less than 2 years prior, by the variance from the rate most recently adopted. If the resulting change is greater than 12 percent, the rate will be set at 12 percent variance from the rate of 2 years prior, or, if a new rate structure was adopted less than 2 years prior, by the variance from the rate most recently adopted.

17.13.050 Application Requirements.

(Amended by Ordinance Nos. 176955, 181669, 187150 and 189244, effective November 7, 2018.) All Applications must meet the application completeness requirements of the Planning Bureau and Bureau of Development Services. This Ordinance applies to all Applications for Building Permits for New Development, which Applications are not yet complete as of the effective date, and to those which are subsequently submitted or made complete. Fees are assessed based on the rate schedule in use on the date that the permit Application is made complete. For purposes of this Section, a complete Application must meet all the requirements of the Bureau of Development Services.

17.13.060 Partial and Full Exemptions.

(Amended by Ordinance Nos. 176511, 179008, 181669, 183448, 187150, 189050, 189244 and 189323, effective December 19, 2018.) The uses listed and described in this Section will be exempt, either partially or fully, from payment of the Parks and Recreation SDC. Any Applicant seeking an exemption under this Section must specifically request that exemption no later than the time of the City's completion of the final inspection. Where New Development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption. The balance of the New Development which does not qualify for any exemption under this section will be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption request, the Applicant must appeal as provided by Section 17.13.120. The Applicant has the burden of proving entitlement to any exemption so requested.

A. Temporary uses are fully exempt so long as the use or structure proposed in the New Development will be used for not more than 180 days in a single calendar year.

B. Affordable housing is exempt pursuant to Section 30.01.095.

C. Alteration permits for commercial interior alteration work are fully exempt, including commercial alterations that change occupancy. This exemption does not apply to alterations that create additional Dwelling Units, nor does it apply to the particular development on a property that previously benefitted from an exemption for mass shelters or short-term housing under Subsection 17.13.060 I.

D. New construction or remodeling of Dwelling Units where no additional Dwelling Unit(s) are created and the square footage of each remodeled Dwelling Unit does not change the range of square footage in the SDC Methodology Report is fully exempt.

E. New construction or remodeling of Non-Residential Development where no additional square footage or change of use is created is fully exempt.

F. Campus Housing is fully exempt.

G. For New Development which includes a mix of exempt and non-exempt forms of development, the applicable exemption(s) apply only to that portion of the New Development to which the exemption applies.

H. Certain accessory Dwelling Units are exempt pursuant to Section 17.14.070.

I. Mass shelters and short-term housing as provided by Section 30.01.096 of this Code.

17.13.070 SDC Credits.

(Amended by Ordinance Nos. 172732, 172758, 173386, 174617, 181669, 187150 and 189244, effective November 7, 2018.) SDC Credits:

A. The City may grant a Credit against the Parks SDC, which is otherwise assessed for New Development, for any Qualified Public Improvements constructed by or conveyed by the Applicant as part of that New Development. At the time the application for a credit is made, the New Development must be identified by a Building Permit Number. Credit will not be allowed for a Qualified Public Improvement that was conveyed more than 36 months prior to the date of the request for the Credit, unless a Development Agreement provides otherwise. The Applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC Credit and to a particular value of SDC Credit.

B. To obtain an SDC Credit, the Applicant must specifically request a Credit prior to the City's completion of the final inspection for the New Development. In the request, the Applicant must identify the improvements for which Credit is sought and explain how the improvements meet the requirements for a Qualified Public Improvement. The Applicant must also document, with credible evidence, the value of the improvements for which Credit is sought. If, in the Administrator's opinion, the improvements are Qualified Public Improvement, and the Administrator concurs with the proposed value of the improvements, an SDC

Credit can be granted, if approved as outlined below. The value of the SDC Credits under this section shall be determined by the Administrator based on the cost of the Qualified Public Improvement, or the value of Real Property Interests, as follows:

1. For Real Property Interests, the value shall be based upon a written appraisal of fair market value by a qualified, professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction.

2. For improvements yet to be constructed, value will be based upon the anticipated cost of construction. Any such cost estimates must be certified by a professional architect or engineer or based on a fixed price bid from a contractor ready and able to construct the improvement(s) for which SDC Credit is sought. The City will give immediate credits based on estimates, but it will provide for a subsequent adjustment based on actual costs: a refund to the Applicant if actual costs are higher than estimated, and an additional SDC to be paid by the Applicant if actual costs are lower than estimated. The City will inspect all completed Qualified Public Improvement projects before agreeing to honor any credits previously negotiated. The City will limit credits to reasonable costs. Credits will be awarded only in conjunction with an application for development.

3. For improvements already constructed, value will be based on the actual cost of construction as verified by receipts submitted by the Applicant.

C. The Administrator will acknowledge receipt of the Applicant's request in writing within 21 days of when the request is submitted. The Administrator will confirm whether the application is complete or indicate additional information needed. The Administrator will provide a written explanation of the process for making the decision on the SDC Credit request.

1. The "Request for Parks SDC Credit for Qualified Public Improvement" (Form PSDC-7) and accompanying information will be sent to the Parks SDC Administration Section, who will prepare a staff report and convene the SDC Credit Review Committee. If Requests are received, the Committee will be convened quarterly. Applications not deemed complete 1 month prior to a committee meeting may not be heard until the following quarterly meeting. The Committee will be appointed by the Commissioner-in-Charge, after consultation with the Director, and include, but not be limited to, representatives of the following interests:

a. Development Community (e.g., Metropolitan Home Builders Association). Up to two representatives.

b. Environmental (e.g., Portland Audubon Society)

c. Public Interest (e.g., League of Women Voters, Urban League). Up to two representatives.

d. Neighborhood (one for each SDC Sub-Area)

e. Park Advocate (Portland Parks Board Member)

f. Business Community (e.g., Portland Business Alliance)

2. A representative of the Commissioner-in-Charge may attend and participate in the discussion but may not vote.

3. The Applicant may attend the Committee meeting to respond to questions and provide relevant testimony but may not be present during the Committee's deliberation and vote. The Administrator will present the public interest to the committee, including staff findings regarding the application. City Attorney staff may be present to respond to any legal questions. The Committee will review each proposal and the Administrator will provide a record of the Committee members present, the recommendation, along with any minority viewpoints, and minutes of the Committee's discussion, including a summary of factors considered to the Director and Commissioner-in-Charge. If a member of the Committee has a conflict of interest related to a specific application, the member must withdraw from the deliberations and recommendations. Each neighborhood interest representative may only participate in discussions of and recommendations for applications that pertain to the SDC Sub-Area that the member does not represent.

4. The Director (for SDC credits under $250,000) or Commissioner-in-Charge (for SDC credits of $250,000 and over) will make a decision within 30 days of the SDC Credit Review Committee meeting date. If a minority viewpoint is presented along with a majority recommendation, the Commissioner and Director will meet to review jointly before issuing a decision.

5. Copies of the decision and the Committee recommendations will be shared with the applicant and members of the SDC Credit Review Committee digitally, or as a hard copy if requested. Copies of the decision and Committee recommendations will also be available in the digital City Archives, with a link on the Parks SDC Webpage.

D. If the Applicant disputes the decision to grant or deny an SDC Credit, including the amount of the Credit, the Applicant may appeal as provided in Section 17.13.120.

E. When the construction or donation of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original

development project. For purposes of this paragraph, "subsequent phases of the original development project" means additional New Development that is approved as part of the same regulatory development approval (such as elements approved as part of the same conditional use master plan or planned unit development) or other portions of the same "site" (as defined by PCC 33.901.030) that are explicitly defined in the application for SDC credits as subsequent phases of the original development project. For multi-phased developments, the applicant must describe all subsequent phases at the time application is made for SDC credits and must document to the satisfaction of the SDC Administrator that the subsequent phases are integrally connected with the original development rather than independent projects.

F. Parks and Recreation SDC Credits are void and of no value if not redeemed with the City for payment of a Parks and Recreation SDC within 5 years of the date of issuance.

G. Notwithstanding any other provisions of this section, with respect to conveyances of Real Property Interests specified in Development Agreements adopted before June 21, 2000, the value of the credit will be 25 percent of the appraised value of the Real Property Interest.

17.13.080 Alternative Calculation for SDC Rate.
(Amended by Ordinance Nos. 181669 and 189244, effective November 7, 2018.)

A. Pursuant to this section, an Applicant may request an alternative Parks and Recreation SDC rate calculation if the Applicant believes that the Applicant's SDC should be lower than that calculated by the City.

B. Alternative SDC Rate Request

1. The Applicant's alterative SDC rate calculation request must provide the Applicant's reasons that the City's occupancy assumptions for the class of structures that includes the New Development are inaccurate because:

a. For residential development, the number of persons per Dwelling Unit is or will be fewer than the number of persons per Dwelling Unit established in the SDC Methodology Report; or

b. For non-residential development, the number of resident equivalents per 1,000 square feet is or will be fewer than the number of resident equivalents per 1,000 square feet established in the SDC Methodology Report.

2. Alternative SDC rate calculations must be based on analysis of occupancy of classes of structures, not on the intended occupancy of a particular New Development.

3. The City will not entertain an alternative SDC rate calculation request filed after the City has completed the final inspection for the New Development. Upon the timely request for an alternative SDC rate calculation, the Administrator will review the Applicant's calculations and supporting evidence and make a determination within 21 days of submittal.

4. The Applicant must provide complete and detailed documentation, including verifiable dwelling occupancy data, analyzed and certified by a suitable and competent professional. The Applicant's supporting documentation must rely upon generally accepted sampling methods, sources of information, cost analysis, demographics, growth projections, and techniques of analysis. The request must demonstrate that the rate established in the SDC Methodology Report does not accurately reflect the New Development's impact on the City's capital improvements.

5. The Administrator shall apply the Applicant's alternative SDC rate calculation if, in the Administrator's opinion:

a. The evidence and assumptions underlying the alternative SDC rate calculation are reasonable, correct and credible and were gathered and analyzed in compliance with generally accepted principles and methodologies consistent with this Section;

b. The proposed alternative SDC rate better or more realistically reflects the actual impact of the New Development than the rate set forth in the SDC Methodology Report.

6. The Administrator will respond with a written decision to the Applicant within 21 days of receipt of the Alternative SDC rate calculation request by email or certified mail and either approve or deny the request.

17.13.090 Payment.

(Amended by Ordinance Nos. 173565, 181669, 183447 and 189244, effective November 7, 2018.)

A. The Parks and Recreation SDC required by this Chapter to be paid is due upon issuance of the Building Permit. However, in lieu of payment of the full Parks and Recreation SDC, the Applicant may elect to pay the SDC in installments as is authorized by ORS 223.208 and Chapter 17.14 of this Code. If the Applicant elects to pay the SDC in installments, a lien will be placed against the property that is subject to the SDC Deferral or Installment Agreement entered into by the Applicant and the City on a form provided by the City, and which may provide for the deferral of payments as set forth in Chapter 17.14 of this Code. In any event, the Applicant shall either pay the SDC in full or enter into an SDC Deferral or Installment Agreement as provided in this Code, before the City will issue any Building Permits.

B. Upon written request of Portland Parks & Recreation, the City Auditor is authorized to cancel assessments of SDCs, without further Council action, where the New Development approved by the Building Permit is not constructed and the Building Permit is cancelled.

C. For property that has been subject to a cancellation of assessment of SDCs, a new installment payment contract shall be subject to the code provisions applicable to SDCs and installment payment contracts on file on the date the new contract is received by the City.

17.13.100 Refunds.

(Amended by Ordinance Nos. 181669 and 189244, effective November 7, 2018.) Refunds may be given by the Administrator in the following instances:

A. If the Administrator determines that there was a clerical error in the calculation of the SDC.

B. If the City has not expended SDC revenues within 10 years of receipt.

C. Upon request by the Applicant, when a building permit application is cancelled.

17.13.110 Dedicated Account and Appropriate Use of Account.

(Amended by Ordinance Nos. 181669 and 189244, effective November 7, 2018.)

A. There is created a dedicated account entitled the "Parks and Recreation SDC Account." All monies derived from the Parks and Recreation SDC shall be placed in the Parks and Recreation SDC Account. Funds in the Parks and Recreation SDC Account shall be used solely for the purpose of providing capacity-increasing capital improvements as identified in the adopted Parks and Recreation SDC-CIP as it currently exists or as is hereinafter amended, and eligible administrative costs. In this regard, SDC revenues may be used for purposes which include, but are not limited to:

1. design and construction plan preparation;

2. permitting;

3. land and materials acquisition, including any costs of acquisition, stabilization, or condemnation;

4. construction of parks and recreation capital improvements;

5. design and construction of new drainage facilities or streets required by the construction of parks and recreation capital improvements and structures;

6. relocating utilities required by the construction of improvements;

7. landscaping;

8. construction management and inspection;

9. surveying, soils and material testing;

10. acquisition of capital equipment that is an intrinsic part of a facility;

11. demolition that is part of the construction of any of the improvements on this list;

12. payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide money to construct or acquire parks and recreation facilities; and

13. direct costs of complying with the provisions of ORS 223.297 to 223.314, including the consulting, legal, and administrative costs required for developing and updating the system development charges methodologies and capital improvement plan; and the costs of collecting and accounting for system development charges expenditures.

B. Money on deposit in the Parks and Recreation SDC Account shall not be used for:

1. any expenditure that would be classified as a maintenance or repair expense; or

2. costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements; or

3. costs associated with acquisition or maintenance of rolling stock

C. The City may prioritize SDC-funded projects and may spend SDC revenues for growth-related projects anywhere in the City. However, the City may not spend, or allocate as a placeholder in the Parks and Recreation SDC Account for future spending, less SDC revenues for local-access parks within any SDC service Sub-Area than the total amount of SDC revenues collected for local-access parks within that Sub-Area.

D. The proportional breakdown of the Local Access portion to the Non-Local Access portion of the SDC fee is 43 percent to 57 percent.

17.13.120 Challenges and Appeals.

(Amended by Ordinance Nos. 174617 and 189244, effective November 7, 2018.)

A. Any person may challenge the expenditure of SDC revenues by filing a challenge to the expenditure with the Administrator within two years after the date of the disputed SDC revenue expenditure.

B. The Applicant may challenge a decision on an SDC Credit as applied under Section 17.13.070 by providing a written notice of appeal to the Administrator no more than 14 calendar days after the decision is posted online. The Applicant may challenge a decision on an SDC Exemption as applied under Section 17.13.060 or on an SDC Alternative Rate as applied under Section 17.13.080 by providing a written notice of appeal to the Administrator no more than 14 calendar days after the decision is provided to the Applicant. Appeals of decisions of the Administrator will be reviewed by the Director. Appeals of decisions of the Director will be reviewed by the Commissioner-in-Charge. An appeal of a Commissioner's decision, including but not limited to the Commissioner's review of the Director's decision, will be heard by the City Council. Appeals of decisions of the City Council will be reviewable solely under ORS 34.010 through 34.100.

C. Except where a different time for an Administrator's decision is provided in this Chapter, all Administrator decisions shall be in writing and shall be sent to the Applicant within 21 days of Administrator receipt of an Application or other Applicant request for an Administrator determination. Except where a different time for an appeal is provided in this Chapter, all appeals shall be in writing and shall be submitted within 14 calendar days after the decision is issued.

D. If an Applicant files an appeal under Subsection 17.13.120 B., the City shall withhold all Permits and other approvals applicable to the Applicant's property of the New Development pending resolution of all appeals under this Chapter unless the SDC is paid in full or Applicant provides, for the pendency of the appeal, a financial guarantee or security for the charge in a form acceptable to the City Attorney.

17.13.130 City Review of SDC.

(Amended by Ordinance Nos. 181669 and 189244, effective November 7, 2018.)

A. No later than every 10 years as measured from initial enactment, the City shall undertake a review to determine that sufficient money will be available to help fund the Parks and Recreation SDC-CIP identified capacity-increasing facilities; to determine whether the adopted SDC rate keeps pace with inflation, whether the Parks and Recreation SDC-CIP should be modified, and to ensure that such facilities will not be over-funded by the SDC receipts.

B. In the event that during the review referred to above, it is determined an adjustment to the SDC is necessary and consistent with state law, the City Council may propose and adopt appropriately adjusted SDCs.

C. The City Council may from time to time amend or adopt a new SDC Methodology Report by ordinance.

17.13.140 Time Limit on Expenditure of SDCs.

(Amended by Ordinance No. 189244, effective November 7, 2018.) The City shall expend SDC revenues within 10 years of receipt, based on the priorities in the Parks and Recreation SDC-CIP list.

17.13.150 Implementing Regulations.

(Amended by Ordinance Nos. 187150 and 189244, effective November 7, 2018.) The Director may adopt and amend by Administrative Rule regulations and procedures to implement the provisions of this chapter. Any Administrative Rule adopted under this Section shall be filed with the Auditor for inclusion in the Portland Policy Documents, in accordance with Chapter 1.07 of this Code. The Administrator may develop forms and procedures as needed to implement this chapter and the Administrative Rules.

17.13.160 Amendment of the Parks and Recreation SDC-CIP List.

(Amended by Ordinance Nos. 181669 and 189244, effective November 7, 2018.) The City Council may amend the Parks and Recreation SDC-CIP list as set forth in the SDC Methodology Report, from time to time to add or remove projects as the City deems appropriate. The Administrator may, at any time, change the description of the scope, and timing, for projects included in the Parks and Recreation SDC-CIP list. The Commissioner-in-Charge may change project budgets. Any amendment of the SDC-CIP list that increases an SDC rate may be adopted only by the Council after a public hearing as provided by ORS 223.309(2). An updated SDC-CIP list incorporating changes made under this Section will be posted on the Parks and Recreation website.

17.13.170 Severability.

The provisions of this Chapter are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, section or provision of this Chapter shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this Chapter shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the legislative intent that this Chapter would have been adopted had such an unconstitutional provision not been included herein.

17.14.050 Assessment.

The City Auditor shall report to the Council from time to time the contracts to pay system development charges pursuant to this Chapter. If the Council finds that the contracts are in order and that subject property has been permitted to connect to City facilities and has thereby benefited, it shall approve the contracts by ordinance direct the billing for the charges upon the land benefited plus a financing fee. The financing fee shall be calculated as set forth in PCC 17.12 Assessments. All such assessments may be combined in one assessment roll and shall be entered upon the Docket of City Liens and collected in the same manner as other local improvement assessments.

17.14.060 Cancellation.

(Amended by Ordinance No. 183447, effective July 1, 2010.)

A. Upon written request of the responsible City bureau, the City Auditor is authorized to cancel assessments of system development charges, without further Council action, where the property is not physically connected to the public improvement of where the new development approved by the building permit is not constructed and the building permit is cancelled. The City Auditor shall establish administrative guidelines and fees or charges relating to the cancellation of assessments. The City Auditor shall maintain on file for public inspection a current copy administrative guidelines and fees or charges.

B. For property which has been subject to a cancellation of assessment of system development charges, a new installment payment contract shall be subject to the code provisions applicable to system development charges and installment payment contracts on file on the date the new contract is received by the City.

17.14.070 System Development Charge Exemptions.

(Added by Ordinance No. 189050; amended by Ordinance No. 189323, effective December 19, 2018.)

A. Affordable housing developments are exempt from all system development charges as provided by Section 30.01.095 of this Code.

B. Certain developments and uses are exempt from parks and recreation system development charges as provided by Section 17.13.060 of this Code.

C. Certain developments and uses are exempt from transportation system development charges as provided by Section 17.15.050 of this Code.

D. Temporary uses are exempt from sanitary sewer system development charges as provided by Section 17.36.040 of this Code.

E. Certain developments and uses are exempt from water service system development charges as provided by Section 21.16.170 of this Code.

F. An accessory dwelling unit, as that term is defined in Chapter 33.910 of this Code, is exempt from all system development charges under the following conditions:

1. The building permit application for the accessory dwelling unit must have an intake date of August 1, 2018 or later.

2. Prior to issuance of a building permit for the accessory dwelling unit, the applicant must submit a recorded covenant on a form provided by the Revenue Division of the Bureau of Revenue and Financial Services. The covenant will prohibit the use of the accessory dwelling unit or any other structure on the property as an accessory short-term rental, as that term is defined in Chapter 33.207 of this Code, for a period of 10 years from the date of permit final inspection. The covenant must be recorded in the deed records for the property before the City will issue the building permit.

3. The Revenue Division will enforce the requirements of this Section and may:

a. Adopt, amend, and repeal administrative rules, establish procedures, and prepare forms for the implementation, administration, and enforcement thereof;

b. In the event of a violation, use any reasonable means to collect debt, including but not limited to private collection agencies, liens, or lawsuits;

c. Delegate functions under this Section as deemed appropriate by the Revenue Division;

d. Impose a civil penalty of up to $500 for failure to pay an application fee within 60 days of the approval of an SDC fee waiver;

e. Impose a civil penalty of up to $500 per violation for failure to provide requested information to the Division; and

f. Waive or reduce for good cause any civil penalty assessed under this Section.

4. If an applicant for an exemption under this section or a successor-in-interest thereof violates the covenant for an accessory dwelling unit or any requirement of this section, or if the covenant is terminated according to its terms:

a. The exemption will be terminated and all previously exempt portions of system development charges will become immediately due and payable by the then-owner of the property. The amount owing will be 150 percent of the rates in effect at the time the

violation is identified or the covenant is terminated, whichever is later.

b. For the purpose of applying any previous use credits, SDC Bureaus will use the timeframe of the ADU building permit intake date. If credits are applicable, SDC Bureaus will apply credits using the rates in effect at the time the violation is identified, or the covenant terminated, whichever is later.

c. A processing fee of $400 per waiver application shall apply from August 1, 2018 through June 30, 2019. Thereafter the Revenue Division Director shall publish a fee schedule based on cost recovery.

d. The City may collect reinstated system development charges, processing fees, carrying charges, and the actual costs of collections by recording a property lien pursuant to Title 22 of this Code.

G. Mass shelters and short-term housing are exempt from all system development charges as provided by Section 30.01.096 of this Code.

5. For uses for which the appropriate SDC calculation is a unit of measure other than square feet, such as the number of students, movie screens, etc., the first Application submitted for such a use that is subject to this Chapter shall establish the baseline number of existing units of measure. No SDC shall be assessed against that baseline. A baseline Trip rate so established shall be valid, and need not be recalculated, for the next 12 months.

C. Port Development. At the Applicant's option, Port Development may be subject to assessment under Subsection A. of this Section, or under this Subsection.

1. If the Applicant elects assessment under this Subsection C., the Applicant and the City shall negotiate an agreement for the payment of a fee in lieu of the Transportation SDC that includes the following elements:

a. A methodology for estimating the amount of the SDC which would be imposed pursuant to Subsection A. above during a period of either 3 years or until the expiration of the SDC project list, whichever is less, but in any event not more than 10 years, as specified by the Applicant. The methodology shall take into account the Port Development anticipated under the Applicant's master plan during the period specified in that plan, the Trips that the Port Development is expected to generate, Trip levels against which SDCs have historically been assessed, the anticipated increases or decreases in the dollar amounts of the SDC during the specified period, any applicable credits or exemptions and any other factors which the Administrator deems to be relevant. In no event shall the charge estimated under this Subsection be less than the SDC that would otherwise be due for the Port Development and the Applicant shall indicate its agreement to the methodology in writing.

b. A payment period shall be imposed during which the Applicant shall pay in full the amount due within 12 months of the Applicant's agreement to the methodology.

2. In the event the Applicant and the City are unable to agree to a methodology under this Subsection, the normal method of calculating and assessing the SDC under Subsection A. above shall apply.

17.15.050 Exemptions and Discounts.

(Amended by Ordinance Nos. 171698, 173437, 177198, 181322, 182389, 182652, 183679, 183448, 184756, 185195, 185987, 187821, 188619, 188757, 188758, 189050 and 189323, effective December 19, 2018.) The uses listed and described in this section shall be exempt, either partially or fully, from payment of the Transportation SDC. Any Applicant seeking an exemption or a discount under this Section shall specifically request that exemption within 180 days after building permit issuance for the New Development. Where New Development consists of only part of one or more of the uses described in this

section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption or discount. The balance of the New Development which does not qualify for any exemption or discount under this section shall be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption or discount request, the Applicant must apply for an alternative exemption calculation under Section 17.15.070. The Applicant has the burden of proving entitlement to any exemption so requested.

A. Temporary Uses are fully exempt so long as the use or structure proposed in the New development will be used not more than 180 days in a single calendar year.

B. New Development that will not generate more than 15 percent more Person Trips than the present use of the property generates and that will not increase Person Trips by more than 25 Person Trips shall be fully exempt.

C. Affordable housing is exempt to the extent established by Section 30.01.095.

D. Discount of the Transportation SDC may be available for qualified land use types described in this Subsection and located within designated areas of the City. The Applicant has the burden of proving entitlement to any discount so requested. No discount based on the person trip methodology shall be provided for any SDC within the North Macadam Overlay area or the Innovation Quadrant Overlay area.

1. To qualify for a discount, the Applicant must demonstrate the following:

a. The New Development will be located within the Central City or other centers as designated by the Bureau of Planning and Sustainability. Other centers include the Gateway Plan District, areas within Town Centers and Neighborhood Centers as mapped in the new 2035 Comprehensive Plan, and parcels within 1,000 feet of light rail stations (excluding single-family, OS, and IG and IH zones).

b. The New Development will meet the eligibility criteria listed in the following table:

Residential	
Single Family (1,200 square feet or more)	Ineligible
Single Family (1,199 square feet or less)	Ineligible
Multiple Family	Eligible if in mixed use site that is built to at least 75% of max FAR
Senior Housing/Congregate Care/Nursing Home	Eligible if in mixed use site that is built to at least 75% of max FAR

Commercial – Services	
Bank	Eligible if in mixed use site that is built to at least 75% of max FAR
Day Care	Eligible if in mixed use site that is built to at least 75% of max FAR
Hotel/Motel	Eligible if in mixed use site that is built to at least 75% of max FAR
Service Station / Gasoline Sales	Ineligible
Movie Theater/Event Hall	Eligible if in mixed use site that is built to at least 75% of max FAR
Carwash	Ineligible
Health Club / Racquet Club	Eligible if in mixed use site that is built to at least 75% of max FAR
Commercial – Institutional	
School, K-12	Eligible
University / College / Jr. College	Eligible
Church	Eligible
Hospital	Eligible
Park	Eligible
Commercial - Restaurant	
Restaurant (Standalone)	Eligible if in mixed use site that is built to at least 75% of max FAR
Quick Service Restaurant (Drive-Though)	Ineligible
Commercial - Retail	
Shopping/Retail	Eligible if in mixed use site that is built to at least 75% of max FAR
Convenience Market	Eligible if in mixed use site that is built to at least 75% of max FAR
Free Standing Retail Store/ Supermarket	Eligible if in mixed use site that is built to at least 75% of max FAR
Car Sales - New / Used	Ineligible
Commercial – Office	
Administrative Office	Eligible if in mixed use site that is built to at least 75% of max FAR
Medical Office / Clinic	Eligible if in mixed use site that is built to at least 75% of max FAR
Industrial	
Light Industry / Manufacturing	Eligible if in mixed use site that is built to at least 75% of max FAR
Warehousing / Storage	Ineligible
Self-Storage	Ineligible

2. The following Transportation SDC discounts apply to eligible land uses:

a. Central City – 33 percent reduction

b. Other Centers– 8 percent reduction

E. Graded Scale: A change in use of an existing building where the gross enclosed floor area does not exceed 3,000 square feet is fully exempt. A change in use of an existing building where the gross floor area is between 3,000 square feet and 5,000 square feet shall be assessed on a graded scale. The percentage of the rate to be assessed on the entire existing building shall be calculated by the following equation:

(size of existing building - 3,000 square feet) / 2,000 square feet

Examples of Graded Scale Assessment Calculations

(4,000 - 3,000) / 2,000 = 0.50 Existing 4,000 square foot building assessed at 50% of the rate

(3,200 - 3,000) / 2,000 = 0.10 Existing 3,200 square foot building assessed at 10% of the rate

(4,900 - 3,000) / 2,000 = 0.95 Existing 4,900 square foot building assessed at 95% of the rate

F. Alteration permits for tenant improvements, new construction or remodeling are fully exempt where:

1. no additional dwelling unit(s) or structure(s) are created;

2. the use or structure will not result in an increase in additional Trips according to the City Rate Study and, if applicable, the North Macadam Overlay Rate Study or the Innovation Quadrant Overlay Project Report;

3. the use or structure is of a temporary nature and is used less than 180 days in a calendar year.

G. The construction of accessory buildings or structures which will not create additional dwelling units or which do not create additional demands on the City's capital improvements are fully exempt.

H. Any newly permitted and constructed accessory dwelling unit (ADU) conforming to the Title 33 definition of an ADU will qualify for a waiver of SDC fees if a complete building permit application is submitted for the ADU from April 15, 2010 through July 31, 2018, provided that the Applicant receiving a waiver obtains an occupancy permit no later than June 30, 2019. If an occupancy permit is not

obtained by June 30, 2019, an occupancy permit will not be issued until the SDC is paid at the rates in effect at the time the occupancy permit is issued.

I. For New Development which includes a mix of exempt and non-exempt forms of development, the applicable exemption(s) shall apply only to that portion of the New Development to which the exemption applies.

J. Mass shelters, short-term housing, and certain accessory dwelling units are exempt pursuant to Section 17.14.070.

17.15.060 SDC Credits, SDC Credit Transfers and SDC Reimbursements.

(Amended by Ordinance Nos. 172677, 173121, 173437, 174936, 181322, 182652, 184756, 185195 and 188619, effective January 1, 2018.)

A. SDC Credits:

1. The City may grant a credit against the Transportation SDC, which is otherwise assessed for a New Development, for eligible capital improvements constructed or dedicated as part of the New Development. The Applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC Credit and to a particular value of SDC Credit.

a. To obtain an SDC Credit, the Applicant must specifically request a credit within 180 days after building permit issuance for the New Development. In the request, the Applicant must identify the improvement(s) for which credit is sought and explain how the improvement(s) meet the requirements for a Qualified Public Improvement or other eligible improvement pursuant to Subsection 17.15.060 A.1.c. The Applicant shall also document, with credible evidence, the value of the improvement(s) for which credit is sought, as follows:

(1) For dedicated lands, value shall be based upon a written appraisal of fair market value by a qualified, professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction.

(2) For improvements yet to be constructed, value shall be based upon the anticipated cost of construction. Any such cost estimates shall be certified by a professional architect or engineer or based on a fixed price bid from a contractor ready and able to construct the improvement(s) for which SDC Credit is sought.

(3) For improvements already constructed, value shall be based on the actual cost of construction as verified by receipts submitted by the Applicant.

b. If, in the Administrator's opinion, the improvement(s) are Qualified Public Improvements, and the Administrator concurs with the proposed value of the improvement(s), an SDC Credit shall be determined by the Administrator as follows:

(1) For improvements on or contiguous to the New Development site, only the costs for the Over-Capacity portion of the improvement as described in the definition of Qualified Public Improvement are eligible for SDC Credit. There is a rebuttable presumption that improvements built to the City's minimum standards are required to serve the Applicant's New Development and to mitigate for transportation system impacts attributable to the Applicant's New Development.

(2) For Qualified Public Improvements not located on or contiguous to the New Development site, the full cost of the improvement may be eligible for SDC Credit.

c. The Administrator may grant credit for all or a portion of the costs of capital improvements constructed or dedicated as part of the New Development that do not meet the requirements of Qualified Public Improvements, provided that the improvements are listed on the City's TSDC Project List. In such case, the Administrator may determine what portion of the costs are eligible for SDC Credit.

d. For all improvements for which Credit is sought within the North Macadam Transportation System Development Charge Overlay, the Administrator shall apportion the Credit based upon the percent of the total SDC attributable to the City Rate Study and the Overlay Rate Study.

e. For all improvements for which Credit is sought within the Innovation Quadrant Transportation System Development Charge Overlay, the Administrator shall apportion the Credit based upon the percent of the total SDC attributable to the City Rate Study and the Innovation Quadrant Overlay Project Report.

f. The Administrator will provide to the Applicant a written notice of the City's decision on the SDC Credit request, including an explanation thereof, within 21 calendar days of the request being submitted.

g. The Applicant may seek an alternative SDC Credit calculation under Section 17.15.070. Any request for an Alternative SDC Credit calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial Credit request.

2. Granting SDC Credits to New Development Prior to Commencing Construction of New Development. When an eligible improvement is built by a Developer prior to an Applicant applying for Building Permits for the New Development, the City may grant a credit for any eligible improvement(s). Credits issued are pursuant to the following requirements and conditions:

a. The Developer must specifically request a credit prior to the first Application for a Building Permit, but after the issuance of the Public Works Permit for the eligible improvement;

b. For improvements yet to be constructed, the Developer shall provide the City with an enforceable mechanism to guarantee completion of the eligible improvement, either in the form of a performance bond or other financial guarantee acceptable to the Administrator; and

c. The Developer shall submit written confirmation to the Administrator on the form provided acknowledging:

(1) That SDC credits issued pursuant to this Section are in lieu of any other credits that could be claimed by the Developer or other Applicants on account of the eligible improvement; and

(2) That it is the Developer's obligation to advise subsequent Applicants of the New Development that SDC credits associated with the eligible improvement have already been issued and that no further credits are available.

3. Where the amount of an SDC Credit approved by the Administrator under this Section exceeds the amount of the Transportation SDC assessed by the City upon a New Development, the SDC Credit may not be transferred to a different development site. An SDC Credit shall be issued by the City for a particular dollar value to the Applicant or Developer. The Applicant or Developer may convey by any means and for any value an SDC Credit to any other party to be used on the initial development site.

4. The City previously allowed SDC Credits to be transferred to other parties without restriction as to location. The City will continue to honor those SDC Credits issued prior to January 1, 2018.

5. The City shall accept at face value any SDC Credit presented as full or partial payment for the Transportation SDC due on New Development, except that SDC credits approved in connection with New Development outside the North Macadam Renewal District and applied to New Development inside the North Macadam Urban Renewal District may only be applied to the portion of that New Development's SDCs payable under the City Rate Study, and SDC credits approved in connection with New Development outside the Innovation Quadrant and applied to New Development inside the Innovation Quadrant may only be applied to the portion of that New Development's SDCs payable under the City Rate Study. Neither the City nor any of its employees or officers shall be liable to any party for accepting an SDC Credit, approved and issued by the City under this Section, as payment for a Transportation SDC.

6. SDC Credits are void and of no value if not redeemed with the City for payment of a Transportation SDC within 10 years of the date of issuance.

7. It shall be a violation of this title for any person to counterfeit or forge an SDC Credit or knowingly attempt to negotiate or redeem any counterfeit or forged SDC Credit.

B. SDC Reimbursement.

1. If an Applicant proposes New Development on property on which there is already a use that generates at least 15 percent more Person Trips than the proposed use generates, or that generates at least 25 more Person Trips beyond what the proposed use generates, and if the Development had previously paid a Transportation SDC, then the Applicant shall be entitled to an SDC reimbursement. The SDC reimbursement shall be in the form of a credit equal to the difference between the SDC Rate of the previous use and that for the proposed use. The Applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC reimbursement and to a particular amount of such a reimbursement.

2. To obtain an SDC reimbursement, the Applicant must request the reimbursement within 180 days after building permit issuance for the New Development and must document the basis for the request with traffic reports prepared and certified to by a Professional Engineer.

3. The Administrator shall notify the Applicant in writing of its decision on the SDC Reimbursement request and shall provide a written explanation of the decision. For all improvements for which Reimbursement is sought within the North Macadam Transportation System Development Charge Overlay, the Administrator shall apportion the Reimbursement based upon the percent of the total SDC attributable to the SDC calculated from the City Rate Study and from the North Macadam Overlay Rate Study. For all

improvements for which Reimbursement is sought within the Innovation Quadrant Overlay, the Administrator shall apportion the Reimbursement based upon the percent of the total SDC attributable to the SDC calculated from the City Rate Study and from the Innovation Quadrant Overlay Project Report.

4. The Applicant may seek an Alternative SDC Reimbursement calculation under Section 17.15.070 in the same manner as for an Alternative SDC Rate request. Any request for an Alternative SDC reimbursement calculation must be filed with the administrator in writing within 10 calendar days of the written decision on the initial reimbursement request.

17.15.070 Alternative Calculation for SDC Rate, Credit, Exemption, or Discount.
(Amended by Ordinance Nos. 181322, 182652, 184756 and 188619, effective January 1, 2018.)

A. Pursuant to this section, an applicant may request an alternative SDC calculation, alternative SDC credit determination or alternative SDC exemption, but only under the following circumstances:

1. The Applicant believes the number of Person Trips resulting from the New Development is, or will be, less than the number of Trips established in The City Rate Study and if applicable, the North Macadam Overlay Rate Study or the Innovation Quadrant Overlay Project Report, and for that reason the Applicant's SDC should be lower than that calculated by the City.

2. The Applicant believes the City improperly excluded from consideration a Qualified Public Improvement that would qualify for credit under Section 17.15.060, or the City accepted for credit a Qualified Public Improvement, but undervalued that improvement and therefore undervalued the credit.

3. The Applicant believes the City improperly rejected a request for an exemption or discount under Section 17.15.050 for which the Applicant believes it is eligible.

B. Alternative SDC Rate Request:

1. If an Applicant believes the number of Trips resulting from the New Development is less than the number of Trips established in The City Rate Study and, if applicable, the North Macadam Overlay Rate Study or the Innovation Quadrant Overlay Project Report, the Applicant must request an alternative SDC rate calculation, under this section, within 180 days after building permit issuance for the New Development. The City shall not entertain such a request filed more than 180 days after building permit issuance for the New Development. Upon the timely request for an alternative SDC rate calculation, the Administrator shall review the

Applicant's calculations and supporting evidence and make a determination within 21 calendar days of submittal as to whether the Applicant's request satisfies the requirements of this Section.

2. In support of the Alternative SDC rate request, the Applicant must provide complete and detailed documentation, including verifiable Trips generation data, analyzed and certified by a Professional Engineer. The Applicant's supporting documentation must rely upon generally accepted sampling methods, sources of information, cost analysis, growth projections and techniques of analysis. The proposed Alternative SDC Rate calculation shall include an explanation by a registered engineer explaining with particularity why the rate established in the City Rate Study and, if applicable, the North Macadam Overlay Rate Study or the Innovation Quadrant Overlay Project Report does not accurately reflect the New Development's impact on the City's transportation system

3. The Administrator shall apply the Alternative SDC Rate if, in the Administrator's opinion, all of the following are true:

a. The evidence and assumptions underlying the Alternative SDC Rate are reasonable, correct and credible and were gathered and analyzed by a suitable, competent professional in compliance with generally accepted engineering principles and methodologies and consistent with this Section; and

b. The proposed Alternative SDC rate was calculated according to a generally accepted methodology; and

c. The proposed alternative SDC rate more realistically reflects the Person Trips generated by the New Development compared to the rate set forth in the City Rate Study and, if applicable, the North Macadam Overlay Rate Study or the Innovation Quadrant Overlay Project Report.

4. If, in the Administrator's opinion, not all of the above criteria are met, the Administrator shall provide to the Applicant by certified mail, return receipt requested, a written decision explaining the basis for rejecting the proposed alternative SDC rate.

C. Alternative SDC Credit Request:

1. If an Applicant has requested an SDC Credit pursuant to Section 17.15.060 and that request has either been denied by the City or approved but at a lower value than desired, the Applicant may request an Alternative SDC Credit calculation under this section. Any request for an Alternative SDC

Credit calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial credit request.

Upon the timely request for an Alternative SDC Credit calculation, the Administrator shall review the Applicant's calculations and supporting evidence and make a determination within 21 calendar days of submittal as to whether the Applicant's request satisfies the requirements of this Section.

2. In support of the Alternative SDC credit request, the Applicant must provide complete and detailed documentation, including appraisals, cost analysis or other estimates of value, analyzed and certified by an appropriate professional, for the improvements for which the Applicant is seeking credit. The Applicant's supporting documentation must rely upon generally accepted sources of information, cost analysis and techniques of analysis as a means of supporting the proposed Alternative SDC credit.

3. The Administrator shall grant the Alternative SDC Credit if, in the Administrator's opinion, all of the following are true:

a. The improvement(s) for which the SDC Credit is sought are Qualified Public Improvement(s); and

b. The evidence and assumptions underlying the Applicant's Alternative SDC Credit request are reasonable, correct and credible and were gathered and analyzed by an appropriate, competent professional in compliance with generally accepted principles and methodologies; and

c. The proposed alternative SDC Credit is based on a realistic, credible valuation or benefit analysis.

4. If, in the Administrator's opinion, not all of the above criteria are met, the Administrator shall deny the request and provide to the Applicant by certified mail, return receipt requested, a written decision explaining the basis for rejecting the Alternative SDC Credit proposal.

D. Alternative SDC Exemption or Discount Request:

1. If an Applicant has requested an exemption or discount under Section 17.15.050 and that request has been denied, the Applicant may request an Alternative SDC exemption or discount under this section. Any request for an Alternative SDC exemption or discount calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial credit request. Upon the timely request for an Alternative SDC exemption or discount, the Administrator shall review the Applicant's request and supporting evidence and make a determination within 21

calendar days of submittal as to whether the Applicant's request satisfies the requirements of Section 17.15.050 for exemptions and discounts.

2. In support of the Alternative SDC exemption or discount request, the Applicant must provide complete and detailed documentation demonstrating that the Applicant is entitled to one of the exemptions or discounts described in Section 17.15.050.

3. The Administrator shall grant the exemption or discount if, in the Administrator's opinion, the Applicant has demonstrated with credible, relevant evidence that it meets the pertinent criteria in Section 17.15.050.

4. Within 21 calendar days of the Applicant's submission of the request, the Administrator shall provide a written decision explaining the basis for rejecting or accepting the request.

17.15.080 Payment.

(Amended by Ordinance Nos. 173437, 181322, 182389, 183447 and 188619, effective January 1, 2018.)

A. The Transportation SDC required by this Chapter to be paid is due upon issuance of the Building Permit. However, in lieu of payment of the full SDC, the applicant may elect to pay the SDC in installments as provided in ORS chapter 223 and Chapter 17.14 of this Code. If the Applicant elects to pay the SDC in installments, a lien will be placed against the property that is subject to the SDC, and that lien will be given first priority as provided by statute. The Applicant's election to pay the SDC by installments shall be memorialized in an SDC Deferral or Installment Agreement entered into by the Applicant and the City on a form provided by the City, and which may provide for the deferral of payments as set forth in Chapter 17.14 of this Code. In any event, the Applicant shall either pay the SDC in full or enter into an SDC Deferral or Installment Agreement as provided in this section, before the City will issue any building permits.

B. Upon written request of the Bureau of Transportation, the City Auditor is authorized to cancel assessments of SDCs without further Council action, where the New Development approved by the Building Permit is not constructed and the Building Permit is cancelled.

C. For property that has been subject to a cancellation of assessment of SDCs, a new installment payment contract shall be subject to the Code provisions applicable to SDCs and installment payment contracts on file on the date the new contract is received by the City.

D. The City of Portland shall not be responsible for, nor have any responsibility to honor or enforce agreements made by private parties regarding the payment or collection of SDC assessments.

1. Who causes or permits the discharge of sanitary sewage into the public sewer system, or

2. Whose use of the property directly or indirectly benefits from stormwater management services provided by the City.

R. **"Rolling Average"** means the average of the 10 most recent monthly averages of representative City- and/or self-monitoring events for the purpose of calculating an extra-strength sewage charge rate, unless another period is approved by the Director.

S. **"Sanitary Sewage"** means wastewater discharged to the public sewer system by permit or other approval of the Director and includes, but is not limited to, domestic wastewater, industrial and commercial process wastewater and contaminated stormwater.

T. **"Sanitary Sewer Conversion Charge"** means the charge to convert a nonconforming sewer, as that term is defined in Chapter 17.33. This charge is assessed in lieu of line and branch connection charges.

U. **"Sanitary System Development Charge (SDC)"** means a connection charge for new or increased demand of the public sewer system. This charge reimburses the City for an equitable portion of the costs of major sewer facilities such as wastewater treatment facilities, pump stations and interceptor sewers.

V. **"Seed"** means a population of microorganisms capable of oxidizing biodegradable organic matter that is added to a wastewater sample as part of the analysis of biochemical oxygen demand (BOD). Only seed prepared using primary effluent from the City's Columbia Boulevard Waste Water Treatment Plant may be used for this analysis.

W. **"Stormwater Management Facility"** means a facility or other technique used to reduce volume, flow rate, or pollutants from stormwater runoff. Stormwater facilities may reuse, collect, convey, detain, retain, or provide a discharge point for stormwater runoff.

X. **"Stormwater Management Services"** means services and actions used to collect, convey, detain, retain, treat or dispose of stormwater. These services include managing stormwater runoff from public streets, mitigating flooding, preventing erosion, improving water quality of stormwater runoff, collecting and conveying stormwater runoff from private properties when runoff exceeds the capacity of private facilities to manage stormwater onsite, mitigating impacts to natural habitats caused by stormwater runoff, and protecting properties and natural habitats from hazardous soils and materials that are discharged from private properties and public rights-of-way.

Y. **"Stormwater System Development Charge (SDC)"** means a connection charge for new or increased demand of the public stormwater and drainage system. This charge reimburses the City for an equitable portion of the costs of public stormwater management facilities such as collection and conveyance facilities, detention and disposal facilities, and water pollution reduction facilities.

Z. **"Temporary Connection"** means a connection to the sanitary sewer system where the duration of the connection is less than three years and connection and disconnection occur only once. Connections made to the public sewer, stormwater or drainage system made for the purpose of environmental remediation will not be considered a temporary connection unless approved by the Director.

AA. **"Temporary Structure"** means a structure that is separate and distinct from all other structures and is created and removed in its entirety within 3 years, including all impervious area associated with the structure.

BB. **"Total Suspended Solids (TSS)"** means the total suspended matter that either floats on the surface or is suspended in water or wastewater and that is removable by laboratory filtering in accordance with 40 CFR 136 Table B.

CC. **"Transportation SDC Study"** means the transportation system development methodology established by Chapter 17.15.

DD. **"User Charge"** means a charge paid by a ratepayer for the use of public sanitary or stormwater management services. User charges are calculated on a routine basis such as monthly or annually.

17.36.030 Annual Rate Ordinance.

Charges authorized by this Chapter pay for the City to provide sewer and stormwater management services. Charges are calculated based on true costs of service or may be based on rates per unit volume or usage or area served. Charges and rates are established via a BES rate ordinance adopted annually by the City Council. Charges are effective on a fiscal-year basis (July 1 to June 30 of the following year).

17.36.040 Sewer System Connection Charges.

(Amended by Ordinance Nos. 186403, 189050 and 189323, effective December 19, 2018.) Connection charges are for establishing a new connection, new use or expanding existing uses of the public sewer and City stormwater facilities. A property may be subject to one or more of these charges depending on the connections made.

A. The methodology for calculating connection charges is set forth in the Sanitary and Stormwater System Development Charge Methodology administrative rules (PPD item ENB – 4.05).

B. Payment is required upon issuance of a building or connection permit or, for connections related to City sewer extension projects, prior to or at the time a property physically connects to the public system.

1. Prepayment. A person may pre-pay connection charges by providing a letter of intent that includes the parcel description and address, if applicable, and the estimated number of EDUs or impervious area. The Director may grant a refund at any time for excess charges at the rate in effect at the time of building permit or connection. Prepayment of connection charges does not guarantee reserved system capacity or usage of City sewer or drainage services. The Director may accept a cash or surety bond posted by the owner of the occupancy in lieu of immediate payment of the charge if:

a. The appropriate number of EDUs for the occupancy cannot be determined before the permit is issued; or

b. The Director has determined the number of equivalent dwelling units for the occupancy but the applicant does not agree with the Director's determination.

2. True-up. Within 2-1/2 years after connection, the Director will determine the number of EDUs and the amount of the SDCs due, using water consumption records or other evidence. Upon notice, the applicant must pay the SDCs within 60 days or the bond will be forfeited upon approval by the Director and the Commissioner-in-Charge.

3. Deferral of connection charges. Users who qualify to defer SDC or other sewer connection charges but who want to connect to the system can defer payment of connection charges until such date as the Director may specify as authorized by ordinance. The charge in effect at the time of connection is applied at time of payment. Deferred connection charges are delinquent when not paid after a period of 90 days from the date due and bear interest and penalties as set forth in this Chapter. Users may convert the deferral to an installment payment loan. The Director will establish rules, procedures and forms to govern the administration of the deferral program.

C. Sanitary System Development Charge (SDC).

1. A person must pay sanitary SDCs for:

a. Connecting a building property to a sanitary or combined sewer;

b. Increasing sewer usage by alteration, expansion, improvement, or conversion of a building already connected to the sewer; or

c. Increasing flow to a sanitary or combined sewer by causing contaminated stormwater or groundwater to enter the sewer.

2. Sanitary SDCs are calculated based on the number of EDUs.

a. EDUs for nonresidential uses will be calculated from Plumbing Fixture Units (PFUs), as defined by the Oregon Plumbing Specialty Code in effect at the time of the permit application.

b. Industrial wastewater. Industrial wastewater dischargers are subject to review of sewer usage within two years of occupancy. EDUs are calculated from the highest 6-month average of metered usage over that period. The user of record is responsible for EDUs in excess of those paid at the issuance of the permit.

c. EDUs for groundwater or other permitted discharges to sanitary or combined sewer are calculated based on estimated discharge volume.

3. Temporary use. Temporary structures and connections are not subject to sanitary SDCs. However, sanitary SDCs, including penalties and interest charges, become due and payable for structures or connections that are not removed within three years. Temporary structures and temporary connections are not exempt from paying user charges, including extra strength charges.

4. Credits. Sanitary SDC credits may be rewarded for:

a. Prior sewer connections. Full credit may be awarded for each EDU purchased and in existence prior to its demolition or disconnection.

b. Prior sewer user charge payments. A credit of $21 per EDU for each year of sanitary sewer user charge payments from 1949 to 1991 may be awarded for buildings not demolished or disconnected prior to July 1, 1971.

D. Sanitary Line Charge.

1. Residential Property. The line charge is based on the square footage of that portion of the property receiving service that lies within 100 feet of the public right-of-way or easement where a sewer has been constructed or is planned. Such street or easement line is considered as continuing 100 feet beyond the end of the main line sewer or beyond where the sewer turns away from the property. The minimum line charge is based on a minimum assumed lot size of 1,200 square feet.

2. Non-Residential Property. The line charge is based on the square footage of the portion of the property receiving service that lies within 300 feet of the public right-of-way or easement where a sewer has been constructed or is planned. Such street or easement line is considered as continuing 300 feet beyond the end of the main line sewer or beyond where the sewer turns

away from the property. The minimum line charge is based on a minimum lot size of 3,600 square feet.

3. When an adjacent, developed lot, as defined in Title 33 of this Code, is under the same ownership and used in conjunction with a neighboring, developed lot that is connected to the sewer, the adjacent lot is charged a line charge for its frontage as described above. This condition includes but is not limited to improved parking lots, and lots with garages or landscaping.

4. Lack of gravity service. When a sewer is constructed that can not provide full gravity service, the line charge is reduced by:

a. 50 percent if the property has gravity service to the first floor only and must install a pump for the basement; and

b. 75 percent if no gravity service is available for the first floor and the property must install a pump.

The adjustment may not exceed the costs associated with the installation of a pump system. The ratepayer may appeal this determination to the Director.

E. Branch charge. BES collects a branch charge for providing a branch sewer to the property, but only if the property was not assessed for the branch or its equivalent previously.

1. Additional charges may be assessed to cover the City's design and construction costs for branches that were requested by the user but not ultimately used. These charges must be paid before the property may be connected to the public system.

2. BES collects a branch charge for City adoption of private nonconforming sewer lines located within the public right-of-way as provided under Subsection 17.32.055 B.2.

3. Sampling manhole charge. When a property is subject to an extra strength charge as described in Subsection 17.36.060 A., the user may request that the City install a sampling manhole on the branch. The user must pay all direct and indirect costs of installing the manhole.

F. Sewer Conversion Charges. A property owner must pay sanitary sewer conversion charges according to the following two categories and as determined by administrative rule at the time the City provides a new sewer connection or when the property owner requests a permit for a new conforming sewer connection.

1. Residential Conversion Charges. Single-family, duplex, three-plex, or four-plex properties are assessed the residential sewer conversion charge, which is the branch charge in place at the time of connection.

2. Commercial Conversion Charges. All multifamily, commercial, mixed-use, industrial, and institutional properties are assessed according to administrative rule and are calculated to recover costs for City sewer extension projects that serve the property. The commercial conversion charge replaces line, branch, system development and connection charges in this context.

G. Stormwater System Development Charge. The stormwater SDC consists of two parts: an onsite charge, reflecting use of public facilities handling stormwater flows from individual properties; and an off-site charge, reflecting use of system facilities handling stormwater flows from rights-of-way.

1. The onsite charge is calculated by multiplying the net new impervious area by a rate per thousand square feet of impervious area. In the case of groundwater flows directed into stormwater facilities, the charge is calculated based on the amount of impervious area necessary to produce an equivalent flow given average rainfall.

2. The offsite charge is calculated in two parts: local access, and use of arterial streets.

a. The local access portion of the offsite charge is calculated by multiplying the length of the property's frontage by a per lineal foot rate. For properties on which there is existing development and for which a stormwater SDC has previously been paid, the local access portion will be waived.

b. The arterials portion of the offsite charge is calculated by multiplying net new vehicular trips by a rate per vehicular trip. Vehicular trips for a particular development are determined by the Transportation SDC Study, the ITE Manual, or an alternative study acceptable to the Bureau of Transportation.

3. Credits. Credits may be granted for the onsite portion of the stormwater SDC in one of the following two cases:

a. Credits of up to 100 percent of the onsite portion of the stormwater SDC may be granted for areas draining, either in whole or in part, directly to the Willamette or Columbia Rivers or to the Columbia Slough. Only discharges that do not pass through City-financed stormwater facilities and meet all applicable water quality standards are eligible for credits. Credit applications must adequately demonstrate the satisfaction of these conditions. Development using stormwater facilities built under a public works permit that convey stormwater runoff directly to the Willamette or Columbia Rivers or the Columbia Slough without passing through other City

stormwater facilities is eligible for up to 100 percent credit for the onsite charge.

b. A 100 percent credit may be granted for areas draining to facilities providing effective on-site retention for a 100 year storm event with a safety factor of two, defined as a rainfall intensity of 8.28" per hour per square foot of impervious area. Those applying for this credit must provide adequate documentation to demonstrate this additional retention capacity, including testing of infiltration facilities, and that on-site flows are directed to these facilities.

c. No credits may be granted for the offsite portion of the stormwater SDC.

H. Partial and Full Exemptions for Affordable Housing Developments. Permanent affordable housing developments may be eligible for a waiver of sanitary and stormwater SDCs pursuant to Section 30.01.095.

I. Exemptions for Mass Shelters, Short-term Housing, and certain Accessory Dwelling Units. Mass shelters, short-term housing, and accessory dwelling unit may be eligible for a waiver of sanitary and stormwater SDCs pursuant to Section 17.14.070.

17.36.050 User Charges.

(Amended by Ordinance No. 187926, effective September 2, 2016.) Sewer user charges are established and made effective as follows:

A. Timing. User charges are calculated on a routine basis, such as monthly, quarterly or annually.

B. Sanitary Sewer Services. The City calculates and collects user charges for sanitary sewer services from ratepayers who cause or permit the discharge of sanitary sewage from a property in their possession into the public sewer system. Charges for sanitary sewer services may include sanitary sewer volume charges, account service charges and penalties for non-payment or late-payment of sewer charges and other charges:

1. Residential dwellings. Residential dwelling units are assessed based on the volume of sewage discharged to the sanitary sewer system. The Director may elect to use water consumption as the basis of this calculation. To avoid including irrigation water usage in this calculation, the Director will establish a procedure that allows for irrigation credit. When a water meter reading is not available, a sanitary sewer discharge estimate will be made based on the ratepayer class of characteristics per administrative rule.

2. Non-residential occupancies. The City calculates charges for commercial, industrial, and all occupancies based on the amount of incoming water volume as measured by the City water meter, information from the water district serving the property, or by an approved meter that measures actual sanitary discharge volume.

3. Combined dwelling units and other. Where dwelling units and other occupancies use the same water supply, the City calculates charges for sanitary sewer service in the same manner as those for commercial, industrial, and all occupancies other than residential.

4. Estimating wastewater discharges for mobile dischargers. User charges are applicable to all wastewater discharges to the City sewer system regardless of the source. In unusual circumstances where the wastewater is not from a fixed location, such as ships, barges, houseboats and other movable facilities or dwelling units, a method of determining the volume provided by the user may be used if approved by the Director. Otherwise, the Director estimates the volume of water to which user charges apply and this determination is final.

5. In areas served by separated storm and sanitary sewer systems, the City may accept the discharge of contaminated stormwater into the sanitary sewer. The discharge volumes will be determined by the amount of impervious area producing the contaminated stormwater plus the average rainfall or a discharge meter. The discharge will be charged based on sanitary sewer volume rates.

C. In cases where water is supplied solely from a private source or sources such as wells, springs, rivers or creeks, or from a partial supply in addition to that furnished by the City, residential ratepayers are assigned the class average volume for their alternative source water use. Commercial ratepayers must meter the private supply either as an inflow or a discharge in conformance to the provisions of this Chapter.

D. Meters required. Any meter or method used for calculation of a adjusted charge or credit is subject to the administrative or special meter charge for each such meter or method. The property owner is responsible for purchasing, installing, maintaining, and calibrating the private meter and must comply with all provisions in this Title. Meters must be approved by the Director as to type, maintenance, calibration schedule, size and location before installation.

1. All meters must register in cubic feet.

2. Meters installed on water systems supplied from private or public sources and used to measure cooling, irrigation, evaporation or product water for the purpose of obtaining reduced sewer charges must be connected in such

a manner as to register only that portion of the water supply used for that purpose.

3. Meters placed below the ground or pavement surface must have the top of the meter not more than 8 inches below the surface and must be enclosed in a standard water meter box and cover as used by the Portland Water Bureau. Meters located above the ground or floor level must not be more than 3-1/2 feet above the ground or floor level.

4. All meters must be located in an area that is freely accessible at all times and that, in determination of the Director, does not present a danger to City employees.

5. The owner of a meter must implement a program to ensure meter accuracy. The program should consider the manufacturer's periodic maintenance and calibration requirements. All maintenance and calibration records must be retained and available for review by City personnel.

6. Failure of the owner, the owner's lessee, or others acting under the owner to maintain the meter in good working order constitutes a violation of this Chapter. During the period of the meter's non-operation and pending the proper repair and reinstallation of the meter, the account may be billed on the basis of three times the normal water usage or in such an amount as deemed proper by the Director.

E. Credits. A ratepayer must submit a written request for establishing reduced charges or credit for water not subject to sewer user charges. Requests must be received prior to any use of water that may be subject to reduced or special charges, and prior to installation of any meter. A request for credit must include a meter maintenance plan and a mechanical plan showing the proposed meter location, access route to the meter, the water supply or source, the cooling or other water-using equipment, and the discharge point. Reduced charges or credits will not be given for any period prior to the date of approval. No reduced sewer charge may be given until the Director has approved the request.

1. Water not subject to sewer user charges. The Director may exempt from sewer user charges water that is used in a manufactured product such as ice, canned goods or beverages; or for water lost by evaporation or used in irrigation. To calculate the quantity of exempt water, a meter must be installed to the satisfaction of the Director.

2. Clean water discharges. When a non-residential ratepayer requests approval for a temporary or permanent discharge of clean water to a public sewer system, the discharger must install meters or provide other verifiable and quantifiable information using a method approved by the Director to determine the volume of water to be discharged. Water such as that used

for refrigerating or cooling purposes or condensed from steam and that has been put to no other use may be discharged into the sanitary system as clean water.

a. Clean water to storm sewer or other public drainage systems. Charges are calculated based on the clean water discharge-to-storm rate multiplied by the measured or estimated volume of water discharged to a public storm sewer or other public drainage system.

b. Clean water to sanitary or combined sewer systems. Charges are the same for other sewer uses and are calculated based on the non-residential sewer services rate multiplied by the measured or estimated volume of water discharged to a public sanitary or combined sewer.

3. Conditions for revoking reduced charges or credits. The following conditions will nullify discounts and reinstate full user charges until such time as the owner or person in charge of the premises formally notifies the Director that the situation has been rectified.

a. Defective discharge meters. During the period of the meter's non-operation and pending the proper repair and reinstallation of the meter, the account may be billed for the full amount of water passing through the supply meter and up to three times the supply flow provided by non-City resources. At no time may a reduced charge or credit be allowed retroactively, or for a period in which the meter is defective.

b. Failure to report. Failure to report on quantities of water subject to reduced charge or credit for 2 consecutive months is a violation of this Chapter. User charges must be paid on the full amount of water passing through the supply meter and up to three times the supply flow provided by non-City resources during these 60 days. At no time may a reduced charge or credit be allowed retroactively, or for a period in which no reports were submitted.

F. Stormwater Management Services. Ratepayers who receive a direct or indirect benefit from City stormwater management services are subject to the user charge. The ratepayer identified on the City utility billing account is assumed to be the user of stormwater management services and responsible for the user charge. If the property is not subject to other City utility charges, the Director will determine the ratepayer responsible for the user charge.

1. Billing Components. The user charge consists of the following components:

a. Stormwater On-Site. The user rate for the on-site component is 35 percent of the stormwater management services rate.

b. Stormwater Off-Site. The user rate for the off-site component is 65 percent of the stormwater management services rate.

2. Basis for charge. User charges are calculated based on the user's proportionate share of City stormwater management services as estimated by the amount of impervious area on the user's property. Unless the property has been measured to the satisfaction of the Director, the property's impervious area is assumed to be equal to the average impervious area for the user's class. The following areas are included in a property's impervious area calculation for billing purposes: roofs; paved areas such as, but not limited to, driveways, parking lots, and walkways; and areas of the property that are covered by porous pavement. The following areas are not included in a property's impervious area calculation for billing purposes: rights-of-way that have been dedicated to the public and over which the City exercises regulatory jurisdiction and management; outdoor recreation areas owned by governmental bodies that are available to the general public, excluding parking lots and buildings; and areas covered by compacted soils and compacted gravels

3. Dwelling units. The City uses the following class averages of impervious areas for calculating user charges for dwelling units located on a single property or tax lot:

a. One and Two Dwelling Units - 2,400 square feet

b. Three Dwelling Units - 3,000 square feet

c. Four Dwelling Units - 4,000 square feet

4. Properties other than dwelling units or with five or more dwelling units. The City calculates the ratepayer's use of stormwater drainage system services based on the amount of impervious area on the site.

5. Clean River Rewards. Clean River Rewards discounts are offered to increase ratepayer control over stormwater management charges and to advance City environmental goals. The program provides economic incentives, technical assistance, and environmental education to ratepayers who control and manage the quality and quantity of stormwater runoff on their private property.

G. Portland Harbor Superfund Charge. The City calculates and collects user charges for the Portland Harbor Superfund Program. If the property is not subject to other City utility charges, the Director determines the ratepayer responsible for the

Portland Harbor Superfund charge. This user charge appears as a line item on the City utility bill, and is the sum of the following two rate calculations:

1. Sanitary Volume. This portion of the charge is the sanitary sewer service user charge multiplied by the Portland Harbor Superfund Sanitary Volume rate.

2. Impervious Area. This portion of the charge is the stormwater management services charge multiplied by the Portland Harbor Superfund Impervious Area rate.

17.36.060 Special User Charges.

(Amended by Ordinance No. 186902, effective December 26, 2014.) The following charges are applicable to only certain user groups and are assessed in addition to other user charges. Users may be subject to one of more of these charges. The current charge rates are provided on the BES annual rate ordinance.

A. Extra-Strength Charge. Wastewater discharged to a City sewer, either directly or indirectly, is subject to an extra-strength charge if the discharge has a BOD or TSS in excess of concentration thresholds determined by the Director. The Director may establish concentration thresholds for other pollutants that are subject to extra-strength charges. Payment of an extra-strength charge does not excuse the discharger from complying with all other applicable provisions of Chapter 17.34 of this Code.

1. Calculation of Charges. Extra-strength charges are based on the following:

a. The concentration of pollutants in excess of thresholds established by the Director and adopted by Council.

b. The total metered water supplied to the premises. The extra-strength charge may be reduced where commercial or industrial wastewater is discharged separately from domestic sanitary wastes or cooling waters and the user provides a meter or other measurement method acceptable to the Director. For multiple tenant buildings with shared water service, extra-strength charges will be apportioned by class of individual tenant with an estimated volume as a portion of the total sewer bill.

2. Methodologies for calculating extra-strength charges.

a. Measured Rolling Average.This method bases a user's rate on the average concentration of the ten most recent monthly concentration averages. Rolling averages are initiated with samples taken over a 5-day period unless otherwise specified by the Director. Samples must be taken daily at an approved sampling manhole or other location as determined by the Director.

CHAPTER 17.92 - STREET DESIGNATION

Sections:

17.92.010 Administration.

(Added by Ordinance No. 161984; amended by Ordinance No. 176555, effective July 1, 2002.) For public streets and private street tracts, the City Engineer shall designate street prefixes, names, and numbers, keep records of such designations and exercise such other powers as are necessary to carry out the provisions of this Chapter.

17.92.020 Prefixes for Street Designations.

(Replaced by Ordinance No. 189151, effective October 5, 2018)

A. Burnside Street east of the Willamette River shall be designated as East and the prefix "E" shall be added to the street name.

B. Burnside Street west of the Willamette River shall be designated as West and the prefix "W" shall be added to the street name.

C. All streets east of the Willamette River, north of the centerline of Oregon Street and west of the centerline of Williams Avenue shall be designated as North and the prefix "N" shall be added to the street name. Williams Avenue and the portion of Oregon Street west of the centerline of Williams Avenue shall be designated as North and the prefix "N" shall be added to the street name.

D. All streets east of the Willamette River between the centerline of Burnside Street and centerline of Oregon Street shall be designated as Northeast and the prefix "NE" shall be added to the street name excluding Burnside Street and excluding the portion of Oregon Street west of Williams Avenue. Oregon Street east of the centerline of Williams Avenue shall be designated as Northeast and the prefix “NE” shall be added to the street name.

E. All streets east of the Willamette River north of the centerline of Oregon Street and east of the centerline of Williams Avenue shall be designated as Northeast and the prefix "NE" shall be added to the street name excluding Williams Avenue. Oregon Street east of the centerline of Williams Avenue shall be designated as Northeast and the prefix “NE” shall be added to the street name.

F. All streets east of the Willamette River south of the centerline of Burnside Street shall be designated as Southeast and the prefix "SE" shall be added to the street name excluding Burnside Street.

G. All streets west of the Willamette River and south of the centerline of Clay Street and east of the centerlines of Naito Parkway and View Point Terrace, and east of Tryon Creek State Natural Area shall be designated as South and the prefix "S" shall be added to the street name excluding Naito Parkway and View Point Terrace. Terwilliger Boulevard south of Palater Road and north of the Clackamas County line shall be designated as South and the prefix "S" shall be added to the street name. The portions of Edgecliff Road, Iron Mountain Boulevard and Riverside Drive north of the Clackamas County line shall be designated as South and the prefix "S" shall be added to the street name. Ridge Drive east of 46 feet east of the southerly extension of the centerline of View Point Terrace shall be shall be designated as South and the prefix "S" shall be added to the street name.

H. All streets west of the Willamette River between the centerline of Burnside Street and centerline of Clay Street shall be designated as Southwest and the prefix "SW" shall be added to the street name excluding Burnside Street.

I. All streets west of the Willamette River south of the centerline of Clay Street and west of Naito Parkway, View Point Terrace and Tryon Creek State Natural Area shall be designated as Southwest and the prefix "SW" shall be added to the street name. Naito Parkway and View Point Terrace, all streets within Tryon Creek State Natural Area and Terwilliger Boulevard north of Palater Road shall be designated as Southwest and the prefix "SW" shall be added to the street name. Ridge Drive west of 46 feet east of the southerly extension of the centerline of View Point Terrace shall be shall be designated as Southwest and the prefix "SW" shall be added to the street name.

17.92.030 Designation of Streets, Avenues, Boulevards and Drives.
(Amended by Ordinance Nos. 161984 and177028, effective December 14, 2002.)

A. All streets within the corporate limits of the City running in an easterly and westerly direction shall hereafter be designated as “streets,” and all streets running in a northerly and southerly direction shall be designated as “avenues." Streets lying between two consecutively numbered streets shall be designated as "place" and shall take the lesser number of said two numbered streets. The terms "drive," "court," "lane," "terrace" or "way" may be used to designate winding or circuitous streets. Scenic, arterial or greenscape streets may be designated as "boulevards" or "drives" in lieu of the term "streets" or "avenues."

B. All streets shall be designated by one name for the entire length.

main. With the exceptions noted in this section, water service shall not be provided by means of an easement. With the approval of the Chief Engineer, water service may be provided from a main within an existing easement. The service must be within the easement and must be readily accessible for maintenance and meter reading. The Chief Engineer may approve of a water service within an easement across a separate parcel of land if the parcel the applicant desires to serve has no frontage along a public right-of-way. The applicant must provide a copy of the recorded easement at the time of application for service.

If application is made for service from a water main less than 6 inches in diameter, the connection shall be deemed temporary unless such main was designated as a permanent main. In any case, such connection shall not entitle the person or premises to have said main replaced with a larger main at City expense. The application for service from a 4-inch main or smaller shall be deemed a waiver of any deficiency of supply, pressure, or any other inadequacy, whether attributable to prior or future connections or extensions. The application shall be deemed a covenant that the applicant will comply with all the provisions of this Title and the rules and regulations of the Bureau.

Property outside the City, but adjacent to a City main, may be served with the approval of the Chief Engineer and the Administrator, subject to all the provisions of this Section and Chapter 21.28 Outside City Services and Wholesale Distributors. This service shall be a special contract service and not provided by the City as a common utility service, as described in Section 21.28.010 "Individual Water Services Outside the City."

21.12.020 Size of Service Connection.

(Amended by Ordinance No. 189256, effective December 21, 2018.) Whenever an application for water service is received, the Administrator or the Chief Engineer shall have authority to reject such application if in the judgment of the Chief Engineer, the service and meter size applied for is expected to be less than or greater than the size necessary for estimated use by the premises of the applicant. In such event, the Administrator or the Chief Engineer shall specify the appropriate size of service line and size and type of meter. The service size as determined by the Chief Engineer shall not be a warranty of sufficiency for pressure or volume of water to be afforded the premises. No service connection less than 3/4-inch in size shall be installed. The installation of any required backflow prevention assembly may cause the pressure and or volume of water to be less than the distribution system is able to supply through a specific service. It is the responsibility of the applicant to demonstrate having calculated the effect of installing required backflow prevention assemblies.

21.12.030 Application for Installation or Removal of Water Service.

(Amended by Ordinance No. 182053, effective August 15, 2008.) The property owner shall make written application for permits to connect with or disconnect premises from the City water system on forms provided by the Portland Water Bureau in which the applicant shall specify the location and the use for which the service is required, and shall agree to abide by the rules and regulations of the Bureau.

The applicant for all services 1 inch and larger shall submit the water flow requirements at the time of request. Applicants for smaller services shall provide water flow requirements

when requested. The applicant for water service to commercial or industrial development shall submit a site utility plan at the time of the request that indicates the size and type of service required and the distance of the service to the nearest property line.

An application for a permit to connect premises with the City water system for service to a new building or structure shall not be accepted for filing unless a building permit has been issued for such building or structure as provided in the building regulations of the City. No permit shall be issued unless the conditions set forth in this Title relating to main extensions have been met, if applicable. Any permit issued to connect premises with the City water main shall not entitle the permittee to a connection to the main until it is laid adjacent to the premises of the owner. Acceptance of fee for the permit shall not waive any of the conditions set forth in this Title nor grant specific right of connection. Any service connection made outside the City limits must receive prior approval of the Portland City Council.

21.12.040 Cancellation of Application for Service.

An applicant may request in writing that an application for service be canceled up to the time that the service is installed. The Bureau will refund the application fee, except for any portion of the fee needed to cover Bureau costs for partial processing of the application or for actual work done on partial installation. The Bureau shall retain costs for any work already performed plus a 15 % fee for handling and overhead as a service charge. A service that has not been installed within 6 months of the date of application, at the direction of the applicant, shall be canceled and the fee less the accrued costs shall be returned to the applicant.

21.12.050 Service Branch Installation and Removal.

Service branches may be installed by the Bureau, or by a developer with the prior written approval of the Administrator or Chief Engineer, when the Administrator or Chief Engineer determines that such installation will benefit the City. See Section 21.16.160 "Service Installation Fees." If an application is not made for service within 5 years of branch installation, the Bureau may disconnect the service branch at the main. If service is requested after 5 years from date of installation, and has not previously been removed, the Water Bureau shall determine the condition of the service branch. The applicant shall pay for the cost of renewal of the service branch, if required.

21.12.060 New Service Where Change in Size or Relocation is Desired.

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

A. When a new smaller or larger sized service is desired at the same property and the Chief Engineer concurs that the requested size is appropriate:

1. For each new larger sized service, an old service will be removed without charge.

2. For a new smaller or same sized service, the charge to remove an old service is provided in the annual rate ordinance.

3. Charges to remove inactivated service branches larger than ¾" are provided in the annual rate ordinance.

B. Charges to install the new services are provided in the annual rate ordinance.

C. If the Bureau has identified a service as being defective, a new service of the same or smaller size may be substituted at no charge to the applicant at the time the defective service is being replaced provided there is written authorization. However, if application for a larger service is received, the applicant will pay the difference between the two sizes, and credit for the System Development Charge (see Section 21.16.170 "System Development Charge") will be applied for cost of the meter for the service being removed as herein provided.

D. If service is relocated or changed in size, proper backflow protection must be installed as outlined in the Code Section 21.04.030 "Backflow Assembly Installation Requirements." The cost of backflow protection shall be the responsibility of the property owner.

21.12.070 Separate Service.

(Amended by Ordinance No. 182053, effective August 15, 2008.) Unless otherwise provided in this section, a separate service shall be required to supply water to each separate parcel of land and to each house or building under separate ownership upon the same parcel. A parcel is considered separate when partitioned by a different ownership, street, or public way.

Unless otherwise provided hereunder, a separate service shall be required for each house or building even if under one ownership and on the same lot or parcel of land. A single service may be provided for multiple units under single ownership. A single service may be approved by the Chief Engineer for multiple units which are individually owned when there is a contract with the Portland Water Bureau specifying who shall be responsible for all water bills and charges. Otherwise, multiple units which are individually owned must have a separate service to each unit.

The Bureau may limit the number of houses or buildings or the area of land under one ownership to be supplied by one service connection or meter.

Two or more houses or buildings under one ownership and on the same lot or parcel of land may be supplied through a single service meter, if approved by the Administrator or Chief Engineer. If the property on which the houses or buildings are located is divided by sale, a separate water service shall be obtained for each ownership prior to the sale.

Not withstanding terms to the contrary in this section, a property owner may request, and the Chief Engineer may authorize, continuation of water service, through existing lines, to the owners of property divided by sale, if the divided parcels will continue to share use of existing water lines and mains, as they did prior to the sale and which were in compliance with the provisions of Title 21 at the time of the sale. Authorization will not be granted if there is a change in size or location of any of the existing water services.

In addition, the party requesting exemption from the standard requirement, described above, must provide the Administrator with a document that has been recorded, the purpose

of which is to authorize all users of the common lines and mains to access those lines as necessary, for installation, maintenance and repair of the common system, said rights to run with the land.

The service connection to a parcel of land shall not be used to supply an adjoining parcel of a different owner, or to supply a separate parcel of the same owner for which proper application for service has not been made. When property provided with a service is subdivided, the service connection shall be considered as supplying the parcel of land which it directly enters. See Section 21.12.010 "Service to Property Adjacent to Water Main" for allowed location of water service.

21.12.080 Service to Property Partially Outside City.

Where service is requested for a property partially inside and partially outside of the City limits, service may be provided if the principal structure is on the portion of the property inside the City limits, and within the urban growth boundary of the City. Should other structures be in said portion of the property outside the City, the Bureau may provide service through separate services and meters and shall charge rates in accordance with outside City service. Such services shall be installed at the expense of the owner of the premises.

21.12.090 Permit for Temporary Service.

(Amended by Ordinance Nos. 180120 and 182053, effective August 15, 2008.) The Portland Water Bureau may issue a permit for a temporary water service to a site that has no long-term need of a permanent water service. Use of a temporary service shall not exceed one (1) year from the date of installation if it is a conventional metered service and ninety (90) days if supply is from a fire hydrant. The Portland Water Bureau may grant a one (1) year time extension, for a total maximum term of two (2) years from the date of installation of the conventional metered service for a government agency project which occurs within or adjacent to the City's right-of-way property and requires temporary irrigation service.

The permittee desiring temporary service shall make application to the Portland Water Bureau and shall declare the intended purpose of the service and shall specify the location of the service, the length of time needed, the volume of water required and the peak flow rate anticipated.

If temporary service is allowed, the Portland Water Bureau will install a service at the expense of the permittee, or allow the temporary use of a fire hydrant as a source of supply. If the Water Bureau installs a temporary service, the permittee shall utilize it as if it were a normal permanent service. If supply is from a fire hydrant, the permittee must continuously follow the established rules and regulations governing the use of a fire hydrant, as detailed in Section 21.24.020 "Fire Hydrants", as well as all city, state and federal rules, regulations, and guidelines governing the proper use and disposal of water. The permittee must meter or accurately gauge usage of water from a fire hydrant and report that usage to the Water Bureau. The permittee must not use water from another fire hydrant than specified in the permit without prior written approval of the Water Bureau. The permittee shall use water exclusively for the stated purpose of the permit and shall not allow others to utilize the permit to obtain water for any other purpose.

All temporary water services are required to have a minimum of a double check valve assembly installed for backflow protection. The backflow assembly must be installed at the service connection to the property. All costs associated with backflow prevention assemblies will be the responsibility of the owner or applicant.

21.12.100 Annual Fire Hydrant Permit.

The Water Bureau may, upon application, issue a permit for the use of fire hydrants as a source of water for commercial enterprises or governmental agencies that have continuous need of water at various locations throughout the City. Sufficient need must be shown to preclude obtaining water from a single permanent service. The permittee shall use water exclusively for the stated purpose of the permit and shall not allow others to utilize the permit to obtain water for any other purpose. Annual fire hydrant permits are renewed for the calendar year, beginning in January. The cost for an annual permit not issued in January shall be prorated. The cost for an annual permit is set in the annual water rate ordinance.
The permittee, and all employees who obtain water from fire hydrants, must continuously follow the rules and regulations governing the use of fire hydrants, as detailed in Section 21.24.020 “Fire Hydrants," as well as all city, state and federal rules, regulations, and guidelines governing the proper use and disposal of water. All water trucks used by the permittee must be inspected for proper backflow protection equipment every three (3) years by a Water Bureau Water Quality Inspector.

21.12.110 Installation of Service Pipes from the Main to the Property Line.

(Amended by Ordinance No. 176955, effective October 9, 2002.) The Water Bureau shall perform all work for installation of a water service within the existing public right-of-way or within an easement except as detailed in Section 21.12.130 "Service Maintenance Responsibility." The Chief Engineer and the Administrator may allow a developer to install all or part of a water service in a subdivision currently under construction. No work by others shall occur on a water service if the Water Bureau has accepted the main for operation and maintenance. Installation and maintenance of the water system on private property is regulated by Title 25, Plumbing Regulations, as administered by the Bureau of Development Services. Responsibilities for maintaining the water service are found in Section 21.12.130 "Service and Maintenance Responsibility."

21.12.120 Connections to the Water Service.

(Amended by Ordinance No. 182053, effective August 15, 2008.) No connections to the water service shall be made between the main and the property line if in a public street, or the easement line if in a private street or an easement, unless performed or authorized by the Chief Engineer. No hose connections for domestic use shall be allowed within the public or private street where the hose connections are accessible to the public.

21.12.130 Service and Maintenance Responsibility.

(Amended by Ordinance Nos. 182053 and 189256, effective December 21, 2018.) This section clarifies whether it is the responsibility of the Portland Water Bureau or the property owner to maintain, repair, or replace sections of the water supply system.

Responsibilities for installation are found in Section 21.12.110 "Installation of Service Pipes from the Main to the Property Line."

A. For domestic and irrigation services:

1. If the connection is 1 inch or smaller, the Bureau is responsible for that section that is through the meter and the angle meter coupling. The property owner is responsible for that portion downstream from the angle meter coupling.

2. If the connection is larger than 1 inch, the Bureau is responsible for that section that is through the meter and the meter valve. The property owner is responsible for that portion downstream from the meter valve.

B. For fire service, the Bureau is responsible for that section that is from the main through a valve between the curb and property line. The property owner is responsible for that portion downstream from the valve between the curb and property line. The property owner is responsible for the repair of any facilities within the public right-of-way that are damaged as a part of the property owner's maintenance or repair work.

When a service pipe at the proper grade is damaged or destroyed by contractors or others in the performance of street work or where service pipes are damaged by electrolysis, the person, contractor, or company responsible for such damage or destruction shall be billed by the Portland Water Bureau for the cost of repairing or replacing such pipes on the basis of the cost plus overhead, as provided in the finance regulations of Title 5 of the City Code.

21.12.140 Water Pressure at Service.

(Amended by Ordinance Nos. 176955 and 182053, effective August 15, 2008.) The Portland Water Bureau's goal is to provide water pressure to the property line in the range of 40 pounds per square inch (psi) to 110 psi. The State of Oregon Department of Human Services rules dictate that a water service must provide a minimum of 20 psi at the meter. Pumps, elevated reservoirs and tanks and pressure reducing valves are utilized to provide pressure in the range of 40 psi to 110 psi where possible or practical. The Bureau of Development Services, Plumbing Division, through Title 25 of the City Code, regulates pressure on private property and requires a pressure reducing device for on-site domestic water systems that receive water at greater than 80 psi.

If the pressure to the service is within the range of 20 psi to 40 psi, the water user may choose to install a booster pump system on the premises to improve the working of the private plumbing system. The property owner or ratepayer is responsible for the installation, operation and maintenance of any pressure boosting system. The addition of a booster pump will require an appropriate backflow prevention assembly be installed on the water service, on private property, and directly adjacent to the property line, as required by City Code Section 21.12.320.

The Portland Water Bureau does not guarantee that water can be provided continuously at a particular pressure or rate of flow. Varying demands on the system and the requirement to change operations affect the flow and pressure available to the service.

21.12.150 Damage through Pipes and Fixtures.

(Amended by Ordinance No. 182053, effective August 15, 2008.) The Portland Water Bureau shall in no case be liable for damages caused by water running from open or faulty fixtures or pipes installed by the property owner.

21.12.160 Bureau Authority to Disconnect a Property Due to Potential Damage to Water System or To Another Property's Facility.

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

A. The Portland Water Bureau may disconnect a property if it determines that the operation, location or configuration of the facilities or the meter used to provide service

1. poses a hazard to the City system or City employees or to the system or facilities of other properties;

2. causes pressure surges; or

3. creates other hazards that are detrimental to operating the City water system or the water system or facilities of another property.

B. If the Bureau determines that such operations present a significant hazard, the property may be disconnected without prior notice. The Bureau will notify the property owner or ratepayer of the disconnection as soon as is reasonably possible and explain the necessity of the action taken. Before the water service is reconnected, the property owner must provide the Bureau assurance that changes have been made that will preclude a recurrence of the hazardous condition.

C. Where a hazard exists, but potential damage is not judged to be imminent, the Bureau shall give the property owner prior notice of the intent to disconnect. The Bureau shall state the reason for the disconnection, and offer an opportunity to be heard on why the operation is not detrimental or hazardous.

21.12.170 Use of Private Water and City Water.

Owners of buildings desiring to use both the City water supply and a supply of water other than that furnished by the Bureau may obtain water service only upon the following conditions. An approved backflow prevention assembly must be installed on the service connection to the premises as outlined in the Bureau's "Backflow Assembly Installation Requirements." If water from a supply other than that provided by the Bureau is found without proper backflow protection the City water supply to the premises shall be immediately shut off with or without notice. In case of such discontinuance, service shall not be reestablished until satisfactory proof is furnished that the cross connection, or

potential cross connection has been completely and permanently eliminated or that an approved backflow prevention assembly commensurate to the degree of hazard has been installed on the service connection to the premises, and the assembly has been inspected, tested, and registered with the Bureau.

21.12.180 Disconnection of Service When Charges Have Not Been Paid.

(Amended by Ordinance Nos. 179978 and 182053, effective August 15, 2008.) The Bureau may disconnect a water service at the meter when base charges are not paid. If base charges are not paid for a period of one (1) year, the Bureau will consider the service abandoned and may disconnect the service at the main. The Bureau may disconnect a leaking service at the main sooner than 1 year if payment has not been made.

21.12.190 Reactivation of Abandoned Service.

(Amended by Ordinance Nos. 179978, 180120 and 182053, effective August 15, 2008.) A property owner may apply to the Portland Water Bureau to reactivate an abandoned service where the meter has not been removed pursuant to Section 21.12.180 "Disconnection of Service When Charges Have Not Been Paid." Existing pipe and connections may be used if the Bureau determines them to be in sound condition and adequate for the intended use. The Bureau may require installation of a backflow prevention assembly on reactivated services.

The applicant shall pay for replacement of the existing piping and/or connection if the piping and/or connection is unfit for use and base charges have not been continuously paid. The applicant shall pay the full installation fee if the service is desired at a different location than existing or if they desire a service that requires a larger pipe and connection. The applicant must pay the current service activation fee to reinstall a meter on the service.

21.12.200 Leaking or Unused Services.

(Amended by Ordinance No. 182053, effective August 15, 2008.) Where there is a leak within the public right-of-way or within a Water Bureau easement between the main and the meter of a domestic service, or between the main and the valve behind the curb of a fire service, the Bureau shall make all repairs free of charge. However, if the leak is on a service for which the base charge or other charges are not being paid, the Bureau will cut out the service at the main. Where a water service pipe has been disconnected from the main, the owner of the premises previously serviced shall obtain a new permit and pay for a new service connection whenever a water service is desired. Services replaced because of leaks shall be renewed in the same size as the service removed, subject to the provisions which allow a property owner to request a change of service size (see Section 21.12.060 "New Service Where Change in Size or Relocation is Desired.") The Water Bureau may require the installation of an approved backflow prevention assembly when this new service is approved.

21.12.210 Master Metering of More Than One Water Service.

(Amended by Ordinance No. 182053, effective August 15, 2008.) Upon approval by the Chief Engineer, the Portland Water Bureau may permit the master metering of more than one water service. In such case, the owners or occupants of the premises served shall

designate one of their number who shall, through written agreement with the Bureau, be responsible for the payment of all water charges and the acceptance of service of all water related notices. This person shall be liable for all water related charges until the agreement is terminated or a written agreement is established with another party. In the event payment for water charges is not made in full when due, the Bureau may terminate the service pursuant to normal procedures, in spite of the tender of partial payment by any other owner or occupant of the premises so served.

21.12.220 Fire Protection Service.

(Amended by Ordinance Nos. 180120 and 182053, effective August 15, 2008.) Water through a fire service shall be used only to extinguish a fire on the inside and the outside of the structure(s) that it serves and to test the fire system. A fire service is specifically not to be used for domestic, maintenance, or irrigation purposes.

The Portland Water Bureau shall install and maintain a meter for a fire service of less than 2 inch. A fire service 2 inch and larger that supplies only a fire system shall be equipped with a detector metering device that is part of the backflow prevention assembly. This assembly shall be installed and maintained by the property owner. In addition, the Bureau shall install and maintain a metering device on a fire service that has private on-site fire hydrants, hose systems or other appurtenances that would allow the unauthorized use of water through the fire system for purposes other than to extinguish a fire. A service that supplies water for multiple needs, such as for domestic use and for fire suppression, shall be fully metered and shall comply with the requirements of Section 21.12.030 "Application for Installation or Removal of Water Service."

Backflow protection which complies with Section 21.12.320 "Contamination of the City Water Supply and Requirements for Backflow Protection" is required on all fire services. All costs associated with providing backflow protection are the responsibility of the property owner.

To avoid unauthorized use of a fire protection system the Bureau will require the owner to install an approved full-flow meter under the following conditions:

A. The existing detector metering device registers use of water for purposes other than to extinguish a fire or to test the system, or;

B. Connections have been added to a system provided with a detector meter or detector double check valve assembly.

When full-flow metering is required because of unauthorized use, the Bureau shall charge the property owner or ratepayer for installing the meter, the meter vault, and shall assess a system development charge based on the size of the service. The Bureau policy for additional charges for unauthorized use of water from a fire protection system is established in Section 21.16.200 "Charges for Unauthorized Use of Fire Protection Services."

21.12.230 Permit and Report Required to Do Plumbing Work.

(Amended by Ordinance No. 176955, effective October 9, 2002.) 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 connect one service pipe with another service pipe, or extend a pipe from one building to another building, or to turn water on or off at any premises without having first obtained permission in writing from the Administrator or Chief Engineer. Such changes may require the installation of an approved backflow prevention assembly, as detailed in Section 21.12.320 "Contamination of the City Water Supply and Requirements for Backflow Protection." After the issuance of a permit to a plumber or other person authorized by the plumbing inspector to do plumbing work, the permittee shall make a report in writing to the Plumbing Division of the Bureau of Development Services of all connections, attachments, and extensions made in accordance with the permit within 3 days after completion of work.

21.12.240 Service Location Change.

When the service connection of any premises does not come from the main in front of the premises, the Bureau shall, when a main is laid in front of said premises, after notifying the owner or tenant thereof, provide a service connection to the new main without charge and at the same time, cut the old service connection. The property owner shall be responsible for the building connection to the new service. When services are relocated the Bureau may require installation of backflow protection, as detailed in Section 21.12.320 "Contamination of the City Water Supply and Requirements for Backflow Protection."

21.12.250 Location of Meters Inside City.

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

A. Within the City, the water meter shall be located in or adjacent to street area where the Bureau fixes such location, except where a City water main is already located in an easement upon private property. For service within easements the Bureau may allow location of a water meter on or adjacent to such existing line, if necessary easements for the meter installation are offered to and accepted by the City.

B. Unless this requirement is waived in a particular circumstance in the discretion of the Chief Engineer, and except as provided in City Code Section 21.12.260, all water meters must be outside any buildings on the premises and must be safely accessible by Water Bureau staff 24 hours a day for reading, testing, servicing, or replacement.

21.12.260 Water Service in Basements within the Public Right-of-Way.

(Amended by Ordinance Nos. 182053 and 189256, effective December 21, 2018.)

A. A metered water service and associated piping and equipment installed within a building's basement that extends into the public right-of-way must be enclosed to prevent damage to the building and it's contents. The owner of the property served, at the owner's expense, shall fabricate and install a waterproof vault that encloses the entire water service from the wall penetration to the backside of the meter assembly and separates it from other premises infrastructure, such as electrical panels, wires, and equipment.

B. If a metered water service and associated piping and equipment installed within a building's basement that extends into the public right-of-way is found to exist without the proper waterproof vault, the Chief Engineer will notify the property owner of the requirements described in this Section. The property owner is responsible for having the vault designed and installed within the time allowed by the Chief Engineer. The Chief Engineer may allow additional time for the installation for extenuating circumstances and may, at the Chief Engineer's discretion, require a waiver and indemnity as provided in Subsection D. below, in return for the grant of additional time. If the property owner does not have the vault installed within the time allowed by the Chief Engineer, the Chief Engineer will deem that a hazard exists and service to the property may be disconnected as provided in Section 21.12.160.

C. The owner must provide the waterproof vault's design plans for review and acceptance by the Chief Engineer of the Portland Water Bureau. The vault shall be designed and installed according to the Portland Water Bureau requirements so that Portland Water Bureau staff may safely access the meter and associated equipment 24 hours a day and so that the meter and associated equipment can be read, tested, serviced, and removed from the sidewalk area above. The vault shall be designed and installed to support the meter assembly and the full weight of water that may fill the vault. At the owner's expense, the Portland Water Bureau shall furnish a frame and cover for the meter vault, which will be installed by the owner. The vault shall be constructed of material that resists corrosion or be protected by a corrosion resistant coating. The owner shall be responsible for the integrity of the vault and shall maintain it to keep it free of corrosion and in a clean condition. The owner shall provide a penetration through the outside basement wall for installation of the service and shall seal the opening after installation of the pipe. The owner shall seal all openings of the vault except those leading to the sidewalk area.

D. Except in cases of new services, the owner of the property together with affected lessees, if any, as an alternative to compliance with this Section, may execute for the benefit of the City an agreement, in a form satisfactory to the Chief Engineer and City Attorney,

1. waiving any claim for damages for personal injury or property damage against the City and its officers, agents, and employees arising out of non-compliance with the requirements of this Section and

2. defending and holding harmless the City and its officers, agents, and employees against any claim by any person for damages for personal injury or property damage arising out of non-compliance with the requirements of this Section.

21.12.270 Ownership of Meters.

(Amended by Ordinance Nos. 180120 and 182053, effective August 15, 2008.) All new services will have meters provided and installed by the Bureau; except sewer meters, commercial, domestic and irrigation submeters, and as provided for fire protection in Section 21.12.220 "Fire Protection Service." The cost of the meters plus installation shall be charged to the property owner requesting the new service. The new meters shall be owned by the Bureau. The Bureau shall assume all repair, maintenance, and future replacement responsibilities for the new meters. Where private meters exist, that are used by the Water Bureau for billing purposes, the Bureau shall perform all future repair, maintenance, and replacement work at no charge to the owners. If the private meter is determined to be obsolete, the Bureau shall replace the privately owned meter with a new Bureau-owned meter at no charge to the owner. The Bureau shall assume all responsibility for the cost of future meter repair or replacement. As outside areas are annexed to the City, privately owned meters that are used by the Portland Water Bureau for billing purposes shall be repaired or replaced on an as-needed basis with new Bureau-owned meters at no expense to the owner. All annexed services will be required to meet the backflow protection requirements, as detailed in Section 21.12.320 "Contamination of the City Water Supply and Requirements for Backflow Protection." All costs of adding backflow protection shall be the responsibility of the property owner.

21.12.280 Damaged Meters Owned by the City.

Whenever a meter owned by the City is damaged by hot water or damaged by the carelessness or negligence of the owner or occupant of the premises, or others, the Bureau will repair the meter and charge the bill against the property served or to the person or persons responsible for the damage. The cost of the repairs shall be as prescribed in the annual water rate ordinance.

21.12.290 Meter Area and Access To Be Clear.

Bureau personnel must have access to read and maintain water meters. It is unlawful to block meter access. It is unlawful for any person to store or maintain any goods, merchandise, material, or refuse, or install equipment over, under, or within 6-feet of any water meter, gate valve, or other appliance in use on any water meter connection of the Bureau. It is unlawful to park a motor vehicle over, upon, or in such a manner as to prevent access to any water meter, gate valve, or other appliance in use on any water meter connection of the Bureau regardless of whether such Bureau property is located on public or private property. Whenever it is necessary to enter a building to read the meter or work on the water connections, a safe passageway must be maintained by the occupant of the premises, free and clear of obstructions from the entrance of the building to the meter. Shrubs and landscaping shall not obstruct reading of the meter. Any obstructions may be trimmed or removed by the Bureau, and the owner or occupant and the premises may be charged as prescribed in the finance regulations, Title 5 of the Portland City Code.

21.12.300 Shut Off Because of Defective Installation of Meters.

Whenever water meters inside the City are found by the Bureau to be without adequate support, or with defective plumbing, or without shut-off equipment necessary to permit

meter tests by the Bureau, or where through earth movements or subsidence, pipe bends, or connections have become faulty or are not tight, then the Bureau shall notify the owner to remedy the condition within 10 days from the date of notification. Where the notice has been given specifying the repairs or alterations to be done, then if the repairs or alterations are not completed within the time allowed, the water service shall be shut off until the repairs or alterations are completed. The Administrator may allow additional time for completion of repairs or alterations for extenuating circumstances.

21.12.310 Authority for Testing and Repairing Meters.

The Bureau may test and/or repair any meter on services supplied directly or indirectly by the Bureau at any time without application from the property owner and for this purpose may upon notice temporarily shut off the water. If a meter which is larger than 1 inch on City lines requires repairs, the Bureau shall give notice to the property owner or user and immediately place said meter in good working order. If the meter is not repairable due to wear, obsolescence or parts that are not available, the Bureau will replace the meter in accord with Section 21.12.270 “Ownership of Meters."

21.12.320 Contamination of the City Water Supply and Requirements for Backflow Protection.

(Amended by Ordinance Nos. 180120 and 182053, effective August 15, 2008.)

A. Contamination of the City Water Supply. Except as required for operation of the water system, it is unlawful for any person to introduce or permit the introduction of any substance or pollution or contamination of any kind into the City water supply system. As to the reservoir portion of the City water supply system, also see PCC 14A.30.150 Misuse of Reservoirs.

B. Backflow Protection. Property owners or users of City water may be required to install backflow protection in order to protect the water supply system.

1. Authority to Require Backflow Protection. Oregon State Administrative Rules Chapter 333 (OAR 333) require water suppliers to "undertake programs for controlling, and eliminating cross-connections." These programs are for the purpose of preventing pollution and contamination resulting from inadequate backflow protection. These State regulations apply to "Community Water Systems" which include the City of Portland's water system. Through this section the Bureau adopts by reference OAR 333. The Bureau's detailed requirements are found in the document entitled “Backflow Assembly Installation Requirements" and is available from the Bureau. Backflow prevention assemblies are approved for use in Oregon by the State of Oregon (see “Approved Backflow Prevention Assembly List" available from the Bureau and the State of Oregon). As required by OAR 333, the Bureau shall require an approved backflow prevention assembly when the Bureau determines that: a complete physical separation from the City water system is not practicable or necessary; adequate

inspection for cross-connection cannot be readily made; or there exists a possibility of backflow contamination resulting from special conditions, use, or equipment. The Bureau may require an approved backflow prevention assembly to be installed for new construction, where buildings or structures are remodeled, or where tenant improvements are made.

2. Requirements for Testing Assemblies and Maintaining Backflow Protection. All assemblies must be tested immediately after installation or if the assembly is moved or repaired. Assemblies must also be tested at least once a year, on a schedule to be determined by the Bureau, or more frequently as determined necessary by the Bureau to provide adequate backflow protection. Tests shall be performed by a tester who is certified by the State of Oregon. Copies of the test results shall be provided to the water user or the owner of the premises and to the Bureau. Backflow prevention assemblies which are not functioning properly shall be repaired promptly and retested or replaced. The water user or owner of the assembly will be responsible for all associated costs of repair, testing and replacement.

3. Authority to Deny or Discontinue Service When Backflow Protection is Inadequate. As required by OAR 333, where the Bureau has reasonable cause to believe that an existing or potential cross connection is located on a user's premises, the Bureau shall deny or discontinue service. The Bureau may also deny or discontinue service to a premise whenever an assembly is found to be malfunctioning or is not being properly maintained, tested, or repaired. Service shall not be provided or reestablished until adequate and approved backflow protection is installed and/or tested, or the cause of the hazard is otherwise eliminated.

21.12.330 Approval and Release of Easements and Real Property.
(Added by Ordinance No. 182053; amended by Ordinance No. 185346, effective June 22, 2012.)

A. Easements: The Chief Engineer has sole authority to approve, accept and amend on behalf of the City Council easements, permits, rights-of-way, former rights-of-way and related documents needed for the construction and management of the water system of the City of Portland when payment or consideration to the property owner and/or affected party does not exceed the limits set forth in City Charter Section 8-104. The Chief Engineer has sole authority to release easements, permits, rights-of-way, former rights-of-way and related documents no longer needed for public water system purposes. For street vacations or non-exclusive Portland Water Bureau easements, such release will not impair the needs of other bureaus or agencies of the City.

B. Real Property Excluding Easements: When acting jointly, the Chief Engineer and the Administrator may approve, accept and amend on behalf of the City Council contracts and related documents for real property interests, excluding easements, needed for the construction and management of the water system of the City of Portland when payment or consideration to the property owner and/or affected party does not exceed the limits set forth in City Charter Section 8-104. The Chief Engineer and the Administrator of the Portland Water Bureau may dispose of other real property interests and related documents no longer needed for public water system purposes.

C. Lease and License Agreements: The Administrator may approve, accept, and amend on behalf of the City Council, leases, licenses, permits, or other similar agreements for use by others of Water Bureau property upon such terms and conditions as the Administrator deems to be in the best interest of the City and when approved as to form by the City Attorney.

21.12.340 Identification of Meter Readers and Inspectors.

(Added by Ordinance No. 182053; amended by Ordinance No. 189256, effective December 21, 2018.) Each employee of the Portland Water Bureau going onto private premises for purposes such as, but not limited to, reading, inspecting, or testing any metering device installed under the provisions of this Title shall wear identification from the Bureau in a conspicuous place upon the exterior of their clothing. The identification will be shown upon demand of any owner or person in charge of the premises entered.

CHAPTER 21.16 - RATES AND CHARGES

Sections:

21.16.010 Annual Water Rates.

The Portland City Council approves and sets water rates for each fiscal year that will provide an estimated income to equal expenses and debt service relating to water bonds. (Section 11-105 of the Portland City Charter). The Bureau prepares the proposed annual water rate ordinance and the City Attorney reviews the ordinance. The Bureau files the ordinance with the Auditor not later than May 20 of each year.

21.16.020 Annual Statement To Be Filed.

(Amended by Ordinance No. 189256, effective December 21, 2018.) An annual detailed statement of its income and expenditures shall be made and signed by the Administrator and shall be filed with the Auditor, who shall preserve the same among Auditor's Office files. This annual report shall include a statement of the financial condition and pertinent engineering data of the Bureau of Water Works.

21.16.030 Billing Responsibility.

(Replaced by Ordinance No. 182053; amended by Ordinance Nos. 185521 and 189256, effective December 21, 2018.) The ratepayer responsible for payment of water charges shall be the property owner as verified in county tax records, the water user occupying the property, or the party otherwise in possession or control of the property. A property owner may become obligated for charges for furnishing water to the user by accepting responsibility for payment thereof or by agreement with the Portland Water Bureau.

Water charges are billed daily, regardless of whether the property has no structure on it or if the structure is occupied or vacant. The property owner, or the party otherwise in possession or control of the property, is responsible for all water charges while a property is vacant.

When a single meter serves multiple dwellings or living units at a property, the property owner(s) shall be responsible for the charges related to water use at the premises unless a party who is not the owner confirms with the Bureau the acceptance of that responsibility in a manner that conforms with Bureau policy.

Either a property owner or a renter may notify the Bureau of the date to open or close an account for a renter. The Bureau will honor the first date on which the request was received to open or close the account. The Bureau will change this date if agreed to by all other affected parties. The Bureau will not mediate a dispute between landlord and renter regarding the dates when billing responsibility changes. The property owner is responsible for all water charges when no renter has accepted responsibility for water charges. If neither a renter nor owner notifies the Bureau that a renter has left tenancy and the Bureau determines by a visit to the property that the property is vacant, water charges shall commence on that date and shall be applied to the owner.

Where a ratepayer has a delinquent bill for one premises, this delinquency shall be a charge against this ratepayer (for water obtained) at any of their other premises served by the Bureau.

When a property is sold, the seller is responsible for all water charges until the date the buyer is entitled to possession. If there is a dispute between the seller and the buyer about the date of possession, the Bureau will use Multnomah County taxation records to verify the legal recording date.

21.16.040 Delinquent Utility Bills.

(Amended by Ordinance Nos. 179978, 182053 and 189256, effective December 21, 2018.)

A. The Portland Water Bureau shall have the authority to shut off water service to any property when any charge to a ratepayer's account has not been paid within 10 days after that charge is due and payable.

Before water service is shut off for nonpayment the Portland Water Bureau shall give written notice to the service address provided by the water user as well as to the mailing address of the property owner or the party who has agreed with the Bureau to accept responsibility for payment. Such notice shall state the anticipated date when the water will be shut off, as well as informing the ratepayer of the right to request an administrative review, and the procedure for requesting the review, to challenge the shut off.

It is the obligation of the water user or responsible party to ensure that the Water Bureau has the most current and accurate address for the user or responsible party. There is no obligation on the part of the Bureau to determine if the address provided is the best or the most current address.

Once service is shut off, water shall not be provided again until all outstanding obligations for water provided to that user have been paid, or arrangements for payments have been made with the Water Bureau, including additional charges as established in the annual water rate ordinance.

The Portland Water Bureau may, but is not obligated to, allow for continuation of water service for a specified period of time prior to payment of outstanding charges if it is determined that the lack of water will endanger health or cause substantial hardship. The continuation of water service may also be allowed when the delinquent ratepayer is willing to enter into a payment arrangement satisfactory to the Bureau for payment of all delinquent amounts on that ratepayer's account. However, if the charges are not paid as agreed, then the water may again be shut off and not turned on again until the outstanding charges are paid in full or arrangements for payments are made with the Bureau.

The Portland Water Bureau may institute legal proceedings and contract with third parties for the collection of delinquent water bills and charges. The Bureau may require that a deposit be made with the Bureau to ensure payment of future water bills and charges.

B. When the delinquent bill includes user charges for sanitary sewer and stormwater management services, the Portland Water Bureau shall collect such charges pursuant to Section 21.16.040.

When the delinquent bill does not include charges for water service, delinquent user service charges for sanitary sewer and stormwater management services shall be collected by any legal means pursuant to Sections 3.24.020 and 3.24.030.

21.16.050 Notice for Billing of Rental Property and Responsibility for Charges When Property Is Vacant.

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

21.16.060 Responsibility for Water Charges When Property Changes Ownership.

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

21.16.070 Work Orders.

(Amended by Ordinance No. 182053, effective August 15, 2008.) Work orders for main extensions, service connections, and meter installations for which a deposit or charges are or may be made under this Title, shall be established by the Engineering Services Group of the Bureau.

21.16.080 Dates and Places of Payment.

(Amended by Ordinance Nos. 179978 and 182053, effective August 15, 2008.) Charges for water use will be computed, and bills mailed, on a schedule determined by the Portland Water Bureau. The billing schedule will be kept on file by the Bureau. The water bill,

with a due date, will be payable at either the Bureau or at authorized locations established by written agreement with the Bureau.

21.16.090 Deposit and Application.

(Amended by Ordinance No. 182053, effective August 15, 2008.) An application, deposit, or both, for water service may be required from all new ratepayers, ratepayers whose service has been shut off for nonpayment, or those persons with unsatisfactory credit who are requesting service. Unsatisfactory credit is defined as not meeting credit and collection industry standards or having service shut off for nonpayment of water or sewer charges within the past year. Failure to provide either the application, deposit, or both within the due date specified by the Portland Water Bureau may result in discontinuance of service.

21.16.100 Deposit of Money Received.

(Amended by Ordinance No. 182053, effective August 15, 2008.) All monies collected or received by the Portland Water Bureau for the use and consumption of water or otherwise will be deposited with the bank designated by the Treasurer of the City. The Treasurer shall keep the same separate and apart from the other funds of the City in funds to be known as the Water Fund and the Water Construction Fund, and pay it out only on checks signed by the Mayor, countersigned by the Auditor, and not otherwise.

21.16.110 Bureau May Contract for Collection of Revenues.

The Commissioner-In-Charge of the Bureau and the Auditor are hereby authorized to enter into contracts for periods not to exceed 5 years with such persons or corporations as may be selected by the Administrator for the collection of water revenue for the City. The contracts shall provide for compensation for collection and may cover certain expenses related to revenue collection. The contracts shall require that a bond be furnished by the collection agent or the City, at the City's option, the premium for such bond may be paid for by the City. The bond shall be conditioned upon the performance of such contract, and shall be in such form as may be satisfactory to the Administrator and the City Attorney.

21.16.120 Collections, Adjustments and Refunds.

(Amended by Ordinance Nos. 179978, 182053 and 189256, effective December 21, 2018.) Water user charges will be computed monthly, bimonthly or quarterly and billed by the Portland Water Bureau.

All payments for water user charges shall be made to, and adjustments and refunds made by, the Portland Water Bureau. The Bureau shall ensure that charges and credits are posted to ratepayer accounts.

A. The Portland Water Bureau may make adjustments, pay refunds or waive fees and charges where it is deemed necessary for the proper conduct of the business of the Bureau. Adjustments shall be in the form of credits or additional charges to an active account. When the adjustment is a credit to a ratepayer who has no active account, a refund shall be issued if the ratepayer can be located.

When a billing error occurs, the Bureau may authorize an adjustment of the water service account to correct the error. Adjustments may not exceed a period of three years from the date the Bureau received notice of the error. Eligibility for an adjustment on an account shall end six months after the date a final bill was issued for that account.

If a current ratepayer was not billed because the Bureau was not notified of the ratepayer's responsibility for payment, the Bureau shall issue the bill from the date the ratepayer became responsible for the bill as described in Section 21.16.030 Billing Responsibility.

B. Water system ratepayers who receive a back billing or a delayed billing will be offered the opportunity to pay the balance due over a period of time based on current City collection policies.

C. The Portland Water Bureau may establish administrative rules with the Bureau of Environmental Services governing the adjustment, refund or waiver of user charges including but not limited to sanitary sewer and stormwater management services.

21.16.130 Adjustments on Account of Leaks.

(Amended by Ordinance Nos. 179978 and 182053, effective August 15, 2008.) The Portland Water Bureau may make adjustments to water use charges where a leak exists in the water system on the property side of the meter. Reasonable efforts must be made within 30 days after the leak was detected to locate the leak and initiate repairs and have repairs completed within 90 days of notification.

21.16.140 Authority to Estimate Bills.

(Amended by Ordinance No. 182053, effective August 15, 2008.) When a meter fails to register accurately, the Portland Water Bureau shall charge for water based on the historic usage of water at the premises. Estimated bills may also be issued if a meter reading cannot be recorded because the meter is inaccessible due to, but not limited to, inclement weather; overgrowth or other obstruction; failure to locate; or illegal usage bypasses the meter. Adjustments to the estimated bill shall be made consistent with the provisions of Section 21.16.120 "Collections, Adjustments and Refunds."

21.16.150 Testing Meters.

(Amended by Ordinance Nos. 182053 and 189256, effective December 21, 2018.) When any water ratepayer makes a complaint that the bill for any particular billing period is excessive, the Portland Water Bureau will, upon request, reread the meter and inspect the service for leaks. Should the ratepayer then desire that the meter be tested, the ratepayer shall make a deposit as prescribed in the annual water rate ordinance to cover the cost of making the test. If the tested meter is found to register 3% or more higher than the actual water flow through the meter, the deposit will be refunded and the Bureau shall estimate the excess consumption and make an adjustment in the form of a credit on the bill immediately preceding and/or the current bill. In such instances the Bureau shall repair or

replace the meter. If the tested meter is found to read within 3 % of the actual water flow through the meter, the Bureau will keep the deposit to cover the expense of the test.

21.16.160 Service Installation Fees.

(Amended by Ordinance No. 189256, effective December 21, 2018.) The fees for installing and/or activating water service up to and including 1-inch in size shall be as provided in the annual water rate ordinance and shall be paid prior to service installation.

The fees for installing services greater than 1-inch shall be based on the Bureau's costs plus overhead, as provided in the finance regulations, Title 5 of the Code of the City of Portland. The applicant may choose to pay either a set price based on the Bureau's estimate or the actual cost of the installation. If the applicant accepts the Bureau's estimate as the set price these costs must be paid before the Bureau will perform the work. After a set price has been established, the Bureau will not refund or adjust installation charges unless changes in installation or location are requested by the applicant.

If the applicant chooses to pay the actual costs plus overhead, the applicant shall submit a deposit equal to the estimated cost before the Bureau will begin the work. When the estimated cost differs from the actual for labor, materials, and overhead the deficit shall be charged to the applicant or any excess payment shall be returned to the applicant.

In addition to the service installation fees, an applicant for new service must pay the System Development Charge, as described in Section 21.16.170 "System Development Charge" and as set in the annual water rate ordinance. If the service branch has been installed by a developer as allowed in Section 21.12.110 "Installation of Service Pipes from the Main to the Property Line," the applicant will be charged for only the applicable system development charge and any charge for service activation as set in the annual water rate ordinance.

21.16.170 System Development Charge.

(Amended by Ordinance Nos. 182053, 183448, 189050 and 189323, effective December 19, 2018.) An applicant for a new water service connection or increase in the size of an old connection within the City limits shall pay a system development charge. The System Development Charge will be based upon calculations provided for in the annual water rate ordinance. New Water Service Connections solely for fire protection purposes and affordable housing pursuant to Section 30.01.095, shall be exempt from payment of the System Development Charge. A System Development Charge shall not be assessed for a temporary service (see Section 21.12.090 "Permit for Temporary Service") or for mass shelters, short-term housing, and certain accessory dwelling units (See City Code Section 17.14.070).

21.16.180 Water Connection Assistance.

(Replaced by Ordinance No. 181715; amended by Ordinance No. 183447, effective July 1, 2010.) The City may provide water connection assistance to eligible property owners based on criteria established each year by City Council in the Annual Rate Ordinance. The Administrator may adopt administrative rules and procedures necessary to implement the water connection assistance criteria described in the Annual Rate Ordinance.

The City may grant payment deferrals and loans to property owners to finance City water system development charges, as provided in City Code Chapter 17.14 Financing Systems Development Charges. The Administrator may adopt administrative rules and procedures necessary to implement the deferred payment and loan programs.

21.16.190 Charges for Water Used through a Fire Protection Service.

(Amended by Ordinance No. 182053, effective August 15, 2008.) No charge shall be made for water used to extinguish a fire. Except as otherwise noted in this section, a property owner may use water from the City to test the fire protection system. Water used to pressure test a fire protection system will be registered on detector check metered firelines, or estimated on unmetered firelines. Flow testing a fire protection system requires that the Bureau install a metering device on the service to register the water used.

Water used for testing a service for fire protection shall be charged at the commodity rates prescribed in the Water Rate Ordinance, as annually adopted by the City Council. Sewer charges will normally not be assessed for water used to test a fire protection system. Testing that results in a volume of water that is determined to have a measurable impact on the sewer system may subject that service to a sewer charge.

Testing of a fire service may not be conducted in a manner that will degrade the public water system. Flow testing through a fire service shall not reduce the pressure in the main less than 50% of maximum static pressure and shall in no case reduce the pressure below 30 lbs per sq. in. In this regard, prior to testing large flows, the individual conducting the test shall consult with the Bureau to determine limits of flow and to develop methods that may mitigate any detrimental effects on the public water system. Repeated testing of a fire service that violates a Bureau-approved testing program or affects the average daily water system conditions by more than allowable will result in a reclassification of the type of service and the collection of a System Development Charge.

21.16.200 Charges for Unauthorized Use of Fire Protection Service.

(Amended by Ordinance No. 182053, effective August 15, 2008.) A fire service is to be used to extinguish a fire, and is specifically not to be used for domestic, maintenance, or irrigation purposes. (See Section 21.12.220 “Fire Protection Service.")

There are progressively increasing charges for unauthorized use of water supplied through firelines. There is a commodity charge of three times the normal rate for water for the first unauthorized use, and ten times the normal rate for all later unauthorized uses. If unauthorized use continues, the Bureau shall install a full-flow meter and bill the property owner for the full costs of the meter as well as System Development Charges. These policies and procedures are further detailed in the annual water rate ordinance.

21.16.210 Billing and Collection of Sewer User Charges.

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

21.16.220 Billing and Collection for Others by Contract.

The Bureau may bill and collect for user fees and services provided by other public and private entities as established by contracts approved by City Council. All revenue collected for other entities will be deposited in separate accounts.

CHAPTER 21.20 - TURNING ON OR SHUTTING OFF

Sections:

21.20.010 Application To Turn On Water.

Applications to turn on water must be signed by the owner and agent of the property involved and must be filed with the Bureau before they become effective.

21.20.020 Temporary Shut Off.

(Amended by Ordinance Nos. 179978, 180917 and 182053, effective August 15, 2008.) An owner or tenant may request by telephone, in writing, or in person that the Bureau temporarily discontinue water service. Fire protection service may only be discontinued upon written request of the owner and approved by Portland Fire & Rescue. Base charges will continue during temporary shut off.

21.20.030 Unlawful To Turn On Water Without Authority.

It is unlawful to use or permit use of City water through a service that has been shut off. Should the water be turned on without authority from the Bureau, the Bureau may stop water service either by shutting off the water at the main, by removing the meter, or by any other appropriate method.

The charge for removing the meter and the charge for replacing the meter shall be in accordance with the annual water rate ordinance. The charge for stopping water service by any other method and the charge for subsequent restoring of the water service, shall be as provided in the Title of the City Code which addresses finance regulations. All such charges shall be charged to the user and when the delinquent user occupies the premises, water shall not again be furnished to the premises until the charges are paid.

21.20.040 Charges for Service Pipes Connected Without Permit.

When premises or additional premises are connected without the application prescribed in Section 21.20.010 “Application to Turn On Water." the premises may be charged as prescribed in the annual schedule of water rates and the service may be shut off by order of the Administrator. In case water shall be turned off as provided in this Section, the same shall not be turned on again until all rates and charges against the premises have been paid in full.

21.20.050 Authority To Shut Off Service.

(Amended by Ordinance No. 182053, effective August 15, 2008.) The Bureau reserves the right at any time, without notice, to shut off the water supply for repairs, extensions or any other reason. The Bureau shall not be responsible for any damage, such as the bursting of

boilers, the breaking of any pipes or fixtures, stoppage, or interruption of water supply, or any other damage resulting from the shutting off of the water.

CHAPTER 21.24 - RULES AND REGULATIONS

Sections:

21.24.010 Animals Prohibited on Watershed or City Property.

(Repealed by Ordinance No. 183540, effective March 12, 2010.)

21.24.020 Fire Hydrants.

(Amended by Ordinance Nos. 180917, 181715 and 189256, effective December 21, 2018.)
It is unlawful for any person to operate, alter, change, remove, disconnect, connect with, or interfere in any manner with any fire hydrant owned or used by the City without first obtaining written permission from the Portland Water Bureau. Penalties for unauthorized use of a fire hydrant are set in the annual water rate ordinance. The provisions of this Section shall not apply to Portland Fire & Rescue of the City.

Public fire hydrants are available for use of the Fire Department in the suppression of fire within the City. No other use of public hydrants shall be allowed except as provided in this Section and in Section 21.12.090 “Permit for Temporary Service," and 21.12.100 “Annual Fire Hydrant Permit.” The Portland Water Bureau may permit short-term use of specified hydrants for activities such as tree spraying, street cleaning, ditch settling, building demolition, and related uses at the discretion of the Administrator, however, in each instance, a permit is required. A Temporary Permit may be issued by the Portland Water Bureau for a period not to exceed 90 days, and an Annual Permit shall be issued for one year. Upon application the permittee must present a Chapman type (slow closing) gate valve to the Portland Water Bureau to be tagged with a valid permit listing applicant's name, expiration date, and authorized locations. The permittee shall be responsible for compliance with all city, state, and federal rules, regulations, and guidelines regarding the proper use and disposal of water. Rates and charges for usage will be specified in the annual water rate ordinance. Backflow protection shall be required on all potential hazards to the public water supply as determined by the Administrator or Chief Engineer.

All fire hydrants connected to the Portland Water Bureau's water system within the City and within the public right-of-way or an approved easement are the responsibility of the Portland Water Bureau for installation and maintenance. Any hydrant connected to the system outside the City must be installed at the petitioner's expense, but shall be maintained by the Portland Water Bureau. The petitioner shall be required to pay all expenses for additional hydrant installations to meet requirements of Portland Fire & Rescue and in all instances the Chief Engineer shall have final review and approval authority.

The Portland Water Bureau may elect to allow a contractor to install to Portland Water Bureau standards, fire hydrants as part of the contractor's Subdivision under Section 21.08.020 "Distribution Main Extensions Inside the City." The developer must install these hydrants at their own expense and transfer ownership to the Portland Water Bureau at such time as the main and appurtenances are accepted by the Portland Water Bureau to become part of the City system.

21.24.030 Water for Naval Vessels in Harbor.

(Amended by Ordinance No. 180120, effective June 9, 2006.) The Bureau is authorized to furnish water to any visiting naval war vessel of the United States or to any visiting naval war vessel of any foreign country entering the harbor in the City, without payment. All such connections shall require an approved backflow prevention assembly.

21.24.040 Access to Premises for Inspection.

To the full extent permitted by law, employees of the Bureau shall have free access, at proper hours of the day, to all parts of buildings and premises for the purpose of inspecting the condition of the water pipes and plumbing fixtures to determine whether cross-connections or other structural or sanitary hazards exist, and the manner in which the water is being used. Whenever the owner of any premise supplied by the Bureau restrains authorized City employees from making such necessary inspections or refuses access therefor, water service may be refused or discontinued.

21.24.050 Unlawful to Damage, Alter, or Tamper with Water Property.

It is unlawful for any person, without authority from the Bureau, to willfully damage, connect to, operate, alter, or otherwise tamper with any City water main, service, meter, meter box, hydrant, valve, or any other facility owned or operated by the Bureau.

21.24.060 Emergency Loan of Materials.

The Administrator may approve emergency loan of operating materials and equipment on a temporary basis to other governmental agencies, including water districts and municipalities, at their expense upon their written request, if such loan does not adversely affect the operation of the Bureau.

21.24.070 Impairment of Service to Other Properties.

(Amended by Ordinance Nos. 182053 and 189256, effective December 21, 2018.) Where the use of water is intermittent or where such use produces extreme volume or fluctuations that may impair service to other properties, the Portland Water Bureau may require a property owner or their agent to provide, at the property owner's expense, suitable equipment to reasonably limit fluctuations in use and pressures.

21.24.080 Administrative Rules, Procedures and Forms.

(Added by Ordinance No. 181715, effective April 2, 2008.)

CHAPTER 21.36 - BULL RUN WATERSHED PROTECTION

(Chapter added by Ordinance No. 183540, effective March 12, 2010.)

Sections:

21.36.010 Designation of Bull Run Watershed Closure Area.

(Amended by Ordinance No. 186839, effective November 7, 2014.) Pursuant to authority granted by ORS 448.295 to ORS 448.325 and the Portland City Charter, there is hereby designated a Bull Run Watershed Closure Area (Closure Area) within which the limitations and restrictions of this Chapter 21.36 of the Portland City Code shall apply. The Closure Area shall consist of all land, by whomever owned, within the Closure Area boundaries outlined on a map dated October 2014, entitled "Portland City Code Chapter 21.36, Bull Run Watershed Closure Area" and attached to Ordinance No. 186839 as Exhibit B. The map has been created, shall be maintained, and shall be made available for public review by the Water Bureau.

21.36.020 Prohibition of Entry Without Permit.

(Amended by Ordinance No. 186839, effective November 7, 2014.)

A. Except for authorized employees of the U.S. Forest Service, Bureau of Land Management and Portland Water Bureau or as provided in Subsection B below, it is unlawful for any person to enter into or be upon land within the Closure Area without a valid entry permit issued by the U.S. Forest Service, Bureau of Land Management or the Portland Water Bureau. The Water Bureau shall post suitable signs of this limitation at all points of road entry into the Closure Area and at such other locations along the boundary of the Closure Area as it deems advisable.

B. Entry permits are not required:

1. To hike on the Pacific Crest National Scenic Trail #2000 and the Huckleberry Trail #617;

2. For law enforcement or emergency response personnel on official business; or

3. For persons accompanied by authorized employees of the U.S. Forest Service, Bureau of Land Management or Portland Water Bureau.

C. The Water Bureau Administrator shall designate those Water Bureau employees who are authorized to enter the Closure Area and those employees who are authorized to issue entry permits.

21.36.030 Prohibited Actions Within the Bull Run Watershed Closure Area.
(Amended by Ordinance No. 186839, effective November 7, 2014.)

A. Except to hike on the Pacific Crest National Scenic Trail #2000 and the Huckleberry Trail #617, it is unlawful to engage in any activities in the Closure Area that are not authorized by:

1. An entry permit or;

2. An employee of the U.S. Forest Service, Bureau of Land Management, or Portland Water Bureau authorized to issue permits or to be in the Closure Area.

B. It is unlawful for any person to permit domestic animals to run at large within the Closure Area.

21.36.040 Enforcement.
(Amended by Ordinance Nos. 186839 and 189256, effective December 21, 2018.)

A. Violation of Sections 21.36.020 or 21.36.030 on land owned by the federal government within the Closure Area is punishable upon conviction by a fine or imprisonment as a Class C Misdemeanor pursuant to ORS 161.615 and 161.635 in accordance with ORS 448.305(3). Each unlawful act is chargeable as a separate violation for each occurrence. (Entry into federal land within the Closure Area is also a violation of 18 USC §1863, which carries punishments of imprisonment up to 6 months and fines up to $5,000.)

B. Violation of Sections 21.36.020 or 21.36.030 on land owned by the City lying within the Closure Area is punishable upon conviction by a fine or imprisonment as a Class C Misdemeanor pursuant to ORS 161.615 and 161.635 in accordance with ORS 448.305(3). Each unlawful act is chargeable as a separate violation for each occurrence.

C. The Administrator of the Portland Water Bureau may appoint Water Bureau employees as Closure Area enforcement officers as provided for in ORS 448.315 to enforce Code Sections 21.36.020 and 21.36.030. Prior to assuming duties, each employee designated as a Closure Area enforcement officer shall take an oath of office specified by the Administrator. While on duty, the employees authorized to enforce this Code shall wear in plain sight a badge as required by ORS 448.315. Appointment by the Administrator as a Closure Area enforcement officer shall also make the employee appointed a "person in charge" of City property within the

Closure Area for purposes of Code Section 5.36.115 and grant the employee authority to order persons to leave City property.

D. Closure Area enforcement officers shall have authority to order persons to leave the Closure Area and to issue citations for violation of this Code.

E. The Circuit Court of Multnomah County, Clackamas County and Hood River County shall have jurisdiction to try and determine any prosecution brought under this Code for violations occurring within the respective boundaries of those counties.

F. The Administrator may also pursue enforcement of any violation of Sections 21.36.020 or 21.36.030 pursuant to Section 21.24.090.

21.36.050 Bull Run Watershed Protection Policy.

A. In General. The primary purpose of City management of City lands and facilities within the Closure Area shall be the continued production of pure, clear, raw, potable water for municipal purposes. Subject to the limitations of Subsection 21.36.050 B, management for other purposes and objectives, such as generation of hydroelectric power, transmission of electric energy or telecommunications, protection of environmental quality and wildlife habitat, conservation education, and scientific inquiry, is allowed, only if such management is consistent with the accomplishment of the primary management purpose, consistent with the special forest protection standards of adjacent federal lands found in the federal Bull Run Management Act, P.L. 95-200, as amended, and performed in compliance with obligations imposed by federal, state, and local law.

B. Specific Land Use Limitations. City lands in the Closure Area shall not be developed or used for recreational purposes. Except as necessary for protection, enhancement, operation or maintenance of the water supply system and facilities for electric power generation and transmission, City lands shall not be developed or used for residential, industrial or commercial purposes.

C. Tree Cutting Limitation. Tree cutting or removal, including salvage, shall not occur on City lands within the Closure Area except for the following purposes:

1. For the protection or enhancement of water quality; or

2. For the protection, enhancement, or maintenance of water quantity for City use; or

3. For the construction, expansion, protection or maintenance of municipal water supply facilities; or

4. For the construction, expansion, protection or maintenance of facilities for the transmission of energy through and over the unit or of hydroelectric facilities or hydroelectric projects associated with municipal water supply facilities.

D. Ownership of Bull Run Land and Infrastructure. City land and infrastructure within the Bull Run Watershed Closure Area that is integral to the delivery of municipal water shall not be transferred to any private entity. City land and infrastructure within the Bull Run Watershed Closure Area that is integral to the delivery of municipal water shall not be transferred to any public entity unless the transfer is approved by ordinance passed by City Council.

E. Public Notice of Bull Run Watershed Activities

1. Each quarter the Water Bureau shall update as necessary and make publicly available a list of ongoing, routine activities conducted or permitted by the Water Bureau involving the presence of persons in the Closure Area. A non-exclusive exemplary list of such activities includes activities to divert, test, and protect water for municipal supply and for hydroelectric power generation, construction and maintenance of facilities, including roads and trails, educational or management tours, and data collection for regulatory or management purposes. At a minimum, the Bureau shall post the list of routine activities on its government web site, along with a contact number or email address by which citizens can obtain additional information on listed activities.

2. Each quarter during the fiscal year, the Water Bureau shall update as necessary and make publicly available a list of:

a. All Water Bureau capital projects within the Closure Area that are in the planning or design stage or whose construction has already commenced;

b. All non-routine City activities or activities permitted by the City that involve or will involve the presence of persons in the Closure Area and which are in the planning or design stage or which have already commenced.

3. At a minimum, the Bureau shall post the list of projects and activities described in Subsection 21.36.050 E.1. and Subsections 21.36.050 E.2.a. and b. on its government web site, along with a contact number or email address by which citizens can obtain additional information on listed projects.

TITLE 22 - HEARINGS OFFICER

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TITLE 22 - HEARINGS OFFICER

(Title replaced by Ordinance No. 165704, effective September 1, 1992.)

CHAPTER 22.01 - PURPOSE

Section:

22.01.010 Purpose.

The purpose of this Title is to provide for the prompt, effective, and efficient enforcement of the Portland City Code so as to carry out the policies of the City of Portland as they are embodied elsewhere in this Code; to provide a fast, fair, and impartial adjudication of the alleged City Code violations; and to provide persons adversely effected by administrative determinations and decisions with an effective and, impartial appeal and review of the legality and appropriateness of the determination.

CHAPTER 22.02 - CODE HEARINGS OFFICER

Sections:

22.02.010 Established.

The office of Code Hearings Officer is hereby created. The Code Hearings Officer shall act on behalf of the Council in considering and applying regulatory enactments and policies pertaining to the matters set forth in other sections of this Title. The Code Hearings Officer shall be appointed in conformance with the Civil Service rules of the City.

22.02.020 Jurisdiction.

The Code Hearings Officer shall have jurisdiction over all cases submitted in accordance with the procedures and under the conditions set forth in this Code.

22.02.030 Definitions.

A. **"Code Hearings Officer"** means the Code Hearings Officer appointed pursuant to 22.02.010 and any other person designated and appointed by the Code Hearings Officer to act as Code Hearings Officer in a particular proceeding or group of proceedings.

B. **"Party"** means:

1. The City of Portland.

2. Any person named by the City as a respondent in the complaint.

3. Any person requesting and entitled to an appeal hearing pursuant to Chapter 22.10.

4. Any person requesting to participate at the hearing as a party or a limited party which the Code Hearings Officer determines has an interest in the result of the proceeding or represents a public interest in such result.

C. **"Respondent"** means the party or parties who the City alleges, in the complaint, to have committed a violation of City Code or to be responsible for such violation.

22.02.040 Enforcement.

(Added by Ordinance No. 170048, effective May 1, 1996.)

A. The City may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any order of the Code Hearings Officer, including, but not limited to, a suit or action to obtain judgment for any civil penalty imposed by an order of the Code Hearings Officer pursuant to Section 22.05.010 A.5. and/or any assessment for costs or penalties imposed pursuant to Section 22.06.010 C.

B. Unless authorized by the Code Hearing Officer, it is unlawful for any person to knowingly enter or remain in any building or structure that the Code Hearings Officer has ordered vacated pursuant to PCC 22.05.010 C.2. In addition to any civil penalties imposed pursuant to PCC 22.05.010 A.5., any person knowingly entering or remaining in such building or structure shall upon conviction be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or both.

CHAPTER 22.03 - CODE ENFORCEMENT PROCEDURES

Sections:

22.03.010 Authority of the Code Hearings Officer to Adopt Rules, Procedures, and Forms.

A. In addition to any procedure set forth elsewhere in this Code, Code enforcement proceedings before the Code Hearings Officer shall be conducted in accordance with the procedure set forth in this Chapter. The Code Hearings Officer may promulgate rules and regulations, not inconsistent with this Chapter, concerning procedure and the conduct of hearings.

B. The Code Hearings Officer is authorized to adopt rules, procedures, and forms to implement the provisions of Title 22.

C. Adoption of Rules.

1. The Code Hearings Officer may adopt rules pertaining to matters within the scope of Title 22.

2. Prior to the adoption of any rule by the Code Hearings Officer, reasonable public notice of the proposed rules shall be given not less than 30 days prior to the adoption of such rules. Such notice shall include a brief description of the proposed rules, the location at which copies of the full text of the proposed rules may be obtained, and the method of submitting written testimony or comment regarding the proposed rules.

3. Prior to adopting the rules, the Code Hearings Officer shall review and consider all written testimony and comments received and may adopt the

proposed rules, or modify or reject them. if a substantial modification of the proposed rules is made, no additional public notice need be given, but notice of the proposed modifications shall be given to all persons submitting written testimony or comments and all other persons requesting such notification, and a reasonable opportunity for additional written testimony and comment shall be provided.

4. Unless otherwise stated, all rules shall be effective upon adoption by the Code Hearings Officer and shall be filed with the Auditor's Office. Copies of all current rules shall be made available to the public upon request. If any person feels aggrieved by any such rule, he or she may appeal to the Council for its amendment or repeal by filing with the Auditor a petition which shall be presented to the Council at its next regular meeting. But until amended or repealed by the Council, such rule shall be in full force and effect.

5. Notwithstanding subsections 2 and 3 of this section, the Code Hearings officer may adopt interim rules without prior notice upon a finding that failure to act promptly will result in prejudice to the public interest or to the interest of affected parties.

Any rule adopted pursuant to this subsection shall be effective for a period of not more than 180 days.

22.03.020 Initiation of Proceeding.

(Amended by Ordinance No. 174444, effective May 18, 2000.)

A. A proceeding before the Code Hearings Officer may be initiated only as specifically authorized elsewhere in the Code.

B. Except as provided in Sections 22.10.030 and 22.20.010 of this Title, a proceeding before the Code Hearings Officer shall be initiated only by the City filing a complaint with the Office of the Code Hearings Officer on forms provided by that Office. The complaint shall contain:

1. The name(s) of the respondent(s).

2. The address or location at which the violation is alleged to have occurred.

3. A short and plain statement of the alleged violations, including a reference to the particular statutes, rules, or regulations involved.

4. The nature of the relief sought by the City.

5. The City bureau(s) initiating the proceeding and the name, title, and signature of the person initiating the proceeding on behalf of the City.

6. Such other information as the Hearings Officer may require.

22.03.025 Setting of Hearings.

A. Upon filing of a complaint, the Code Hearings Officer shall specify a time, date, and place for a public hearing on the complaint and the matters alleged therein.

B. The date set for hearing shall be not less than 14 days nor more than 30 days after the date the complaint is filed, except that the Code Hearings Officer may specify a date for hearing less than 14 days after the complaint is filed where it appears that the alleged violation poses an immediate and serious hazard to the public health, safety, or welfare or to the life, health, safety, welfare, or property of any person.

C. The Code Hearings Officer may postpone, continue, set over, or reschedule any hearing with the consent of all parties or on the motion of any party for good cause shown.

22.03.030 Notice of Hearing.

A. The City shall give notice of the hearing, together with a copy of the complaint, to the respondent(s) and all other parties not less than five calendar days prior to the date set for hearing except that the Code Hearings Officer may set a shorter period when it appears that the alleged violation poses an immediate and serious hazard to the public health, safety, or welfare or the life, health, safety, welfare, or property of any person.

B. The notice of hearing shall specify the time, date, and place set for the hearing.

C. Notice may be given by any method or combination of methods which, under the circumstances, is reasonably likely to apprise the parties of the hearing. Notice may be given by:

1. Personally delivering the notice to the party(ies), or

2. Mailing the notice by United States mail, postage prepaid, and addressed to the residence or business address of the party(ies), or

3. Any method authorized by the Oregon Rules of Civil Procedure for the service of summons, or

4. Any other method authorized by the hearings officer, by rule or otherwise. If notice is given by mail, such notice shall be deemed given and received three days (Sundays and holidays not included) after the notice is deposited in the United States mail.

D. Notice of the hearing and a copy of the complaint shall also be given to:

1. The tenants, residents, and lessees of any building, property, or structure if the City has requested in the complaint the vacation, closure, or demolition of the building, property, or structure or if the Code Hearings Officer determines that such vacation, closure, or demolition is a reasonably possible outcome of the proceeding.

2. Any other person who reasonably appears to have an interest in the property involved or who reasonably appears may be adversely affected by any determination, decision, or order of the Code Hearings Officer.

3. Any person who has requested such notification. The Code Hearings Officer may provide by rule, as provided by Section 22.03.010, for the manner and means of giving notice to such persons in a manner reasonably calculated to provide such persons with actual notice of the proceedings.

E. The failure of any person to receive actual notice of the proceeding shall not invalidate the hearing or any determination, decision, or order of the Code Hearings Officer.

22.03.040 Notice; Rights; Procedure.

A. Prior to the commencement of a contested hearing, the Code Hearings Officer shall inform each party to the hearing of the following matters:

1. A general description of the hearing procedure including the order of presentation of evidence, what kinds of evidence are admissible, whether objections any be made to the introduction of evidence and what kind of objections may be made, and an explanation of the burdens of proof or burdens going forward with the evidence.

2. That a record will be made of the proceedings and the manner of making the record and its availability to the parties.

3. The function of the record-making with respect to the perpetuation of the testimony and evidence and with respect to any appeal from the determination or order of the Code Hearings Officer.

4. Whether an Attorney will represent the City in the matters to be heard and whether the parties ordinarily and customarily are represented by an Attorney.

5. The Title and function of the Code Hearings Officer, including the effect and authority of the Code Hearings Officers determination.

6. In the event a party is not represented by an Attorney, whether the party may, during the course of proceedings, request a recess if at that point the

party determines that representation by an Attorney is necessary to the protection of the party's rights.

7. Whether there exists an opportunity for an adjournment at the end of the party then determines that additional evidence should be brought to the attention of the Code Hearings Officer and the hearing is reopened.

8. Whether there exists an opportunity after the hearing and prior to the final determination or order of the Code Hearings Officer to review and object to any proposed findings of fact, conclusions of law, summary of evidence, or order of the Code Hearings Officer.

9. A description of the appeal or judicial review process from the determination or order of the Code Hearings Officer.

B. The information required to be given to a party to a hearing under Subsection (a) of this Section may be given in writing or orally before commencement of the hearing.

C. The failure to give notice of any item specified in Subsection (a) of this Section shall not invalidate any determination or order of the Code Hearings Officer unless on appeal from or review of the determination or order a court finds that the failure affects the substantive rights of the complaining party. In the event of such a finding, the court shall remand the matter to the Code Hearings Officer for a reopening of the hearing and shall direct the Code Hearings Officer as to what steps shall be taken to remedy the prejudice to the rights of the complaining party.

22.03.050 Hearings Procedure.

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

A. Unless precluded by law, informal disposition of any proceeding may be made, with or without a hearing by stipulation, consent order, agreed settlement, or default. However, after issuance of notice of hearing, no building occupied as a residential structure may be vacated based on an informal disposition unless approved by the Code Hearings Officer.

B. Parties may elect to be represented by counsel and to respond to and present evidence and argument on all issues involved.

C. An order adverse to a party may be issued upon default only upon a prima facie case made on the record before the Code Hearings Officer.

D. Testimony shall be taken upon oath or affirmation of the witness from whom received. The Code Hearings Officer may administer oaths or affirmations to witnesses.

E. The Code Hearings Officer shall place on the record a statement of the substance of any written or oral ex parte communications made to the Code Hearings Officer on a fact in issue during the pendency of the proceedings. The Code Hearings Officer shall notify the parties of the communication and of their right to rebut such communications.

F. The record in a proceeding before the Code Hearings Officer shall include:

1. All pleadings, motions, and intermediate rulings;

2. Evidence received or considered;

3. Stipulations;

4. A statement of matters officially noticed;

5. Questions and offers of proof, objections, and rulings thereon;

6. A statement of any ex parte communications on a fact in issue made to the Code Hearings Officer during the pendency of the proceedings;

7. Proposed findings and exceptions; and

8. Any proposed, intermediate, or final order prepared by the Code Hearings Officer.

G. A verbatim, written, mechanical, or electronic record shall be made on all motions, rulings, and testimony. The record shall be transcribed for the purposes of court review pursuant to Section 22.04.010 unless the parties to such review waive the transcript. If the City prevails on such review, the reasonable costs of preparing the transcript, including such costs as are specified in Section 5.48.030 of this Code, shall be allowed as a part of the City's costs in such action. However, upon petition, a court having jurisdiction to review may reduce or eliminate the charge upon finding that it is equitable to do so, or that matters of general interest would be determined by review of the order of the Code Hearings Officer.

22.03.060 Depositions or Subpoena of Material Witness; Discovery.

A. On petition of any party, the Code Hearings Officer may order that the testimony of any material witness be taken by deposition in the manner prescribed by law for depositions in civil actions. Depositions may also be taken via audio or audio-visual recordings. The petition shall set forth the name and address of the witness whose testimony is desired, a showing of the materiality of the witness' testimony, and a request for an order that the testimony of such witness be taken before an officer named in the petition for that purpose. If the witness resides in

this State and is unwilling to appear, the Code Hearings Officer may issue a subpoena as provided to require his appearance before such officer.

B. The Code Hearings Officer may, by rule, prescribe other methods of discovery which may be used in proceedings before the Hearings Officer.

22.03.070 Subpoenas.

A. The Code Hearings Officer shall issue subpoenas to any party upon showing of general relevance and reasonable scope of the evidence sought. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the City, shall receive fees and mileage as prescribed by law for witnesses in civil actions.

B. If any person fails to comply with any subpoena so issued or any party or witness refuses to testify on any matters on which he may be lawfully interrogated, the judge of the Circuit Court of any county, on the application of the Code Hearings Officer, or of a designated representative of the Code Hearings Officer or of the party requesting the issuance of the subpoena, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of subpoena issued from such court or a refusal to testify therein.

22.03.075 Discovery of Documents and Things

A. On petition of any party and a showing of the general relevance of the documents or things sought, the Code Hearings Officer may enter an order directing any party to produce and make available to the petitioning party to inspect and copy any documents or to inspect and copy, test, or sample any things which are in the possession of a party.

B. The order directing a party to produce and make available documents or things may require the petitioning party to pay the party producing documents and things that party's reasonable costs associated with such production.

C. The Code Hearings Officer shall not enter an order requiring a party to produce any document or thing which is privileged under the rules of privilege recognized by law or which is exempt from disclosure under the Oregon Public Records Law.

22.03.080 Evidence.

A. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Erroneous rulings on evidence shall not preclude action by he Code Hearings Officer on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. The Code Hearings Officer

shall give effect to the rules of privilege recognized by law. Objections to evidence may be received in written form.

B. All evidence shall be offered and made a part of the record in the case, and except for matters stipulated to and except as provided in Subsection D of this Section, no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies of excerpts, or by incorporation by reference. The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position.

C. Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence.

D. The Code Hearings Officer may take notice of judicially recognizable facts, and the Code hearings Officer may take official notice of general, technical, or scientific facts within the specialized knowledge of City employees. Parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of material officially noticed and they shall be afforded an opportunity to contest the facts so noticed.

E. No sanction shall be imposed or order be issued except upon consideration of the whole record as supported by, and in accordance with reliable, probative, and substantial evidence.

22.03.090 Continuance of Tenancy.

After issuance of a notice of hearing, and until such time as the Code Hearings Officer issues his final decision, neither the respondent(s) nor the bureau initiating the hearing shall take any action that results in the vacation of a building used for residential occupancy without the permission of the Code Hearings Officer, except that in cases where buildings are found to be imminently hazardous, the building official or Chief Fire Marshal may order the building vacated if no other means are available to eliminate the imminent hazard.

22.03.100 Proposed and Final Orders.

The Code Hearings Officer shall prepare and mail to all parties, a proposed order including findings of fact and conclusions of law. The proposed order shall become final on the date specified in the order, which date shall not be less than 14 days after such mailing, unless the Code Hearings Officer finds that an existing violation is imminently dangerous to the health, safety, or property of any person or of the public, in which case the order may specify an earlier date.

22.03.110 Orders.

A. Every order adverse to a party to the proceeding shall be in writing or stated in the record and may be accompanied by an opinion.

B. Unless otherwise stipulated, a final order shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the Code Hearings Officer's order. The findings of fact and conclusions of law may be orally stated on the record by the Code Hearings Officer and those findings and conclusions incorporated in the written order by reference.

C. The Code Hearings Officer shall notify the parties to a proceeding of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to each party or, if applicable, the party's attorney of record.

D. Every final order shall include a citation of the ordinances under which the order may be appealed or judicially reviewed.

22.03.115 Petitions For Reconsideration, Rehearing.

A. A party may file a petition for reconsideration or rehearing on a final order with the Code Hearings Officer within 30 days after the order is mailed.

B. The petition shall set forth the specific ground or grounds for requesting the reconsideration or rehearing. The petition may be supported by written argument.

C. The Code Hearings Officer may grant a request for reconsideration if good and sufficient reason therefor appears. If the petition is granted, an amended order shall be issued.

D. The Code Hearing Officer may grant a rehearing petition if good and sufficient reason therefor appears. The rehearing may be limited by the Code Hearings Officer to specific matters. If a rehearing is held, an amended order may be issued.

E. The Code Hearings Officer, at any time, and upon a showing of due diligence, may set aside, modify, vacate, or stay any final order, or re-open any proceeding for additional hearing when necessary to prevent a clear and manifest injustice to a party or other person adversely affected by such order.

CHAPTER 22.04 - JUDICIAL REVIEW

Section:

22.04.010 Judicial Review.

Review of the final order of a Code Hearings Officer under this Title by any aggrieved party, including the City of Portland, shall be by writ of review to the Circuit Court of Multnomah County, Oregon, as provided in ORS 34.010-34.100.

22.04.020 Appeals to Council.

(Amended by Ordinance No. 158042; repealed by Ordinance No. 158583, effective June 4, 1986.)

CHAPTER 22.05 - POWERS

Section:

22.05.010 Order to Comply; Abatement, and Repair.

(Amended by Ordinance Nos. 171455 and 176955, effective October 9, 2002.)

A. The Code Hearings Officer may order a party found in violation of the Code of the City of Portland or any applicable rule or regulation issued thereunder to comply with the provisions of the Code or the applicable rule or regulation within such time as the Code Hearings Officer may by order allow. The order may require such party to do any and all of the following.

1. Make any and all necessary repairs, modifications, and/or improvements to the structure, real property, or equipment involved;

2. Abate or remove any nuisance;

3. Change the use of the building, structure, or real property involved;

4. Install any equipment necessary to achieve compliance;

5. Pay to the City of Portland a civil penalty of up to $1,000 per day or such greater amount as may be authorized by this Code or any rules or regulations adopted thereunder.

6. Undertake any other action reasonably necessary to correct the violation or mitigate the effects thereof.

B. In the event any party fails to comply with any provision of an order of the Code Hearings Officer, except a provision requiring the payment of a civil penalty only, the Code Hearings Officer may authorize the City to undertake such actions as the Code Hearings Officer may determine are reasonably necessary to correct the violation and/or eliminate or mitigate the effects thereof. The City's reasonable costs of such actions may be made a lien against the affected real property pursuant to Chapter 22.06 of this Title.

C. Where the Code Hearings Officer finds that there is a violation of any of the provisions of Title 24, 25, 26, 27, 29, or 31, the Code Hearings Officer, in addition to the powers set out in Subsections A. and B. above, may:

1. Authorize the Bureau of Development Services to act pursuant to Chapter 29.40 of the Code of the City of Portland;

2. Provided notice has been given to tenants, residents, and lessees as required by Section 22.03.030 D, order a building or structure vacated or demolished when it reasonably appears that such measures are reasonably required to protect the health, safety, or property of the general public, the residents of the structure, or that of adjacent landowners and residents. Where vacation or demolition is ordered, the Code Hearings Officer may direct that the person found in violation of the Code undertake any and all interim measures as may be necessary;

3. Act as the Building Code Board of Appeals in a case already before him and which requires interpretation of Title 29 of this Code;

4. Require the party found in violation of this Code to prepare a cost estimate of the repairs made necessary to achieve compliance with the Code and the impact of these repairs will have on the cost of doing business and, if applicable, future rent levels. In assessing the cost estimate under this Subsection the Code Hearings Officer may require the person found in violation to contact public and private agencies, institutions, and other sources of property improvement funds to determine the availability of funds needed for repairs.

CHAPTER 22.06 - ASSESSMENTS

Section:

22.06.010 Assessments.

(Amended by Ordinance Nos. 171455 and 173369, effective May 12, 1999.)

A. Costs incurred by the City of Portland for any actions authorized by the Code Hearings Officer pursuant to Subsection 22.05.010 B and C and any civil penalty imposed as a result of an order of the Code Hearings Officer shall be an assessment lien upon the property subject to the order.

B. If a residential structure is ordered vacated pursuant to Sections 22.05.010 C. 2. or 29.60.070 of this Code and the City of Portland relocates the tenants of such property, then the cost incurred by the City for relocating the tenants as provided by ORS 90.450 shall be an assessment lien upon the property vacated and from which the tenants are relocated.

C. The bureau incurring such costs shall furnish a statement of such costs on the owner, in person or by United States Mail, postage prepaid and addressed to the owner(s) at the owner(s) residence or place of business, and shall file a copy of such statement for the Code Hearings Officer with proof of service attached. If no objection to such statement is filed with the Office of the Code Hearings Officer within 15 days from the date of service or mailing, the Code Hearings Officer shall certify such statement and forward the same to the Office of the City Auditor who shall forthwith enter the same in the City lien docket.

1. If an objection to the statement is received within the 15-day period, the Code Hearings Officer shall schedule and hold an appeal hearing pursuant to Chapter 22.10. After the hearing, the Code Hearing Officer shall certify such statement, or so much of it as he determines is correct and proper, and forward it to the Office of the City Auditor who shall enter it into the City lien docket.

2. The Code Hearings Officer shall certify to the Office of the City Auditor the amount of any civil penalty imposed under any order of the Code Hearings Officer, and the City Auditor shall enter it into the City lien docket. The lien imposed for the civil penalty shall be in addition to any lien imposed for costs actually incurred by the City.

3. The bureau incurring costs or providing services may file separate statements for the costs and services furnished as each is incurred or provided.

4. Liens imposed pursuant to this Title shall be collected in all respects as provided for in Section 5.30.025 Collection Process.

D. In addition to the lien imposed under this Section, any person found to be in violation of the Code of the City of Portland shall be personally liable for costs incurred by the City pursuant to Section 22.05.010 B and C and for any civil penalty imposed by order of the Code Hearings Officer. In cases of person found to be in violation of the Code of the City of Portland as owners of property, the persons shall be personally liable hereunder only if they have control of the property, the legal authority to correct the violation, and knowingly have committed the violation.

CHAPTER 22.10 - APPEALS TO THE CODE HEARINGS OFFICER

Sections:

22.10.010 Definitions.

(Amended by Ordinance No. 187151, effective September 1, 2015.) For the purpose of this Chapter:

A. **"City bureau"** means and includes any bureau, division, Board, Committee, officer, agent, or employee of the City of Portland.

B. **"Decision or determination"** means and includes any decision, determination, order, or other action of any City bureau. Decisions or determinations do not include any action, decision, determination, or order applying Title 33 or Chapter 16.30 of the Code.

22.10.020 Jurisdiction.

A. Whenever, pursuant to any portion of this Code, a person has the right of appeal to the Code Hearings Officer from any City bureau decision or determination, such appeal shall be in accordance with the procedures and under the conditions set forth in this Chapter.

B. No person shall have a right of appeal to the Code Hearings Officer unless the right of appeal is expressly provided for in this Code.

22.10.025 Notification of Right to Appeal; Enforcement; Remedies.

(Added by Ordinance No. 187151, effective September 1, 2015.)

A. City bureaus shall give notice of the right to appeal to the Code Hearings Officer in accordance with Section 3.130.020.

B. Where the Code, in accordance with Section 22.10.020, provides that an administrative appeal as defined in Section 3.130.010 is to be decided by the Code Hearings Officer, the Code Hearings Officer shall have the authority to enforce the requirements of Section 3.130.020 and may adopt evidentiary requirements by rule.

1. If, in deciding such an administrative appeal, the Code Hearings Officer finds that a City bureau has failed to provide notice in accordance with Section 3.130.020, the Code Hearings Officer may order a just and reasonable remedy related to the failure to provide notice, including remanding the administrative act that is the subject of the administrative appeal, reducing any fees and penalties associated with the administrative act, staying the effect of the administrative act pending the outcome of the administrative appeal, or invalidating the administrative act if failure to provide notice materially prejudiced the appellant. Nothing in this Subsection shall be construed to allow the Code Hearings Officer to award monetary damages to the appellant.

22.10.030 Initiation of Appeal.

(Amended by Ordinance No. 187151, effective September 1, 2015.)

A. Unless otherwise specified in this Code, a request for an appeal hearing shall be filed within 10 business days after the date of the decision or determination. The Code Hearings Officer may waive this requirement for good cause shown.

B. The request for an appeal hearing shall be filed directly with the Code Hearings Office. The request shall be in writing and shall contain:

1. a completed appeal form the Code Hearings Officer shall create by rule;

2. a copy of the decision or determination appealed from and a statement of grounds upon which it is contended that the decision or determination is invalid, unauthorized, or otherwise improper; and

3. any other information as the Code Hearings Officer may by rule require.

C. By presenting to the Code Hearings Officer an appeal or other paper – whether by signing, filing, submitting or later advocating it – a person or party certifies that to the best of the person's or party's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

1. the appeal or paper is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase costs;

2. the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

3. the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

4. the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or lack of information.

D. The Code Hearings Officer shall adopt by rule no more than a nominal filing fee for an appeal hearing. Except for Section 24.55.200 of Code, this fee supersedes and replaces all other fee schedules to bring an appeal before the Code Hearings Officer provided for elsewhere in this Code or administrative rule. Filing fees are nonrefundable, and are paid directly to the Code Hearings Office.

1. The Code Hearings Officer may waive the filing fee if the party seeking the waiver demonstrates an inability to pay due to financial hardship. The Code Hearings Officer shall adopt rules to implement the fee waiver application procedure.

22.10.040 Hearings.

A. Upon receipt of a request for hearing, the Code Hearings Officer shall schedule and hold an appeal hearing within 30 days after the receipt of such request.

B. Notice of the time, date, and place of hearing shall be given to the person requesting the hearing and to the City bureau whose decision or determination is being appealed. Notice shall also be given to any person who reasonably appears may be adversely affected should the decision or determination not be sustained after hearing. The Code Hearings Officer may provide by rule for the manner of providing notice to such persons.

C. The time for hearing may be extended by the Code Hearings Officer for good cause shown, upon such terms and conditions as the Code Hearings Officer shall deem just and appropriate.

22.10.050 Hearings Procedure.

(Amended by Ordinance No. 187151, effective September 1, 2015.)

A. Hearings shall be conducted in accordance with the procedures set forth in Sections 22.03.050 to 22.03.115 of this Title.

B. With the consent of all parties, the Code Hearings Officer may determine the matter without hearing upon the record.

C. The Code Hearings Officer may sustain, modify, reverse, or annul the decision or determination appealed from or the Code Hearings Officer may remand the decision or determination to the City bureau for such reconsideration, additional consideration, or further action as the Code Hearings Officer may direct.

1. Whenever a City decision or determination is sustained on appeal and it is for recovery of money or civil penalties, the Code Hearings Officer shall award postjudgment interest at the rate set by ORS 82.010(2), unless the rate is otherwise specified in this Code.

D. Upon motion of a party or upon the Code Hearings Officer's own motion, the Code Hearings Office may impose sanctions against a person or party who violates Subsection 22.10.030 C.

1. Upon a motion for sanctions, the Hearings Officer shall direct the person or party to appear before the Code Hearings Officer and show cause why sanctions should not be imposed.

2. The evidence that a person or party violated Subsection 22.10.030 C. must be clear and convincing to authorize the imposition of sanctions.

3. Sanctions under this Section may include amounts sufficient to reimburse the City bureau for costs and other expenses incurred by reason of the Subsection 22.10.030 C. violation, prejudgment interest at the rate set by ORS 82.010(2) unless the rate is otherwise specified in this Code, and a civil penalty not to exceed $10,000 sufficient to deter repetition of the violation or comparable violations by others similarly situated.

4. An order imposing sanctions under this Section must describe the sanctioned conduct, explain the basis of the sanction, and state the amount of the sanction.

E. The decision or determination appealed from shall be reviewed de novo by the Code Hearings Officer.

22.10.060 Nature of Determination.

The determination of the Code Hearings Officer is a quasi-judicial decision and is not appealable to Council; appeals from any determination by the Code Hearings Officer shall be by writ of review to the Circuit Court of Multnomah County, Oregon, as provided in ORS 34.010-34.100.

CHAPTER 22.20 - VIOLATIONS UNDER CIVIC STADIUM GOOD NEIGHBOR AGREEMENT

(Chapter added by Ordinance No. 174444, effective May 18, 2000.)

Section:

22.20.010 Authority.

A. The Code Hearings Officer is authorized to hear and determine complaints from the Goose Hollow Foothills League and the Northwest District Association brought pursuant to the terms of the Civic Stadium Good Neighbor Agreement and to impose orders and penalties consistent with the terms of that Agreement.

B. Any party to the Civic Stadium Good Neighbor Agreement may appeal a decision of the Code Hearings Officer to the City Council by filing a notice of appeal within 30 days from the date of the of the decision. The notice shall be filed with the Auditor's office and shall be mailed by first class mail to all other parties to the Agreement. The appeal will be conducted on the record before the Code Hearings Officer and not de novo.

CHAPTER 24.80 - DERELICT COMMERCIAL BUILDINGS

(Chapter repealed by Ordinance No. 171455, effective August 29, 1997.)

CHAPTER 24.85 - SEISMIC DESIGN REQUIREMENTS FOR EXISTING BUILDINGS

(Chapter added by Ordinance No. 168627,effective March 22, 1995.)

Sections:

24.85.010 Scope.

(Amended by Ordinance Nos. 178831 and 189201, effective November 9, 2018.)

A. The provisions of this chapter prescribe the seismic design requirements for existing buildings undergoing changes of occupancy, additions, alterations, catastrophic damage, fire, or earthquake repair, or mandatory or voluntary seismic strengthening. Except for the provisions related to seismic strengthening of unreinforced masonry bearing wall buildings in Section 24.85.065, the requirements of this chapter only apply to buildings for which a building permit has been applied for to change the occupancy classification, add square footage to the building, alter or repair the building.

B. Under the authority provided by State law, the provisions of this chapter prescribing seismic rehabilitation standards for existing buildings can be used in lieu of meeting the requirements of the current edition of the State of Oregon Structural Specialty Code.

24.85.015 Structural Design Meeting.

(Added by Ordinance No. 178831, effective November 20, 2004.) Upon request, BDS engineering staff is available to meet with an owners design engineer to review proposed seismic strengthening plans in a pre-design meeting. A written record of the meeting discussion and determinations will be placed in the permit record.

24.85.020 Seismic Related Definitions.

(Amended by Ordinance Nos. 169427, 170997, 178831, 180917, 187192 and 189201, effective November 9, 2018.) The definitions contained in this Section relate to seismic design requirements for existing buildings outlined in this Chapter.

A. ASCE 41 means the Seismic Evaluation and Retrofit of Existing Buildings ASCE/SEI 41-13 published by the American Society of Civil Engineers and the Structural Engineering Institute.

B. ASCE 41 Evaluation means the process of evaluating an existing building for the potential earthquake-related risk to human life posed by that building, or building component, and the documentation of that evaluation, performed and written according to the provisions of ASCE 41. Tier 1 and Tier 2 deficiency based evaluation for both structural and non-structural components using the Basic Performance Objective for Existing Buildings (BPOE) as defined in ASCE 41 shall be the performance objective for the evaluation, unless a Tier 3 evaluation is required by ASCE 41

C. ASCE 41-BPOE Improvement Standard means the Tier 1 and Tier 2 Deficiency based retrofit for both structural and non-structural components using the Basic Performance Objective for Existing Buildings (BPOE) as defined in ASCE 41, unless a Tier 3 evaluation is required by ASCE 41.

D. ASCE 41-BPON Improvement Standard means Tier 3 Retrofit for both structural and non-structural components using the Basic Performance Objective Equivalent to New Buildings (BPON) as defined in ASCE 41.

E. ATC 20 means the latest Edition of the manual on "Procedures for Post Earthquake Safety Evaluation of Buildings" published by Applied Technology Council.

F. BDS means the City of Portland's Bureau of Development Services.

G. BPOE- Basic Performance Objective for Existing Buildings: A series of defined Performance Objectives based on a building's Risk Category meant for evaluation and retrofit of existing buildings; See Table 2-1 of ASCE 41.

H. BPON- Basic Performance Objective Equivalent to New Building Standards: A series of defined Performance Objectives based on a building's Risk Category meant for evaluation and retrofit of existing buildings to achieve a level of

performance commensurate with the intended performance of buildings designed to a standard for new construction; See Table 2-2 of ASCE 41.

I. BSE-1E: Basic Safety Earthquake-1 for use with the Basic Performance Objective for Existing Buildings, taken as a seismic hazard with a 20 percent probability of exceedance in 50 years, except that the design spectral response acceleration parameters Sxs and Sx1 for BSE-1E seismic hazard level shall not be taken as less than 75 percent of the respective design spectra response acceleration parameters obtained from BSE-1N seismic hazard level and need not be greater than BSE-2N at a site.

J. BSE-1N: Basic Safety Earthquake-1 for use with the Basic Performance Objective Equivalent to New Buildings Standards, taken as two-thirds of the BSE- 2N.

K. BSE-2E: Basic Safety Earthquake-2 for use with the Basic Performance Objective for Existing Buildings, taken as a seismic hazard with a 5 percent probability of exceedance in 50 years, except that the design spectral response acceleration parameters of Sxs and Sx1 for BSE-2E seismic hazard level shall not be taken as less than 75 percent of the respective design spectra response acceleration parameters obtained from BSE- 2N Seismic hazard level and may not be greater than BSE-2N at a site.

L. BSE-2N: Basic Safety Earthquake-2 for use with the Basic Performance Objective Equivalent to New Buildings Standards, taken as the ground shaking based on Risk-Targeted Maximum Considered Earthquake (MCER) per ASCE 7 at a site.

M. Building Addition means an extension or increase in floor area or height of a building or structure.

N. Building Alteration means any change, addition or modification in construction.

O. Catastrophic Damage means damage to a building that causes an unsafe structural condition from fire, vehicle collision, explosion, or other events of similar nature.

P. Essential Facility has the same meaning as defined in the OSSC.

Q. FM 41 Agreement means a joint agreement between Portland Fire & Rescue, the Bureau of Development Services and a building owner to schedule improvements to the building following a determination of the fire and life safety hazards posed by the existing condition of the building as provided under Oregon law.

R. Live/Work Space means a combination working space and dwelling unit. A live/work space includes a room or suite of rooms on one or more floors designed for and occupied by not more than one family and including adequate working space reserved for the resident's occupancy. A live/work space is individually

equipped with an enclosed bathroom containing a lavatory, water closet, shower/and or bathtub and appropriate venting.

S. Net Floor Area means the entire area of a structurally independent building, including an occupied basement, measured from the inside of the permanent outer building walls, excluding any major vertical penetrations of the floor, such as elevator and mechanical shafts.

T. Non-profit building means a building owned by an organization registered as a non-profit entity with the Oregon Secretary of State.

U. Occupant Load means the number of persons for which the means of egress of a building or portion thereof is designed. The occupant load shall be calculated based on occupant load factors in the table assigned to each space in the Oregon Structural Specialty Code (OSSC).

V. Oregon Structural Specialty Code (OSSC) means the provisions of the State of Oregon Structural Specialty Code as adopted by Section 24.10.040 A.

W. Publicly-owned building means a building owned by a government agency, including a federal, state, or local government, or a special district.

X. Reinforced Masonry means masonry having both vertical and horizontal reinforcement as follows:

1. Vertical reinforcement of at least 0.20 in2 in cross-section at each corner or end, at each side of each opening, and at a maximum spacing of 4 feet throughout. One or two story buildings may have vertical reinforcing spaced at greater than 4 feet throughout provided that a rational engineering analysis is submitted which shows that existing reinforcing and spacing provides adequate resistance to all required design forces without net tension occurring in the wall.

2. Horizontal reinforcement of at least 0.20 in2 in cross-section at the top of the wall, at the top and bottom of wall openings, at structurally connected roof and floor openings, and at a maximum spacing of 10 feet throughout.

3. The sum of the areas of horizontal and vertical reinforcement shall be at least 0.0005 times the gross cross-sectional area of the element.

4. The minimum area of reinforcement in either direction shall not be less than 0.000175 times the gross cross-sectional area of the element.

Y. Risk Category: A categorization of a building for determination of earthquake performance based on Oregon Structural Specialty Code (OSSC).

Z. Roof Covering Repair or Replacement means the installation of a new roof covering following the removal of an area of the building's roof covering exceeding 50 percent or more of the total roof area within the previous 15 year period.

AA. Unreinforced Masonry (URM) means adobe, burned clay, concrete or sand-lime brick, hollow clay or concrete block, hollow clay tile, rubble and cut stone and unburned clay masonry that does not satisfy the definition of reinforced masonry as defined herein. Plain unreinforced concrete shall not be considered unreinforced masonry for the purpose of this Chapter.

BB. Unreinforced Masonry Bearing Wall means a URM wall that provides vertical support for a floor or roof for which the total superimposed vertical load exceeds 100 pounds per lineal foot of wall.

CC. Unreinforced Masonry Bearing Wall Building means a building that contains at least one URM bearing wall.

24.85.030 Seismic Improvement Standards.

(Amended by Ordinance Nos. 170997 and 178831, effective November 20, 2004.) For changes of occupancy structural additions, building alterations and catastrophic or earthquake damage repair, the design standard shall be the current edition of the OSSC unless otherwise noted by this Chapter.

24.85.040 Change of Occupancy or Use.

(Amended by Ordinance Nos. 169905, 170997, 178831, 187192 and 189201, effective November 9, 2018.) The following table shall be used to classify the relative hazard of all building occupancies:

TABLE 24.85-A

Relative Hazard Classification	OSSC Occupancy Classification	Seismic Improvement Standard
5 (Highest)	A, E, I-2, I-3, H-1, H-2, H-3, H-4, H-5	OSSC or ASCE 41-BPON
4	R-1,R-2, SR, I-1, I-4	
3	B, M	41-BPOE
2	F-1, F-2, S-1, S-2	
1 (Lowest)	R-3, U	

A. Occupancy Change to a Higher Relative Hazard Classification. An occupancy change to a higher relative hazard classification will require seismic improvements based upon the factors of changes in the net floor area and the occupant load increases as indicated in Table 24.85-B below. All improvements to either the

OSSC or ASCE 41 improvement standard shall be made such that the entire building conforms to the appropriate standard indicated in Table 24.85-B.

TABLE 24.85-B

Percentage of Building Net Floor Area Changed		Occupant Load Increase	Required Improvement Standard	Relative Hazard Classification
1/3 of area or less	and	Less than 150	None	1 through 5
More than 1/3 of area	or	150 and above	ASCE 41-BPOE	1, 2, and 3
More than 1/3 of area	or	150 and above	OSSC or ASCE 41-BPON	4 and 5

Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not exceed 1/3 of the building net floor area or add more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

B. Occupancy Change to Same or Lower Relative Hazard Classification. An occupancy change to the same or a lower relative hazard classification or a change in use within any occupancy classification will require seismic improvements using either the OSSC or ASCE 41 improvement standard, as identified in Table 24.85-A above, where the change results in an increase in occupant load of more than 149 people as defined by the OSSC. Where seismic improvement is required, the entire building shall be improved to conform to the appropriate improvement standard identified in Table 24.85-A.

Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not result in the addition of more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

C. Occupancy Change to Live Work Space. Any building occupancy classified as relative hazard category 1, 2, or 3 may undergo a change of occupancy to live/work space provided that:

1. The building shall be improved such that the entire building conforms to the ASCE 41-BPOE improvement standard; and

2. The building meets the fire and life safety standards of the current OSSC.

3. Any Unreinforced Masonry bearing wall building converted to live/work space, regardless of construction costs, shall be improved such that the entire building conforms to the ASCE 41-BPOE improvement standard.

D. Occupancy Change to Essential Facilities. All structures which are being converted to essential facilities, as defined in the OSSC, shall comply with current state code seismic requirements or ASCE 41-BPON improvement standard, regardless of other requirements in this section.

24.85.050 Building Additions or Structural Alterations.

(Amended by Ordinance Nos. 178831 and 187192, effective July 17, 2015.) An addition that is not structurally independent from an existing building shall be designed and constructed such that the entire building conforms to the seismic force resistance requirements for new buildings unless the following two conditions listed below are met. Furthermore, structural alterations to an existing building or its structural elements shall also meet the following two conditions:

A. The addition or structural alteration shall comply with the requirements for new buildings; and

B. Any existing lateral load-carrying structural element whose demand-capacity ratio with the addition(s) or structural alteration(s) considered is no more than 10 percent greater than its demand-capacity ratio with the addition(s) or structural alteration(s) ignored shall be permitted to remain unaltered. For purposes of this paragraph, comparisons of demand-capacity ratios and calculation of design lateral loads, forces, and capacities shall account for the cumulative effects of additions and structural alterations since original construction.

24.85.051 Mezzanine Additions.

(Added by Ordinance No. 178831, effective November 20, 2004.) A mezzanine addition shall not require seismic strengthening of the entire building when all of the following conditions are met:

A. Entire building strengthening is not required by any other provision contained in this Title;

B. The net floor area of the of the proposed mezzanine addition is less than 1/3 of the net floor area of the building;

C. The mezzanine addition does not result in an occupant load increase, as defined by the OSSC, of more than 149 people; and

D. Subsections 24.85.050 A. - C. shall also apply to mezzanine additions.

24.85.055 Structural Systems Damaged by Catastrophic Events.

(Added by Ordinance No. 170997; amended by Ordinance Nos. 178831 and 187192, effective July 17, 2015.)

A. Building Lateral Load Resisting systems along any principal axis damaged less than or equal to 50 percent.

1. If a building is damaged by a catastrophic event such that less than or equal to 50 percent of the capacity of the existing lateral load resisting system along any principal axis of the building are damaged, only the damaged lateral load resisting components of the building's structural system must be designed and constructed to current provisions of the OSSC. These components must also be connected to the balance of the undamaged lateral load resisting system in conformance with current code provisions. Undamaged components need not be upgraded to current lateral load provisions of the current code, unless required by other provisions of this title.

2. New lateral system vertical elements must be compatible with any existing lateral system elements, including foundations. In multistory buildings, the engineer shall confirm that the new lateral system vertical elements do not introduce soft or weak story seismic deficiencies, as defined by ASCE 41, where they did not previously exist, or make existing conditions more hazardous.

B. Building Lateral Load Resisting systems along any principal axis damaged more than 50 percent. Where a building is damaged by a catastrophic event such that more than 50 percent of the capacity of the existing lateral load resisting system along any principal axis of the building is damaged, all lateral load resisting components of the entire building's structural system along that principal axis must be designed and constructed to the current provisions of the OSSC or ASCE 41-BPON improvement standard.

24.85.056 Structural Systems Damaged by an Earthquake.

(Added by Ordinance No. 178831; amended by Ordinance No. 187192, effective July 17, 2015.) As a result of an earthquake, the Director may determine through either an ATC 20 procedure or through subsequent discovery any structure or portion thereof to be in an unsafe condition as defined by State law. As a result of making this determination, the Director may declare the structure or portion thereof to be a public nuisance and to be repaired or rehabilitation as provided in Subsections 24.85.056 A.-C., or abated by demolition or removal in accordance with Title 29. For the purposes of this Section, an "unsafe condition" includes, but is not limited to any portion, member or appurtenance of a building that has become detached or dislodged or appears likely to fail or collapse and thereby injure persons or damage property; or any portion of a building or structure that

has been damaged to the extent that the structural strength or stability of the building is substantially less than it was prior to the damaging event.

A. Buildings built prior to January 1, 1974 with lateral support systems that have unsafe conditions shall be repaired or improved to resist seismic forces such that the repaired lateral system conforms to the ASCE 41-BPOE improvement standard.

1. Where less than 50 percent of the lateral support system has been damaged, only the damaged elements must be repaired.

2. Where 50 percent or more of the lateral support system has been damaged, then the entire lateral support system must be repaired to resist seismic forces such that the repaired system conforms to the ASCE 41-BPOE improvement standard.

B. Buildings built on or after January 1, 1974 with lateral support systems that have unsafe conditions shall be repaired or improved to resist seismic forces such that the repaired lateral system conforms to the code to which the building was originally designed, but not less than that required to conform to the ASCE 41-BPOE improvement standard.

1. Where less than 50 percent of the lateral support system has been damaged, only the damaged elements must be repaired.

2. Where 50 percent or more of the lateral support system has been damaged, then the entire lateral support system must be repaired to resist seismic forces such that the repaired system conforms to the code to which the building was originally designed, but not less than that required to conform to the ASCE 41-BPOE improvement standard.

C. New lateral system vertical elements must be compatible with any existing lateral system elements, including foundations. In multistory buildings, the engineer shall confirm that the new lateral system vertical elements do not introduce soft or weak story seismic deficiencies, as defined by ASCE 41, where they did not previously exist, or make existing conditions more hazardous.

24.85.060 Required Seismic Evaluation.

(Added by Ordinance No. 169427; amended by Ordinance Nos. 178831 and 187192, effective July 17, 2015). When an alteration for which a building permit is required has a value (not including costs of mechanical, electrical, plumbing, permanent equipment, painting, fire extinguishing systems, site improvements, eco-roofs and finish works) of more than $175,000, an ASCE 41 evaluation is required. This value of $175,000 shall be modified each year after 2004 by the percent change in the R.S Means Construction Index for Portland on file with the Director. A letter of intent to have an ASCE 41 evaluation performed may be submitted along with the permit application. The evaluation must be

completed before any future permits will be issued. The following shall be exempted from this requirement:

A. Buildings constructed or renovated to seismic zone 2, 2b or 3 under a permit issued after January 1, 1974.

B. Detached One- and two-family dwellings, and their accessory structures.

C. Single story, light frame metal and light wood frame buildings, not more than 20 feet in height from the top surface of the lowest floor to the highest interior overhead finish and ground area of 4,000 square feet or less.

A previously prepared seismic study may be submitted for consideration by the Director as equivalent to an ASCE 41 evaluation.

24.85.065 Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings. (Added by Ordinance No. 169427; amended by Ordinance Nos. 170997, 178831, 187192 and 189201, effective November 9, 2018). When any building alterations or repairs occur at an Unreinforced Masonry Bearing Wall Building, all seismic hazards shall be mitigated as set forth in Subsections 24.85.065 A. and B. A previously permitted seismic strengthening scheme designed in accordance with FEMA 178/310/ASCE 31 may be submitted for consideration by the Bureau Director as equivalent to the ASCE 41 improvement standard.

A. Roof Repair or Replacement. When a roof covering is repaired or replaced, as defined in 24.85.020, the building structural roof system, anchorage, and parapets shall be repaired or rehabilitated such that, at a minimum, the wall anchorage for both in-plane and out-of-plane forces at the roof and parapet bracing conform to the ASCE 41-BPOE improvement standard. In-plane brick shear tests are not required as part of the ASCE evaluation under this subsection.

B. Additional Triggers.

1. Building alterations or repair. When the cost of alteration or repair work which requires a building permit exceeds the following criteria, then the building shall be improved to resist seismic forces such that the entire building conforms to the ASCE 41-BPOE improvement standard.

Table 24.85-C

Building Description	Cost of Alteration or Repair in a 5-Year Period	Cost of Alteration or Repair in a 15-Year Period (including the first 5 years)

Single Story Building	$60 per square foot	$120 per square foot
Buildings Two Stories or Greater	$45 per square foot	$90 per square foot
Special building hazard: buildings in a relative hazard category 5 or with vertical or plan irregularities	$45 per square foot	$90 per square foot

2. Special building hazards. Where an Unreinforced Masonry Building of any size contains any of the following hazards, the building shall be seismically improved if the cost of alteration or repair exceeds $45 per square foot:

a. The Building possesses an Occupancy Classification listed within the Relative Hazard Category 5 as determined in Section 24.85.040 of this Chapter; or

b. The building is classified as possessing either vertical or plan irregularities as defined in the OSSC.

3. Exclusions from cost calculations. Costs for site improvements, eco-roofs, mandated FM41 agreements, mandated ADA improvements, mandated non-conforming upgrades under Title 33, mandated elevator improvements and mandated or voluntary seismic improvements or work exempted from permit as described in Chapter 1 of the OSSC will not be included in the dollar amounts listed in Subsections 24.85.065 B.1. and 2.

4. Live/Work spaces in Unreinforced Masonry buildings. See Section 24.85.040 B for requirements when a Unreinforced Masonry building is converted to contain live/work spaces.

5. Automatic cost increase. The dollar amounts listed in Subsections 24.85.065 B.1. and 2. shall be modified each year after 2018 by the percent change in the R.S. Means of Construction Cost Index for Portland, Oregon. The revised dollar amounts will be made available at the Development Services Center.

C. Placard requirement for unreinforced masonry buildings.

On or before the dates set forth in the timetable below, all unreinforced masonry buildings that have not been retrofitted to the standard specified in Subsection 24.85.065 F. below must be posted with a placard in a conspicuous place on the exterior at the main entrance of the building. The criteria for the placard are as follows:

1. Font. The font must be at least 50-point bold type, legible sans serif.

2. Size. The placard must be at least 8 inches by 10 inches.

3. Material. The placard must be constructed of a durable material that can withstand the elements and must be maintained to ensure that it is not defaced, removed, damaged, or degraded to the point where the placard is no longer legible.

4. Content. The placard must contain the following language: "THIS IS AN UNREINFORCED MASONRY BUILDING. UNREINFORCED MASONRY BUILDINGS MAY BE UNSAFE IN THE EVENT OF A MAJOR EARTHQUAKE."

5. Duration. The placard must remain in place until the building is either: retrofitted and the Bureau of Development Services confirms that the retrofit specified in Subsection 24.85.065 F. has been completed and approved by BDS; or the building is demolished.

6. Timeline. Placards must be posted according to the following timeline:

a. Publicly-owned buildings. Publicly-owned URM buildings must post the required placard on or before January 1, 2019.

b. Non-profit buildings. Non-profit URM buildings must post the required placard on or before November 1, 2020.

c. All other buildings. All other URM buildings that do not fall into a. or b. above must post the required placard on or before March 1, 2019.

D. Tenant notification for unreinforced masonry buildings.

1. Existing leases and rental agreements. The owner of a building subject to Subsection 24.85.065 C. must notify existing tenants that the building is an unreinforced masonry building, and unreinforced masonry buildings may be unsafe in the event of a major earthquake.

2. Leases and rental agreements entered into or renewed after the timeline for placarding. Every lease or rental agreement entered into or renewed on or after the relevant timeline for posting the required placards as outlined in Subsection 24.85.065 C.6., involving a building subject to the requirements of Subsection 24.85.065 C., must contain a statement that: the building is an unreinforced masonry building, and unreinforced masonry buildings may be unsafe in the event of a major earthquake.

E. Documentation of compliance to be recorded.

The owner of a building subject to Subsections 24.85.065 C. and D. must execute and record an agreement not to remove the placard required in Subsection 24.85.065 C. and an acknowledgement of compliance with the tenant notification requirements outlined in Subsection 24.85.065 D. on a form provided by the Bureau of Development Services. The building owner must provide a copy of the recorded document to the Bureau.

F. Evidence that a building is exempt from placard requirements.

The following are evidence that an unreinforced masonry building meets the required retrofit standards and will exempt the building owner from complying with Subsections 24.85.065 C., D., and E.

1. Buildings that have been fully retrofitted to or shown to meet or exceed the following standards:

The Basic Performance Objective for Existing Buildings (BPOE) or better as defined in ASCE 41-17 or ASCE 41-13 for collapse prevention structural performance level under BSE-2E seismic hazard or life safety structural performance level under BSE-1E seismic hazard; and URM parapets, cornices and chimneys for life safety non-structural performance level under BSE-1E seismic hazard. The seismic hazards BSE-1 and BSE-2 are as previously defined in Section 24.85.020; or

2. Buildings that have previously been fully retrofitted prior to January 1, 2018 to one of the following standards:

a. Life Safety performance level or better using FEMA-178, FEMA 310, or ASCE 31, including bracing of parapets, cornices and chimneys; or

b. Oregon Structural Specialty Code, 1993 edition or later.

G. Enforcement.

1. Fire Marshal Inspections. As part of Portland Fire & Rescue's periodic inspections program outlined in Chapter 31.50, the Portland Fire Marshal is granted authority to inspect unreinforced masonry buildings for compliance with the provisions of Subsection 24.85.065 C. If the Fire Marshal determines there is a violation of Subsection 24.85.065 C., the Fire Marshal will issue a notice of violation to the owner of the building. The building owner will have 40 calendar days from the date of the notice of violation to comply with the requirements of Subsection 24.85.065 C., and the Fire

Marshal will re-inspect the building for compliance. If the violation still exists at the time of the re-inspection, the Fire Marshal will charge a re-inspection fee and turn the case over to the Bureau of Development Services for further enforcement.

2. Bureau of Development Services' enforcement. BDS will use its existing enforcement authority as outlined in Section 3.30.040 to enforce the provisions of Subsections 24.85.065 C., D., and E.

H. Appeals.

1. Appeals of determination that building is unreinforced masonry or whether the building has been retrofitted: if the building owner disagrees with the determination that the building is an unreinforced masonry building or that the building was retrofitted to the standards outlined in Subsection 24.85.065 F., the building owner may appeal that determination as provided in Section 24.85.095.

2. If a building owner appeals the determination that the building is an unreinforced masonry building or that it has been retrofitted to the standards outlined in Subsection 24.85.065 F., and the Director upholds the URM determination, then the building owner has until the relevant date set forth in the timetable in Subsection 24.85.065 C.6., or two months from the written determination, whichever is later, to install the placard in accordance with Subsection 24.85.065 C. and complete the tenant notification outlined in Subsection 24.85.065 D.

3. Appeals related to BDS enforcement actions under Section 3.30.040 that do not fall under Subsection 24.85.065 H.1.-2. will follow the procedures laid out in that Chapter.

I. Future-discovered unreinforced masonry buildings.

If the Bureau of Development Services discovers that a building is an unreinforced masonry building that has not been retrofitted to the standards outlined in Subsection 24.85.065 F. after the relevant date set forth in the timetable in Subsection 24.85.065 C.6., the Bureau will provide written notice to the building owner that the building must comply with the provisions of Subsections 24.85.065 C., D., E, and F. The building owner will have three months from the Bureau's written determination and notice to property owner to either comply or file an appeal as described in Subsection 24.85.065 H.

24.85.067 Voluntary Seismic Strengthening.

(Added by Ordinance No. 178831, effective November 20, 2004.) Subject to permit approval, a building may be strengthened to resist seismic forces on a voluntary basis provided all of the following conditions are met:

A. Mandatory seismic strengthening is not required by other provisions of this Title;

B. The overall seismic resistance of the building or elements shall not be decreased such that the building is more hazardous;

C. Testing and special inspection are in accordance with the OSSC and the City of Portland Administrative Rules;

D. The standard used for the seismic strengthening is clearly noted on the drawings along with the pertinent design parameters; and

E. A written narrative shall be clearly noted on the drawings summarizing the building lateral system, seismic strengthening and known remaining deficiencies. The summary information shall reflect the level of analysis that was performed on the building.

24.85.070 Phasing of Improvements.

(Amended by Ordinance No. 178831, effective November 20, 2004.)

A. The Director may approve a multi-year phased program of seismic improvements when the improvements are pre-designed and an improvement/implementation plan is approved by the Director. The maximum total time allowed for completion of phased improvements shall be ten years. A legal agreement between the building owner and the City of Portland shall be formulated outlining the phased seismic improvements and shall be recorded with the property deed at the County.

B. Upon review, the Director may extend the maximum time for the phased improvements. The Director shall adopt rules under Section 3.30.035 describing the process for granting an extension.

24.85.075 Egress Through Existing Buildings.

(Added by Ordinance No. 178831, effective November 20, 2004.) The building structure and seismic resistance of an egress path through, under or over an existing building must meet the required seismic improvement standard specified in Section 24.85.040, Table 24.85-A, under any of the following conditions:

A. The egress path is from an adjacent new building or addition and the new building or addition area equals 1/3 or more of the existing building area; or,

B. The egress path is from an adjacent existing building that undergoes alterations or a change of occupancy requiring its egress path(s) meet the seismic improvement standards as required by this Chapter; or

C. The additional occupant load, as determined by the OSSC, using the egress path through the existing building is 150 people or more.

24.85.080 Application of Other Requirements.

(Amended by Ordinance No. 178831, effective November 20, 2004.) Building permit applications to improve the seismic capability of a building shall not trigger: accessibility improvements so long as the seismic improvement does not lessen accessibility; fire life safety improvements so long as the seismic improvement does not lessen the buildings fire resistance or exiting capability; landscape improvements required by Chapter 33; street tree improvements required by Section 20.40.070.

Conformance with these regulations may not exempt buildings from future seismic regulations.

24.85.090 Fee Reductions.

(Amended by Ordinance No. 178831, effective November 20, 2004.) Building permit, plan review and fire life safety review fees for structural work related to seismic strengthening covered by this Chapter will be waived when such fees total less than $2,500, and will be and reduced by 50 percent when such fees would total $2,500 or more.

24.85.095 Appeals.

(Amended by Ordinance Nos. 178831 and 189201, effective November 9, 2018.) Except as otherwise provided in this Chapter 24.85, a property owner or the property owner's agent may appeal application of this Chapter 24.85 as outlined in Section 24.10.075.

CHAPTER 24.90 - MANUFACTURED DWELLING INSTALLATION AND ACCESSORY STRUCTURES, MANUFACTURED DWELLING PARKS, RECREATION PARKS, RECREATIONAL PARK TRAILER INSTALLATION AND ACCESSORY STRUCTURES

(Chapter added by Ordinance No. 169312; Amended by Ordinance No. 185798 effective December 12, 2012).

Sections:

24.90.010 Purpose.

The purpose of this Chapter is to provide minimum standards for the following:

A. Installation and maintenance of manufactured dwellings and accessory structures.

B. Development and maintenance of manufactured dwelling parks.

C. Installation and maintenance of park trailers and recreational vehicle accessory structures.

D. Development and maintenance of recreational vehicle parks.

24.90.020 Scope.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Regulation under this Chapter covers all installations or alteration of manufactured dwellings, recreational park trailers and other recreational vehicles, and accessory structures. Regulation under this Chapter covers the development and maintenance of manufactured dwelling parks, recreational vehicle parks, recreation parks, picnic parks, and organizational camps.

24.90.030 Adoption of Codes and Regulatory Authority.

(Amended by Ordinance Nos. 176955 and 185798, effective December 12, 2012.)

A. Manufactured Dwelling Installation Specialty Code. The provisions of the State of Oregon, Manufactured Dwelling Installation Specialty Code, 2010 Edition, as developed at the direction of the Building Codes Division of the Oregon Department of Consumer and Business Services through the Residential and Manufactured Structures Board, is hereby adopted by reference. The Manufactured Dwelling Installation Specialty Code is on file in the Development Services Center of the City of Portland.

B. Manufactured Dwelling and Park Specialty Code. The following provisions of the State of Oregon, Manufactured Dwelling and Park Specialty Code, 2002 Edition, as developed at the direction of the Oregon Building Codes Division Administrator through the Oregon Manufactured Structures and Parks Advisory Board, a copy of which is on file in the Development Services Center of the City of Portland, are hereby adopted by reference:

1. All of Chapter One (Administration), except the following:

a. 1-1.4 (Design Loads)

b. 1-2.4 (Energy Conservation Equivalents)

c. 1-3 (Manufactured Dwellings Sold "As Is")

d. 1-6.7 (Plot Plans Required)

e. 1-6.8 (Plot Plans Not Required)

f. 1-6.11 (Multiple-family Housing Plans)

g. 1-7.12 (Manufactured Dwelling Installation Permits)

h. 1-8.6 (Visual Inspections)

i. 1-8.7 (Appliance Inspections)

j. 1-8.9 (Alteration Inspections)

k. 1-8.11 (Quality Assurance Inspections)

l. 1-8.13 (Installation Inspections)

m. 1-9 (Insignias and Labels)

n. 1-10 (Certifications), except section 1-10.2.1 (Certificates of Occupancy Required) is adopted

o. 1-11 (License Required) –all, except for introductory language and paragraph (h) in 1-11.3 (Electrical) and introductory language and paragraph (i) in 1-11.4 (Plumbing) are adopted

2. All of Chapter Ten (Manufactured Dwelling Park Construction) and the corresponding tables and figures

3. Appendix A (Definitions)

4. Appendix B (Acronyms)

5. Appendix C (Symbols)

C. The City of Portland through the Bureau of Development Services ("Bureau") adopts regulatory authority for the installation maintenance and alteration of manufactured dwellings and accessory structures as authorized in ORS 446.250 and 446.253, and OAR 918-500-0055; for the development and maintenance of manufactured dwelling parks as authorized in ORS 446.062 and 446.430 and OAR 918-600-0010; for the development and maintenance of recreation parks, picnic parks and organizational camps as authorized in ORS 455.170; and for the installation, maintenance and alteration of residential park trailers, other recreational vehicles and accessory structures as authorized in ORS 455.170 and OAR 918-525-0370. Nothing contained herein provides regulatory authority when delegation of authority is expressly withheld by the State.

24.90.040 Definitions.

(Amended by Ordinance No. 185798, effective December 12, 2012.) For the purposes of this Chapter definitions contained in Chapter 24.15 shall apply in conjunction with definitions found in ORS 446.003, ORS 455.010, OAR 918-500-0005, OAR 918-525-0005, OAR 918-600-0005 and OAR 918-650-0005. Definitions in ORS or OAR shall take precedence over other conflicting definitions.

24.90.050 Administration and Enforcement.

(Amended by Ordinance Nos. 176955 and 185798, effective December 12 , 2012.) This Chapter shall be administered and enforced in conformance with applicable provisions of the 2010 Edition of the Oregon Manufactured Dwelling Installation Specialty Code, the provisions of the 2002 Edition of the Oregon Manufactured Dwelling and Park Specialty Code adopted by reference in Subsection 24.90.030 B. of this Chapter, and the Oregon Administrative Rules contained in Chapter 918 Division 500, 515, 525, 530, 600 and 650.

24.90.060 Special Regulation.

Manufactured Dwellings and Cabanas installed on a residential lot shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single family dwellings

constructed under the state building code. Skirting and permanent enclosures shall be required for all park trailer and cabana installations.

24.90.070 Permit Application.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Permits are required for the establishment, construction, enlargement, alteration or removal of manufactured dwelling parks, recreation parks, and organizational camps. Permit applications, plans and specifications and permit issuance shall conform to Section 24.10.070, and applicable Oregon Administrative Rules. Permits are required for the installation or alteration of manufactured dwellings, recreational park trailers, recreational vehicles as defined in OAR 918-525-0005, and accessory structures. Plans and specifications are required in conformance with Section 24.10.070 and applicable Oregon Administrative Rules except when:

A. All installation is within an existing manufactured dwelling park and all the installation is performed in accordance with the manufacturer's approved installation instructions.

B. All installation is within an existing recreational vehicle or combination park, and all installation is performed under OAR 918-530-0005 through 918-530-0120.

When the Director determines special installation or construction requires design by a registered engineer or architect, such design shall be submitted in triplicate and approved by the Bureau prior to commencement or continuance of installation or construction.

24.90.080 Violations.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Any person who violates any provision of this Chapter and/or any codes adopted herein shall be subject to the penalties as prescribed by law.

24.90.090 Appeals.

(Amended by Ordinance Nos. 185798 and 187432, effective December 4, 2015.) Any person aggrieved by a decision of the Bureau related to the application and interpretation of the Codes listed in Section 24.90.030 of this Chapter may request an administrative appeal with the Administrative Appeal Board in accordance with Section 24.10.075. Any person aggrieved by a final decision of the Building Official made under Section 24.10.075 may appeal the decision to the appropriate Board of Appeal described in Sections 24.10.080, 25.07, 26.03.070 and 27.02.031. Within 30 days of the final appeal finding by the Board of Appeal, an appellant who continues to be aggrieved may appeal to the appropriate State Specialty Advisory Board pursuant to ORS 455.690.

CHAPTER 24.95 - SPECIAL DESIGN STANDARDS FOR FIVE STORY APARTMENT BUILDINGS

(Chapter repealed by Ordinance No. 185798, effective December 12, 2012.)

FIGURES & TABLES

BASIC FLOODPLAIN RELATIONSHIPS

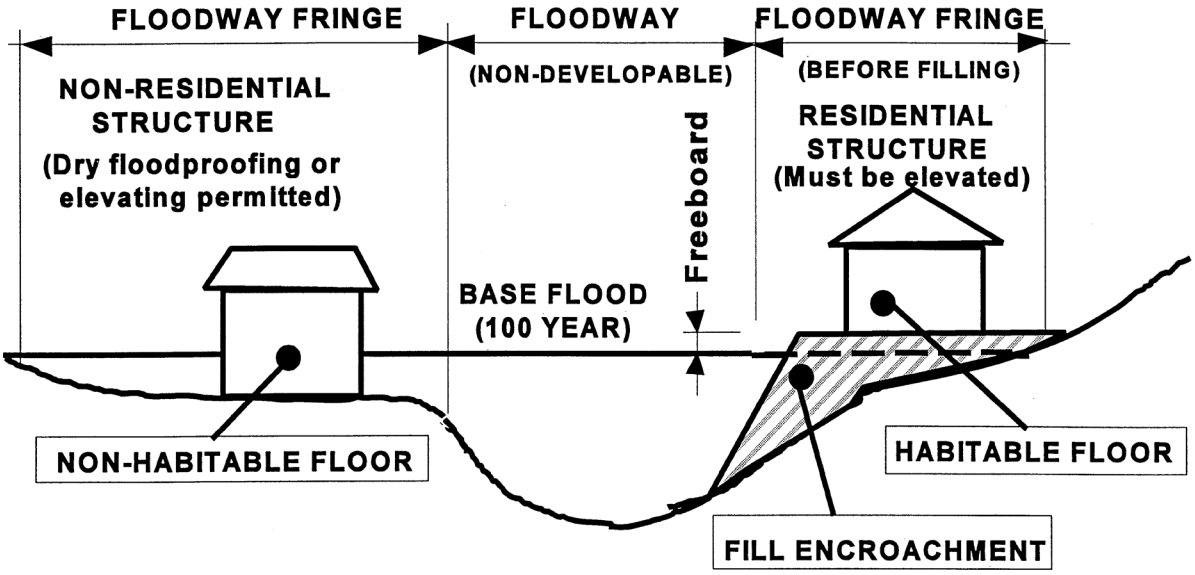


FIGURE 1 (Section 24.50.070)

FIGURE 2 (24.70)

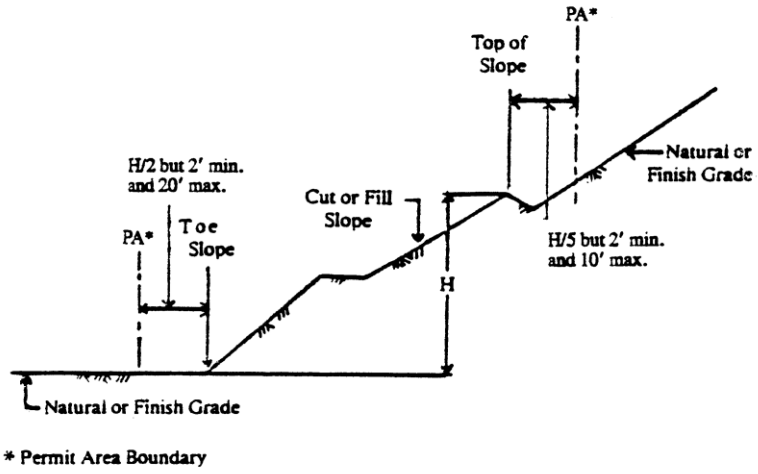


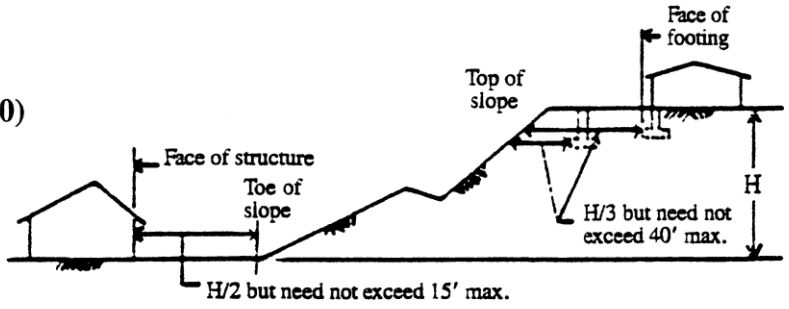
Table No. 24.70-C
Required Setbacks from permit area boundary (in feet)

TABLE 24-70C

	SETBACKS	
H	a	b'
Under 5	0	1
5 - 30	H/2	H/5
Over 30	15	6

Additional width may be required for interceptor drain.

FIGURE 3 (24.70)



TITLE 29 - PROPERTY MAINTENANCE REGULATIONS

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TITLE 29 - PROPERTY MAINTENANCE REGULATIONS

(Title substituted by Ordinance No. 171455, effective August 29, 1997.)

CHAPTER 29.05 - TITLE, PURPOSE, AND SCOPE

Sections:

29.05.010 Title.

(Amended by Ordinance No. 180330, effective August 18, 2006.) Title 29 of Portland City Code shall be known as the "Property Maintenance Regulations."

29.05.020 Purpose.

(Amended by Ordinance No. 182488, effective February 21, 2009.) The purpose of this Title is to protect the health, safety and welfare of Portland citizens, to prevent deterioration of existing housing and the exterior of non-residential structures, and to contribute to vital neighborhoods by:

A. Establishing and enforcing minimum standards for residential structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.

B. Establishing and enforcing minimum standards of maintenance for outdoor areas and adjacent rights of way.

C. Regulating and abating dangerous and derelict buildings.

D. Establishing and enforcing minimum standards for the exterior maintenance of non-residential structures.

29.05.030 Scope.

(Amended by Ordinance No. 180330, effective August 18, 2006.) The provisions of this Title shall apply to all property in the City except as otherwise excluded by law.

29.05.040 Application of Titles 24, 25, 26, 27, 28, and 33.

Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this Title shall be done in accordance with applicable Sections of Title 24 (Building Regulations), Title 25 (Plumbing Regulations), Title 26 (Electrical Regulations), Title 27 (Heating and Ventilating Regulations), Title 28 (Floating Structures), and Title 33 (Planning and Zoning) of the Code of the City of Portland.

29.05.050 Use of Summary Headings.

(Repealed by Ordinance No. 180330, effective August 18, 2006.)

CHAPTER 29.10 - DEFINITIONS

Sections:

29.10.010 General.

(Amended by Ordinance No. 180330, effective August 18, 2006.) For the purpose of this Title, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this Chapter. "And" indicates that all connected items or provisions apply. "Or" indicates that the connected items or provisions may apply singly or in combination. Terms, words, phrases and their derivatives used, but not specifically defined in this Title, either shall have the meanings defined in Title 24, or if not defined, shall have their commonly accepted meanings.

29.10.020 Definitions.

(Amended by Ordinance Nos. 173248, 173270, 174265, 176381, 176955, 180330, 181699, 182488 and 183534, effective July 1, 2010.) The definitions of words with specific meaning in this Title are as follows:

A. **Abatement of a nuisance.** The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

B. **Accessory Structure.** Any structure not intended for human occupancy which is located on residential or non-residential property. Accessory structures may be attached to or detached from the residential or non-residential structure. Examples of accessory structures include: garages, carports, sheds, and other non-dwelling buildings; decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways, and other exterior structures on the property.

C. **Adjacent right of way.** The sidewalks and planting strips that border a specific property as well as the near half of the streets, alleys, or other public rights of way that border a specific property.

D. **Apartment House.** See Dwelling Classifications.

E. **Approved.** Meets the standards set forth by applicable Portland City Code including any applicable regulations for electric, plumbing, building, or other sets of standards included by reference in this Title.

F. **Basement.** The usable portion of a building which is below the main entrance story and is partly or completely below grade.

G. **Boarded.** Secured against entry by apparatus which is visible off the premises and is not both lawful and customary to install on occupied structures.

H. **Building.** Any structure used or intended to be used for supporting or sheltering any use or occupancy.

I. **Building, Existing.** Existing building is a building erected prior to the 1972 adoption of the building code by the City of Portland, or one for which a legal permit has been issued.

J. **Ceiling Height**. The clear distance between the floor and the ceiling directly above it.

K. **Court.** A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

L. **Dangerous Building.** See Dangerous Structure.

M. **Dangerous Structure.** Any structure which has any of the conditions or defects described in Section 29.40.020, to the extent that life, health, property, or safety of the public or its occupants are endangered.

N. **Demolition Warrant.** An order from the Circuit Court authorizing the demolition of a dangerous structure as authorized by this Title, including disposal of all debris in an approved manner, and returning the lot to a clean and level condition.

O. **Derelict Building.** Any structure which has any of the conditions or defects described in Section 29.40.010 A.

P. **Director.** Is as defined in Section 24.15.070.

Q. **Disabled vehicle.** Any vehicle which is or appears to be inoperative, wrecked or dismantled, or partially dismantled.

R. **Duplex.** See Dwelling Classifications, "Two-Family Dwelling."

S. **Dwelling.** Any structure containing dwelling units, including all dwelling classifications covered by the Title.

T. **Dwelling Classifications.** Types of dwellings covered by this Title include:

1. **Single-Family Dwelling.** A structure containing one dwelling unit.

2. **Two-Family Dwelling.** A structure containing two dwelling units, also known as a "duplex."

3. **Apartment House.** Any building or portion of a building containing three or more dwelling units, which is designed, built, rented, leased, let, or hired out to be occupied for residential living purposes.

4. **Hotel.** Any structure containing six or more dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by residents on a daily, weekly, or monthly basis.

5. **Motel.** For purposes of this Title, a motel shall be defined the same as a hotel.

6. **Single-Room Occupancy Housing Unit.** A one-room dwelling unit in a hotel providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.

7. **Manufactured Dwelling.** The term "manufactured dwelling" includes the following types of single-family dwellings as noted below. Manufactured Dwelling does not include any unit identified as a recreational vehicle by the manufacturer:

    a. **Residential Trailer.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.

    b. **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

    c. **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.

8. **Floating Home.** A floating structure used primarily as a dwelling unit. Application of this Title shall be modified for floating homes, when

appropriate, by nautical application and tradition as defined in Portland City Code 28.01.020.

U. **Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation.

V. **Eradication.** Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

W. **Exit. (Means of Egress.)** A continuous, unobstructed means of escape to a public way, including intervening doors, doorways, exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, passageways, exterior courts and yards.

X. **Exterior Property Area.** The sections of residential property which are outside the exterior walls and roof of the dwelling.

Y. **Extermination.** The elimination of insects, rodents, vermin or other pests at or about the affected building.

Z. **Floor Area.** The area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.

AA. **Guard or Guardrail.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

BB. **Habitable Room (Space).** Habitable room or space is a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

CC. **Handrail.** A horizontal or sloping rail intended for grasping by the hand for guidance or support.

DD. **Hotel.** See Dwelling Classifications.

EE. **Immediate Danger.** Any condition posing a direct immediate threat to human life, health, or safety.

FF. **Infestation.** The presence within or around a dwelling of insects, rodents, vermin or other pests to a degree that is harmful to the dwelling or its occupants.

GG. **Inspection.** The examination of a property by the Director for the purpose of evaluating its condition as provided by this Title.

HH. **Inspection Warrant.** An order from the Circuit Court authorizing a safety or health inspection or investigation to be conducted at a designated property.

II. **Inspector.** An authorized representative of the Director whose primary function is the inspection of properties and the enforcement of this Title.

JJ. **Interested Party.** Any person or entity that possesses any legal or equitable interest of record in a property including but not limited to the holder of any lien or encumbrance of record on the property.

KK. **Kitchen.** A room used or designed to be used for the preparation of food.

LL. **Lavatory.** A fixed wash basin connected to hot and cold running water and the building drain and used primarily for personal hygiene.

MM. **Lawn area.** Any area of a property, including vacant lots, where lawn grasses are used as ground cover, or where the ground covering vegetation does not permit passage to substantial portions of the property without walking directly on the vegetation.

NN. **Lawn grass.** Varieties of grass that were planted, or are commonly sold, for the purpose of maintaining a mowed lawn.

OO. **Maintenance.** The work of keeping property in proper condition to perpetuate its use.

PP. **Maintained compost area.** A small portion of a property set aside for the purpose of encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer for the soil on the property. A maintained compost area shows clear indicators that the yard debris placed there is being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition is not a maintained compost area.

QQ. **Manufactured Dwelling.** See Dwelling Classifications.

RR. **Motel.** See Dwelling Classifications.

SS. **Naturescape.** Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

TT. **Nuisance Abatement Warrant.** An order from the Circuit Court authorizing the removal and abatement of any nuisance as authorized by this Title, including disposal of the nuisance items removed in an appropriate manner.

UU. **Occupancy.** The lawful purpose for which a building or part of a building is used or intended to be used.

VV. **Occupant.** Any person (including an owner or operator) using a building, or any part of a building, for its lawful, intended use.

WW. **Operator.** Any person who has charge, care or control of a building or part of a building in which dwelling units are let or offered for occupancy.

XX. **Outdoor area.** All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

YY. **Owner.** The person whose name and address is listed as the owner of the property by the County Tax Assessor on the County Assessment and Taxation records.

ZZ. **Plumbing or Plumbing Fixtures.** Plumbing or plumbing fixtures mean any water heating facilities, water pipes, vent pipes, garbage or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connection to water, gas, sewer, or vent lines.

AAA. **Property.** Any real property and all improvements, buildings or structures on real property, from property line to property line.

BBB. **Public right-of-way.** Any sidewalk, planting strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use.

CCC. **Repair.** The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

DDD. **Resident.** Any person (including owner or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.

EEE. **Residential Property.** Real property and all improvements or structures on real property used or intended to be used for residential purposes including any residential structure, dwelling, or dwelling unit as defined in this chapter and any mixed-use structures which have one or more dwelling units. Hotels that are used exclusively for transient occupancy, as defined in this Title, are excluded from this definition of residential property.

FFF. Residential Rental Property. Any property within the City on which exist one or more dwelling units which are not occupied as the principal residence of the owner.

GGG. Residential Structure. Any building or other improvement or structure containing one or more dwelling units as well as any accessory structure. This includes any dwelling as defined in this Title.

HHH. Shall. As used in this Title, is mandatory.

III. Single-Family Dwelling. See Dwelling Classifications.

JJJ. Single-Room Occupancy Housing Unit. See Dwelling Classifications.

KKK. **Sink.** A fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.

LLL. Sleeping Room. Any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.

MMM. **Stagnant Water.** Any impoundment of water in which there is no appreciable flow of water through the impoundment and the level of water does not vary during any 48-hour period.

NNN. **Street**. Includes any street, avenue, boulevard, alley, lane, bridge, bicycle path, road, walk, public thoroughfare or public way, and any land over which a right of way has been obtained, or granted and accepted for any purpose of public travel, including all area between property lines, and area dedicated to street use.

OOO. Structure. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

PPP. Summary Abatement. Abatement of a nuisance by the City, or by a contractor hired by the City, without obligation to give prior notice of the abatement action to the owner or occupant of the property.

QQQ. Supplied. Installed, furnished or provided by the owner or operator.

RRR. **Swimming Pool**. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above ground and on-ground swimming pools, hot-tubs and spas.

SSS. Toilet. A flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.

TTT. Toilet Compartment. A room containing only a toilet or only a toilet and lavatory.

UUU. Transient Occupancy. Occupancy of a dwelling unit in a hotel where the following conditions are met:

1. Occupancy is charged on a daily basis and is not collected more than six days in advance;

2. The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy;

3. The period of occupancy does not exceed 30 days; and

4. If the occupancy exceeds five days, the resident has a business address or a residence other than at the hotel.

VVV. Two-Family Dwelling. See Dwelling Classifications.

WWW. Unsecured. Any structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

XXX. Vehicle. Any device in, on, upon, or by which any person or property is or may be transported or drawn upon a public highway, except a device moved by human power or used exclusively upon stationary rails or tracks, including but not limited to a body, an engine, a transmission, a frame, or other major part.

YYY. **Warehousing.** Securing a structure against vandalism, deterioration, and unauthorized entry pending its return to active use or occupancy.

ZZZ. Yard. An open, unoccupied space, other than a court, unobstructed from the ground to the sky, and located between a structure and the property line of the lot on which the structure is situated.

CHAPTER 29.20 - PROPERTY NUISANCES

Sections:

29.20.010 Outdoor Maintenance Requirements.

(Amended by Ordinance Nos. 176381, 180330, 183534, 184522, 185448 and 186053, effective January 1, 2015.) It is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas of the property and adjacent rights of way in a manner that complies with the following requirements:

A. **Holes, tanks, and child traps**. Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

B. **Unsecured structures.** Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any structure so as to prevent access by unauthorized persons through such openings.

C. **Rat harborage.** Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

D. **Emergency access routes**. Remove and keep removed all brush, vines, overgrowth and other vegetation located within 10 feet of a structure or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.

E. **Thickets that conceal hazards**. Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

1. Concealing trash and debris; or

2. Creating rat harborage; or

3. Creating harborage for people involved in criminal activity or for products used for criminal activity.

F. **Overgrown lawn areas**. Cut and remove and keep cut and removed all weeds and grass that are located in lawn areas and have a prevailing height of more than 10 inches.

G. **Nuisance Plants**. Eradication, as defined in 29.10.020 V., is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision.

H. **Trash and debris.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

1. All garbage, offal, dead animals, animal and human waste, and waste materials (All garbage shall be stored as specified in Section 29.30.140);

2. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;

3. All dead bushes, dead trees, and stumps with the exception of such material which:

a. Is being maintained as part of a naturescaped property;

b. Does not result in a nuisance as otherwise defined in this chapter; and

c. Is located on a property which is otherwise substantially in compliance with this chapter;

4. All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in Title 11;

5. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and

6. Accumulations of clothing and any other items not designed for outdoor storage.

I. **Storage of non-trash items.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

1. Accumulations of wood pallets.

2. Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in Title 11, Trees.

3. Accumulations of vehicle parts or tires.

4. All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.

5. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.

6. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.

7. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well-maintained manner.

8. All other non-trash items which:

a. Are of a type or quantity inconsistent with normal and usual use; or

b. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

J. **Disabled vehicles.** Neither store nor permit the storing of a disabled vehicle for more than 7 days unless the vehicle is enclosed within a legally permitted building or unless it is stored by a licensed business enterprise dealing in junked vehicles lawfully conducted within the City. Removal and disposition of such disabled vehicles shall be in accordance with the provisions of Section 16.30.320, 16.30.340, 16.30.350 and 16.30.500 of the Code to the extent that such provisions are applicable.

K. **Obstructions to sidewalks, streets, and other rights of way.** Keep the adjacent rights of way free of anything that obstructs or interferes with the normal flow of pedestrian or vehicular traffic, unless specifically authorized by permit or ordinance to do otherwise. This responsibility includes, but is not limited to, removal of earth, rock, and other debris, as well as projecting or overhanging bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles. This responsibility also includes, but is not limited to, the obligation to maintain all rights of way referenced in this subsection to meet the following minimum clearances:

1. **Sidewalks.** All sidewalks must be clear of obstructions by earth, rock, or vegetation from edge to edge and to an elevation of 7-1/2 feet above sidewalk level. For example, bushes that encroach on or over any part of a

sidewalk area must be cut back or removed and limbs of trees that project over the sidewalk area at an elevation of less than 7-1/2 feet above the sidewalk level must be removed. Pruning Street Trees and tree removal is subject to the requirements of Title 11, Trees.

2. **Improved streets**. On any improved street designated as a Regional Trafficway, Major City Traffic Street, District Collector, or a one-way street where parking has been prohibited, branches must be trimmed to a height of 14 feet above the crown of the street. Moreover any other improved streets must be clear of obstructions to vehicle movement and parking from edge to edge and to an elevation of 11 feet above street level. For example, bushes that encroach on or over any part of a street must be cut back or removed; limbs of trees that project over a street at an elevation of less than 11 feet above street level must be removed; and no wires or other things shall be maintained over the street level at any elevation less than 11 feet. Pruning Street Trees and tree removal is subject to the requirements of Title 11, Trees.

3. **Alleys and unimproved rights of way**. All alleys, unimproved streets, and other public rights of way must be clear of obstructions that may hinder the normal flow of traffic or render the right of way unsafe for its current and necessary use.

29.20.020 Other Endangering Conditions.

(Amended by Ordinance Nos. 176381 and 183397, effective January 8, 2010.) It is the responsibility of the owner of any property, improved or unimproved, to remove or repair:

A. Any damage to or failure of an on-site sewage disposal system, private or common private sewer lines, or rain drain system, and

B. Any other substance, material or condition that is determined by the Director to endanger neighboring property, the health or safety of the public, or the occupants of the property.

29.20.030 Nuisance Defined, Summary Abatement Authorized.

(Amended by Ordinance No. 180330, effective August 18, 2006.) All conditions in violation of Sections 29.20.010 and 29.20.020 of this Title shall constitute a nuisance. Any person whose duty it is to correct such conditions and who fails to do so shall be subject to charges according to the Fee Schedule approved by the City Council. In cases where the Director determines that it is necessary to take immediate action in order to meet the purposes of this Title, summary abatement of such nuisances is authorized.

CHAPTER 29.30 - HOUSING MAINTENANCE REQUIREMENTS

Sections:

29.30.005 General.

(Amended by Ordinance Nos. 180330 and 181699, effective April 25, 2008.)

A. An owner may not maintain or permit to be maintained, in violation of this Chapter, any residential property.

B. All residential property shall be maintained to the building, mechanical, plumbing and electrical code requirements in effect at the time of construction, alteration, or repair.

C. Where construction, alteration or repair has been made to a residential property illegally without benefit of a permit, all work shall be required to meet current requirements of the applicable Oregon Specialty Code as adopted in Sections 24.10.040, 25.01.020, 26.01.030 and 27.01.030 of the City Code.

D. The specific minimum maintenance standards set forth in Sections 29.30.010 through 29.30.240 shall only apply to residential property that was constructed, altered or repaired before July 1, 1974. Subsections 29.30.250 through 29.30.290 shall apply to all applicable structures regardless of construction date.

29.30.010 Display of Address Number.

Address numbers posted shall be the same as the number listed on the County Assessment and Taxation Records for the property. All dwellings shall have address numbers posted in a conspicuous place so they may be read from the listed street or public way. Units within apartment houses shall be clearly numbered, or lettered, in a logical and consistent manner.

29.30.020 Accessory Structures.

All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

29.30.030 Roofs.

(Amended by Ordinance No. 176381, effective May 10, 2002.) The roof shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater in an approved manner to an approved point of disposal.

29.30.040 Chimneys.

Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

29.30.050 Foundations and Structural Members.

A. Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.

B. The supporting structural members in every dwelling shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

29.30.060 Exterior Walls and Exposed Surfaces.

A. Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.

B. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.

C. Exterior metal surfaces shall be protected from rust and corrosion.

D. Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

29.30.070 Stairs and Porches.

Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

29.30.080 Handrails and Guardrails.

(Amended by Ordinance No. 176381, effective May 10, 2002.) Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected, and meet the following requirements:

A. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.

B. Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to the dwelling unit shall have handrails. Interior stairs of more than three risers shall have handrails. When required handrails are installed they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.

C. Where not otherwise required by original building codes, porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails. When required guardrails are

installed, they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.

29.30.090 Windows.

(Amended by Ordinance No. 181699, effective April 25, 2008.)

A. Every habitable room shall have at least one window facing directly to an exterior yard or court. The minimum total glass area for each habitable room shall be 6.8 percent of the room's floor area, except for basement rooms where the minimum shall be 5 percent. The glazed areas need not be provided in rooms where artificial light is provided capable of producing an average illumination of 3 foot-candles over the area of the room measured at a height of 30 inches above the floor and the minimum ventilation requirements in Subsection B below are satisfied.

B. Except where another approved ventilation device is provided, the total openable window area in every habitable room shall be equal to at least one-fortieth (2.5%) of the area of the room. The glazed areas need not be openable where the opening is not required for emergency escape and an approved mechanical ventilation system is provided capable of producing 0.35 air changes per hour in the room.

C. Every bathroom or toilet room or compartment shall comply with the light and ventilation requirements for habitable rooms as required by Subsections 29.30.090 A and B, except that no window shall be required in bathrooms or toilet compartments equipped with an approved ventilation system.

D. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Section 29.30.230 A shall have a sill height of no more than 44 inches above the floor or above an approved, permanently installed step. The step must not exceed 12 inches in height and must extend the full width of the window. The top surface of the step must be a minimum of six feet from the ceiling above the step.

E. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Section 29.30.230 A shall have a minimum net clear opening of at least 20 inches wide and at least 22 inches high.

F. Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

G. All windows within 10 feet of the exterior grade that open must be able to be securely latched from the inside as well as be openable from the inside without the use of a key or any special knowledge or effort. This same requirement shall apply to all openable windows that face other locations that are easily accessible from the

outside, such as balconies or fire escapes, regardless of height from the exterior grade.

H. Every window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use, and shall comply with the following:

1. Every window sash shall be fully supplied with glass windowpanes or an approved substitute without open cracks and holes.

2. Every window sash shall be in good condition and fit weather-tight within its frames.

3. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling.

29.30.100 Doors.

A. Every dwelling or dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.

B. In hotels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.

C. Every door to the exterior of a dwelling unit shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.

D. Every exterior door shall comply with the following:

1. Every exterior door, door hinge, door lock, and strike plate shall be maintained in good condition.

2. Every exterior door, when closed, shall fit reasonably well within its frame and be weather-tight.

3. Every doorframe shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.

E. Every interior door and doorframe shall be maintained in a sound condition for its intended purpose with the door fitting within the doorframe.

29.30.110 Interior Walls, Floors, and Ceilings.

A. Every interior wall, floor, ceiling, and cabinet shall be maintained in a clean, sanitary, safe, and structurally sound condition, free of large holes and serious cracks, loose plaster or wallpaper, flaking or scaling paint.

B. Every toilet compartment, bathroom, and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

29.30.120 Interior Dampness.

Every dwelling, including basements, and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

29.30.130 Insect and Rodent Harborage.

Every dwelling shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly exterminated. After extermination, proper precautions shall be taken to prevent reinfestation.

29.30.140 Cleanliness and Sanitation.

(Amended by Ordinance Nos. 176381, 177254, 181699 and 184885, effective October 28, 2011.)

A. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. All household garbage shall be stored in receptacles which are free from holes and covered with tight fitting lids.

B. The interior of every dwelling shall be maintained in a clean and sanitary condition and free from any accumulation of rubbish or garbage so as not to breed insects and rodents, produce dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard.

C. The owner of a residential rental property shall provide for each dwelling unit, or subscribe for service where a franchisee provides at least one 20 gallon receptacle into which garbage and rubbish may be emptied for storage and collection. Receptacles must be of sufficient capacity to prevent the overflow of garbage and rubbish from occurring. Receptacles and lids shall be watertight and provided with handles. All receptacles shall be maintained free from holes and covered with tight-fitting lids at all times. The owner of the residential rental property shall subscribe to and pay for weekly recycling and composting service and every-other-week

garbage removal service by a refuse collection permittee or franchisee as defined in Chapter 17.102 of the Code of the City of Portland.

D. The owner of any owner occupied residential property shall be required to subscribe and pay for weekly recycling and composting service and every-other-week garbage removal service by a refuse collection permittee or franchisee as defined in Chapter 17.102 of the Code of the City of Portland if the property has been posted two or more times within one year for violation of Subsection 29.20.010 H.1. or 2.

29.30.150 Bathroom Facilities.

Except as otherwise noted in this Section, every dwelling unit shall contain within its walls in safe and sanitary working condition:

A. A toilet located in a room that is separate from the habitable rooms and that allows privacy;

B. A lavatory basin; and

C. A bathtub or shower located in a room that allows privacy.

In hotels and apartment houses where private toilets, lavatories, or baths are not provided, there shall be on each floor at least one toilet, one lavatory, and one bathtub or shower each provided at the rate of one for every twelve residents or fraction of twelve residents. Required toilets, bathtubs, and showers shall be in a room, or rooms, that allow privacy.

29.30.160 Kitchen Facilities.

A. Every dwelling unit shall contain a kitchen sink apart from the lavatory basin required under Section 29.30.150, with the exception of single-room occupancy housing units which shall comply with Subsection 29.30.290 B.

B. Except as otherwise provided for in Subsections 29.30.290 B and C, every dwelling unit shall have approved service connections for refrigeration and cooking appliances.

29.30.170 Plumbing Facilities.

(Amended by Ordinance 180330, effective August 18, 2006.)

A. Every plumbing fixture or device shall be properly connected to a public or an approved private water system and to a public or an approved private sewer system.

B. All required sinks, lavatory basins, bathtubs and showers shall be supplied with both hot and cold running water and have a water pressure of at least 15 psi. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all required sinks, lavatory basins, bathtubs and showers. Water heating

facilities shall be capable of heating water enough to permit an adequate amount of water to be drawn at every required facility at a temperature of at least 120 degrees at any time needed.

C. In every dwelling all plumbing or plumbing fixtures shall be:

1. Properly installed, connected, and maintained in good working order;

2. Kept free from obstructions, leaks, and defects;

3. Capable of performing the function for which they are designed; and

4. Installed and maintained so as to prevent structural deterioration or health hazards.

D. All plumbing repairs and installations shall be made in accordance with the provisions of Title 25 (Plumbing Regulations).

29.30.180 Heating Equipment and Facilities.

(Amended by Ordinance Nos. 179842 and 180330, effective August 18, 2006.)

A. All heating equipment, including that used for cooking, water heating, dwelling heat, and clothes drying shall be:

1. Properly installed, connected, and maintained in safe condition and good working order;

2. Free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards; and

3. Capable of performing the function for which they are designed.

B. Every dwelling shall have a heating facility capable of maintaining a room temperature of 68 degrees Fahrenheit at a point 3 feet from the floor in all habitable rooms.

1. Portable heating devices may not be used to meet the dwelling heat requirements of this Title.

2. No inverted or open flame fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

C. All mechanical repairs and installations shall be made in accordance with the provisions of Title 27 (Heating and Ventilating Requirements.)

29.30.190 Electrical System, Outlets, and Lighting.

(Amended by Ordinance 180330, effective August 18, 2006.) All buildings used for residential purposes shall be connected to an approved source of electric power. Every electric outlet and fixture shall be maintained and safely connected to an approved electrical system. The electrical system shall not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, lack of access to a dwelling unit's breaker or disconnect switch or similar reasons.

In addition to other electrical system components that may be used to meet cooking, refrigeration, and heating requirements listed elsewhere in this Title, the following outlets and lighting fixtures are required:

A. Every habitable room shall contain at least two operable electric outlets or one outlet and one operable electric light fixture.

B. Every toilet compartment or bathroom shall contain at least one supplied and operable electric light fixture and one outlet. Every laundry, furnace room, and all similar non-habitable spaces located in a dwelling shall have one supplied electric light fixture available at all times.

C. Every public hallway, corridor, and stairway in apartment houses and hotels shall be adequately lighted at all times with an average intensity of illumination of at least one foot candle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least ½-foot candle at other points. Measurement of illumination shall be taken at points not more than 4 feet above the floor.

D. All electrical repairs and installations shall be made in accordance with the provisions of Title 26 (Electrical Regulations.)

29.30.200 Ceiling Heights.

(Amended by Ordinance Nos. 180330 and 181699, effective April 25, 2008.) Habitable rooms in existing one and two family dwelling buildings shall have a clear ceiling height of at least 7 feet. Habitable rooms in other existing buildings shall have a clear ceiling height of at least 7 feet 6 inches. The following height exceptions may be used for the one and two family dwelling ceiling height requirements:

A. **Flat ceilings.** Where the ceiling is flat, ceiling heights may be a minimum of 6 feet 8 inches. Pipes, ducts, beams, or similar objects projecting from the ceiling may be as follows:

1. Ceiling projections may be as low as 6 feet where they are located within 2 feet from the wall; or

2. Ceiling projections may be as low as 6 feet 2 inches where they do not occupy more than 10 percent of the floor area in the room where they are located.

B. Sloped ceilings.

1. General. Where the ceiling is sloped, the height may be as follows:

a. The minimum ceiling height must be at least 6 feet 8 inches over an area comprising at least 50% of the overall room area; and

b. Portions of the room with a ceiling height less than 5 feet shall not be counted toward the overall room area.

2. Bathrooms. In bathrooms with sloped ceilings not more than 75% of the floor area of a bathroom is permitted to have a sloped ceiling less than 7 feet in height, provided an area of 21 inches by 24 inches in front of toilets and lavatories has a minimum of 6 feet 4 inches in height. An area of 24 inches by 30 inches in front of and inside a tub or shower shall have a minimum of 6 feet 4 inches in height.

C. These exceptions to the current building codes shall not apply where any occupancy has been changed, or the occupant load has been increased, contrary to the provisions of this Title.

29.30.210 Sleeping Room Requirements.

Every room used for sleeping purposes:

A. Shall be a habitable room as defined in this title;

B. Shall not be a kitchen;

C. Shall have natural light, ventilation, and windows or other means for escape purposes as required by this Title; and

D. Shall comply with the following minimum requirements for floor area:

1. Shall have a minimum area of at least 70 square feet of floor area, except that where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each person in excess of two. No portion of a room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the room's minimum area.

2. Any dwelling or portion of any dwelling constructed pursuant to permit or lawfully constructed prior to permit requirements shall be deemed in

compliance with respect to sleeping room area provided that the deficiency in floor area is no more than 15 percent of that required by Subsection 29.30.210 D 1. This subsection shall not apply where any occupancy has been changed, or the number of occupants has been increased, contrary to the provisions of this Title.

3. Floor area requirements for single-room occupancy housing units shall be in accordance with Section 29.30.290 of this Title.

29.30.220 Overcrowding.

No dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more residents than one plus one additional resident for every 100 square feet of floor area of the habitable rooms in the dwelling unit.

29.30.230 Emergency Exits.

(Amended by Ordinance Nos. 176381 and 180330, effective August 18, 2006.)

A. Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full clear opening without the use of special knowledge, effort, or separate tools. Windows used to meet this requirement shall meet the size and sill height requirements described in 29.30.090 D. and E. All below grade windows used to meet this requirement shall have a window well the full width of the window, constructed of permanent materials with a minimum 3 foot by 3-foot clearance in front of the window measured perpendicular to the outside wall. If the bottom of the window well is more than 44" below the ground level, approved steps or an approved permanently attached ladder shall be used.

B. Required exit doors and other exits shall be free of encumbrances or obstructions that block access to the exit.

C. All doorways, windows and any device used in connection with the means of escape shall be maintained in good working order and repair.

D. In addition to other exit requirements, in hotels and apartment houses:

1. All fire escapes shall be kept in good order and repair and painted so as to prevent corrosion of metal, in a manner approved by the Fire Marshal.

2. Every fire escape or stairway, stair platform, corridor or passageway which may be one of the regular means of emergency exit from the building shall be kept free of encumbrances or obstructions of any kind.

3. Where doors to stair enclosures are required by City code to be self-closing, the self-closing device shall be maintained in good working order and it shall be unlawful to wedge or prop the doors open.

4. Windows leading to fire escapes shall be secured against unwanted entry with approved devices.

5. Every apartment house and hotel shall have directional signs in place, visible throughout common passageways, that indicate the way to exit doors and fire escapes. Emergency exit doors and windows shall be clearly labeled for their intended use.

29.30.240 Smoke Detectors.

(Amended by Ordinance Nos. 176381 and 180330, effective August 18, 2006.) Smoke detectors sensing visible or invisible particles of combustions or alarms shall be required in all buildings where a room or area therein is designated for sleeping purposes either as a primary use or use on a casual basis. Smoke detectors or alarms shall be installed in each sleeping room or area, in the immediate vicinity of the sleeping rooms and on each additional story of the dwelling, including basements and attics with habitable space. All detectors or alarms shall be approved, shall be installed in accordance with the manufacturer's instructions, shall plainly identify the testing agency that inspected or approved the device, and shall be operable.

29.30.250 Fire Safety Conditions for Apartment Houses and Hotels of More than Two Stories.

(Amended by Ordinance No. 178745, effective October 1, 2004.) In addition to other fire safety requirements of this title, hotels and apartment houses of more than two stories in height shall meet the following requirements:

A. Minimum fire safety standards shall be as provided in Appendix Chapter 12 of the State of Oregon Structural Specialty Code, 1979.

B. Residential High Rise Buildings constructed in accordance with the high-rise building requirements of the Oregon Structural Specialty Code shall maintain all the required fire and life safety systems and equipment in good repair and working order. Upon request of the Director the owner shall produce proof that required fire and life safety systems are fully operational.

29.30.260 Hazardous Materials.

(Amended by Ordinance No. 180330, effective August 18, 2006.)

A. When paint is applied to any surface of a residential structure, it shall be lead-free.

B. Residential property shall be free of dangerous levels of hazardous materials, contamination by toxic chemicals, or other circumstances that would render the

property unsafe. Where a governmental agency authorized by law to make the determination has verified that a property is unfit for use due to hazardous conditions on the property, the property shall be in violation of this Title. Any such property shall remain in violation of this Title until such time as the agency has approved the abatement of the hazardous conditions. The Director may order such property vacated pursuant to Section 29.60.070 of this Title.

C. No residential property shall be used as a place for the storage and handling of highly combustible or explosive materials or any articles which may be dangerous or detrimental to life or health. No residential property shall be used for the storage or sale of paints, varnishes or oils used in the making of paints and varnishes, except as needed to maintain the dwelling

D. Residential property shall be kept free of friable asbestos.

29.30.270 Maintenance of Facilities and Equipment.

In addition to other requirements for the maintenance of facilities and equipment described in this Chapter:

A. All required facilities in every dwelling shall be constructed and maintained to properly and safely perform their intended function.

B. All non-required facilities or equipment present in a dwelling shall be maintained to prevent structural damage to the building or hazards of health, sanitation, or fire.

29.30.280 Swimming Pool Enclosures.

(Amended by Ordinance Nos. 180330 and 181699, effective April 25, 2008.) Swimming pool enclosures shall comply with either the provisions in the 2005 Oregon Residential Specialty Code or Oregon Administrative Rule 333.060.0105 (effective 09-1-1994) as appropriate.

29.30.290 Special Standards for Single-Room Occupancy Housing Units.

(Amended by Ordinance Nos. 176955 and 180330, effective August 18, 2006.) In addition to meeting requirements for residential structures defined elsewhere in this Title, hotels containing single-room occupancy housing units shall comply with the following:

A. The unit shall have at least 100 square feet of floor area, except that any single-room occupancy housing unit constructed pursuant to permit or lawfully constructed prior to permit requirements shall be deemed in compliance with respect to floor area provided it has at least 85 square feet of floor area. This exception shall not apply where any occupancy has been changed or increased contrary to the provisions of this Title.

B. Either a community kitchen with facilities for cooking, refrigeration, and washing utensils shall be provided on each floor, or each individual single-room occupancy

housing unit shall have facilities for cooking, refrigeration and washing utensils. In addition, facilities for community garbage storage or disposal shall be provided on each floor.

C. Where cooking units are provided in individual single-room occupancy housing units, they shall conform to the requirements set forth below.

1. All appliances shall be hard-wired and on separate circuits or have single dedicated connections;

2. All cooking appliances shall be fixed and permanent;

3. The Mechanical Specialty Code, as adopted by Section 27.01.030, shall be used for setting standards for cooking appliances. Cabinets over cooking surfaces shall be 30 inches above the cooking surface, except that this distance may be reduced to 24 inches when a heat shield with 1-inch airspace and extending at least 6 inches horizontally on either side of the cooking appliance is provided. Cooking appliances are limited to two cooking elements or burners and located with at least a 6-inch clear space in all directions from the perimeter of the cooking element or burner. In lieu of two-burner cooking appliances, standard third-party tested and approved ranges with ovens are acceptable, provided that the units are fixed and hard-wired or have single dedicated connections;

4. All cooking appliances shall be installed under permit from the Bureau of Development Services; and

5. All cooking appliances shall be installed so as to provide a minimum clear workspace in front of the appliance of 24 inches.

CHAPTER 29.35 - MAINTENANCE REQUIREMENTS FOR THE EXTERIOR OF NON-RESIDENTIAL STRUCTURES

(Chapter added by Ordinance No. 182488, effective February 21, 2009.)

Sections:

29.35.010 General.

A. The following requirements shall apply to non-residential properties.

B. The exterior of non-residential structures shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair.

C. The specific minimum maintenance standards set forth in Subsections 29.35.020 through 29.35.100 shall apply to all non-residential structures.

29.35.020 Accessory Structures.

All accessory structures on non-residential property shall be maintained structurally safe and in good repair and sound condition. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

29.35.030 Roofs.

The roof shall be maintained structurally sound, and have no exterior defects which might admit rain. Storm water shall be channeled in an approved manner to an approved point of disposal.

29.35.040 Chimneys.

Every masonry, metal, or other chimney shall remain adequately supported, structurally sound and free from obstructions and shall be maintained in good repair and sound

condition which ensures there will be no leakage or backup of noxious gases. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced.

29.35.050 Foundations and Structural Members.

A. Foundation elements shall be adequately maintained to support the building and shall be free of rot, crumbling elements, or similar deterioration.

B. The supporting structural members shall be maintained structurally sound, showing no evidence of deterioration or decay which could substantially impair their ability to carry imposed loads.

29.35.060 Exterior Walls and Exposed Surfaces.

A. Every exterior wall and weather-exposed exterior surface or attachment shall be maintained to be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.

B. All exterior wood surfaces shall be substantially impervious to the adverse effects of weather and shall be maintained in good repair and sound condition. Wood used in repair of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.

C. Exterior metal surfaces shall be protected from rust and corrosion where applicable.

D. Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound.

29.35.070 Stairs and Porches.

Every stair, porch, and attachment to stairs or porches shall be maintained so as to be safe to use and capable of supporting the loads to which it is subjected, and shall be maintained in good repair and sound condition, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear, are broken, warped or loose.

29.35.080 Handrails and Guardrails.

Every handrail and guardrail shall be firmly fastened, and shall be maintained in good repair and sound condition capable of supporting the loads to which it is subjected, and meet the following requirement:

A. Handrails and guardrails required by the building codes at the time of construction shall be maintained or, if removed, shall be replaced.

29.35.090 Windows.

Every window shall be substantially weather-tight, maintained in good repair and sound condition for its intended use and shall comply with the following:

A. Every window shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.

B. Every window sash shall be in good repair and sound condition and fit weather-tight within its frames.

C. Every window frame shall be maintained so as to exclude rain as completely as possible and to substantially exclude wind from entering the building.

29.35.100 Doors.

Every exterior door shall comply with the following:

A. Every exterior door, door hinge, door lock, and strike plate shall be maintained in good working condition.

B. Every exterior door shall be maintained in good repair and sound condition and be weather-tight.

C. Every doorframe shall be maintained so as to substantially exclude rain and wind from entering the building.

29.35.110 Cleanliness and Sanitation.

All exterior property areas shall be maintained in a clean and sanitary condition free from any significant accumulation of rubbish or garbage. All garbage shall be stored in receptacles which are watertight and free from holes and covered with tight fitting lids at all times.

29.35.120 Enforcement.

The Director's authority to enforce the requirements of Title 29 shall be the sole and exclusive means of enforcement of the provisions of Title 29 as those provisions apply to non-residential structures. There shall be no separate private right of enforcement action arising from any violation of Title 29 as those provisions apply to non-residential structures. This limitation does not restrict the exercise of any private legal rights that may arise under contract or other applicable law.

CHAPTER 29.40 - DANGEROUS AND DERELICT STRUCTURES

Sections:

29.40.005 Generally.

No property shall contain any dangerous structure or derelict building as described in this chapter. All such structures shall be repaired or demolished.

29.40.010 Derelict Buildings.

(Amended by Ordinance Nos. 176381 and 181699, effective April 25, 2008.)

A. A derelict building shall be considered to exist whenever any building, structure, or portion thereof which is unoccupied meets any of the following criteria or any residential structure which is at least 50% unoccupied meets any of the following two criteria:

1. Has been ordered vacated by the Director pursuant to Chapter 29.60;

2. Has been issued a correction notice by the Director pursuant to Section 29.60.050;

3. Is unsecured;

4. Is boarded;

5. Has been posted for violation of Chapter 29.20 more than once in any two year period; or

6. Has, while vacant, had a nuisance abated by the City pursuant to this Title.

B. Any property which has been declared by the Director to include a derelict building shall be considered in violation of this Title until:

1. The building has been lawfully occupied;

2. The building has been demolished and the lot cleared and graded under building permit, with final inspection and approval by the Director; or

3. The owner has demonstrated to the satisfaction of the Director that the property is free of all conditions and in compliance with all notices listed in the definition of a derelict building in this Section.

29.40.020 Dangerous Structures.

Any structure which has any or all of the following conditions or defects to the extent that life, health, property, or safety of the public or the structure's occupants are endangered, shall be deemed to be a dangerous structure and such condition or defects shall be abated pursuant to Sections 29.60.050 and 29.60.080 of this Title.

A. High loads. Whenever the stress in any materials, member, or portion of a structure, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location.

B. Weakened or unstable structural members or appendages.

1. Whenever any portion of a structure has been 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 such catastrophe and is less than the minimum requirements of the Oregon State Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location; or

2. Whenever appendages including parapet walls, cornices, spires, towers, tanks, statuaries, or other appendages or structural members which are supported by, attached to, or part of a building, and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Oregon State Structural Specialty and Fire and Life Safety Code.

C. Buckled or leaning walls, structural members. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

D. Vulnerability to earthquakes, high winds.

1. Whenever any portion of a structure is wrecked, warped, buckled, or has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction; or

2. Whenever any portion of a building, or any member, appurtenance, or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location without exceeding the working

stresses permitted in the Oregon State Structural Specialty Code and Fire and Life Safety Code for such buildings.

E. Insufficient strength or fire resistance. Whenever any structure which, whether or not erected in accordance with all applicable laws and ordinances:

1. Has in any non-supporting part, member, or portion, less than 50 percent of the strength or the fire-resisting qualities or characteristics required by law for a newly constructed building of like area, height, and occupancy in the same location; or

2. Has in any supporting part, member, or portion less than 66 percent of the strength or the fire-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

This subsection does not apply to strength required to resist seismic loads. For application of seismic requirements see Chapter 24.85.

F. Risk of failure or collapse.

1. Whenever any portion or member of appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; or

2. Whenever the structure, or any portion thereof, is likely to partially or completely collapse as a result of any cause, including but not limited to:

a. Dilapidation, deterioration, or decay;

b. Faulty construction;

c. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such structure; or

d. The deterioration, decay, or inadequacy of its foundation.

G. Excessive damage or deterioration. Whenever the structure exclusive of the foundation:

1. Shows 33 percent or more damage or deterioration of its supporting member or members;

2. 50 percent damage or deterioration of its non-supporting members; or

3. 50 percent damage or deterioration of its enclosing or outside wall coverings.

H. Demolition remnants on site. Whenever any portion of a structure, including unfilled excavations, remains on a site for more than 30 days after the demolition or destruction of the structure;

I. Lack of approved foundation. Whenever any portion of a structure, including unfilled excavations, remains on a site, including:

1. Where a structure is not placed on an approved foundation and no valid permit exists for a foundation for that structure: or

2. For more than 90 days after issuance of a permit for a foundation for a structure, where the structure is not placed on an approved foundation.

J. Fire hazard. Whenever any structure is a fire hazard as a result of any cause, including but not limited to: Dilapidated condition, deterioration, or damage; inadequate exits; lack of sufficient fire-resistive construction; or faulty electric wiring, gas connections, or heating apparatus.

K. Other hazards to health, safety, or public welfare.

1. Whenever, for any reason, the structure, or any portion thereof, is manifestly unsafe for the purpose for which it is lawfully constructed or currently is being used; or

2. Whenever a structure is structurally unsafe or is otherwise hazardous to human life, including but not limited to whenever a structure constitutes a hazard to health, safety, or public welfare by reason of inadequate maintenance, dilapidation, unsanitary conditions, obsolescence, fire hazard, disaster, damage, or abandonment.

L. Public nuisance.

1. Whenever any structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence; or

2. Whenever the structure has been so damaged by fire, wind, earthquake or flood or any other cause, or has become so dilapidated or deteriorated as to become:

a. An attractive nuisance, or

b. A harbor for vagrants or criminals.

M. Chronic dereliction. Whenever a derelict building, as defined in this Title, remains unoccupied for a period in excess of 6 months or period less than 6 months when the building or portion thereof constitutes an attractive nuisance or hazard to the public.

N. Violations of codes, laws. Whenever any structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such structure provided by the building regulations of this City, as specified in the Oregon State Structural Specialty Code and Fire and Life Safety Code or any law or ordinance of this State or City relating to the condition, location, or structure or buildings.

29.40.030 Abatement of Dangerous Structures.

All structures or portions thereof which are determined after inspection by the Director to be dangerous as defined in this Title are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified herein. If the Director determines that a structure is dangerous, as defined by this Title, the Director may commence proceedings to cause the repair, vacation, demolition, or warehousing of the structure.

CHAPTER 29.50 - OTHER REQUIREMENTS

Sections:

29.50.010 Permits Required.

(Amended by Ordinance No. 184522, 185448 and 186053, effective January 1, 2015.) No person, firm or corporation shall construct, alter, repair, move, improve, or demolish any structure without first obtaining applicable building permits as required by City code.

No person, firm or corporation shall prune or remove a tree without first obtaining applicable tree permits as required by Title 11, Trees.

29.50.020 Inspections Required.

(Amended by Ordinance No. 180330, effective August 18, 2006.) All buildings, structures, or other improvements within the scope of this Title and all construction work for which a permit is required shall be subject to inspection as required by the City Code.

29.50.030 Requested Inspections for Residential Structures.

(Amended by Ordinance No. 176528, effective June 28, 2002.) Requested inspections that are not part of the City's code enforcement program will be made as soon as practical after payment to the Director of the fee specified in the Property Maintenance Regulations Fee Schedule as approved by City Council.

29.50.040 Occupancy of Property After Notice of Violation.

(Amended by Ordinance Nos. 172088, 176381, 176528 and 182488, effective February 21, 2009.)

A. If a notice of violation of Chapters 29.30, 29.35, or 29.40 has been issued, and if the affected structure or any portion thereof is residential or neighborhood commercial use or becomes vacant, it shall be:

1. Unlawful to re-enter the affected structure or any portion thereof for any purpose if the affected structure or any portion thereof is found to be substantially dangerous or unsafe, unless authorized in writing by the Director.

2. Unlawful to re-enter the affected structure or portion thereof for any purpose other than work associated with the correction of violations noted in the Notice of Violation.

B. In addition to any civil penalties imposed pursuant to Section 22.05.010 A.5. or Section 29.70.020 D., and as collected through a municipal lien process, any person unlawfully occupying any such affected structure or portion thereof shall upon conviction be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or both.

29.50.050 Illegal Residential Occupancy.

When a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy.

29.50.060 Interference with Repair, Demolition, or Abatement Prohibited.

It is unlawful for any person to obstruct, impede, or interfere with any person lawfully engaged in:

A. The work of repairing, vacating, warehousing, or demolishing any structure pursuant to the provisions of this Title;

B. The abatement of a nuisance pursuant to the provisions of this Title; or

C. The performance of any necessary act preliminary to or incidental to such work as authorized by this Title or directed pursuant to it.

29.50.070 Warehousing of Structures.

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

A. When the Director determines that a structure is suitable, due to its historic designation or other significant features, the owner may be permitted to warehouse such structure, as defined in this Title, for a period of up to 30 months. An extension for one further period of 1 year may be permitted by the Director, provided that the condition of the warehoused structure is determined by inspection, to be satisfactory.

B. The Director shall have the authority to adopt and enforce written rules concerning the maintenance and monitoring of warehoused structures. The requirements for the warehousing of each structure under the rules shall be recorded in the files of the Bureau of Development Services.

C. All work necessary in warehousing a structure shall be carried out under permits required by City Codes.

D. Owners of a warehoused structure shall continue to be subject of the penalties set forth in Chapter 29.70 to pay the Bureau of Development Services for the cost of regular inspections of their buildings during the warehousing period.

CHAPTER 29.60 - ADMINISTRATION AND ENFORCEMENT

Sections:

29.60.010 Administration Authority and Responsibility.

The Director is hereby authorized to administer and enforce all of the provisions of this Title. In accordance with approved procedures, the Director may employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this Title. The authority of the Director to enforce the provisions of this Title is independent of and in addition to the authority of other City officials to enforce the provisions of any other Title of the City Code.

29.60.020 Authorization to Inspect.

(Amended by Ordinance No. 176955, effective October 9, 2002.) The Director is authorized to make inspection of property for the purposes of enforcing this Title. Wherever possible, inspections made by the personnel of the Bureau of Development Services or Fire shall be coordinated in order to avoid the issuance of multiple or conflicting orders.

29.60.030 Enforcing Compliance.

To enforce any of the requirements of this Title, the Director may gain compliance by:

A. Instituting an action before the Code Hearings Officer as set out in Title 22 of City code;

B. Causing appropriate action to be instituted in a court of competent jurisdiction; or

C. Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

29.60.040 Right of Entry; Inspection Warrants.

(Replaced by Ordinance No. 173248; amended by Ordinance Nos. 174225 and 176381, effective May 10, 2002.)

A. Right of Entry. The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any building regulations, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any building regulations. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

1. Occupied Property. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant;

2. Unoccupied Property.

a. If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant.

b. If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant; or

3. Open, Unoccupied Property. If any structure on the property is unoccupied and open:

a. The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in PCC Chapter 29.20.

b. If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in PCC Chapter 29.20. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If

entry is refused, the Director may attempt to obtain entry by obtaining an inspection or abatement warrant.

B. Grounds for Issuance of Inspection Warrants; Affidavit.

1. Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any building regulation exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with building regulations.

C. Procedure for Issuance of Inspection Warrant.

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 8:00 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.

3. Police Assistance. In issuing an inspection warrant on unoccupied property, including abatement warrants pursuant to Section 29.60.060, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter

the described property to remove any person or obstacle and assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection.

D. Execution of Inspection Warrants

1. Occupied Property. Except as provided in subsection 2. of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

2. Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

3. Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

29.60.050 Notice and Order.

(Amended by Ordinance Nos. 177254 and 180330, effective August 18, 2006.)

A. **Notification Required.** Except in the case of summary abatement or immediate danger, if the Director finds one or more violations of the provisions of this Title on a property or adjacent right of way, the Director shall notify the property owner to repair, remove or take any other action as necessary to correct the violations. Notification to the property owner shall 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 First Class Mail or certified mail at the Director's discretion. Notice to the property owner may also be accomplished by posting notice on the property.

In addition to the above notice to the property owner, prior notice before towing a disabled vehicle must be provided by mailing a notice to the registered owner(s) and any other persons who reasonably appear to have an interest in the vehicle within 48 hours, Saturdays, Sundays and holidays excluded, after the notice has been posted on the property. The Director shall also provide notice to the registered

owner and other persons who have an interest in the disabled vehicle by posting written notice on the vehicle.

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 violation(s);

4. Disclosure that penalties, charges, and liens may result from a failure to remedy the violations, and in the case of a disabled vehicle, a statement that the City intends to tow and remove the vehicle if the violation is not corrected;

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. Disclose the owner's right to appeal the findings of the notice of violation and a description of the time limits for requesting an administrative review or a hearing, as described in Chapter 29.80 of this Title.

C. Notification by Mail. An error in the name of the property owner or address listed in the county assessment and taxation records for the property shall not render the notice void, but in such case the posted notice, if a notice was posted on the property, shall be deemed sufficient.

D. Notification Following Summary Abatement. When summary abatement is authorized by this Title, the decision regarding whether or not to use summary abatement shall be at the Director's discretion. In the case of summary abatement, notice to the owner or occupant of the property prior to abatement is not required. However, following summary abatement, the Director 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 of Summary Abatement shall include:

1. The date the nuisance on the property was abated;

2. The street address or description sufficient for identification of the property;

3. A statement of the violations of Title 29 that existed at the property and were summarily abated;

4. Disclosure that penalties, charges and liens will result from the summary abatement;

5. Disclosure of the owner's right to appeal the findings of the notice.

E. Compliance Inspections and Penalties. The Director shall monitor compliance with the notice through periodic tracking and inspection. Once a notice has been mailed, the owner shall be responsible for all enforcement penalties associated with the property, as described in Chapter 29.70, until the violations are corrected and the Director 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 Director.

F. Time Limits for Repair. The Director may set time limits in which the violations of this Title are to be corrected. Failure to comply with the time limits shall be a violation of this Title.

G. Effective Date of Notice. All notices served pursuant to this section shall be considered served as of the date and time of mailing the notice described in subsections A. and C. of this section.

H. Information Filed with County Recorder. If the Director finds violations of this Title on any property, the Director may record with the County Recorder information regarding City code violations and possible liens on the property.

29.60.060 Nuisance Abatement; Warrants.

(Replaced by Ordinance No. 173248; amended by Ordinance No. 176381, effective May 10, 2002.)

A. Abatement. If, within the time limit set by the Director in the notice of violation, any nuisance described in the notice has not been removed and abated, or cause shown, as specified in Chapter 29.80 of this Title, why such nuisance should not be removed or abated, or where summary abatement is authorized, the Director may cause the nuisance to be removed and abated, including disposal in an approved manner.

B. Warrants. The Director may request any Circuit Court judge to issue an nuisance abatement warrant whenever entry onto private property is necessary to remove and abate any nuisance, or whenever the Director has reasonable cause to believe that there exists in any building or upon any property any nuisance which makes such property substandard as defined in any building regulations.

C. Grounds for Issuance of Nuisance Abatement Warrants; Affidavit.

1. Affidavit. A nuisance abatement 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 removal and abatement of the nuisance, the building or property to be entered, the basis upon which cause exists to remove or abate the nuisance, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.

2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for removing and abating nuisances are satisfied with respect to any building or upon 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 shall 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 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.

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.

E. Execution of Nuisance Abatement Warrants.

1. Occupied Property. Except as provided in subsection 2. of this section, in executing a nuisance 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.

2. Unoccupied Property. In executing a nuisance 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 subsection 1. of this section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the nuisance abatement warrant shall be conspicuously posted on the property.

3. Return. A nuisance abatement warrant must be executed within 10 working day 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.

F. Disposal of Nuisance Items Removed. The Director may cause the nuisance items removed pursuant to the nuisance abatement warrant to be disposed of in an approved manner whenever the Director, in the Director's sole discretion, finds that the fair and reasonable value of the items at resale would be less than the cost of storing and selling the items. In making the above determination, the Director may include in the costs of sale the reasonable cost of removing the items to a place of storage, of storing the items for resale, of holding the resale including reasonable staff allowances, and all other reasonable and necessary expenses of holding the sale

29.60.070 Vacating Structures.

(Amended by Ordinance Nos.176381 and 182488, effective February 21, 2009.)

A. Any structure found to be in violation of Chapter 29.30 or 29.35 to such an extent as to be a hazard or declared a dangerous structure under Chapter 29.40 may be vacated, secured, and maintained against entry by order of the Code Hearings Officer.

B. If the Director finds violations to the extent that an immediate danger is posed to the health, safety, or welfare of the occupants, or that of the general public, the Director may order part of the structure, or all of the structure, to be vacated or demolished forthwith, if in the Director's discretion, circumstances are found that do not allow time for prior application to the Hearings Officer.

1. The owner or any tenant of the property, who has been affected by the Director's determination to vacate may appeal that determination to the Code Hearings Officer by following the procedure contained in Section 22.20.030 of City code.

2. Upon receipt of a request for hearing pursuant to Section 22.20.030 of City code, the Code Hearings Officer shall schedule and hold an appeal hearing within ten (10) days after the receipt of the request.

C. Upon vacation of the structure a notice shall be posted at or on each exit of the building. Whenever such notice is posted, the Director shall include in such notice a statement declaring the building unsafe to occupy and specifying the conditions that necessitate the posting.

D. Unless authorized by the Director, it is unlawful for any person knowingly to enter or remain in any structure that the Director has ordered vacated pursuant to this Section. In addition to any civil penalties imposed pursuant to Section 22.05.010A.5. or Chapter 29.70 of City code, any person knowingly entering or remaining in such a structure shall upon conviction be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or both.

29.60.080 Referral to the Hearings Officer for Repair or Demolition of Dangerous Structures.

(Amended by Ordinance No. 176955, effective October 9, 2002.) At any time after the Director identifies a property as containing a dangerous structure and has notified the owner as specified in Section 29.60.050, the Director may cause an action to be instituted before the Code Hearings Officer as provided in Title 22 of City code. In the event the owner fails or neglects to comply with any order of the Hearings Officer to repair or demolish a structure, the Hearings Officer may authorize the Bureau of Development Services to carry out such repairs or demolish the structure.

29.60.085 Demolition; Warrants

(Added by Ordinance No. 174265; amended by Ordinance No. 176381, effective May 10, 2002.)

A. Abatement. If, within the time limit set by the Hearings Officer's Order for Demolition, the dangerous structure described in the Order has not been removed and abated, or cause shown, as specified in Chapter 29.80 of this Title, why such dangerous structure should not be removed or abated, or where summary abatement is authorized, the Director may cause the dangerous structure to be removed and abated, including disposal in an approved manner.

B. Warrants. The Director may request any Circuit Court judge to issue a demolition warrant whenever entry onto private property is necessary to demolish a dangerous structure.

C. Grounds for Issuance of Demolition Warrants; Affidavit

1. Affidavit. A demolition 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 demolition of the dangerous structure, the building or property to be entered, the basis upon which cause exists to demolish the dangerous structure and a general statement describing the structure to be demolished. In addition, the affidavit shall contain a statement describing the conditions under which the demolition is to be completed, including completion of all work on the property within a thirty-day period.

2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards are satisfied with respect to the demolition of the dangerous structure.

D. Procedure for Issuance of a Demolition Warrant.

1. Examination. Before issuing a demolition 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 demolition of any dangerous structure exists and that the other requirements for granting the application are satisfied, the judge shall issue the demolition warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement describing the structure to be demolished and the work to be performed. 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.

3. Police Assistance. In issuing a demolition warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statues, 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 demolish the dangerous structure.

E. Execution of Demolition Warrants.

1. Execution. In executing the demolition warrant, the person authorized to execute the warrant need not inform anyone of the person's authority or purpose but may promptly enter the designated property if it is or at the time reasonably appears to be a) unoccupied, or b) not in the possession of any person. A copy of the demolition warrant shall be conspicuously posted on the property.

2. Return. A demolition warrant must be executed within 10 working days of its issuance by the judge. The authority to enter into the property and perform the demolition work shall continue for a period of up to 30 days after the date of execution, unless the judge extends this time before it has expired. The executed warrant shall be returned to the judge upon the completion of the demolition or the expiration of the authorized time, whichever occurs first. If the warrant is not executed within 10 days after the issuance by the judge, the warrant shall be void.

F. Disposal of Demolition Debris. The Director may cause the debris to be removed pursuant to the demolition warrant and disposed of in an approved manner whenever the Director, in the Director's sole discretion, finds that the fair and reasonable value of the debris would be less than the cost of storing and selling the items. In making the above determination, the Director may include in the costs of sale the reasonable cost of removing debris to a place of storage, of storing the items for resale, of holding the resale including reasonable allowances for costs of staff, and any other reasonable and necessary expenses of holding a sale.

29.60.090 Contracts to Repair or Demolish.

(Amended by Ordinance No. 176955, effective October 9, 2002.) If the Bureau of Development Services is authorized to repair or demolish a structure by the Hearings Officer pursuant to 29.60.080, the Director is authorized to enter into a contract or contracts for such work on behalf of the City in a sum not to exceed $18,000 on any single structure. Repair or demolition contracts in excess of $18,000 shall be approved by Council by ordinance. Any sums expended by the City for repair or demolition of any structure pursuant to this Chapter shall be a lien upon the structure and/or real property on which the structure is located pursuant to the provisions of Chapter 22.06 of City code.

29.60.100 Exceptions.

(Replaced by Ordinance No. 177254, effective March 14, 2003.)

A. The Director 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 Director deems it necessary in order to accomplish the purpose of this Title.

B. To carry out the intent of this Section the Director shall establish written policies in the form of waivers to explain the exceptions that are available to property owners. The waivers shall include the following information:

1. An explanation of the purpose of the waiver;

2. A list of the requirements the owner must meet in order to qualify for the waiver;

3. An explanation of the period of time during which the waiver will be in effect;

4. A list of the actions the owner must perform to fulfill their responsibilities to maintain the waiver and to prevent the waiver from being cancelled.

C. The owner must apply for a waiver in writing. This Section shall not be construed so as to evade the provisions of Title 22.

CHAPTER 29.70 - COSTS AND PENALTIES

Sections:

29.70.005 Generally.

In order to defray the costs of enforcement of, and to encourage compliance with, this Title, the Director shall impose penalties on those properties which are found to be in violation of this Title.

29.70.010 Enforcement Fees or Penalties for Nuisance, Housing and Dangerous and Derelict Buildings.

(Amended by Ordinance Nos. 176528, 181699, 182488 and 183793, effective May 19, 2010.)

A. The City may charge a penalty in the form of a monthly enforcement fee for each property found in violation of Chapters 29.20, 29.30, 29.35 or 29.40 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 29.60.050; and

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 monthly enforcement fee shall be charged as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council. If all violations are not corrected within three months from the date of the initial notice of violation, subsequent enforcement fees or penalties shall be twice the amount listed in the Enforcement Fee and Penalty Schedule as approved by City Council.

C. Whenever the property owner believes that all violations have been corrected, the property owner shall so notify the Director. Upon receipt of such notice, the Director shall promptly schedule an inspection of the property and shall notify the property owner if any violations remain uncorrected.

D. Once monthly enforcement fees or penalties begin, they shall continue until all violations have been corrected, inspected and approved.

E. When a property meets the conditions for charging an enforcement fee or penalty, the Director shall file a statement with the City Auditor that identifies the property, the amount of the monthly fee or penalty, and the date from which the charges are to begin. The City Auditor shall then:

1. Notify the property owner(s) of the assessment of enforcement fees or penalties and the 10 percent City Auditor charge; and

2. Record a property lien in the Docket of City Liens; and

3. Bill the property owner(s) monthly for the full amount of enforcement fees or penalties owing, plus additional charges to cover administrative costs of the City Auditor; and

4. Maintain lien records until:

a. The lien and all associated interest, penalties, charges and costs are paid in full; and

b. The Director certifies that all violations listed in the original or any subsequent notice of violation have been corrected.

F. When a property meets the conditions for assessment of fees or penalties as described in this Title, the Director may also cause appropriate collection measures, including legal action in a court of competent jurisdiction, to be instituted against the property owner in order to collect the assessed fees or penalties.

29.70.020 Costs and Penalties for Abatement of Nuisances, Disable Vehicles, and Re-occupancy in Violation.

(Replaced by Ordinance No. 176528; amended by Ordinance Nos. 176955 and 183793, effective May 19, 2010.)

A. Nuisances.

1. Whenever a nuisance is abated by the City, the Director 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 Enforcement Fee and Penalty Schedule as approved by City Council.

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 Enforcement Fee and Penalty 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 are of the same character.

3. Costs and penalties resulting from nuisance abatement shall be assessed as a lien upon the real property as provided in Subsection D.

B. Disabled Vehicles.

1. Whenever a vehicle is removed from real property by the City, the Director shall keep an accurate account of all expenses incurred for each disabled vehicle removed including but not limited to abatement costs, civil penalties, administrative costs, inspection fees, recording fees, and title report charges as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council.

2. Whenever a vehicle, which has been tagged by the City, is removed from real property and placed on the public right-of-way, the owner of the real property shall be responsible for that vehicle. The Director shall remove the vehicle from the right-of-way and keep an accurate account of all expenses incurred for each disabled vehicle removed including but not limited to abatement costs, civil penalties, administrative costs, fees, recording fees and title report charges as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council.

3. Costs and penalties resulting from the abatement of disabled vehicles shall be assessed as a lien upon the real property as provided in Subsection D.

C. Occupancy of Property After Notice of Violation.

1. Whenever a property owner causes or permits a vacant structure or portion thereof to be occupied in violation of this Title, a penalty as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council shall be imposed per structure or portion thereof.

2. Costs and penalties resulting from the occupancy of property after notice of violation shall be assessed as a lien upon the real property as provided in Subsection D.

D. When a property meets the conditions for assessment of fees or penalties as described in Subsections A., B. or C. above, the Bureau of Development Services shall file a statement of such fees or penalties with the City Auditor. Upon receipt of the statement, the City Auditor shall mail an assessment notice to the property

owner. The notice shall include the amount due plus 10 percent charges to cover the administrative costs of the City Auditor. At the same time the notice is mailed by the City Auditor, the City Auditor shall enter the amount due or the amount of the unpaid balance, plus charges to cover the administrative cost of the City Auditor, in the Docket of City Liens which shall thereafter constitute a lien against the property. The property owner is responsible for paying all liens assessed against the property.

E. When a property meets the conditions for assessment of fees or penalties as described in this Title, the Director may also cause appropriate collection measures, including the legal action in a court of competent jurisdiction, to be instituted against the property owner in order to collect the assessed fees or penalties.

29.70.030 Building Demolition Costs and Penalties.

(Amended by Ordinance Nos. 176528 and 183793, effective May 19, 2010.)

A. Whenever a building is demolished by the City, the Director shall keep an accurate account of all expenses incurred for each building demolished, including but not limited to abatement costs, civil penalties, administrative costs, recorders fees and title report charges as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council.

B. Costs and penalties resulting from demolition by the City of any structure pursuant to this Title plus 10 percent charges to cover the administrative costs of the City Auditor shall be assessed as a lien upon the real property on which the structure was located pursuant to the provisions of Chapter 22.06 of City code.

C. When a property meets the conditions for assessment of fees or penalties as described in this Title, the Director may also cause appropriate collection measures, including legal action in a court of competent jurisdiction, to be instituted against the property owner in order to collect the assessed fees or penalties.

29.70.040 Chronic Offender.

(Added by Ordinance No. 181699, effective April 25, 2008.)

A. A Chronic Offender is any person whose property has accumulated, within any 12-month period, multiple violations under Title 29 which have a negative impact on the public health or welfare and cause repeat inspections and enforcement efforts by the Director.

B. The Director shall adopt policies and procedures setting forth the type and number of Title 29 violations that result in a Chronic Offender designation.

C. The Director may pursue any of the following actions against a Chronic Offender:

1. Refer the Chronic Offender to the Code Hearings Officer, as provided in Title 22 of the City Code, for additional sanctions; or

2. Refer the Chronic Offender for Criminal Prosecution and criminal penalties of a fine of up to $500 per violation or six (6) months in jail as provided for in City Code Chapter 1.01.

CHAPTER 29.80 - APPEALS

Sections:

29.80.010 Administrative Review

(Amended by Ordinance Nos. 176381 and 176955, effective October 9, 2002.)

A. Whenever an owner has been given a notice pursuant to this Title and has been directed to make any correction or to perform any act and the owner believes the finding of the notice was in error, the owner may have the notice reviewed by the Director. If a review is sought, the owner shall submit a written request to the Bureau of Development Services within 15 days of the date of the notice. Such review shall be conducted by the Director. The owner requesting such review shall be given the opportunity to present evidence to the Director. Following the review, the Director shall issue a written determination.

B. Nothing in this Section shall limit the authority of the Director to initiate a proceeding under Title 22.

29.80.020 Appeals to the Code Hearings Officer.

(Amended by Ordinance No. 183793, effective May 19, 2010.) A determination issued pursuant to 29.80.010 may be appealed to the Code Hearings Officer along with the payment of a fee as set forth in the Enforcement Fee and Penalty Schedule, as provided for in Chapter 22.10 of City code.

29.80.030 Further Appeals.

All appeals from the Code Hearings Officer's determination pursuant to 29.80.020 shall be by writ of review as authorized by Section 22.04.010 of the City Code and ORS 34.010 - 34.100.

CHAPTER 29.90 - HOUSING RECEIVERSHIP

Sections:

29.90.010 Purpose and Scope.

The purpose of this Chapter is to establish authority and procedures for the use of the Oregon Housing Receivership Act (ORS 105.420 to 105.455), and shall apply to all residential property.

29.90.020 Authority.

(Amended by Ordinance Nos. 176955 and 180330, effective August 18, 2006.)

A. When the Director finds that any residential property is in violation of Titles 24, 25, 26, 27, 28, 29, 31, or 33 and believes that violation is a threat to the public's health, safety or welfare, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement. As used in this Chapter, abatement shall mean the removal or correction of any condition at a property that violates any provision of Titles 24, 25, 26, 27, 28, 29, 31, or 33 of the City Code as well as the making of other improvements or corrections as are needed to rehabilitate the property or structure. Abatement may include demolition, but does not include securing a structure against entry.

B. In administering the provisions of this Chapter, the Director's authority shall include, but is not limited to:

1. The selection of properties;

2. The selection of appropriate receivers; and

3. The establishment of written rules and procedures as are deemed necessary for the administration of this Chapter.

29.90.030 Selection of Properties.

(Amended by Ordinance No. 180330, effective August 18, 2006.) In selecting properties where the City may seek appointment of a receiver, the Director shall consider those properties that have, at a minimum, the following characteristics:

A. A violation of any provision of Titles 24, 25, 26, 27, 28, 29, 31 or 33 that threatens the public health, safety or welfare;

B. The owner has not acted in a timely manner to correct the violations; and

C. Abatement of the violations on this property would further the Housing Policy of the City of Portland as articulated in Goal 4 of the City's Comprehensive Plan.

29.90.040 Notice To Interested Parties and Application.

A. At least 60 days prior to the filing of an application for appointment of a receiver, the Director shall cause a notice to be sent by regular mail to all interested parties.

B. The notice shall give the date upon which the City has the right to file with the court for the receiver, and in addition shall:

1. State the address and legal description of the property;

2. List the code violations which give rise to the proposed application; and

3. Give the name, address and telephone number of a person who can provide additional information concerning the violations and their remedy.

C. If no interested party has taken any action to foreclose their security interest within 60 days of the date of the notice, the Director may thereafter apply for the appointment of a receiver.

29.90.050 Selection of Receivers.

In selecting specific receivers, the Director shall choose either the Housing Authority of Portland, a City bureau, an urban renewal agency, or a private not-for-profit corporation, the primary purpose of which is the improvement of housing conditions within the City. In making the selection, the Director shall consider, at a minimum, the following:

A. The location of the property relative to other properties owned or managed by the receiver.

B. The receiver's experience in rehabilitating and managing this type of property.

C. The receiver's capacity to take on additional property management responsibilities.

29.90.060 Powers of a Receiver.

A receiver appointed by the court pursuant to the Oregon Housing Receivership Act shall have the authority to do any or all of the following, unless specifically limited by the court:

A. Take possession and control of the property, including the right to enter, modify and terminate tenancies pursuant to ORS Chapters 90 and 105, and to charge and collect rents and apply rents collected to the costs incurred due to the receivership.

B. Negotiate contracts and pay all expenses associated with the operation and conservation of the property, including, but not limited to all utility, fuel, custodial, repair, and insurance costs.

C. Pay all accrued property taxes, penalties, assessments, and other charges imposed on the property by a unit of government, as well as any charge of like nature accruing during the pendency of the receivership.

D. Dispose of all abandoned personal property found on the property pursuant to ORS Chapter 90.

E. Enter into contracts and pay for the performance of any work necessary to complete the abatement.

F. Enter into financing agreements with public or private lenders and encumber the property so as to have moneys available to correct the conditions at the property giving rise to the abatement.

G. Charge an administrative fee at an hourly rate approved by the court or at a rate of 15 percent of the total cost of abatement, whichever the court deems more appropriate.

29.90.070 Plan and Estimate.

Within 30 days after appointment by the court, a receiver shall submit to the Director a written plan for the abatement. The Director shall approve the plan before the receiver commences work on the abatement.

29.90.080 Record Keeping.

The receiver shall keep a record of all moneys received and expended and all costs and obligations incurred in performing the abatement and managing the property. Records shall be kept in a form as shall be agreed upon by the receiver and the Director, and copies shall be provided to the Director upon request.

29.90.090 Purchasing.

All abatement work done under this Chapter is exempt from the purchasing and contracting provisions of Chapters 5.32 and 5.68 of City code.

29.90.100 Liens.

A. All moneys expended and all costs and obligations incurred by the receiver in performing the abatement shall be reviewed by the court for reasonableness and their necessity in performing the abatement. To the extent that the court finds the moneys, costs, or obligations, to be reasonable and necessary, it shall issue an order reciting this fact as well as the amount found to be reasonable and necessary.

B. If the costs and obligations incurred due to the abatement have not been paid, the order of the court shall be filed with the county recorder within 60 days of its filing with the court and shall thereafter constitute a lien on the property.

29.90.110 Foreclosure.

In the event that the lien created pursuant to the terms of this Chapter and the Oregon Housing Receivership Act is not paid in a timely fashion, the receiver or their assignee or other successor in interest may bring a suit or action in foreclosure as provided for by law.

29.90.120 Termination of Receivership.

(Amended by Ordinance No. 180330, effective August 18, 2006.) The receivership authorized pursuant to the terms of this Chapter and the Oregon Housing Receivership Act shall terminate only by an order of the court after a showing by an interested party or the receiver that:

A. The abatement has been completed;

B. The costs and obligations incurred due to the abatement have been paid by an interested party or a lien has been filed pursuant to Section 29.90.100 of this Chapter; and

C. The interested party will manage the property in conformance with the applicable provisions of Titles 24, 25, 26, 27, 28, 29, 31 and 33 of City code.

TITLE 30 - AFFORDABLE HOUSING

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TITLE 30 - AFFORDABLE HOUSING

(Title added by Ordinance No. 172844, effective November 4, 1998)

CHAPTER 30.01 - AFFORDABLE HOUSING PRESERVATION AND PORTLAND RENTER PROTECTIONS

(Chapter amended by Ordinance No. 187380, effective November 13, 2015.)

Sections:

30.01.010 Policy.

(Amended by Ordinance No. 187380, effective November 13, 2015.) It is the policy of the City of Portland that all Portlanders, regardless of income level, family composition, race, ethnicity or physical ability, have reasonable certainty in their housing, whether publicly assisted or on the private market. Consequently, publicly assisted rental housing affordable to low and moderate income persons and households should be preserved as a long-term resource to the maximum extent practicable, and the tenants of such properties should receive protections to facilitate securing new housing should the affordable units be converted to market rate units or otherwise be lost as a resource for low and moderate income housing. Likewise, Portland renters in unregulated housing on the private market, need additional protections to ensure that there is adequate time to find alternative housing in the case of a no cause eviction and adequate time to budget for an increase in rent.

30.01.020 Intent.

(Amended by Ordinance No. 187380, effective November 13, 2015.) The intent of this Title is to protect the availability of publicly assisted affordable housing for low and moderate income households by: providing for notice to the City and tenants when transitions from current assistance programs and/or affordable housing uses are planned;

providing purchase opportunities for the City to attempt to preserve the affordable housing while respecting ownership interests of building owners; providing tenant relocation assistance when the affordable housing is converted; and, ensuring long term affordability in future projects that the City assists with public financing designed to create or preserve affordable housing; and ensuring that all Portland renters, have additional protections to ensure more certainty in their housing security.

30.01.030 Definitions.

(Amended by Ordinance Nos. 186028, 187380, 188163 and 189323, effective December 19, 2018.)

A. **"Administrative Rules"** means the program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth program requirements, processes, and procedures, and are filed through the City's publically available Portland Policy Documents (PPD).

B. **"Affordable housing."** The term "affordable housing", "affordable rental housing" or "housing affordable to rental households" means that the rent is structured so that the targeted tenant population pays no more than 30 percent of their gross household income for rent and utilities. The targeted tenant populations referred to in this section include households up to 80 percent of MFI.

C. **"Associated Housing Costs."** include, but are not limited to, fees or utility or service charges, means the compensation or fees paid or charged, usually periodically, for the use of any property, land, buildings, or equipment. For purposes of this Chapter, housing costs include the basic rent charge and any periodic or monthly fees for other services paid to the Landlord by the Tenant, but do not include utility charges that are based on usage and that the Tenant has agreed in the Rental Agreement to pay, unless the obligation to pay those charges is itself a change in the terms of the Rental Agreement.

D. **"City Subsidy."** Locally controlled public funds administered by PDC, PHB, or other City bureau or agency, allocated for the purpose of creating or preserving affordable rental housing to households below 80 percent of MFI. City subsidies may be provided to developers through direct financial assistance such as low interest or deferred loans, grants, equity gap investments, credit enhancements or loan guarantees, or other mechanisms.

E. **"City Subsidy Projects."** Privately owned properties of five or more units which receive a City Subsidy after the effective date of Title 30.01 through programs designed to create or preserve rental housing affordable at or below 80 percent of MFI.

F. **"Commercial Market Compatible Offer."** A Fair Market Value purchase offer made by the City or its designee which is consistent with the terms and conditions

which would be made by a buyer on the open market such that a seller negotiating with the City on such terms would not experience any significant disadvantage as compared to a market rate transaction with a private party.

G. **"Fair Market Value."** The amount of money in cash that real property would bring in the open market if it were offered for sale by one who desired, but was not obligated to sell, and was bought by one willing but not obliged to buy. It is the actual value of the property on the date when a City offer pursuant to Title 30.01.050 is made. As may be further refined by PHB through its Administrative Procedures developed in reference to the Uniform Standards of Professional Appraisal Practice, the Oregon Uniform Trial Instructions, and relevant case law, Fair Market Value is based on the best and highest use of the property, which may be greater than the use being made of the property by the current owner. However, Fair Market Value does not include speculative value, or possible value based on future expenditures and improvements, or potential changes in applicable zoning regulations or laws, which are not reasonably probable. Fair Market Value includes assessment of environmental, structural or mechanical information derived from inspections or other due diligence activities.

H. **"Federal Preservation Projects."** Properties having project-based rental assistance contracts for some or all of the units (such as Section 8 and Project Rental Assistance Contracts) including those developed under a variety of HUD mortgage assistance and interest rate reduction programs. Federal preservation projects include properties with loans, contracts, or insurance under the following federal subsidy programs: section 221(d)(4) with project-based Section 8; Section 202; Section 236(J)(1); Section 221(D)(3) BMIR; Section 221(D)(3) MIR; Section 811; Project based Section 8 contracts administered through HUD, Oregon Housing and Community Services, or the Housing Authority of Portland; Project Rental Assistance Contracts (PRAC); LIHPRHA capital grant program; and Section 241(f) preservation grant. An updated list of all known Federal Preservation Projects will be maintained and available upon request to the public.

I. **"HUD."** The United States Department of Housing and Urban Development

J. **"Involuntary Displacement."** Tenants of Federal Preservation Projects are considered to be involuntarily displaced if:

1. They are served a notice to vacate the property for reasons other than just cause as defined herein; or

2. They are not offered a one year lease under their tenant based voucher by the property owner; or

3. They are offered a one year lease under their tenant based voucher, but are required to pay as rent and utilities an amount greater than the tenant

contribution to rent (and utilities) in effect under the project-based Section 8 contract, and they then choose to move from the property rather than enter into a lease under the voucher. This form of displacement is referred to as "economic displacement."

K. **"Just Cause Eviction."** Evictions for serious or repeated violations of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State or local law, or other good cause.

L. **"Local Preservation Projects."** Properties with 10 or more rental units which received financial assistance (from the programs listed below), to create or preserve housing serving households below 80 percent of MFI since January 1, 1988 and through the effective date of Title 30.01, which have affordability restrictions that are still in force as of the effective date of Title 30.01. Financial assistance programs include subsidies from the City of Portland through the Portland Development Commission (Rental Housing Development Loan Program, Investor Rehabilitation Loan Program, Rental Rehabilitation Loan Program, or Downtown Housing Preservation Program), and/or from the State of Oregon Housing and Community Services Department (Housing Development Grant Program, Oregon Affordable Housing Tax Credit Program, and the former Oregon Lenders Tax Credit Program, Risk Sharing Bond program, Elderly and Disabled Bond Program), and/or which have received bond financing issued by the Housing Authority of Portland or the Portland Development Commission. An updated list of all known Local Preservation Projects will be maintained and available upon request to the public.

M. **"Low Income."** Low income individuals, households or tenants are those with a gross household income below 50 percent of MFI.

N. **"Mass shelter."** A structure that contains one or more open sleeping areas or is divided only by non-permanent partitions and is furnished with cots, floor mats, or bunks. Individual sleeping rooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, on a daily basis.

O. **"MFI."** Median family income for the Portland Metropolitan Statistical Area as defined by HUD as adjusted for inflation and published periodically.

P. **"Moderate Income."** Moderate income individuals, households or tenants are those with a gross household income below 80 percent of MFI.

Q. **"Opt Out."** An owner's non-renewal of an available project-based Section 8 contract in a Federal Preservation Project. Owners may consider "opting out" when they contemplate conversion to open market rental housing, other housing or commercial uses, or a sale of the property.

R. **"PHB."** The Portland Housing Bureau.

S. **"PDC."** The Portland Development Commission

T. **"Preservation Process."** The requirements contained in 30.01.050 - 30.01.070 for Federal Preservation Projects and in 30.01.080 for Local Preservation Projects respectively.

U. **"Qualifying Household."** A household legally residing in a Federal Preservation Project with a gross household income at or below 50 percent of MFI.

V. **"Receiving Site"** means a new or existing housing development with transferred Inclusionary Housing requirements from a Sending Site.

W. **"Regulatory Agreement"** means a recorded agreement between the owner and PHB stating the approval and compliance criteria of a PHB program.

X. **"Residential Landlord and Tenant Act"** or **"Act."** ORS Chapter 90.

Y. **"Sending Site"** means a new development project which is subject to Inclusionary Housing requirements and is opting to provide affordable units off-site.

Z. **"Short-term housing."** One or more structures that each contains one or more individual sleeping rooms and for which tenancy of all rooms may be arranged for periods of less than one month. A short-term housing facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency that may or may not charge a fee. Examples include transitional housing and emergency shelters in which individual rooms are provided. Tenancy may be less than 30 days or more than 30 days.

30.01.040 Title 30.01 Responsibilities.

(Amended by Ordinance Nos. 186028 and 187380, effective November 13, 2015.) PHB will have primary responsibility for implementation of Title 30.01. This responsibility will include the development and administration of operating procedures, and taking any and all City actions referenced herein as may be necessary for implementation of the requirements of this Title. PDC will work with PHB to implement property acquisition responsibilities described in this Title. PDC is also expected to develop strategies to implement the 60-year affordability requirements in 30.01.090.

30.01.050 Federal Preservation Projects - City Notice and Preservation Opportunities.

(Replaced by Ordinance No. 174180; amended by Ordinance Nos. 186028 and 187380, effective November 13, 2015.)

A. Owners of Federal Preservation Projects must provide the City and each building tenant with a one year's notice of a pending HUD Section 8 contract expiration. In

order to facilitate the owner's knowledge of the City's interest in notification, PHB shall provide written confirmation of the City's interest in the property to each Section 8 property within the City of which PHB is aware.

B. Owners of Federal Preservation Projects who have decided to Opt Out must provide to the City a notice of 210 days of intent to do so if the owner is opting out of a long-term contract, and 150 days if the owner is opting out of a one-year extension to a long-term contract. The notice shall specify:

1. whether the owner intends to withdraw the property from the Section 8 program;

2. whether the owner intends to convert the participating property to a nonparticipating use; and

3. whether the owner is involved in negotiations with HUD or the Housing and Community Services Department regarding an extension of an expiring contract.

C. Owners of Federal Preservation Projects who have decided to Opt Out must consent to reasonable inspection of the property and inspection of the owner reports on file with HUD or the State of Oregon Housing and Community Services Department. These inspections are designed to facilitate the City's ability to assess the Fair Market Value of the property and evaluate status of the tenants, viability of transfer and/or continuation of a Section 8 agreement with HUD and other pertinent information.

D. To the extent allowed by HUD, owners of Federal Preservation Projects must maintain an available HUD Section 8 contract in good standing during the notice periods identified in this chapter as well as any condemnation proceeding commenced under ORS Chapter 35.

E. Owners of Federal Preservation Projects must refrain from taking any action, other than notifying HUD of the owner's intention to not renew the contract, that would preclude the City or its designee from succeeding to the contract or negotiating with the owner for purchase of the property during the notice periods identified in this Chapter as well as any condemnation proceeding commenced under ORS Chapter 35.

F. In addition to any other times, during the notice periods identified in this Chapter, the City may pursue preservation of the Federal Preservation Project through negotiation for purchase or through condemnation under ORS Chapter 35.

30.01.060 Federal Preservation Projects - Tenant Provisions.

(Replaced by Ordinance No. 174180; amended by Ordinance Nos. 186028 and 187380, effective November 13, 2015.)

A. Owners of Federal Preservation Projects who have decided to Opt Out must provide to each affected building tenant a notice of 210 days of intent to do so if the owner is opting out of a long-term contract, and 150 days if the owner is opting out of a one-year extension to a long-term contract. The notice shall specify:

1. whether the owner intends to withdraw the property from the Section 8 program;

2. whether the owner intends to convert the participating property to a nonparticipating use; and

3. whether the owner is involved in negotiations with HUD or the State of Oregon Housing and Community Services Department regarding an extension of an expiring contract

B. Owners of Federal Preservation Projects who have decided to Opt Out may not disturb any tenancy other than for cause defined in the contract, for a period of 180 days after expiration of the contract, if the City has paid or arranged to pay to the owner on the first day of each month, the monthly subsidy that the owner was receiving under the contract.

C. PHB shall identify and make available adequate financial resources for tenant relocation assistance for all tenants who experience involuntary displacement from Federal Preservation Properties. PHB shall request voluntary contributions to a tenant relocation fund from owners of Federal Preservation Projects who have decided to Opt Out.

30.01.070 Federal Preservation Projects - Civil Fines.

(Replaced by Ordinance No.174180; amended by Ordinance No. 186028, effective May 15, 2013.)

A. An owner who fails to comply with any of the requirements specified in PCC 30.01.050 A.-E., tenant notice requirements in 30.01.060 A., or PHB procedures implementing those specified provisions of this Chapter, shall pay a civil fine. The fine shall be calculated in relation to the costs and damages caused by the owner's failure to comply, up to full replacement costs of each project-based Section 8 housing unit lost. Such civil fines shall be payable into a housing replacement fund to be established and managed by the City. If the civil fine is not received within the timeframes specified in the Administrative Procedures developed by PHB, the City may commence enforcement proceedings.

B. Any civil fines received shall be used only for creating replacement housing serving households at or below 50 percent MFI.

30.01.080 Local Preservation Projects - Tenant and City Notice Provisions.
(Amended by Ordinance No. 186028, effective May 15, 2013.)

A. When the owner of a Local Preservation Project takes action which will make the affordable housing no longer affordable, whether the affordability requirements which were established under prior agreement with the City, PDC or State have expired or are still in effect, the owner must provide a notice of 90 days to the City. The notice shall meet standards developed by PHB. During the 90-day notification period, the owner may not sell or contract to sell the property, but may engage in discussions with other interested parties. Within this period, the City or its designee may make an offer to purchase or attempt to coordinate a purchase by an owner committed to maintaining affordability.

B. Owners of Local Preservation Projects who have decided to take action described in 30.01.080 A., must provide a notice of 90 days to tenants. This shall be in addition to the City notice to be provided to the City under 30.01.080 A. During this notice period the Owner may not initiate a no-cause eviction. The notice must meet standards developed by PHB.

30.01.085 Portland Renter Additional Protections.
(Added by Ordinance No. 187380; amended by Ordinance Nos. 188219, 188519, 188558, 188628 and 188849, effective March 7, 2018.)

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, unless otherwise defined herein, 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. For purposes of this Subsection, a Landlord that declines to renew or replace an expiring Rental Agreement is subject to the provisions of this Subsection. The requirements of this Subsection are intended to apply per Dwelling Unit, not per individual Tenant. In the event that a Landlord is selling a Dwelling Unit to a buyer that is required to

take occupancy of the Dwelling Unit within 60-days of closing as condition of the buyer's federal mortgage financing, then the notice period for the Termination Notice will be adjusted to accommodate the federal 60-day occupancy requirement so long as the Landlord pays the Tenant the required amount of Relocation Assistance prior to the termination date.

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. The Increase 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 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. 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. 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. For purposes of this Subsection, a Tenant may only receive and retain Relocation Assistance once per tenancy per Dwelling Unit.

D. A Landlord shall include a description of a Tenant's rights and obligations and the eligible amount of Relocation Assistance under this Section 30.10.085 with each and any Termination Notice, Increase Notice, and Relocation Assistance payment.

E. A Landlord shall provide notice to PHB of all payments to Tenants of Relocation Assistance within 30 days of making such payments. This Subsection shall be effective beginning May 1, 2018.

F. For the purposes of this Section 30.10.085, the expiration of Rent concessions is not considered a substantial change to a Rental Agreement.

G. After a Landlord completes and submits the required exemption reporting forms to PHB, the provisions of this Section 30.10.085 that pertain to Relocation Assistance do not apply to the following:

1. Rental Agreements for week-to-week tenancies;

2. Tenants that occupy the same Dwelling Unit as the Landlord;

3. Tenants that occupy one Dwelling Unit in a Duplex where the Landlord's principal residence is the second Dwelling Unit in the same Duplex;

4. Tenants that occupy an Accessory Dwelling Unit that is subject to the Act in the City of Portland so long as the owner of the Accessory Dwelling Unit lives on the site;

5. a Landlord that temporarily rents out the Landlord's principal residence during the Landlord's absence of not more than 3 years;

6. a Landlord that temporarily rents out the Landlord's principal residence during the Landlord's absence due to active duty military service;

7. a Dwelling Unit where the Landlord is terminating the Rental Agreement in order for an immediate family member to occupy the Dwelling Unit;

8. a Dwelling Unit regulated as affordable housing by a federal, state or local government for a period of at least 60 years;

9. a Dwelling Unit that is subject to and in compliance with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

10. a Dwelling Unit rendered uninhabitable not due to the action or inaction of a Landlord or Tenant;

11. a Dwelling Unit rented for less than 6 months with appropriate verification of the submission of a demolition permit prior to the Tenant renting the Dwelling Unit.

12. a Dwelling Unit where the Landlord has provided a fixed term tenancy and notified the Tenant prior to occupancy, of the Landlord's intent to sell or permanently convert the Dwelling Unit to a use other than as a Dwelling Unit subject to the Act.

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 one Dwelling Unit exemption as a result of the collective number of Dwelling Units managed by such a property manager. For purposes of the exemptions provided in this Subsection, "Dwelling Unit" is defined by PCC 33.910, and not by ORS 90.100. For purposes of the exemptions provided in this Subsection, "Accessory Dwelling Unit" is defined by PCC 33.205. For purposes of the exemptions provided in this Subsection, "Duplex" is defined by PCC 33.910.

H. 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 times the monthly 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.

I. In carrying out the provisions of this Section 30.01.085, the Director of PHB, or a designee, is authorized to adopt, amend and repeal administrative rules to carry out and administer the provisions of this Section 30.01.085.

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).

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, 187975 and 189323, effective December 19, 2018.)

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:

1. Rental Units.

a. For purposes of this Section, "affordable" for rental housing means that the rent and expenses associated with occupancy such as utilities or fees, does not exceed 30 percent of the gross household income at the level of the rent restrictions.

b. The units receiving an exemption shall be affordable to households earning 60 percent or less of MFI at time of occupancy and shall be leased, rented or made available on a continuous basis to persons or households whose incomes are 60 percent or less of MFI, as adjusted by household size and as determined by HUD for the Portland Metropolitan Area, except as provided for below. Such units shall remain affordable for a period of 60 years.

c. Effective July 1, 2014, developments of new buildings in Old Town/Chinatown shall be eligible for exemption subject to the following conditions:

(1) Units must be located in the Old Town/Chinatown Action Plan Focus Area;

(2) Financial need must be verified through project pro forma underwriting conducted by the PDC;

(3) All units shall remain affordable for a period of not less than 10 years, to persons or households whose incomes are 100 percent or less of MFI, as adjusted by household size and as determined by HUD for the Portland Metropolitan Area, and for not less than 5 years thereafter shall continue to remain affordable to persons or households whose incomes are 120 percent or less of MFI, as so described; and

(4) The exemption granted by this Subsection shall not be available to developments for which a building permit application is filed on or after July 1, 2019, or after permit applications have been filed for development of 500 qualifying units, in the aggregate, whichever occurs first.

2. Owner-Occupied Units.

a. For the purposes of this Section, “Affordable” means that ownership units are sold to persons or households whose incomes are at or below 100 percent of MFI for a family of four as determined annually for the Portland Metropolitan Area by HUD, which income

may be adjusted upward for households with more than four persons; and

b. The ownership units sell at or below the price limit as provided by Subsection 3.102.090 D.

G. Pursuant to Section 30.01.040, the PHB is responsible for enforcing property covenants and other agreements with applicants that are conditions of receiving exemptions provided by this Section. PHB may adopt, amend and appeal administrative rules, establish procedures, and prepare forms for implementation, administration and compliance monitoring consistent with the provisions of this Section.

In the event that an applicant violates the covenants, agreements or other requirements that were established by the City as a condition of approval of an exemption application, or the owner of the property wants to remove the affordability covenants of Subsection 30.01.095 F., the City shall terminate the exemption and make due and payable all previously exempt portions of system development charges based on rates in effect on the date of the submittal of a complete building permit application, plus accrued interest from the date of the issuance of the building permit to the date of the termination of the exemption calculated with the interim interest rate in effect on the date of the termination of the exemption as set by general ordinance pursuant to Section 17.12.140, and a processing fee of $250 due to each City bureau exempting system development charges and to PHB as the administrator. The City may collect reinstated system development charges, processing fees, carrying charges and the actual costs of collections by recording a property lien pursuant to Title 22.

30.01.096 Partial and Full Exemptions of System Development Charges for Mass Shelters and Short-Term Housing.

(Added by Ordinance No. 189323, effective December 19, 2018.)

A. The purpose of this Section is to reduce the costs of developing permanent transitional housing in the form of mass shelters and short-term housing by exempting system development charges for qualified developments. This section advances a Council-recognized public policy goal of providing a continuum of safe and affordable housing opportunities including transitional housing, emergency shelters, and campgrounds/rest areas to meet the needs of Portland residents.

B. The City will exempt qualified mass shelter and short-term 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. Exemptions are applicable to the portions of mass shelter and short-term housing projects that are directly used in providing shelter and services for their residents such as on-site manager facilities and shared space including but not limited to restrooms, kitchens, community rooms, social service facilities, and laundry facilities.

D. To obtain the exemption, the applicant must present to the City, at the time of application, documentation from the Joint Office of Homeless Services, or other designated agency, that the development qualifies for the exemption pursuant to this Chapter.

E. The applicant must provide permit drawings that clearly note the exemption, if granted, in order to ensure compliance. Alternatively, the drawings must provide remedies for failure to comply that are acceptable to the City. Permit drawings must state the following, "This project received SDC exemptions for mass shelters or short-term housing. The exemptions only apply to the mass shelter or short-term housing development and associated facilities including social services. If a future tenant improvement or change of occupancy creates a use that is not a mass shelter or short-term housing or associated service, system development charges will be assessed for the new use. It is the permittee's responsibility to maintain proper documentation of the continued mass shelter or short-term housing use."

30.01.100 Compliance and Enforcement.

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

A. PHB shall develop and implement procedures to enforce the provisions of this code. Such procedures should include, where feasible, record notice of the applicability of this code to affected properties, filing a lien to enforce the provisions of this code, and developing civil penalties or other enforcement provisions necessary or appropriate to enforce this code.

B. The City Attorney's Office may enforce the provisions of this code on behalf of the City in any court of competent jurisdiction or City administrative body.

30.01.110 No Restriction of Powers of Eminent Domain; Severability.

A. This Chapter shall not be construed to restrict the City's existing authority to exercise powers of eminent domain through condemnation as outlined in state law.

B. If any part or provision of this Chapter, or application thereof to any person or circumstance, is held invalid, the remainder of this Chapter and the application of the provision or part thereof, to other persons not similarly situated or to other circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable.

30.01.120 Inclusionary Housing.

(Added by Ordinance No. 188163; amended by Ordinance Nos. 189071, 189213 and 189302, effective December 12, 2018.)

A. Purpose Statement. The purposes of the Inclusionary Housing ("IH") Program are:

1. Increase the number of units available to households earning 80 percent or less of MFI, with an emphasis on households earning 60 percent or less of MFI;

2. Responsibly allocate resources to increase housing opportunities for families and individuals facing the greatest disparities;

3. Create affordable housing options in high opportunity neighborhoods, those with superior access to quality schools, services, amenities and transportation; and

4. Promote a wide range of affordable housing options with regard to size, amenities and location.

B. Administration.

1. PHB will certify whether the applicant's proposed development meets the standards and any administrative requirements set forth in this Section.

2. PHB may adopt, amend and repeal Administrative Rules and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Section. The Director of PHB, or a designee, has authority to make changes to the Administrative Rules as is necessary to meet current program requirements. PHB Administrative Rules will set forth clear and objective criteria for determining whether a development meets the minimum standard of affordable units ("IH Units").

3. PHB will review the Inclusionary Housing outcomes periodically in order to determine if the IH Program options and incentives in Subsection 30.01.120 C. are consistent with City goals and market conditions.

C. Financial Incentives. The following financial incentives are provided for the respective options of IH Program compliance:

1. When the proposed development will include 20 percent of the units or total number of bedrooms configured into IH Units at or below 80 percent MFI, or for developments outside of the Central City Plan District, 15 percent of the units or total bedrooms configured into IH units at or below 80 percent MFI for applications filed on or before December 31, 2020:

a. Ten-year property tax exemption in accordance with City Code Chapter 3.103 for the IH Units. If the development is in the Central City Plan district, as designated in City Code Chapter 33.510, and has a built or base FAR of 5:1 or greater the tax exemption applies to all residential units; and

b. Construction Excise Tax exemption for the IH Units in accordance with Subsection 6.08.060 A.2.

2. When the proposed development will include 10 percent of the units or total number of bedrooms configured into IH units at or below 60 percent MFI, or for developments outside the Central City Plan District, 8 percent of the units or total number of bedrooms configured into IH units at or below 60 percent MFI for applications filed on or before December 31, 2020:

a. Ten-year property tax exemption according to City Code Chapter 3.103 for the IH units. If the development is in the Central City Plan District, as designated in City Code Chapter 33.510, and has a built or base FAR of 5:1 or greater, the tax exemption applies to all residential units; and

b. Construction Excise Tax exemption for the IH Units in accordance with Subsection 6.08.060 A.2.; and

c. SDC exemption for the IH Units in accordance with Section 30.01.095.

3. When the proposed development elects to construct IH Units offsite:

a. Construction Excise Tax exemption for the Receiving Site's IH Units in accordance with Subsection 6.08.060 A.2.; and

b. SDC exemption for the Receiving Site's IH Units in accordance with Section 30.01.095.

4. When the applicant elects to dedicate IH Units in an existing development, there are no financial incentives provided under Section 30.01.120.

5. When the applicant elects the fee-in-lieu option, there are no financial incentives provided under Section 30.01.120.

D. **Standards.** Developments providing IH Units must satisfy the following standards:

1. The IH Units must meet clear and objective administrative criteria that ensure a reasonable equivalency between the IH Units and the market-rate units in the development;

2. The IH Units shall remain affordable for a period of 99 years;

3. Owners of property subject to the IH Program are required to sign a Regulatory Agreement to be recorded with the property where the IH Units are located;

4. The owner or a representative shall submit annual documentation of tenant income and rents for the IH Units to PHB;

5. The City may inspect the IH Units for fire, life and safety hazards and for compliance with IH Program requirements and may inspect files documenting tenant income and rents of the IH Units; and

6. Subsequent failure to meet the requirements of the IH Program previously determined at the time the permit is reviewed will result in a penalty equal to the amount of the current fee-in-lieu calculation plus accrued interest, and could result in legal action if unpaid.

7. When the IH Units are configured based on a percentage of the total number of bedrooms within the proposed development, the IH Units must be provided in 2 or more bedrooms per unit.

E. To the extent that a financial incentive as set forth in this Section is not available to a development that otherwise complies with City Code Chapter 33.245, the IH Program will not be applicable to the development. If the IH Program is not applicable to the development, PHB will provide a letter certifying that the development is not subject to any IH Program requirements.

F. **Fee-In-Lieu.** When the applicant elects the fee-in-lieu option, the fee-in-lieu per gross residential and residential related square foot (GSF) of the proposed development is:

1. For developments in zones outside the Central City Plan District

Fee per GSF on or before December 31, 2020
$19

Fee per GSF after December 31, 2020
$23

2. For developments in zones within the Central City Plan District

Fee per GSF
$27

3. For Bonus FAR in non-residential developments

Fee Schedule for Bonus FAR for non-residential occupancy/use
$24 per square foot of Bonus FAR