

## **UPDATE INFORMATION**

# **Vols. I & II – Portland City Code**

## **September 30, 2019 – Quarterly Update**

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

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

1. Go to <http://www.portlandoregon.gov/efiles>
2. Search for **City Code Folder version** and under SORT BY check Descending.
3. Locate quarter you want and click on the plus sign to see the available update packet and/or Code Title(s).
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Contact the Auditor's Office Council Clerk/Contracts  
Section if you have questions: 503-823-4082.

Previous Update Packet June 30, 2019



**CODE OF THE CITY OF PORTLAND, OREGON**  
**Insertion Guide for Code Revisions**  
**Office of the City Auditor 503-823-4082**  
**3rd Quarter 2019 (September 30, 2019)**

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# TITLE 1 - GENERAL PROVISIONS

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**Chapter 1.08**

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- 1.08.010 Methods - Proof.

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(Repealed by Ordinance No. 176874, effective October 4, 2002).

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**CHAPTER 1.07 - DOCUMENTATION OF  
RULES AND POLICIES**

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

**Sections:**

- 1.07.010 Purpose.
- 1.07.020 Definitions.
- 1.07.030 Creation of Portland Policy Documents Repository.
- 1.07.040 Creation of Index.
- 1.07.050 Publication on the Internet.
- 1.07.060 Submission of Documents to City Auditor for Filing in the Portland Policy Document Repository.
- 1.07.070 Format.
- 1.07.080 Status.
- 1.07.090 Other City Documents Not Affected.

**1.07.010 Purpose.**

(Amended by Ordinance No. 189613, effective August 23, 2019.) 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 City's Comprehensive Plan.

**1.07.020 Definitions.**

(Amended by Ordinance Nos. 177556 and 189613, effective August 23, 2019.) 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 must state in their text that the policy being adopted is a "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 the City Council's opinion, expressed in a resolution or ordinance, which does not have binding effect or serve as mandatory approval criteria for future decision-making. Such resolutions or ordinances must state in their text that the policy being adopted is a "Non-Binding City Policy." Examples include statements urging support for charitable or political efforts and statements encouraging civic involvement.



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- C. “Administrative rule” means binding requirements, regulations or procedures that are formally adopted by the City Council, by a City official pursuant to rule-making authority expressly delegated by the City Council through a binding resolution or ordinance, or by the City Auditor pursuant to rule-making authority granted by the City Charter or delegated by the City Council. An administrative rule must be labeled as or 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.
- E. “Formally adopted” means adopted by City Council, by another City official pursuant to procedures contained in a delegation of authority from the City Council, or by the City Auditor pursuant to rule-making authority granted by the City Charter or delegated by the City Council.
- F. “Comprehensive Plan Policy” means a policy that relates to the exercise of the City’s zoning and land use responsibilities.
- G. “Legislation” means a municipal law, enacted by ordinance.

**1.07.030 Creation of Portland Policy Documents Repository.**

(Amended by Ordinance No. 189613, effective August 23, 2019.) The City Auditor shall post all binding City policies, non-binding City policies, and administrative rules to an online repository to be known as the Portland Policy Documents. The repository shall be publicly available via the internet. Costs for providing paper copies of documents included in the repository or other services shall be recovered according to the standard practice of the Auditor’s Office.

**1.07.040 Creation of Index.**

(Amended by Ordinance No. 189613, effective August 23, 2019.) The City Auditor shall create an index of documents in the repository, organized by subject matter and by any additional methods deemed appropriate by the City Auditor, to assist users with identifying and locating documents. The City Auditor may also, in the City Auditor’s discretion, provide automated tools for searching documents.

**1.07.050 Publication to the Internet.**

(Amended by Ordinance No. 189613, effective August 23, 2019.) The City Auditor shall publish repository documents to the internet. Documents published to the internet shall constitute the official repository required by this Chapter.

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**1.07.060 Submission of Documents to City Auditor for Filing in the Portland Policy Document Repository.**

(Amended by Ordinance Nos. 177556, 178099, 178475 and 189613, effective August 23, 2019.)

- A.** Each City official adopting, amending or repealing documents that are required to be retained in the repository shall furnish the City Auditor with a copy of the new or amended documents, or information concerning any items that are repealed, within 2 weeks of such adoption, amendment or repeal.
- B.** All documents submitted for inclusion shall be submitted in electronic form, using the format specified by the City Auditor.
- C.** Bureau, department and office policies that are not administrative rules or binding City policies are maintained and documented by the individual bureau, department or office. If such policies impact the public, the bureau, department or office is encouraged to submit the policies for inclusion in the repository.
- D.** Comprehensive Plan policies are organized and maintained within the framework of the City's Comprehensive Plan and are not included in the repository.
- E.** Legislation is codified and maintained separately in the Portland City Code and is not included in the repository.

**1.07.070 Format.**

(Amended by Ordinance No. 189613, effective August 23, 2019.) Although retaining flexibility in the format of individual policy documents is preferred, the City Auditor is authorized to establish a standard format for documents that are retained in the repository to facilitate compilation and use of those documents by the public. Bureaus are authorized to reformat documents to comply with the City Auditor's requirements without engaging in rule-making procedures, so long as the reformatting does not result in substantive changes.

**1.07.080 Status.**

(Amended by Ordinance Nos. 177556, 178099, 178475 and 189613, effective August 23, 2019.) Documents kept in the repository 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.

**1.07.090 Other City Documents Not Affected.**

(Amended by Ordinance No. 189613, effective August 23, 2019.) Documents required to be filed in the repository represent a small percentage of the documents used in the

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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 repository.

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**CHAPTER 1.08 - SERVICE OF NOTICE**

**Sections:**

1.08.010      Methods - Proof.

**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.

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2. any video disclosure remaining reading on the regular screen (not closed captioning) for not less than 4 seconds;
  3. any auditory disclosure spoken at a maximum rate of 5 words per second;
  4. any website or email message in type of a contrasting color in the same or larger font size as used for the majority of text in the message;
  5. any billboard or sign other than a Small Sign: in type of a contrasting color and not smaller than 10 percent of the height of the billboard or sign.
- P.** “Small Donor Committee” means a Political Committee which has never accepted any Contributions except from Individuals in amounts limited to \$100 per Individual contributor per calendar year.
- Q.** “Small Sign” means a sign smaller than 6 square feet.

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**CHAPTER 2.12 - REGULATION OF  
LOBBYING ENTITIES**

(Chapter added by Ordinance No. 179843, effective  
April 1, 2006.)

**Sections:**

- 2.12.010 Purpose.
- 2.12.020 Definitions.
- 2.12.030 Registration for Lobbying Entities.
- 2.12.040 Quarterly Reporting Requirements for Lobbying Entities.
- 2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.
- 2.12.060 Declaration Required by Lobbyists
- 2.12.070 Reporting Requirements for City Officials.
- 2.12.080 Prohibited Conduct.
- 2.12.090 Verification of Reports, Registrations and Statements.
- 2.12.100 Public Nature of Reports, Registrations and Statements.
- 2.12.110 Auditor's Duties.
- 2.12.120 Penalties.
- 2.12.130 Severability.

**2.12.010 Purpose.**

The City finds that, to preserve the integrity of its decision making processes, lobbying entities that engage in efforts to influence City officials, should report their lobbying efforts to the public.

**2.12.020 Definitions.**

(Amended by Ordinance Nos. 180205, 180620, 180917, 181204, 182389, 182671, 184046, 184882, 185304, 186028, 186176, 189078 and 189556, effective July 12, 2019.) As used in this Chapter unless the context requires otherwise:

- A. "Calendar quarter" means one of the four three-month periods of January 1 to March 31, April 1 to June 30, July 1 to September 30 and October 1 to December 31.
- B. "Calendar year" means the period of January 1 through December 31.
- C. "City director" means the director or individual in charge of the following or its successors: the Bureau of Transportation, the Office of Management and Finance, the Office of Government Relations, the Office of Community & Civic Life, the Bureau of Planning and Sustainability, the Portland Bureau of Emergency Management, the Bureau of Emergency Communications, Portland Fire & Rescue, the Bureau of Police, the Bureau of Parks and Recreation, the Bureau of Environmental Services, the Portland Water Bureau, the Bureau of Development Services, the Portland Housing Bureau, the Bureau of Revenue and Financial Services, the City Budget Office, the Office of Equity and Human Rights, the

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Bureau of Fire and Police Disability and Retirement, the Bureau of Human Resources, the Bureau of Technology Services and the Portland Development Commission.

- D.** “City official” means any City elected official; the at will staff of a City elected official; any City director as defined in this section; or appointee to the Portland Development Commission, the Planning and Sustainability Commission, the Design Commission, and the Fire and Police Disability and Retirement Board.
- E.** “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.
- F.** “Official action” means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, measure, resolution, amendment, nomination, appointment, or report, or any matter, including administrative action, that may be the subject of action by the City.
- G.** “Lobby” or “Lobbying” or “Lobbies” means attempting to influence the official action of City officials. Lobbying includes time spent preparing emails and letters and preparing for oral communication with a City official. Lobbying does not include:
1. Time spent by an individual representing his or her own opinion to a City official.
  2. Time spent participating in a board, committee, working group, or commission created by City Council through approval of resolution or ordinance.
  3. Time spent by a City official or City employee acting in their official capacity as an official for the City.
  4. Time spent submitting a bid, responding to related information requests, and negotiating terms on a competitively bid contract or intergovernmental agreement.
  5. Oral or written communication made by a representative of a labor organization that is certified or recognized, pursuant to ORS 243.650 et seq., as the exclusive bargaining representative of employees of the City of Portland, to the extent that such communications do not deal with actual or potential ordinances that are unrelated to the collective bargaining process, or implementation or application of any collective bargaining agreement provision.

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6. Formal appearances to give testimony before public hearings or meetings of City Council.
  7. Work performed by a contractor or grantee pursuant to a contract with or grant from the City.
  8. Time spent by any person holding elected public office, or their specifically authorized representative, acting in their official capacity.
- H.** “Lobbying entity” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group who lobbies either by employing or otherwise authorizing a lobbyist to lobby on that person’s behalf.
- I.** “Lobbyist” means any individual who is authorized to lobby on behalf of a lobbying entity.
- J.** “Person” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group.
- K.** “Gift” means something of economic value given to a City official without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not City officials on the same terms and conditions; and something of economic value given to a City official for valuable consideration less than that required from others who are not City officials. However, “gift” does not mean:
1. Campaign contributions, as described in ORS Chapter 260.
  2. Gifts from family members.

**2.12.030 Registration for Lobbying Entities.**

(Amended by Ordinance Nos. 180205, 181204 and 187854, effective September 1, 2016.)

- A.** Within three working days after a lobbying entity has spent 8 hours or more or estimates that it has spent cumulative 8 hours or more or has spent at least \$1,000 during any calendar quarter lobbying, the lobbying entity shall register with the City Auditor by filing with the Auditor a statement containing the following information:
1. The name, address, email, website and telephone number of the lobbying entity;
  2. A general description of the trade, business, profession or area of endeavor of the lobbying entity;



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- B.** The documents that must be filed with the Director for certification;
- C.** The allowable uses of money in a publicly funded campaign account; and
- D.** Other policies necessary to implement this Chapter, including but not limited to:
  - 1.** Contested elections involving special elections, recounts, vacancies, or withdrawals, including qualification, certification, and disbursement of Open and Accountable Elections Fund revenues and return of unspent revenues;
  - 2.** Obtaining allowable contributions and matchable contributions;
  - 3.** Certification as a certified candidate;
  - 4.** Collection of revenues for the Open and Accountable Elections Fund;
  - 5.** Distribution of Fund revenues to certified candidates;
  - 6.** Investigation and enforcement procedures for misuse of public funds;
  - 7.** Penalty matrix detailing penalties for potential violations of this Chapter;
  - 8.** Return of Fund disbursements, penalties, and other monies to the Fund;
  - 9.** Inspection of reports and documents for compliance with this Chapter; and
  - 10.** Investigation of alleged violations of Chapter 2.16.

**2.16.040 Contribution and Expenditure Requirements for Participating and Certified Candidates.**

(Amended by Ordinance No. 189677, effective August 28, 2019.)

- A.** Before accepting any allowable, seed money or in-kind contributions governed by this Chapter, a participating candidate must establish a publicly funded campaign account for the candidate for the purpose of receiving contributions and making expenditures in accordance with this Chapter.
- B.** Before accepting any allowable contribution governed by this Chapter on which a participating candidate intends to rely for certification under Section 2.16.050 and seek a public contribution match, a participating candidate must:
  - 1.** File a notice of intent with the Director after the primary election matching period begins and before the filing deadline for the primary election for the covered office. For a special nominating election, filing deadlines for the notice of intent will be set that seek to provide adequate time for candidates to qualify for public contribution matching; and

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- 2.** Attend mandatory training provided by the City. The candidate's treasurer must also attend the training.
- C.** A participating candidate may accept up to \$5,000 total in seed money contributions before filing a notice of intent. A participating candidate may not accept seed money after filing a notice of intent. Certified candidates may not accept seed money contributions.
- D.** Participating and certified candidates may accept in-kind contributions valued at no more than \$20,000 for the primary election period or special nominating election period and no more than \$20,000 for the general election period or special runoff election period.
- E.** During an election cycle, participating and certified candidates may only accept allowable contributions, public contribution matching from the City, and seed money and in-kind contributions allowed by this Chapter.
- F.** Participating and certified candidates may not accept allowable contributions from any one individual totaling more than \$250 in the primary election period and \$250 in the general election period, except as provided in Section 2.16.150.
- G.** From the date the primary election period begins until filing a notice of intent, a participating candidate may not collect any contributions other than allowable, seed and in-kind contributions allowed by this Chapter and may only make expenditures from such contributions. After filing a notice of intent, participating and certified candidates may not make expenditures from funds other than public contribution matching and allowable, seed money or in-kind contributions, as allowed by this Chapter.
- H.** Participating and certified candidates must deposit all allowable contributions, public contribution matching and seed money contributions received into the candidate's publicly funded campaign account. Participating and certified candidates must deliver to the Director documentation, as specified by administrative rule, for each allowable contribution, seed money contribution, and in-kind contribution.
- I.** A participating or certified candidate may retain a preexisting campaign committee or political activities committee as long as the campaign committee or political activities committee does not accept contributions or make expenditures during the election cycle for which the candidate is seeking a covered office, other than a transfer of seed money to the candidate, consistent with Subsection 2.16.040 C.
- J.** Seed money loans from the candidate or candidate's spouse must be repaid with contributions that are not eligible for public contribution matching or for which public contribution matching is not requested.

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**K.** The total contributions a participating or certified candidate may collect during the primary election period or special nominating election period, consisting of allowable contributions, public contributions, seed money and in-kind contributions, cannot exceed:

1. \$380,000 for a candidate for Mayor; and
2. \$250,000 for a candidate for Commissioner or Auditor.

**L.** The total contributions a participating or certified candidate may collect during the general election period or special runoff election period, consisting of allowable contributions, public contributions, seed money and in-kind contributions, cannot exceed:

1. \$570,000 for a candidate for Mayor; and
2. \$300,000 for a candidate for Commissioner or Auditor.

**2.16.050 Requirements for Certification.**

**A.** In addition to the requirements of Section 2.16.040 and the limitations in Section 2.16.120, to qualify as a certified candidate:

1. After filing a notice of intent, a candidate for Mayor must collect an aggregate total of at least \$5,000 in allowable contributions from at least 500 matchable donors.
2. After filing a notice of intent, a candidate for Commissioner or Auditor must collect an aggregate total of at least \$2,500 in allowable contributions from at least 250 matchable donors.
3. The participating candidate must have filed for office by petition as provided in Code Section 2.08.080.

**B.** A participating candidate must apply to the Director for certification not later than 28 days before the end of the primary election matching period, or for a special nominating election, 28 days before the election.

**2.16.060 Director Determination.**

**A.** The Director must certify a participating candidate if the Director finds that the election for the covered office is a contested election, the candidate has met the requirements of Sections 2.16.040, .050 and .120, the candidate has received the required aggregate total dollars of allowable contributions from the required number of matching donors for the office and the candidate has submitted all information required by this Code or by administrative rule.

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- B.** Before certification, the participating candidate must submit at least the following information to the Director, along with other information as may be required by administrative rule:
  - 1.** A declaration from the candidate agreeing to follow the regulations governing the use of public contribution matching, allowable contributions, seed money and in-kind contributions; and
  - 2.** A campaign finance report that includes:
    - a.** A list of each allowable contribution received;
    - b.** A list of each seed money and in-kind contribution received;
    - c.** A list of each expenditure made by the candidate during the primary election matching period up to the time of filing; and
    - d.** Other documentation required by administrative rule.
- C.** The Director must make a certification determination no later than 10 business days after receiving information from the participating candidate necessary to determine compliance with the requirements of Subsections 2.16.060 A. and B. and Sections 2.16.040, .050 and .120. However, if the covered office is not a contested election at the time the participating candidate applies for certification, the Director will hold the application in abeyance until either the covered office becomes a contested election, in which case the Director will make a certification decision within 10 business days, or the filing deadline for the covered office expires, in which case the Director shall deny certification. Certification decisions may be challenged as provided in Section 2.16.170.
- D.** A candidate may submit only one application for certification for any election.
- E.** If the Director certifies a candidate, the Director will authorize an initial disbursement of a public contribution to the candidate's publicly funded campaign account.

**2.16.070 Distribution of Public Contribution.**

- A.** Public contributions from the Fund will be distributed only in a contested election. The Director must distribute a public contribution from the Fund to each certified candidate in a contested election as follows:
  - 1.** For a certified candidate for a covered office, the public contribution matching must equal:



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for public contribution matching for the general or special runoff election if the candidate qualifies for the general or special runoff election, as provided in Subsection 2.16.070 E.

- E.** Certified candidates in the primary election or special nominating election who are nominated to the general election or special runoff election ballot in the same election cycle are eligible for public contributions as provided in this Section.
  - 1.** Certified candidates who reasonably expect to qualify for the general or special runoff election ballot may begin collecting allowable contributions for the general election or special runoff election on the first day of the general election matching period.
  - 2.** After certification of the results of the primary or special nominating election, a certified candidate who qualifies for the general or special runoff ballot may use unspent funds in their publicly funded campaign account and seek public contribution matching for allowable contributions collected from matchable donors during the general election matching period.
  - 3.** A certified candidate may continue to collect allowable contributions, consistent with Section 2.16.040, from the end of the general election matching period until the end of the general election period or special runoff election period, but the contributions will not be eligible for public contribution matching.
- F.** A certified candidate must submit documentation, as specified by administrative rule, for each allowable contribution from a matchable donor to the Director to receive public contribution matching. The Director must deposit the appropriate public contribution into a certified candidate's publicly funded campaign account on the next distribution date after the Director authorizes the public contribution matching.

**2.16.080 Use of Contributions.**

(Amended by Ordinance No. 189531, effective June 28, 2019.)

- A.** A participating or certified candidate may only use the seed money, in-kind and allowable contributions and the public contribution matching for direct allowed campaign purposes related to the candidate's campaign for nomination or election to the covered office for which they are eligible to be or have qualified as a candidate. Guidelines regarding direct allowed campaign expenditures may be established by administrative rule.
- B.** Public contributions distributed to a participating candidate and qualifying, seed money and in-kind contributions may not be:

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1. Used to make any expenditures for personal use prohibited by ORS Chapter 260 and Oregon Administrative Rules;
  2. Contributed to, or for the purpose of supporting or opposing, any other candidate, political committee or measure;
  3. Used to make independent expenditures supporting or opposing any candidate, political committee or measure;
  4. Used in connection with the nomination or election of a participating candidate to any office or at any election other than the office or election for which the contributions were given;
  5. Used to pay any loans, debts, fines or penalties, except for penalties permitted or required by administrative rule to be paid from the publicly funded campaign account;
  6. Used to pay for consulting services to an individual, unless the individual is providing bona fide services to the candidate and is compensated at fair market value;
  7. Used for out of state travel;
  8. Certain vehicle-related expenses, including vehicle purchases, leases, rental, insurance, repairs or fuel. Vehicle mileage reimbursement for campaign purposes is allowed, using the standard rate used by the City for mileage reimbursement;
  9. Attorney, accountant and other professional service fees in conjunction with appealing penalties or decertification;
  10. Used for salary or payment, other than reimbursable expenses, to a family member;
  11. Used for gifts, not including campaign brochures, buttons, signs or other printed campaign material;
  12. Used to make payments in cash; or
  13. Used in a manner inconsistent with administrative rules.
- C. Public contributions may not be used for penalties or election night and post-election parties; however, allowable contributions, seed money and in-kind contributions may be used for such events.

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- D.** Contributions to civic and non-profit organizations from a participating candidate's publicly funded account are permitted only if the payment is for the purpose of attending a specific campaign event open to the public.
- E.** A complaint alleging an impermissible receipt or use of funds by a participating candidate must be filed with the Director.
- F.** A participating candidate must provide the Director with reasonable access to the financial records of the candidate's publicly funded campaign account, upon request.

**2.16.090 Adequate Funds.**

- A.** If the Director determines that the amount deposited in the Fund will be insufficient at any point during the election cycle, the Director shall request the additional amount the Director estimates will be necessary from the City Council, subject to the annual appropriation limit detailed in Section 2.16.020.
- B.** If the total amount available for distribution in the Fund is insufficient to meet the allocations required by this Chapter, the Director must reduce each public contribution to a certified candidate by the same percentage of the total public contribution.

**2.16.100 Return of Public Contributions.**

- A.** Within 15 days after the results of the primary election or special nominating election are certified, a certified candidate who is elected or is not certified to be on the ballot for the general election or special runoff election must return unspent money in the candidate's publicly funded campaign account to the Fund in proportion to the percentage of public to private contributions collected by the candidate, excluding in-kind contributions.
- B.** Within 15 days after the results of the general election or special runoff election are certified, all participating candidates must return unspent money in the candidates' publicly funded campaign accounts to the Fund in proportion to the percentage of public to private contributions collected by the candidate, excluding in-kind contributions.

**2.16.110 Withdrawal.**

(Amended by Ordinance No. 188853, effective March 8, 2018.)

- A.** A participating candidate may withdraw an application for a public contribution any time before the public contribution is received by the candidate's publicly funded campaign account.
- B.** A certified candidate may withdraw from participation if the candidate:



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1. Files a statement of withdrawal with the Director on a form prescribed by the Commission; and
2. Repays to the Fund any remaining funds in their account up to the full amount of the public contribution received, together with the applicable interest established by administrative rule.

**2.16.120 Participating and Certified Candidate Restrictions.**

(Amended by Ordinance No. 189336, effective January 2, 2019.) A participating or certified candidate must not:

- A. Accept a contribution, other than seed money or in-kind contributions as permitted by this Chapter, from any group or organization, including a political action committee, a corporation, a labor organization, or a State or local central committee of a political party;
- B. Accept one or more contributions from an individual totaling more than \$250 during the primary election period or special nominating election period and \$250 during the general election period or special runoff election period, other than seed money or in-kind contributions as permitted by this Chapter, except as provided in Section 2.16.150;
- C. Make an allowable contribution from the candidate's personal funds to the candidate's principal campaign committee.
- D. Accept seed money or in-kind contributions in excess of the amounts established in Section 2.16.040.
- E. Expend funds to benefit or advocate for another candidate;
- F. Accept a loan from anyone for campaign purposes, other than a loan from the candidate or candidate's spouse within seed money limitations; or
- G. Transfer funds:
  1. To the candidate's publicly funded campaign account from any other campaign finance entity established for the candidate; and
  2. From the candidate's publicly funded campaign account to any other campaign finance entity.
- H. Solicit for or direct contributions to other campaign finance entities to support their own election.

**2.16.130 Open and Accountable Elections Commission.**

(Amended by Ordinance Nos. 189078, 189336 and 189531, effective June 28, 2019.)

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- A. Duties.** The Open and Accountable Elections Commission is hereby created. The Commission shall:
1. Provide assistance to the Director and Council in the development and implementation of the Open and Accountable Elections Fund. The Commission may make recommendations to the Director regarding administrative rules necessary to the effective administration of the code.
  2. Make recommendations on adjustments to matching ratios, adjustments to contribution limits and other regulations to improve operation of public campaign finance.
  3. At the request of the Director, advise the Director on administrative judgments, recommended policy changes, administrative rule development, and operation of the Open and Accountable Elections Fund.
  4. Recommend to the Director for appointment hearings officers or an entity to review cases and make determinations under Section 2.16.160.
  5. Adopt such operating policies and procedures as necessary to carry out its duties.
  6. Prepare and submit to the Council a biennial report which shall contain an overview and evaluation of the Campaign Finance Fund during the previous election period.
- B. Membership.** The Open and Accountable Elections Commission shall consist of nine members who have demonstrated an interest in campaign finance funding and, insofar as possible, represent diverse interests and diverse communities. The Director shall solicit applications from the Office of Community & Civic Life and the general public in order to recommend nominees to Council for appointment.
- C. Appointments and Terms.**
1. Open and Accountable Elections Commission members shall be appointed by Council and serve 4 year terms starting May 1 of odd-numbered years, except that the initial appointments shall be as follows.
    - a. Four of the initial appointees will serve terms from January 1, 2019 to April 30, 2021; and
    - b. Five of the initial appointees will serve terms from January 1, 2019 to April 30, 2023.
  2. Members of the Commission are limited to a maximum of two full terms, except that members serving an initial term of less than 4 years may serve two subsequent 4 year terms. If a position is vacated during a term, it shall

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be filled for the unexpired term. Council may replace any member of the Commission for due cause, including but not limited to malfeasance, incapacity, conflict of interest or neglect of duties.

**D. Meetings, Officers and Subcommittees.**

1. The Open and Accountable Elections Commission shall meet at least four times per year and may meet more often as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with rules of procedure adopted by the Commission. Five members shall constitute a quorum. A quorum shall be necessary to make decisions that represent the position of the Commission and to conduct any other Commission responsibilities. The election of officers shall take place at the first meeting of each calendar year.
2. The officers of the Commission shall consist of a chairperson and a vice-chairperson. The chairperson shall be responsible for conducting the meetings of the committee. The vice-chairperson shall act as chair when the chairperson is not available.
3. The Commission may form subcommittees comprised of Commission members which are authorized to act on behalf of the Commission for an assigned purpose.

**E. Attendance.** Members of the Open and Accountable Elections Commission are expected to attend each meeting of the Commission. Council may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year.

**F. Compensation.** Open and Accountable Elections Commission members shall serve without compensation.

**2.16.140 Additional Reporting.**

(Amended by Ordinance Nos. 189336 and 189677, effective August 28, 2019.)

- A. All candidates and political committees, including non-participating candidates, must report contributions and expenditure transactions electronically in the ORESTAR unless the candidate is not required to create a candidate committee, because contributions and expenditures remain under the threshold provided by state law.
- B. Participating and certified candidates must file additional contribution and expenditure reports to the Director as the Director deems necessary to make certification and public contribution matching decisions in a timely manner, as established by administrative rule. For the purposes of Subsection 2.16.140 B., the Director is the City's election officer.

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- C. In a contested election in which there is at least one participating or certified candidate, beginning on the 180th day before the election and ending on the 42nd day before the election, participating and non-participating candidates shall report contribution and expenditure transactions to the Director within 14 days.
- D. In a contested election in which there is at least one participating or certified candidate, beginning on the 180th day before the election and ending on the 42nd day before the election, persons or political committees making an independent expenditure in an amount of \$1,000 or more, or independent expenditures in an aggregate of \$1,000 or more, supporting or opposing a candidate or candidates for nomination or election to City office shall report such expenditures to the Director within 14 days.

**2.16.150 Removal of Certain Contribution Limits.**

If contributions to a non-participating candidate exceed the total contribution amounts in Subsection 2.16.040 K. for a primary election period or special nominating election period or the amounts in Subsection 2.16.040 L. for a general election period or special runoff election period, then any participating candidates for the same covered office may:

- A. Exceed the total contribution amounts in Subsection 2.16.040 K. or L. for the election period in which the non-participating candidate exceeds those amounts; and
- B. Accept up to \$500 in aggregate in allowable contributions from an individual during the relevant election period, notwithstanding the \$250 limit in Subsections 2.16.010 A., 2.16.040 F. and 2.16.120 B.

**2.16.160 Penalties, Revocation of Certification and Repayment of Funds.**

(Amended by Ordinance No. 189531, effective June 28, 2019.)

- A. Civil Penalties.
  - 1. The Director may impose a civil penalty as provided in this Section, in addition to any other remedies that are provided by this Code or other law, for:
    - a. Violation of any provision of this chapter by a participating or certified candidate; or
    - b. Failure to timely file a non-participating candidate or independent expenditure report or to include information required by Section 2.16.140.
  - 2. The City may establish a penalty matrix by administrative rule detailing civil penalties for potential violations of this chapter. A civil penalty imposed under this section shall not exceed \$10,000 for any violation except as otherwise provided in this Section. Limits on penalties imposed under

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

**N. Adjournment.**

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

**3.02.050 Authority to Adopt Rules, Procedures and Forms.**

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

**3.02.060 Rules of Conduct at City Council Meetings, Ejection and Exclusion.**

(Added by Ordinance Nos. 188280 and 189556, effective July 12, 2019.)

- A.** To preserve order and decorum, the presiding officer or designee may direct that any person who disrupts any Council meeting, or any person who engages in dangerous or threatening behavior, after first having been warned to cease and desist from such disruption or dangerous or threatening behavior, be ejected or excluded from Council Chambers or such other place as the Council may be in session.
- B.** For purposes of this Section, an ejection is an order made by a Person-in-Charge to immediately leave the meeting, and an exclusion is an order made by the Chief Administrative Officer of the Office of Management and Finance, the Deputy Chief Administrative Officer of the Office of Management and Finance, or their designees prohibiting a person from entering or remaining at future meetings for a specified period of time.
- C.** Ejection or exclusion shall be issued in the following manner:
  1. The presiding officer or designee will give a warning to the person engaging in disruptive, dangerous or threatening behavior. If the person engaging in disruptive, dangerous or threatening behavior does not cease that behavior following the warning, the presiding officer or designee will issue an ejection. An ejection shall be for the remainder of the session at which the disruptive, dangerous or threatening behavior has occurred.
  2. For purposes of this Section, a person disrupts a meeting of the Council if the person engages in any conduct that obstructs or impedes the orderly carrying on of the business of the meeting. Such conduct includes, but is

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not limited to: any conduct that substantially prevents any other person from hearing, viewing or meaningfully participating in the meeting; any conduct that substantially interferes with ingress or egress to or free movement within the Council Chambers; shouting over, or otherwise disrupting, any person who is recognized by the presiding officer; any conduct that substantially interferes with City business conducted by City staff present at the session; or failure to obey any reasonable direction of the presiding officer.

- 3.** A direction of the presiding officer is reasonable if it is reasonably related to maintaining order and decorum. A direction of the presiding officer is not reasonable if it is directed to speech or conduct the right to engage in which is, under the circumstances, protected by the federal or Oregon constitution.
  - 4.** For purposes of this Section, behavior is dangerous or threatening if a reasonable person, exposed to or experiencing such behavior, could believe that the person was in imminent danger of physical harm from the behavior. Notwithstanding the provisions of this Section, if the presiding officer reasonably believes that a person's dangerous or threatening conduct constitutes an emergency, the presiding officer is not required to give the person a warning before ordering the person ejected.
- D.** If a person has previously been ejected for dangerous or threatening behavior before the Council within 1 year before the date of the present ejection, or for disruptive behavior on three or more separate occasions within 1 year before the date of the present ejection, the person shall be excluded from Council meetings for 30 days. Written notice of such exclusion shall be given as provided in this Section.
- E.** If a person has been excluded from the Council on one or more occasions within 1 year before the date of the present exclusion, the person shall be excluded from Council meetings for 60 days. Written notice of such exclusion shall be given as provided in this Section.
- F.** The Chief Administrative Officer of the Office of Management and Finance, the Deputy Chief Administrative Officer of the Office of Management and Finance, or their designees, shall give written notice of any exclusion issued under this Section, and the person excluded may appeal the exclusion to the Code Hearings Officer in the manner provided under Section 3.18.030.
- G.** Notwithstanding any other provisions of this Code, the Hearing Officer's review of the question of whether the excluded person in fact engaged in disruptive, dangerous or threatening behavior shall be based upon the audio and video record of the meeting, applying the criteria described in this Section. Under no circumstances shall the presiding officer or any member of the Council be

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compelled to testify at the hearing, or in any proceeding connected therewith. The exclusion shall be stayed upon the filing of the notice of appeal, but any stayed exclusion shall be counted in determining the length of any subsequent exclusion under this Section. If any exclusion is reversed on appeal, the effective periods of any exclusions that are not reversed shall be adjusted accordingly. If multiple exclusions issued to a person are simultaneously stayed, the effective periods for those which are affirmed shall run consecutively.

- H.** It shall be unlawful for any person to be in the Council Chambers or in any other place where the Council is meeting, at any time during which there is in effect an ejection or an exclusion of the person from Council meetings.
- I.** An exclusion issued under this Section does not affect or limit the right of the person excluded to submit written testimony or materials to the Council Clerk for inclusion in the record and for consideration by the Council, or otherwise lawfully to petition or seek redress from the City or its elected officials.
- J.** The provisions of this Section apply to any public meeting of a City board or commission. If a person engages in disruptive, dangerous or threatening behavior at a public meeting of a City board or commission, any Person-in-Charge may eject that person by applying the provisions of this Section.

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**CHAPTER 3.04 - SUBPOENA POWERS**

**Section:**

- 3.04.010 Legislative Subpoena Power.
- 3.04.020 Administering Oaths to Witnesses.
- 3.04.030 Enforcement of Legislative Subpoena.

**3.04.010 Legislative Subpoena Power.**

(Amended by Ordinance No. 188362, effective May 10, 2017.)

- A.** For the purpose of compelling the attendance of witnesses or the production of records, the Council may by resolution direct the Mayor or the Auditor to issue a subpoena under the seal of the City.
- B.** After issuance, the subpoena shall be served in the manner of service as prescribed by State law for delivery of a summons by civil process in a court of competent jurisdiction. A return of service shall be delivered to the authority who issued the subpoena within 10 days after its delivery to the person for service, with proof of service of the subpoena or that the person cannot be found.
- C.** The witness fees and mileage to be paid shall be the same as prescribed by State law for witnesses in the Circuit Court of the State for Multnomah County. Witnesses shall be reimbursed by the City, from funds as directed by Council.
- D.** It is unlawful for any person so subpoenaed and served to neglect or refuse to attend at the proper time and place and to bring the records mentioned in the subpoena, or, having done so, to refuse or neglect to answer such questions as may be applicable to the matter under investigation or to allow the records to be examined, unless the person has first sought and obtained an order quashing the subpoena from a court of competent jurisdiction, in the same manner as provided for in a civil case. Failure to seek and obtain such an order waives any objections or defenses the person may have against compliance with the subpoena, whether or not the person made any specific objection or raised that specific defense in seeking the order to quash
- E.** A witness shall not be required to answer any question or to act in violation of the witness's rights under the constitutions of the State or of the United States.
- F.** For purposes of this Chapter 3.04, "records" shall mean any books, paper, documents or other information, in whatever format or however stored.

**3.04.020 Administering Oaths to Witnesses.**

(Added by Ordinance No. 188362, effective May 10, 2017.) The Presiding Officer of Council may administer oaths to any subpoenaed witnesses in any proceedings under the Council's examination.

**CHAPTER 3.15 - OFFICE OF MANAGEMENT  
AND FINANCE**

(Chapter replaced by Ordinance No. 189556,  
effective July 12, 2019.)

**Sections:**

- 3.15.010 Purpose.
- 3.15.020 Definitions.
- 3.15.030 Organization.
- 3.15.040 Functions.
- 3.15.050 Powers and Duties of the Chief Administrative Officer.
- 3.15.060 Office of the Chief Administrative Officer.
- 3.15.070 Bureau of Revenue and Financial Services.
- 3.15.080 Bureau of Human Resources.
- 3.15.090 Bureau of Technology Services.

**3.15.010 Purpose.**

The purpose of this Chapter is to describe the organization, functions, duties and responsibilities of the Office of Management and Finance.

**3.15.020 Definitions.**

- A. “Administrative services” means all those functions that provide products, services and support to City employees and programs that in turn provide direct services to the public. These services include, but are not limited to, the following: administrative support; accounting; debt management; treasury management; payroll; grant administration; license; tax and fee collection; policy and program development; risk management; facilities and property management; fleet management; human resources and personnel services including employee training and education; technology services; printing and distribution; and procurement services.
- B. “Communications systems” includes, but is not limited to, citywide radio, video, data communications, microwave, wireless communications and telephone systems and equipment.
- C. “Data grant agreements” are agreements in which the City will grant the use of pertinent Geographical Information Systems (GIS) data to agencies, organizations or individuals (grantees) for research projects or projects performed under contract with the City. Data grant agreements may include direct cost reimbursements to the City.
- D. “Technology systems” includes, but is not limited to, City authorized computer and telecommunications hardware, software, on premises and cloud computing or web-

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hosted services and systems that utilize the internet and/or any other communications network.

- E. “Vehicles and equipment” includes, but is not limited to, motorized mowers, bicycles, motorcycles, electric and hybrid vehicles, sedans, vans, SUVs, light-, medium- and heavy-duty trucks, heavy equipment, trailers and other specialized equipment.

**3.15.030 Organization.**

- A. The Office of Management and Finance shall be under the direction and control of the Chief Administrative Officer (CAO) and shall include such other employees as the Council may provide. The CAO shall be appointed by the Mayor who shall serve as the Commissioner-in-Charge of the Office of Management and Finance, unless the Council directs otherwise. The CAO shall report to the Mayor or the assigned Commissioner-in-Charge but shall serve for the benefit and interest of the entire Council, including providing information and advice to elected officials.
- B. The CAO may appoint a Deputy Chief Administrative Officer (DCAO) to assist the CAO with planning, directing, and communicating the activities and operations of the Office of Management and Finance and all its associated bureaus.
- C. The Office of Management and Finance consists of the Office of the Chief Administrative Officer, the Bureau of Revenue and Financial Services, the Bureau of Human Resources, and the Bureau of Technology Services.

**3.15.040 Functions.**

The Office of Management and Finance shall provide and coordinate administrative service functions of the City in support of the operational needs of City bureaus and shall perform other duties as assigned. Bureaus shall use the services of the Office of Management and Finance unless otherwise authorized by the CAO or directed by the Council.

**3.15.050 Powers and Duties of the Chief Administrative Officer.**

The CAO, or designee, is authorized to:

- A. Formulate, approve and issue administrative rules, procedures and systems for providing City administrative services.
- B. Implement and monitor administrative rules and systems for providing administrative services.
- C. Recommend alternatives to the Council for providing administrative services.
- D. Determine if any administrative service should be provided by City staff or outside vendors.



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- E.** Advise the Council and provide staff support to citywide projects and oversight committees.
- F.** Determine the duties and reporting relationships for positions responsible for centralized administrative services, including but not limited to human resources, financial services and technology services.
- G.** Provide analysis and recommendations related to City budget proposals to the City Budget Director, Mayor or Commissioner-in-Charge of the Office of Management and Finance, and the Council.
- H.** Appear in legal action in Small Claims Court to assert on behalf of or to defend the City in any Small Claims action for recovery of money, damages or specific personal property, in collaboration and consultation with the City Attorney, including asserting counterclaims, cross-claims, or third party claims to undertake action as allowed under ORS Chapter 46 and may issue writs to execute on Small Claims Court judgments.
- I.** Manage intellectual properties, including but not limited to the Portland Oregon <sup>TM</sup> sign; develop, adopt and maintain an Acceptable Use Policy for licensing of intellectual properties; establish appropriate fee schedule for use of intellectual property; execute intellectual property license agreements upon approval to form by the City Attorney; and protect the City's intellectual property rights through enforcement in consultation with the City Attorney.
- J.** Enter into nondisclosure agreements between the City and any third party to review proprietary, confidential or privileged information held by the City or the third party, including to but not limited to information pertaining to: real estate and business transactions, banking and financial software systems, information technology systems, applications, software or hardware and trade secrets.
- K.** Perform other duties as assigned by the Mayor, the Commissioner-in-Charge of the Office of Management and Finance, or the Council.

**3.15.060 Office of the Chief Administrative Officer.**

- A.** The Office of the Chief Administrative Officer shall be supervised by the CAO, or designee, who shall have the authority to carry out the duties and functions described in this Section.
- B.** The Office of the Chief Administrative Officer shall provide asset management, policy development, communications, specific project management services, budget and financial services and other services or responsibilities the Council or CAO may assign.

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- C. The Office of the Chief Administrative Officer is responsible for the following:
1. Acquire, manage and maintain all City owned or leased vehicles and equipment, except certain identified Portland Fire & Rescue vehicles and equipment.
  2. Execute real property agreements including, but not limited to, easements, permits, licenses and leases, and amendments or renewals of such real property agreements.
  3. Oversee operations, maintenance, management, planning, capital improvement and acquisition for City Property, including but not limited to:
    - a. Real properties over which the Office of Management and Finance has assigned or delegated responsibilities;
    - b. Leasehold premises used by the City and managed by the Office of Management and Finance;
    - c. Real property which the Office of Management and Finance manages under intra-bureau, interagency or intergovernmental agreement(s); and,
    - d. City owned real property not specifically assigned to another bureau for property management.
  4. Provide facilities management services for real properties under the management of other bureaus upon intra-bureau agreements, including but not limited to:
    - a. Property management services for the purchase, inventory, sale, replacement and rental of real property;
    - b. Facilities maintenance services, including but not limited to: maintenance and repair of buildings and their related equipment; and the administration of janitorial, maintenance and security contracts; and,
    - c. Professional and technical services, including but not limited to architectural design, engineering, facilities and space planning and project management of capital projects.
  5. Enforce Rules of Conduct and City Property Exclusions, in accordance with Chapter 3.18

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6. Coordinate cleanup of unauthorized camping at City owned or managed real property and at other governmental properties upon intergovernmental agreement in collaboration with impacted public and private property owners.
7. Provide planning, policy development, project management and implementation and fund management for citywide or intergovernmental programs or initiatives.
8. Provide policy development, planning, communications, specific project management services, administrative support, budget and financial services for all bureaus and divisions in the Office of Management and Finance.
9. Coordinate advance payments for building rentals. In cases where building space has been or shall be rented by the City on lease or on a month-to-month basis and the owner requires advance payment of rentals or a security deposit, the City Controller is hereby is authorized to examine and allow such advance payment of rentals or security deposit, provided that advance payments of rentals shall be for a period of not to exceed 31 days.
10. Dispose of useable surplus personal property through donation to charitable organizations certified under the Internal Revenue Code Section 501(c)(3), where the property will be individually or in the aggregate less than \$5,000, and execute donation agreements with recipient charitable organizations upon approval to form by the City Attorney.
11. Dispose of surplus property deemed unusable, inoperable or not reasonably repairable, hazardous, or is of insufficient value to warrant transfer, sale, or donation.

**3.15.070 Bureau of Revenue and Financial Services.**

- A. The Bureau of Revenue and Financial Services provides centralized financial services, revenue and tax collection, business regulation, procurement, financial reporting and compliance, risk management, pension oversight and other services or responsibilities the Council or the CAO may assign.
- B. The Bureau of Revenue and Financial Services (BRFS) shall be supervised by a Director, who shall also serve as the Chief Financial Officer (CFO) of the City. The CFO shall report to the CAO but shall serve for the benefit of the entire Council including providing information and advice to elected officials.
- C. The CFO shall be responsible for the overall financial planning, coordination, management and fiscal sustainability of the City. The CFO, or designee, shall have the authority to:

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1. Formulate, approve and issue financial policies, rules and procedures.
  2. Oversee revenue development and collection activities, including but not limited to:
    - a. Managing all billing and collection software used by the BRFS and other enterprise-wide revenue-collection software systems as applicable.
    - b. Managing, enforcing, collecting and auditing business taxes, transient lodging taxes, Arts Education and Access Income Tax and other taxes as assigned.
    - c. Managing, enforcing and auditing regulatory programs assigned by the Council, including the authority to enact administrative rules and regulations.
    - d. Managing lien assessments, collections and foreclosure.
    - e. Managing funds as assigned.
  3. Manage cash flow planning and liquidity.
  4. Manage the City's debt program and provide expert advice to City bureaus and officers regarding capital financing and the issuance of debt.
  5. Establish internal control systems to preserve City assets and report accurate financial results.
  6. Enter into nondisclosure agreements between the City and third parties to review confidential information, including trade secrets or other information designated as proprietary or privileged, related to banking and financial systems, applications, software or hardware, that may be under consideration for use by the City.
  7. Manage, administer, and enforce such responsibilities as are assigned to the Office for Community Technology by City Code or the Council.
  8. Perform such other duties as may be required by ordinance or by the Council, or which are necessary to implement the purposes of this Section.
- D.** A City Controller, who reports to the CFO, shall have the authority to:
1. Establish, maintain and enforce citywide accounting policies, practices, rules and regulations.

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2. Authorize reports that disclose the fiscal condition of the City to external users including the Comprehensive Annual Financial Report (CAFR), the Popular Annual Financial Report (PAFR), the Single Audit Report and other reports required by federal, state and local regulations.
  3. Interpret accounting and financial reporting policies and practices, including pronouncements of the Governmental Accounting Standards Board (GASB).
  4. Conduct financial and compliance audits and other tests to determine compliance with citywide accounting and financial reporting policies and current professional standards and adequacy of internal controls over accounting transactions, the cost of which shall be paid by the bureau being audited.
  5. Manage and oversee all incoming federal, state and private grants, and outgoing Special Appropriations grants and contracts.
- E.** A City Treasurer, who reports to the CFO, shall have all those authorities and responsibilities described in Chapters 3.08 and 5.30. The City Treasurer shall be responsible for providing centralized banking, merchant and investment services to all City bureaus, and ensuring compliance with City policies, industry best practices, and federal and state laws and regulations, including Payment Card Industry Data Security Standards.
- F.** A Chief Procurement Officer, who reports to the CFO, shall have all those authorities and responsibilities described in Chapters 5.33, 5.34 and 5.68 and shall manage and oversee all procurement, contractor services, procurement authority, and policies and rules for procurements, including verification of vendor compliance with City insurance requirements.
- G.** A Risk Manager, who reports to the CFO, shall have the authorities and responsibilities described in Chapter 3.54 and as described:
1. Administer, coordinate and control all activities related to commercial and self-insurance including but not limited to, property and casualty insurance, workers' compensation insurance, liability insurance and the City's right to subrogation on these insurance programs. These activities shall include:
    - a. Obtaining a public liability insurance policy or providing the necessary funding through a self-insurance program protecting the City, its officer, agents and employees with limits of not less than the maximum statutory limits of liability imposed on municipalities of the State of Oregon.

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- b. Administering workers' compensation insurance in accordance with the laws for the State of Oregon and on a self-insurance basis.
  - c. Maintaining records relating to commercial and self-insurance losses or claims filed against the City and executing any claim or proof of loss for damage to City property.
- 2. Monitor and coordinate a citywide loss prevention and control program to minimize potential property, liability, fidelity and personnel losses.
- 3. Evaluate and approve applications for self-insurance programs in lieu of commercial insurance requirements in any City agreement, including but not limited to contracts and permits.
- 4. Act on behalf of the City on all matters related to workers' compensation, including but not limited to the authority to:
  - a. accept, deny or defer claims;
  - b. authorize payments of benefits in the amounts required by law relating to claims filed with the City; and,
  - c. enter into settlements of claims whether it be on a disputed claims disposition agreement or disputed claim settlement basis, subject to the provisions of the City Charter governing settlements.
- 5. Act on behalf of the City and in the investigation, evaluation and settlement of property damage, general liability, bodily injury, personal injury, employment practices and other claims brought against the City under the Oregon Tort Claims Act and/or under state and federal civil rights laws, including complaints of discrimination filed with the Civil Rights Division of the Oregon Bureau of Labor and Industries, or the Equal Employment Opportunity Commission, subject to the provisions of the City Charter governing settlements. In doing this work, the Risk Manager and designees shall be agents of the City Attorney acting on behalf of the City. Settlement of claims and court actions alleging employment discrimination or violations of employees' civil rights shall be subject to concurrence of the Bureau of Human Resources Director.
- 6. Make settlements in an amount not exceeding \$5,000, subject to the provisions of the City Charter governing settlements.
- 7. Investigate and enter into settlements on fair and moral claims governed by Section 1-107 of the City Charter.

**3.15.080 Bureau of Human Resources.**

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

  - 1.** Recruitment, examination, certification and appointment on the basis of applicants' knowledge, skills and abilities.
  - 2.** Classification and compensation.
  - 3.** Employee behavior and expectations.
  - 4.** Disciplinary guidelines with notice to employees of prohibited practices.
  - 5.** Employee training and development.
- C.** In accordance with Oregon law, the Human Resources Director or designee, on behalf of the Council, may enter into agreements with labor organizations, recognizing their exclusive representation of specified classifications within City service.
- D.** Dispute Resolution.

  - 1.** The Human Resources Director or designee(s) is the official interpreter for the City pertaining to its collective bargaining agreements and any other written compensation and benefits plans and personnel policies established by the Council.
  - 2.** The Commissioner-in-Charge of a bureau shall retain the right to hear individual grievances and or complaints on a case by case basis. In settling such grievances and or complaints, the Commissioner-in-Charge shall do so with the advice and consent of the City Attorney and the Human Resources Director.

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3. If the Commissioner-in-Charge of a bureau does not retain jurisdiction of a grievance and or a complaint within one week of receiving the issues, then the Human Resources Director shall automatically have jurisdiction to settle the issue.
4. Provision for resolution of disputes is as follows:
  - a. Within 1 day following the filing of a written grievance under a collective bargaining agreement or complaint under other written personnel policy adopted by the Council, the bureau or department recipient of the grievance or complaint shall provide a copy to the Human Resources Director of the written grievance or other complaint document. During the investigation of grievances and complaints, the Human Resources Director or designee(s) shall be an agent of the Office of the City Attorney for purposes of representing the City.
  - b. Where the claim is for wages or other monetary benefit not exceeding \$5,000 per claimant, the supervisor, division manager or bureau director, with the approval of the Commissioner-in-Charge of the bureau and of the Human Resources Director, may accept or adjust the claim in settlement on behalf of the City, where settlement is deemed prudent and appropriate, provided that:
    - (1) The Human Resources Director authorizes the settlement in writing and gives written notice to the payroll division or to the benefits program manager involved to draw and issue a check not exceeding \$5,000 per claim for the settlement expense, charged to the appropriate center code, account number or fund;
    - (2) Payments which are an exception to Section 5.08.020 of the Code, which requires payroll checks to be drawn only for services rendered, shall be made only when the Human Resources Director determines such payment to be in the best interests of the City and the Office of the City Attorney approves. This Section shall be narrowly applied.
    - (3) The Office of the City Attorney reviews and approves the settlement agreement as being not in conflict with State or Federal laws, applicable ordinances and collective bargaining agreements pertaining to conditions of employment.





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

**3.15.090 Bureau of Technology Services.**

- A.** The Bureau of Technology Services shall be supervised by the Chief Technology Officer (CTO) of the City, who shall report to the CAO. The Bureau of Technology Services shall manage, establish policies and standards, and provide technical support for all City-owned technology systems, communications systems, and all end user technology support services, including Help Desk and Desktop Support services, and citywide Geographical Information Systems, except those specifically exempted by the CTO. The Bureau of Technology Services shall additionally provide citywide printing and distribution management services.
- B.** The Bureau of Technology Services:
1. Provides citywide technology strategic planning and consulting services, including project scoping, budget preparation and analysis, system planning and procurement, security analysis, resource allocation and project management for technology projects.
  2. Designs, implements and manages all technology hardware and software, including on-premises or hosted system and cyber security measures.
  3. Designs, implements and manages all citywide communications systems and applications, including the Integrated Regional Network (IRNE).
  4. Provides all Internet and Intranet services to City bureaus, offices, boards and commissions and manages the City's official website, including managing and authorizing all City domain name registrations and renewals.
  5. In cooperation with BRFS, reviews and approves the purchase of all technology software, hardware, on premise or hosted systems and professional technology consulting services.
  6. Provides technical expertise and information for City technology projects.
  7. Provides all telephone services to City bureaus; coordinates with telephone vendors; orders new facilities and equipment for city-owned or leased systems; plan telephone systems; and resolve all telephone problems.
  8. Provides rapid, convenient reproduction, distribution and mail services and provide advice and consultation on these services.

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9. Reviews and approves requests for the lease or purchase of office copiers/printers, in compliance with procurement requirements in Chapter 5.33.
  10. Manages the processing of U.S. mail and pickup and delivery of interoffice mail, packages and equipment.
  11. Manages technology systems used to standardize and accomplish the City's business affairs and providing citywide services in, but not limited to, the areas of fiscal services, procurement and human resources services.
- C. The CTO, or designee, shall have specific authority to:
1. Enter into nondisclosure agreements between the City and third parties to review confidential information, including trade secrets and/or information designated as proprietary or privileged, related to systems, applications, software or hardware that may be considered for use by the City.
  2. Enter into data grant agreements in consultation with the bureau that is the custodian of record.

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**CHAPTER 3.16 - CITY BUDGET OFFICE**

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

**Sections:**

- 3.16.010 Organization.
- 3.16.020 Authority of Council.

**3.16.010 Organization.**

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

- A.** Coordinating development and administration of the City's budget, including capital budgeting and the development of budget recommendations for all City bureaus and funds;
- B.** Financial planning and operational review of the City's utilities, including administration and maintenance of an independent utility review function that provides City Council with an annual review of utility rates and economic impacts;
- C.** Long range financial forecasting for the City's funds, including oversight of the General Fund;
- D.** Preparing General Fund Five-Year Forecasts at least twice each fiscal year. The General Fund Five-Year Forecasts shall be released and made publicly available on or before December 31st and on or before April 30th;
- E.** Collaborating with the Office of Management and Finance on the development of financial forecasts and providing forecasting information to the Chief Administrative Officer when requested;
- F.** Monitoring expenditures and revenues for the City and all Bureaus and providing this information to Commissioners and the Chief Administrative Officer when requested;
- G.** Developing and analyzing financial policy and performance measurement systems and providing this information to Commissioners and the Chief Administrative Officer when requested;
- H.** Providing Council with financial information that informs the City's deliberations on collective bargaining agreements, and assisting the Bureau of Human Resources with the costing of collective bargaining agreements;

- I. Performing other duties as assigned.

**3.16.020 Authority of Council.**

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

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**CHAPTER 3.18 - RULES OF CONDUCT FOR  
CITY PROPERTY**

(Chapter added by Ordinance No. 188280, effective  
April 14, 2017.)

**Sections:**

- 3.18.010 Designation of Persons-in-Charge.
- 3.18.020 Rules of Conduct at City Property.
- 3.18.030 City Property Exclusions.

**3.18.010 Designation of Persons-in-Charge.**

(Amended by Ordinance No. 189556, effective July 12, 2019.)

- A.** For purposes of ordering persons to leave City Property, the following are Persons-in-Charge:
  - 1.** Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau.
  - 2.** Any person providing security services in any City Property pursuant to any contract with the City, or with any person, firm or corporation managing a City Property on the City's behalf.
  - 3.** Bureau property or facility manager, or designee.
  - 4.** With respect to facility or space assigned to a City bureau or City office, the director or manager of the City bureau or City office, or designee.
  - 5.** The Chief Administrative Officer or the Deputy Chief Administrative Officer of the Office of Management and Finance, or any person they specifically designate in writing.
  - 6.** Any person with exclusion authority under the Code.
  - 7.** The Mayor, a Commissioner or Auditor, or designee of these elected officials.
- B.** Delegation to a designee shall be made in writing. Any person so designated shall be a Person-in-Charge as that term is defined in ORS 164.205(5) until the delegation is terminated or the designated person ceases to be an employee or officer of the City of Portland. Copies of delegation will be provided to the City Attorney's Office and to the bureau property or facility manager.

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- C. Upon request, the City shall provide a copy of the Person-in-Charge designation or delegation list to the District Attorneys of Multnomah, Clackamas and Washington counties.
- D. For purposes of this Section, City Property shall include any real property either owned by the City or in which the City has a property interest or property management responsibility.
- E. For purposes of ordering persons to leave a public meeting of a City board or commission, the following are Persons-in-Charge:
  - 1. The presiding officer of the public meeting of a City board or commission.
  - 2. Any person providing security services at the public meeting of a City board or commission.
  - 3. Any person designated as a Person-in-Charge in Subsection 3.18.010 A.
- F. The authority granted to a Person-in-Charge by this Chapter are in addition to, and not in lieu of, any other authority granted under this Code.

**3.18.020 Rules of Conduct at City Property.**

(Corrected under authority of PCC Section 1.01.035 on June 2, 2017.)

- A. To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare and safety of all persons at City Property, the Rules of Conduct in this Section apply and are to be enforced at all City Property except where specific rules of conduct or prohibitions have been adopted for designated real property the City owns or has a property interest or property management responsibilities.
- B. The Rules of Conduct for City Property are as follows:
  - 1. No person shall engage in any activity that would constitute a violation of federal, state or local law or regulation.
  - 2. No person may deface, damage or destroy City Property or City-owned personal property.
  - 3. No person shall enter, attempt to enter or remain in any areas of City Property designated as secured or restricted, or closed to public access.
  - 4. No person shall engage in activity that disrupts or interferes with: the normal operation or administration of City business at City Property; lawful use by City employees and authorized users at City Property; or City permitted activities.

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5. No person shall refuse or fail to obey any reasonable direction of a Person-in-Charge of a City Property. A direction of a Person-in-Charge is reasonable: if it directs a person to obey or to cease a violation of any law or regulation; if it is otherwise reasonably related to the protection of the health, welfare or safety of the person or any other person at the City Property, or to the prevention of damage to property; or if it is reasonably necessary to preserve the peace or to prevent the disruption of City operations or permitted activities, including dangerous or threatening behavior as defined in the Code.
6. No person shall possess any object specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. Objects prohibited under this Paragraph include, but are not limited to, any firearm, pellet gun, spring-loaded weapon, stun gun or taser, any knife having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 3-½ inches, any dirk, dagger, ice pick, sling shot, slungshot, metal knuckles, nunchaku, studded hand coverings, swords, straight razors, tear gas, tear gas weapon, mace, pepper mace or similar deleterious agent, saps, sap gloves, hatchets or axes. The prohibitions of this Paragraph do not apply to handguns lawfully carried by persons exempt from local regulation under ORS 166.173. The prohibitions of this Paragraph do not apply to any thing possessed or used to carry out actions authorized by any contract or permit at the City Property.
7. No person shall smoke or carry any lighted smoking instrument at City Property in violation of Chapter 8.65. Smoking instrument additionally includes inhalant delivery system that delivers nicotine in the form of vapor or aerosol, and electronic cigarette, personal vaporizer, or electronic nicotine delivery system. Smoking additionally includes inhaling or exhaling from a smoking instrument.
8. No person shall make use of facility materials, equipment, furniture, or fixtures of a City Property in a manner inconsistent with their customary or designated uses, or in a manner likely to cause property damage or personal injury to the actor or others.
9. No person shall interfere or obstruct free passage of City employees or authorized visitors in or on City Property, including but not limited to placing objects that impede free passage.
10. No person shall use City Property for unauthorized storage of personal property or leave personal property unattended.



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11. No person shall make or continue a noise disturbance as defined under Chapter 18.04, or operate sound producing device or sound producing equipment except as permitted by the property manager of the City Property. Bullhorns and megaphones are not permitted in the interior of any building on City Property, or within the loggia or portico of any structure on City Property, except as permitted by the property manager for the City Property.
12. No person shall sell, distribute or deliver any alcoholic beverage on City Property, except as permitted by the property manager for the City Property.
13. No person shall sell, distribute or deliver any controlled substances on City Property. This does not prohibit a person from providing caretaking functions or assisting another in taking legally prescribed medication. Controlled substance shall have the meaning provided in Chapter 475 of the Oregon Revised Statutes.
14. No person may bring animals onto City Property, or leave animals tethered or unattended at City Property, except as permitted by the property manager for the City Property. This does not preclude entry by service animals defined under the Americans with Disabilities Act while performing services or task the animals are trained to do, animals employed in official performance of police or rescue activities, or animals authorized for entry by the property manager for the City Property.
15. No person shall solicit for or conduct business at City Property except as permitted by the property manager for the City Property.
16. No person shall use any wheeled devices, including but not limited to unicycles, bicycles, skateboards, roller skates, motorized or non-motorized scooters, inside the property boundary of City Property. All persons must dismount at City Property boundary. No bicycles and motorized wheel devices are allowed in the interior of any building on City Property except as permitted by the property manager of the City Property. The prohibition in this Paragraph does not apply to persons with mobility devices for mobility disability or medical purposes, child strollers or baby carriages.
17. No person shall use City Property for housing or camping except as permitted by the property manager for the City Property and provided such use conforms with land use, zoning, building and other property regulations.
18. No person shall misuse or damage the City's technology systems or network, including its telecommunication equipment and data.

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19. No person shall enter, attempt to enter or remain in any areas of City Property for purposes other than to conduct legitimate business with City offices or tenants located at City Property, to enjoy the publicly accessible amenities at a City Property when the City Property is open to the public, or to lawfully assemble for social or public interaction at portions of City Property specifically designated for such assembly. The director of the bureau with property management responsibility for the City Property may adopt space use policy to manage conditions for property use including but not limited to establishing a reservation protocol, priority regarding uses and users, hours of use, and fees for use.
- C. The director of the bureau with property management responsibility over a City Property, or designee, is authorized to adopt additional rules of conduct for any specified City Property managed by the bureau. The proposed additional rules of conduct shall be posted at the City Property where such proposed rules would apply, and shall be deemed part of the Rules of Conduct for the City Property. The proposed rules shall be final and effective no sooner than seven days after posting. Upon approval of the Commissioner in Charge, a bureau director may adopt interim additional rules of conduct without prior notice upon a finding that failure to act promptly will result in prejudice to the City's interest. Interim additional rules of conduct are final and effective upon posting at the City Property affected for a period not longer than 30 days. The bureau director shall submit final rules to the Auditor for filing in the Portland Policy Documents repository within two business days after the rules become effective.

**3.18.030 City Property Exclusions.**

- A. The exclusion procedures in this Section shall be used for City Property subject to the Rules of Conduct in Section 3.18.020. If a person violates any Rule of Conduct at City Property described in Section 3.18.020 while in or upon City Property, any Person-in-Charge may eject and direct the person to leave the City Property for a period of 24 hours. In addition, the director of the bureau assigned property management responsibility for the City Property where the violation occurred, or designee, may issue an exclusion for any period of time up to 1 year from City Property.
- B. Notwithstanding this Section, if public meetings of the City Council, or of City Boards and Commissions are held in a City Property, ejection and exclusion from the public meeting must comply with Section 3.02.060.
- C. In determining the appropriate length of exclusion under this Section, the person issuing the exclusion shall consider: the seriousness of the conduct that led to the exclusion; prior instances of violations of the Rules of Conduct at City Property by the person to be excluded; the availability of alternative means for the person to

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conduct business with City officials and offices; and any other facts or circumstances that the person issuing the exclusion deems relevant.

- D.** The notice of exclusion shall be in writing, given to the person excluded and signed by the Person-in-Charge. It shall specify the dates and places of exclusion. It shall contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.
- E.** A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of the Code to have the notice of exclusion rescinded. Notwithstanding the provisions of Title 22, the appeal to the Code Hearings Officer shall be filed within 5 days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Person-in-Charge who issued the notice of exclusion shall be used as evidence on appeal, unless the appellant requests, in writing, the presence of the Person-in-Charge at the appeal hearing.
- F.** A person receiving a notice of exclusion may request a limited modification from the Person-in-Charge issuing the exclusion for the purpose of attending a City Council or other public meeting or conducting specific business with a City official or office located at a City Property identified in the exclusion notice. The request must be in writing and must identify good cause for the desired modification. The Person-in-Charge may deny the request if the business with the City official or office may be conducted through alternate means or deferred until the exclusion period ends, or may deny the request on any reasonable basis. If modification is allowed, the Person-in-Charge may impose reasonable conditions for the limited entry, and may include a requirement that the person arrange with the Person-in-Charge to be escorted into and out of the location where the meeting is to be held or the business is to be conducted.

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**CHAPTER 3.20 - BUREAU OF POLICE**

**Sections:**

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

**3.20.010 General Organization.**

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

- A. Operations Branch;
- B. Investigations Branch;
- C. Operations Support Branch;
- D. Administrative Support Branch.

The Deputy Chiefs serve under the command of the Chief.

**3.20.020 Council to Organize and Make Rules and Regulations.**

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

**3.20.030 Authority of Chief of Police.**

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

**3.20.040 Duties of the Chief of Police.**

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

**3.20.050 Subordinate Officers.**

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

**3.20.070 Fees to Be Paid over to Treasurer.**

The Chief of Police or any other officer of the police force, when acting under or enforcing any law or statute other than a City ordinance, may collect and receive the same fees and compensation as are allowed to a constable for like services, and if collected he shall pay the same over to the City Treasurer, as provided in the case of fees which may be received

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by the municipal judge; but no fees shall be taxed against Multnomah County for services rendered by either Chief of Police or municipal judge.

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

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

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

**3.20.110      Duties of Police Force.**

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

**3.20.120      Council in Emergency to Appoint Temporary Policemen.**

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

**3.20.130      Record of Daily Arrests.**

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

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

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, 189292 and 189673, effective August 28, 2019.)

- 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.

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- (3) All in custody deaths.
      - (4) Any use of force where the recommended finding is “out of policy”.
      - (5) Any other use of force case referred to the Board pursuant to Code Subsection 3.20.140 B.1.a. or Code Subsection 3.20.140 B.1.e.
    - 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



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- (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

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- (2) One peer member of the same rank/classification as the involved officer; peer member will be selected from a pool of Bureau representatives pre-approved by the Chief.
    - (3) The Assistant Branch Chief who is the supervisor of the involved officer.
    - (4) The Director of IPR (or designee).
    - (5) A Commander or Captain who is the supervisor of the involved officer (RU Manager).
  - b.** Advisory members
    - (1) The Office of Accountability and Professional Standards manager.
    - (2) Representative from Bureau of Human Resources.
    - (3) Representative from City Attorney's Office.
    - (4) The Internal Affairs Division Manager.
    - (5) Review Board Coordinator.
    - (6) Representative of Commissioner in Charge of the Bureau ("Commissioner in Charge").
    - (7) Representative of the Training Division.
    - (8) The Assistant Chief(s) that are not the supervisor of the involved member.
  - c.** Representatives/Individuals that may also be present during the presentation of the case include:
    - (1) Bargaining Units
    - (2) Involved Member
- 2.** However, when the incident to be reviewed by the board involves any use of force, including all officer involved shootings, all in-custody deaths, any physical injury caused by an officer that requires hospitalization, and any use of force case referred to the Board pursuant to Code Subsection 3.20.140 B.1.a. or Code Subsection 3.20.140 B.1.e., one additional citizen member drawn on a rotating basis from the pool of current Citizen Review

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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.

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

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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:

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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

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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.

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**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, 164223 and 189635, effective August 31, 2019.)

- A.** Each new sworn member of the police reserve shall complete an application provided by the Chief of Police, giving such data concerning their age, weight, identification, residence, occupation, previous experience in police work, if any,



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citizenship, and other data as the Chief of Police may find necessary or convenient, including fingerprinting for better identification.

- B.** Sworn members of such police reserve shall not be compensated unless specifically authorized and provided by the Council.
- C.** Upon appointment each sworn member of the police reserve shall take an oath of office, and such oath shall be filed with the City Auditor.
- D.** Sworn members of the police reserve shall serve at the pleasure of the Chief of Police 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 department and conduct applicable to paid police officers. They shall, in the performance of their duties, be subject to the orders of commanding officers as designated by the Bureau of Police. They shall, at all times, cooperate with paid 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 of 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. Sworn members of the police reserve shall be subject to police duty only when authorized by the Chief of Police or designee.

**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.

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**3.20.240 Membership.**

(Amended by Ordinance Nos. 136679 and 189635, effective August 31, 2019.) The Bureau of Police shall consist of a Chief of Police, full time paid members, and members of the police reserve.

**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.)

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

**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:

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

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- P.** “Misconduct” means conduct by a member which conduct violates Bureau regulations or orders, or other standards of conduct required of City employees.
- Q.** “Request for Review” means a request by an appellant that the Committee review an IAD or IPR investigation of alleged member misconduct.
- R.** “RU (Responsibility Unit) Manager” means a commanding officer or manager of a Bureau division, unit or precinct.
- S.** “Supported by the Evidence.” A finding regarding a complaint is supported by the evidence when a reasonable person could make the finding in light of the evidence, whether or not the reviewing body agrees with the finding.
- T.** “Police Review Board” means the board established by Code Section 3.20.140.
- U.** "Policy-related issue" means a topic pertaining to the Police Bureau's hiring and training practices, the Manual of Policies and Procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular officer's conduct.
- V.** “Supervisory Investigation” means a formal, non-disciplinary process where the involved member’s supervisor is tasked with reviewing a complaint stating a member provided poor quality of service or committed a rule violation that if sustained would not result in corrective action greater than command counseling, as defined by the Bureau’s discipline guide.

**3.21.030 Independent Police Review.**

(Amended by Ordinance No. 188331, effective May 19, 2017.) There is established by the City Council the Independent Police Review, a division within the Auditor's Office.

**3.21.040 Director Selection.**

(Amended by Ordinance Nos. 186416 and 188842, effective March 30, 2018.) The City Auditor shall select the Director of IPR in accordance with the Auditor’s human resource policies and rules and any other applicable laws. The Director shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems of administration, and public policy, and shall have a working knowledge in criminal justice commensurate to the powers and duties of the office.

**3.21.050 Staff and Delegation.**

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

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

**3.21.060 Office Facilities and Administration.**

(Amended by Ordinance No. 188842, effective March 30, 2018.)

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

**3.21.070 Powers and Duties of IPR.**

(Amended by Ordinance Nos. 176317, 183657, 185076, 186416, 188331, 188547 and 188842, effective March 30, 2018.) The Director's powers and duties are the following:

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

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2. The Bureau shall notify the Director that it intends to conduct an administrative investigation into misconduct before initiating the investigation.
- E. Compel review. In accordance with the procedures of Code Section 3.20.140, the Director may compel review by the Police Review Board of any RU Manager's or Commanding Officer's proposed findings and discipline resulting from a Bureau or IPR administrative investigation of a member. The Director may compel review by the Police Review Board on the basis of recommended discipline whether or not discipline was recommended as a result of the investigation.
  - F. Communicate with Complainants. IPR will be the primary contact with the complainant regarding the status and results of the complaint; to assist IAD in communicating with the Member.
  - G. Arrange hearings of appeals. IPR will explain the appeal options to complainants and schedule hearings before the Committee and Council.
  - H. Recommend policy changes. IPR will evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems. Policy change recommendations shall be published for public review.
  - I. Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.
  - J. Access to information. Notwithstanding any other provision of City law, IPR shall have access to and be authorized to examine and copy, without payment of a fee, any bureau information and records, including confidential and legally privileged information and records so long as privilege is not waived as to third parties, and police databases, subject to any applicable state or federal laws. The Director shall not disclose confidential or legally privileged information or records and shall be subject to the same penalties as the legal custodian of the information or records for any unlawful or unauthorized disclosure.
  - K. Adoption of rules. IPR shall adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Director may not levy any fees for the submission or investigation of complaints.
  - L. Review of closed investigations. IPR shall hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. IPR shall issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The



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Director and the Citizen Review Committee shall address any policy-related or quality of investigation issues that would warrant further review.

- M.** Additional public reports. The Director may issue public reports related to member misconduct trends and Bureau disciplinary practices.
- N.** Conduct investigative interviews of Bureau employees.
- O.** All Bureau employees shall be truthful, professional and courteous in all interactions with IPR. No member shall conceal, impede or interfere with the filing, investigation or adjudication of a complaint.
- P.** The Auditor may retain or employ independent legal counsel.

**3.21.080 Citizen Review Committee.**

(Amended by Ordinance Nos. 177688, 185076, 186416, 188331 and 189078, effective July 18, 2018.)

- A.** The Committee shall consist of eleven citizens. Five members shall constitute a quorum of the Committee. Decisions shall be made by a majority of Committee members present and constituting a quorum. However, adoption or amendment of rules of procedures or protocols requires an affirmative vote of six members. The Committee members shall be appointed as follows:
  - 1.** The Director shall solicit applications from the Office of Community & Civic Life, the seven Neighborhood Coalition offices, Mayor and commissioners' offices, PPB advisory committees, and the general public.
  - 2.** The City Auditor shall appoint a committee that shall recommend to the Auditor the appropriate number of nominees to fill impending vacancies. The selection committee shall consist of three CRC representatives, either past or not applying for reappointment, two members of the community, and the Director. Three of the selection committee members, including one CRC representative and the Director, shall serve as the interview panel.
  - 3.** Selection criteria shall include a record of community involvement, passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest. The selection committee will nominate individuals who are neutral, unbiased, and capable of making objective decisions. The Mayor and commissioners may each submit an applicant meeting these qualifications.
  - 4.** The Auditor shall recommend nominees to Council for appointment.

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5. In the event a majority of the Council fails to appoint a person nominated under the provisions of City Code Section 3.21.080 the Auditor shall initiate the process again within 30 days after the Council action.
6. In selecting Committee members, consideration shall be given to the current composition of the Committee and appointments should be made that will cause the group to best reflect the demographic make-up of the community.

**B.** The Committee members shall:

1. Participate in orientation and training activities that may include review of Bureau and IPR procedures, participation in Bureau training to become familiar with police training, policies and investigative practices, including Police Review Board process, participate in ride-alongs with officers, to maintain sufficient knowledge of police patrol procedures.
2. Each serve a term of three years, subject to reappointment by Council. Upon expiration of the term, a committee member shall serve until re-appointed or replaced.
3. Attend committee meetings or provide an explanation in advance for an absence.
4. Serve staggered terms to better ensure continuity. Four members of the Committee shall be appointed to one year terms in July 2001.
5. Select a chair from among their members. Adopt such operating policies and procedures as necessary to carry out their duties.
6. Sign a confidentiality agreement.
7. Serve on the Police Review Board when the Board reviews use of force cases as defined in Chapter 3.20. Committee members shall serve on the Police Review Board on a rotating basis for no more than two terms of three years.

**3.21.090 Powers and Duties of the Committee.**

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

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

1. Conduct meetings. To schedule and conduct at least four meetings per year for the purpose of exercising the authority delegated to it in this chapter. Quarterly meetings and hearings conducted pursuant to the Chapter shall be subject to the Oregon Public Meetings Law, ORS 192.610 through 192.710. The number of Committee members required for a quorum shall be five.

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2. Gather community concerns. To participate in various community meetings to hear concerns about police services.
3. Recommend policy changes. To evaluate complaint, investigative practices, and other information to make policy recommendations to the Chief of Police, the Director, and the Council to prevent and rectify patterns of problems.
4. Advise on operations. To review methods for handling complaints and advise on criteria for dismissal, mediation, and investigation.
5. Hear appeals. To hold hearings of complainant or member appeals as defined in City Code Section 3.21.160; to recommend referral to a final hearing before Council; to publicly report its findings, conclusions and recommendations.
6. Outreach to public. To advise and assist the Director to disseminate information about IPR and Committee activities to organizations in the community; to present reports to Council.
7. Create other committees. To create special purpose subcommittees or committees including other citizens to address particular short-term issues and needs.

**3.21.100 Council Role.**

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

**3.21.110 Intake.**

(Amended by Ordinance Nos. 179162, 186416, 188331 and 188842, effective March 30, 2018.)

- A. The Director shall receive complaints from any source concerning alleged member misconduct. The Director shall make reasonable accommodation when complainants cannot file their complaint at the IPR office. All allegations of use of excessive force shall be subject to a full and completed investigation resulting in findings, unless there is clear and convincing evidence to IPR that the allegation has no basis in fact.
  1. A community member may file a complaint or commendation regarding alleged member misconduct with IPR, Internal Affairs, a Police Bureau Precinct, the Police Commissioner, or with any Bureau member.

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- a. All complaints regardless of intake point will be forwarded to IPR or Internal Affairs and entered into the Administrative Investigation Management database.
    - b. All Bureau facilities will have complaint and commendation forms available in areas accessible to the public.
    - c. All Bureau issued business cards intended to be given to community members during calls for service will have IPR's phone number and email address printed on them.
  2. All complaints of alleged member misconduct will be investigated as either:
    - a. Formal administrative investigations conducted by either Internal Affairs or IPR.
    - b. Supervisory investigations conducted by a supervisor assigned to the same responsibility unit as the involved member.
      - (1) Supervisory investigations will only be used for non-disciplinary complaints, such as those related to quality of service or minor rule violations.
      - (2) All supervisory investigations will include a recommended disposition.
      - (3) All completed supervisory investigations must be reviewed by Internal Affairs and IPR.
      - (4) Completed supervisory investigations will not be subject to appeal.
  3. The Director will be notified in a timely manner by either the Assistant Chief of Investigations, Captain of IAD, or a member of the Police Commissioner's staff upon their knowledge that a member has engaged in conduct that may be subject to criminal and/or administrative investigation.
  4. IPR may request that the Bureau open an administrative deadly force investigation into any incident where IPR believes the physical force used by a member was such that it was readily capable of causing death or serious physical injury.
  5. When members of the public make complaints that do not allege member misconduct but do raise issues of a broader systemic nature, IPR may conduct reviews of Bureau policies and practices.

- B.** The Director shall develop procedures for handling complaints and appeals involving matters currently in litigation or where a notice of tort claim has been filed. The Director shall not initiate a case where a grievance or other appeal has been filed under a collective bargaining agreement or City personnel rules; or with respect to employee or applicant discrimination complaints.
- C.** The Director, when requested, shall protect the confidentiality of complainants, members or witnesses consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Director to carry out their duties, or to comply with applicable collective bargaining agreements, or the disclosure of records is directed by the District Attorney. When considering a request for public records, the Director shall consult with appropriate Bureau personnel and obtain approval from the Bureau prior to disclosure of records under the Oregon Public Records Law.
- D.** No member of the community or the Police Bureau shall face retaliation, intimidation, coercion, or any adverse action for reporting misconduct or cooperating with a misconduct investigation.

**3.21.120 Handling Complaints.**

(Amended by Ordinance Nos. 179162, 183657, 186416, 188331 and 188547, effective September 8, 2017.) To ensure appropriateness and consistency in handling complaints the Director shall work with the Committee to establish procedures for taking action based upon the characteristics of the complaint.

- A.** Mediation. The complainant, the Member who is the subject of the complaint, and Bureau administration must all agree before mediation can be conducted. A complaint that undergoes mediation shall not be investigated. A mediation may be suspended if, in the opinion of the mediator, there is no reasonable likelihood of reaching resolution.
- B.** Complaint Types:
  - 1.** Complaint Type I: IPR is the intake point for complaints from community members and others regarding the conduct of members during an encounter involving a community member. Type I complaints involve alleged misconduct of a member during an encounter involving a community member.
  - 2.** Complaint Type II: A complaint about alleged member misconduct that does not occur during an encounter involving a community member is a Type II complaint. Such a complaint may be initiated by another Bureau employee or supervisor, or may be based on information obtained from another law enforcement agency, an employee of governmental agency

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acting in an official capacity or a community member. These complaints may be filed with the Bureau or with IPR.

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

#### C. Initial Handling and Investigation of Type I Complaints

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

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**a.** Recommend that the Bureau/IAD conduct an investigation

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

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

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

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

**b.** IPR may conduct an independent investigation.

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

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

To facilitate review, IPR shall tape record all interviews with witnesses, including members of the Bureau, conducted during an

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investigation and shall make those tapes, or accurate copies, available during a review of an investigation.

The Director shall provide the Captain of IAD and the Police Chief with a report on the investigation, including recommended findings, and present the IPR investigation, with recommended findings to the RU manager for preparation of RU Manager's proposed findings and discipline. At the completion of the investigation and any appeal process the records of the investigation shall be transferred to the IAD offices for retention.

- 3.** Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.
- 4.** Administrative Closure. After an initial investigation, IPR may decline to take further action on a complaint. If there is an administrative closure, IPR will provided notification to the complainant. IPR will also notify the involved officer(s) and their commanding officer within 30 calendar days of the administrative closure. The Director may administratively close a complaint for the following reasons:
  - a.** Another remedy exists that would resolve the complainant's issue.
  - b.** The complainant delayed too long in filing the complaint to justify present examination;
  - c.** Even if all aspects of the complaint were true, no act of misconduct would have occurred;
  - d.** The complaint is trivial, frivolous or not made in good faith;
  - e.** Where there is clear and convincing evidence that the involved member did not engage in misconduct.
  - f.** The complainant withdraws the complaint or fails to complete necessary steps to continue with the complaint.
  - g.** IPR was unable to identify the involved member.
  - h.** Lack of jurisdiction.

**D. Initial Handling and Investigation of Type II Complaints**



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

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

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

In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To

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maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

4. IPR independent investigation. The Director shall have discretion to initiate and conduct an independent investigation of alleged member misconduct. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member. The IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. The Director shall notify the Bureau/Captain of IAD that IPR has undertaken an investigation and the reason.

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

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

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

**E. Initial Handling and Investigation of Type III Complaints**

Upon opening a Type III IPR initiated complaint investigation. IPR staff will create an intake worksheet and assign an IPR/IAD case number. If a Type III case involves alleged member misconduct during an encounter involving a community member, the case will be handled following the same procedures as a Type I complaint. If a Type III case involves alleged member misconduct that does not occur during an encounter involving a community member, the case will be handled following the same procedures as a Type II complaint.

**F. Initial Handling and Investigation of Type IV Complaints**

RU managers are responsible for intake and investigation of allegations of Type IV cases. The RU manager will provide the Director a summary of the complaint and a summary of any subsequent investigation of a sworn member. The Director may

refer the matter to IAD for further investigation, conduct additional investigation, or controvert the RU manager's recommendations and compel review by the Police Review Board after receiving the completed investigation.

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

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

  - a.** If the RU Manager determines that an investigation by IAD or IPR is not adequate, the RU Manager may return the investigation to the investigating entity for further investigation explaining the determination and providing direction for further investigation. Such direction shall include, but not be limited to, investigating additional allegations of misconduct, gathering additional evidence, conducting additional interviews, re-interviewing officers or



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have a right to request a review of the proposed findings to the Committee and provide an appeal form. The Bureau will notify the involved member regarding the proposed findings of the Police Review Board. The Bureau will notify the involved member of the right to request a review of the proposed findings to the Committee. The Bureau will be responsible for providing the member and union representative with the appeal form. A copy of the communications sent by IPR and IAD will be placed into the AIM database or other appropriate database for both IPR and IAD review.

6. No appeal of Type II and certain Type III complaints. In Type II cases and Type III cases that involve alleged member misconduct that does not occur during an encounter involving a community member, the recommended findings may not be appealed to the Committee.
7. Nothing in this section prohibits the Bureau from terminating the employment of a probationary officer without following the procedures of this Section.
8. The Police Commissioner and the City Auditor shall be notified and provided with explanatory information in all cases where an administrative investigation exceeds 129 days, and the information posted on the City's website.

**3.21.130      Communications.**

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

**3.21.140      Filing of requests for review.**

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

- A. Any complainant or member who is dissatisfied with an investigation of alleged member misconduct that occurred during an encounter with a community member may request a review.
- B. The request for review must be filed within 14 calendar days of the complainant or member receiving IPR's notification regarding disposition of the case. The Director may adopt rules for permitting late filings. When good cause has been established, the Director may accept late filings. Good cause includes, but is not limited to:
  1. Appellant has limited English language proficiency.
  2. Appellant has physical, mental or educational issues that contributed to an untimely request for review.

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- C. A request for review must be filed in writing personally, by mail or email with the IPR Office, or through other arrangements approved by the Director.
- D. The request for review shall include:
  - 1. The name, address, and telephone number of the appellant;
  - 2. The approximate date the complaint was filed (if known);
  - 3. The substance of the complaint;
  - 4. The reason or reasons the appellant is dissatisfied with the investigation.
- E. The complainant or member may withdraw the request for review at any time.

**3.21.150 Case File Review.**

(Replaced by Ordinance No. 187136; Amended by Ordinance No. 188331, effective May 19, 2017.)

- A. When the Director receives and accepts a timely request for review, a Case File Review and Appeal Hearing shall be scheduled before the Committee. The Director will notify the CRC Executive Committee upon receipt of a request of review. The Case File Review shall take place prior to the Appeal Hearing either on the same day or on an earlier date.
- B. The Case File Review will be an opportunity for the Committee to assess the completeness and readiness of the investigation for an Appeal Hearing. Public comment will be allowed before the Committee has made a decision whether a case is ready for an Appeal Hearing. In the event that the Committee conducts a Case File Review and Appeal Hearing on the same day, public comment will be allowed before the Committee has made its recommendation to the Bureau.
- C. During either the Case File Review or Appeal Hearing, the Committee may direct, by majority vote, additional investigation by either IAD and/or IPR.
  - 1. Only Committee members who have read the case file are eligible to vote.
  - 2. The Committee will have one opportunity to direct additional administrative investigation, all other requests will be at the discretion of either IAD or IPR.
  - 3. The request for additional investigation may include multiple areas of inquiry.
  - 4. All additional investigation will be conducted in a timely manner, with the Committee given regular updates.

- D.** If the committee agrees no further investigation and consideration of the evidence appears warranted, the committee shall vote on when to hold an Appeal Hearing.

**3.21.160 Hearing Appeals.**

(Amended by Ordinance Nos. 185076, 188331 and 188547, effective September 8, 2017.)

- A.** An Appeal Hearing shall be conducted after a majority vote of the Committee to hold such a hearing at the case file review or other meeting of the full Committee. Public comment will be allowed before the Committee has made its recommendation to the Bureau.

- 1.** At the Appeal Hearing the Committee shall decide by majority vote:

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





Bureau Commander to answer questions regarding the basis and the rationale for a particular decision.

2. Other Witnesses. Other witnesses shall not be required to appear involuntarily before the Committee.
3. Council may utilize the full powers granted by Section 2-109 of the Charter, including the power to compel the attendance and testimony of witnesses, administer oaths and to compel the production of documents and other evidence. The power to compel the attendance and testimony of witnesses in accordance with City Code Section 3.21.160 D.3. shall not be delegated by the Council to the Committee.

**3.21.170 Monitoring and Reporting.**

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

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

**3.21.180 Increasing Public Access.**

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

- A. The Director shall work with the Committee to make complaint forms available in formats and locations to reach as many community members as possible.
- B. The Director shall work with the Committee to develop programs to educate the public about IPR and the importance of reporting problems.
- C. The Director shall work with the Committee to develop programs to educate Bureau personnel on the complaint process, mediation, and IPR activities. Bureau

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personnel shall be informed that IPR is the primary means for citizens to file complaints.

- D. IPR, Committee and Bureau shall develop guidelines for situations when a commander or supervisor in a precinct is directly contacted by a complainant with a complaint. In general, they may intervene and attempt to resolve the complaint themselves, but they must also inform complainants that they can still file with IPR if they do not achieve satisfaction.

**3.21.190 Response of Chief.**

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

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

**3.21.200 Limitation on Power.**

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

**3.21.210 Subpoenas.**

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

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

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

**3.21.220 Bureau Witnesses.**

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

- A. A Bureau employee shall attend investigative interviews conducted by IPR, cooperate with and answer questions asked by IPR during an administrative

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investigation of a member conducted by IPR. If an employee refuses to attend an investigative interview after being notified to do so by IPR or refuses to answer a question or questions asked by IPR during an investigative interview, the Police Chief or Police Commissioner shall direct the employee to attend the interview and answer the question or questions asked.

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

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**CHAPTER 3.22 - PORTLAND FIRE &  
RESCUE**

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

**Sections:**

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

**3.22.010 General Organization.**

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

- A. The Emergency Operations Division, which shall be responsible for the saving of life and property from fire or other disaster, emergency medical services, hazardous materials incidents, conducting a fire loss control program, training and other miscellaneous public services;
- B. The Fire Prevention Division, which shall be responsible for fire prevention inspections and Code enforcement (Title 31), fire and life safety plans review, fire and arson investigation, enforcement of harbor regulations (Title 19), and conducting an educational fire prevention program;

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

**3.22.020 Organized by Council - Subject to Civil Service.**

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

**3.22.030 Council Powers.**

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

**3.22.040 Care of Property by Council.**

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Council shall have the custody and management of all the public property, including the fire alarm telegraph, pertaining to Portland Fire & Rescue. It shall have power and authority, subject to the limitations and appropriations made and expenditures authorized by the Council, to purchase and acquire all necessary apparatus, including fireboats, engines, hose, hose carriages, and all other personal property which the exigencies of an efficient Portland Fire & Rescue may require. It shall have power and authority to sell and dispose at public sale under the provisions of the Charter relating to sales of public property of any portion of said personal property whenever the same is not required, or when it may be considered by the Council unfit for service in the Bureau. The proceeds of any such sale shall be paid by

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the purchaser to the Treasurer of the City, who shall issue a proper receipt therefor, and all such monies shall be credited to the General Fund of the City.

**3.22.050 Duties of Chief Engineer.**

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

**3.22.060 Destroying Buildings to Check Fire.**

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

**3.22.070 Appointment of Temporary Employees.**

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

**3.22.080 Assignments of Disabled Members.**

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

**3.22.090 Rules and Regulations and Administrative Orders.**

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

**3.22.100 Uniforms.**

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

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

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

**3.22.110 Fire Prevention and Suppression Contracts.**

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

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

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

The Auditor shall execute such contracts only upon receipt of such certification, unless specially authorized by ordinance. Payment upon such contracts shall be

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due in equal semi-annual installments on or before January 1 and June 1 of the year in which the contract is in effect;

- D.** As used in this Section:
- 1.** “**Effective year**” means the fiscal year in which the contract is operative,
  - 2.** “**Previous year**” means the fiscal year first preceding the effective year.
  - 3.** “**Property owner’s assessed value**” means the assessed value in the previous year of land, improvements and personal property of the individual, organization or political subdivision contracting for City fire prevention and suppression, provided, however, that for political subdivisions, the City Auditor shall decrease such assessed value to adjust for changes in boundaries which become effective during the previous year as the result of annexations to the City. If property or a portion thereof, which is included in the determination of property owner’s assessed valuation, be outside Multnomah County, the assessed value shall be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.
  - 4.** “**Assessed value of City property**” means the assessed value, in the previous year, of land, improvements and personal property in the City. The assessed value of those portions of the City lying outside Multnomah County shall be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.
  - 5.** “**Cost to City taxpayers**” means the sum, to the nearest dollar, of:
    - a.** Portland Fire & Rescue General Fund budget of the previous year,
    - b.** A portion of the budget for Fire and Police Disability and Retirement Fund based upon the ratio of the number of firemen to the number of policemen employed on January 1 of the previous year, and;
    - c.** Ten percent of the total of a. and b. to allow for payroll taxes and other expenditures outside the Portland Fire & Rescue General Fund budget;
- E.** The charge for City fire suppression and fire prevention services by contract authorized under this Section shall be computed by the following formula:



(Cost To City Taxpayers)  
Multiplied by  
(Property Owner's Assessed Value)  
Divided by  
(Assessed Value of City Property)

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

**3.22.120 Renewal Notices.**

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

**3.22.130 Contract Form to be Approved by City Attorney.**

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

**3.22.140 Mutual Assistance Agreements.**

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

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

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

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**3.22.160 Fees for Pumping Water from Imperiled Vessels.**

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

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

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

**3.22.180 Forested and Wildland Interface Areas Fire Protection Plan.**

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

**A. General Provisions.**

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

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authorized and encouraged; provided, however, that each voluntary agency shall submit an operational program to this plan as hereinafter provided.

**B. Plan Coordination.**

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

PROGRAM I:	Bureau of Parks
PROGRAM II:	Portland Fire & Rescue
PROGRAM III:	Bureau of Police
PROGRAM IV:	Portland Water Bureau
PROGRAM V:	General Services
PROGRAM VIII:	Maintenance Operations
PROGRAM IX:	Reserved for Nongovernmental
PROGRAM X:	Reserved for Nongovernmental

**C. Command Responsibility for Fire Fighting.**

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

**D. Activation and Response.**

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1. All participants and resources listed in the plan will be activated in accordance with the plan at the request of the Incident Commander.
  2. All participants in the plan will send liaison personnel to the field headquarters, support command headquarters, and the Emergency Operations Center as requested by the Incident Commander.
- E.** Personnel alerting.
1. The Bureau of Emergency Communications will initiate the alerting of participating services as outlined in the plan. The person contacted is then to complete the calls required by his/her bureau, office or agency.
  2. For the purpose of alerting as required in 1 above, the head of each participating service shall establish and maintain master-call lists or a key-alerting system.

**CHAPTER 3.24 - PORTLAND WATER  
BUREAU**

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

**Sections:**

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

**3.24.010 Organization.**

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

**3.24.020 Administration.**

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

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

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

**3.24.030 Customer Service Group.**

The Customer Service Group manages billing and collection services for the Portland Water Bureau including but not limited to, establishment of new accounts, close out of terminated accounts, meter reading, meter inspection services, leak repair notification, bill generation, payment application, remittance processing, approval of adjustments and refunds, delinquent account notification, collection of delinquent accounts by all legal means, termination of service for delinquency, resumption of water service and such other

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duties as requested by the Administrator. The Group will also be responsible for responding to ratepayer inquiries, hearing appeals of the matters for which the Group is responsible and managing financial assistance programs.

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

### **3.24.040 Engineering Services Group.**

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

### **3.24.050 Finance and Support Services Group.**

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

### **3.24.060 Maintenance and Construction Group.**

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

### **3.24.070 Operations Group.**

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

### **3.24.080 Resources Protection and Planning Group.**

The Resource Protection and Planning Group is responsible for Watershed and Columbia South Shore Well Field (CSSWF) management and coordination with federal, state and

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local partners to protect the quality of both of Portland's drinking water sources. This responsibility includes addressing legislative and regulatory issues and performing integrated resource planning, comprehensive planning on major issues, supply and demand analysis, and coordination of the Regional Water Providers Consortium. This Bureau work group is also responsible for the Bureau's business, residential and multifamily water conservation programs and Bureau sustainability efforts.

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**CHAPTER 3.26 - BUREAU OF PARKS**

**Sections:**

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

**3.26.010 Organization Generally.**

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

**3.26.020 Executive and Clerical Division.**

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

**3.26.030 Park Maintenance and Operation Division.**

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

**3.26.040 Nursery and Planting Division.**

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

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

**3.26.050 Public Recreation Division.**

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

**3.26.060 Municipal Stadium Division.**

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



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

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

**3.26.090 Solar Friendly Trees.**

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

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**CHAPTER 3.27 - PORTLAND PARKS AND  
RECREATION BOARD**

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

**Sections:**

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

**3.27.010 Purpose.**

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

**3.27.020 Definitions.**

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

- A. "Board" means the Portland Parks and Recreation Board.
- B. "Bureau" or "Portland Parks and Recreation" means the Bureau of Parks and Recreation of the City of Portland, or whatever agency is given responsibility for the City's system of parks and recreation.
- C. "Commissioner" means the Commissioner in Charge of Portland Parks and Recreation.
- D. "Council" means the City Council of the City of Portland, Oregon.
- E. "Director" means the Director of Portland Parks and Recreation, or the Bureau head, however designated.

**3.27.030 Members and Terms.**

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

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

**3.27.040 Organization and Meetings.**

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

**3.27.050 Duties.**

The Board shall:

- A.** Advise the Council, the Commissioner and the Director on policy matters pertaining to Portland Parks and Recreation, using the Parks 2020 Vision as its guide.
- B.** Advise the Council, the Commissioner and the Director on the preparation and contents of the annual Portland Parks and Recreation budget request.
- C.** Review plans and policies, either existing or being developed, by other City bureaus, boards and commissions or by other government agencies, that affect parks and recreation in the City of Portland, and advocate for the advancement of parks, natural areas, open spaces and recreation facilities and services in City and regional planning and design.

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- D.** Engage in such public outreach, education and advocacy, to the extent permitted by law, as the Board determines necessary or advisable in order to provide a forum for public discussion and decision-making about park and recreation issues.
- E.** Prepare and submit to the Council an annual report which shall summarize the Board's activities during the year and which shall identify the major issues facing Portland Parks and Recreation and the Board's recommendations for addressing them in the coming year.

**3.27.060 Staff Liaison and Support.**

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

**CHAPTER 3.28 - BUREAU OF HEALTH**

**Sections:**

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

**3.28.010 Transfer of Functions.**

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

**3.28.020 Executive and Clerical Division.**

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

**3.28.030 Communicable Disease Control Division.**

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

**3.28.040 Tuberculosis Control Division.**

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

**3.28.050 Venereal Disease Control Division.**

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

**3.28.060 Laboratory Division.**

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

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**3.28.070 School Hygiene Division.**

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

**3.28.080 Emergency Hospital Division.**

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

**3.28.090 Pure Food Sanitation Division.**

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

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

**3.28.100 Division of Mental Health.**

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

**3.28.110 Division of Home Health Care.**

The Division of Home Health Care shall provide the limited nursing services such as but not limited to prescribed treatment, application of dressings, irrigations, exercises and baths and home health aide services including but not limited to nonprofessional care of ill or injured persons, food marketing or other needed shopping or errand, preparation and serving of meals and light housekeeping.

**CHAPTER 3.30 - BUREAU OF  
DEVELOPMENT SERVICES**

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

**Sections:**

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

**3.30.005 Organization.**

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

**3.30.010 Duties of the Bureau of Development Services.**

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

- A.** The administration and enforcement of provisions of the Tree Regulations, Title 11, as further specified in that Title.
- B.** The administration and enforcement of:
  - 1.** Building Regulations, Title 24.
  - 2.** Plumbing Regulations, Title 25.
  - 3.** Electrical Regulations, Title 26.
  - 4.** Heating and Ventilating Regulations, Title 27.
  - 5.** Floating Structures, Title 28.
  - 6.** Property Maintenance Regulations, Title 29.

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7. Signs and Related Regulations, Title 32.
  8. Original Art Murals, Title 4.
  9. State of Oregon Regulations regarding manufactured dwellings.
  10. Other regulations enacted by the State of Oregon and adopted by the City Council and assigned to the Bureau.
- C. The application and enforcement of the provisions of Planning and Zoning Regulations, Title 33 as delegated by the Director of the Bureau of Planning and Sustainability.
- D. The examination and checking of applications, plans, specifications and supporting documentation required as a prerequisite to the approval of land use actions and permits for development.
- E. The coordination of related permits with other bureaus and offices as required to manage the Development Services Center.
- F. The issuance of approvals and permits required for the construction, installation, repair, or alteration of land, buildings or equipment.
- G. The inspection of sites, buildings or other structures and equipment for compliance with plans and specifications and with applicable Code provisions and laws; and
- H. Other duties as assigned to the Bureau.

**3.30.020 Responsibility for the Development Services Center and Development Review.**  
(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. The Bureau of Development Services shall be responsible for the operation and management of the City's Development Services Center.
- B. The Bureau of Development Services has management responsibility for assigned personnel through direct assignment or through interagency agreements, and manages the daily operation of the Center.

**3.30.030 Development Review Advisory Committee.**  
(Amended by Ordinance Nos. 176955, 178954, 184046 and 184183, effective November 26, 2010.)

- A. **Purpose.** The Development Review Advisory Committee is a citizen advisory body, representing those with interests in the outcome of policies, budgets, regulations, and procedures that affect development review processes. The purpose of the Committee is to foster a timely, predictable and accountable development



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review process that implements the City's goals for land use, transportation, housing, economic development, neighborhood livability and the environment. The Committee advocates for and supports consistent and fair application and implementation of regulations. The Committee provides public input into the development review process by:

1. Providing leadership and expertise on issues affecting development;
2. Providing feedback to Bureaus, Review Bodies, and City Council on the impact of potential regulations and administrative rules on the development review process, taking into consideration the full range of City goals and objectives;
3. Providing recommendations for regulatory, code, and administrative rule changes affecting the development review process;
4. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's development goals;
5. Recommending customer service, permitting, process, and compliance improvements to Bureaus, Review Bodies, and/or City Council;
6. Serving as an advisory board to Development Review Directors and Bureaus on development review processes and procedures;
7. Providing input to ensure budgets of development review agencies are adequate to meet service goals and desired system outcomes.

**B. Membership.** The Development Review Advisory Committee shall consist of seventeen members. The members shall be appointed by the Commissioner-in-Charge of the Bureau of Development Services and confirmed by the City Council. The members shall be selected to provide representation of those persons concerned about planning, design and development. The areas of interest of members shall include, but not be limited to, development, planning, construction contracting, public works, design professions, neighborhood interests, business interests, historic preservation, environmental organizations, and institutional properties. Members shall be appointed so that the Committee consists of one member from organizations representing each of the following groups, or if organizations do not exist, an individual advocate for the representative group will be appointed:

1. Frequent development review customers
2. Citywide neighborhood interests
3. Design professionals

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4. Environmental conservation and green building
  5. Historic preservation
  6. Home builders
  7. Home remodelers
  8. Land use planning professions
  9. Large developers
  10. Large construction contractors
  11. Low-income housing developers
  12. Major facilities landowners
  13. Minority construction contractors and development professionals
  14. Neighborhood Coalition Land Use Committees
  15. Small businesses
  16. Planning and Sustainability Commission, as designated by the Planning and Sustainability Commission President, and serves as an ex officio member of the Committee.
  17. Public works permit customers
- C. Appointments and Terms.** Appointment to the Development Review Advisory Committee shall be for a three-year term. If a position is vacated during a term, it shall be filled for the unexpired term. Members of the Development Review Advisory Committee shall serve no more than two, complete three-year terms.
- D. Meetings, Officers, and Subcommittees.**
1. The Development Review Advisory Committee shall meet at least five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. Seven members shall constitute a quorum. A quorum shall be necessary to make decisions that represent the position of the Development Review Advisory Committee and to conduct any other Committee responsibilities. The election of officers shall take place at the first meeting of each calendar year.

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2. The officers of the Committee shall consist of a Chairperson and a Vice-chairperson. The chairperson shall be responsible for conducting the meetings of the committee. The vice chairperson shall act as chair when the chairperson is not available.
  3. The Development Review Advisory Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members.
- E. Attendance.** Members of the Development Review Advisory Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year.
- F. Compensation.** Development Review Advisory Committee members shall serve without compensation.

**3.30.040 Administration and Enforcement.**

(Amended by Ordinance Nos. 175327, 176955, 183793, 186564, 186736 and 189413, effective March 6, 2019.) In order to carry out the duties as set forth in Section 3.30.010, the Director of the Bureau of Development Services may:

- A. Adopt, amend and repeal administrative rules, policies, procedures and forms for the enforcement of applicable Code provisions and laws.
- B. Establish enforcement fees or penalties for non-compliance.
- C. Establish enforcement priorities based on the number of budgeted enforcement personnel, public safety and welfare factors, and any priorities established by City Council.
- D. Gain compliance by:
  1. Instituting an action before the Code Hearings Officer in the manner provided for by Title 22 of this Code.
  2. Causing appropriate action to be instituted in a court of competent jurisdiction.
  3. Issuing a code violation citation directly to the contractor or person responsible for carrying out the work. Any person receiving a citation for violating the provisions of the City Code administered by the Bureau of Development Services shall be subject to a fine of up to \$1,000 for each citation issued.

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4. Taking other lawful action.
  5. Revoking a Type B home occupation permit for failure to comply with the regulations of City Code Chapter 33.203 or revoking a Type A accessory short-term rental permit for failure to comply with the regulations of City Code Chapter 33.207 by using the following procedures:
    - a. If the Director determines that cause for revocation of a permit exists, the Director shall provide written notice thereof to the permittee. The notice shall contain a brief description of the facts supporting the revocation, the date the revocation shall become final and a notice of the permittee's right to appeal the revocation.
    - b. The notice shall be mailed by certified mail, return receipt requested, and regular mail to the permittee. The notice shall be effective upon three days after mailing.
    - c. The revocation shall become final and effective ten days after the notice is effective, unless an appeal is filed.
    - d. Any permittee whose permit has been revoked may appeal the revocation to the Code Hearings Officer pursuant to the provisions of City Code Chapter 22.10. The filing of an appeal shall stay the effective date of the revocation until the appeal is determined in a final decision by the Code Hearings Officer.
- E.** Impose fees or penalties for non-compliance, provide notification, and allow for appeals by:
1. Initiating the notification procedures provided in Section 29.60.050.
  2. Imposing monthly enforcement fees or penalties for each property that meets the following conditions:
    - a. The property is the subject of a notice of violation by the Bureau of Development Services; and
    - b. A response period of 30 days has passed since the effective date of the initial notice of violation; and
    - c. The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
  3. Doubling the penalties if the violations are not corrected within three months from the initial notice of violation.

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4. Imposing an additional penalty as set forth in the Enforcement Fee and Penalty Schedule against any property for which a code enforcement proceeding is initiated before the Code Hearings Officer pursuant to the provisions of Title 22 of this Code.
5. All required fees or penalties are listed in the Enforcement Fee and Penalty Schedule adopted by City Council. Fees or penalties may be updated annually or on an as needed basis. The approved Enforcement Fee and Penalty Schedule will be available at the Bureau of Development Services Center and on the bureau's Web site.
6. When a property meets the conditions for charging any Council approved fee or penalty for noncompliance, the Director shall file a statement with the Revenue Division identifying the property, the amount of the fee or penalty and the date upon which the charge should be assessed. The Revenue Division shall notify the property owner of the amount of the assessed fees and penalties, and a 10 percent Revenue Division charge. The Revenue Division shall record the total amount as a lien in the Docket of City Liens. The Revenue Division shall maintain the lien record until the lien and all associated interest and costs are paid in full, and the Director certifies that all violations listed in the original or subsequent notice of violation have been corrected.
7. Providing for administrative procedures as set forth in Subsections 29.70.010 C. through E.
8. Providing for administrative review and the opportunity for appeal to the Code Hearings Officer as set forth in Section 29.80.010.
9. Allowing exceptions as provided in Section 29.60.100.

**3.30.045 Administrative Rulemaking Procedures.**

(Added by Ordinance No. 186564; amended by Ordinance No. 189078, effective July 18, 2018.)

- A. The Director has been delegated the authority to adopt and administer administrative rules appropriate to perform the duties set forth in Section 3.30.010 of this Title. Such administrative rules shall be adopted according to the procedures in this Section.
- B. Permanent rules.
  1. Prior to the adoption of a permanent rule, the Director shall:

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- a. Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than thirty days before adoption of the administrative rule. The notice shall include the place and time of a proposed public hearing; a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments; and the location where copies of the full set of the proposed rules may be obtained. A copy of the notice will be provided to the Office of Community & Civic Life at least thirty days before adoption. The Director is only required to hold the public hearing if a written request is filed seeking a hearing.
      - b. During the public review process, the Director shall hear testimony and receive written comments regarding the proposed rules.
      - c. The Director will review the testimony and comments and may either adopt the proposed rule, modify it or reject it.
      - d. If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for public review and comment prior to adoption.
    2. Unless otherwise stated, all rules will be effective upon adoption by the Director.
  - C. Interim rules.
    1. The Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the public interest.
    2. Interim rules will be effective for a period of not longer than 180 days.
    3. The Bureau of Development Services shall post public notice of the interim rule not more than 30 days after adoption by posting on its website and shall send notice to the Office of Community & Civic Life. Such notice shall identify the location at which copies of the full set of the interim rules may be obtained.
  - D. All final and interim rules shall be filed in the office of the Director. Copies of all final and interim rules will be made available to the public at the Development Services Center.

**3.30.050 Special Jurisdiction.**

(Amended by Ordinance Nos. 176585, 176955 and 182456, effective December 24, 2008). The Bureau of Development Services shall have authority to enforce Section 14A.20.070, and Subsections 16.10.200 L., 16.20.120 H., and 16.20.130 I., 16.20.160 and Sections

16.20.170, 16.70.450 and 16.70.800. The Bureau shall have authority to issue parking citations and order the towing and storage and/or removal of such vehicles and objects. In addition, violations of Section 16.20.160 are also subject to the Bureau of Development Services enforcement remedies as described in Subsection 3.30.040 C.

**3.30.060 Nuisance Abatement Contracts.**

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

**3.30.070 Inspections.**

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

1. **Building Regulations** means any city code title listed in 3.30.010, or any other safety or health statute, ordinance, regulation, rule, standard or order the Director is authorized to enforce.
2. **Property** means real property and all improvements or structures on real property, from property line to property line.

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

**C. Grounds for Issuance of Inspection Warrants; Affidavit.**

1. **Affidavit.** An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the building or property to be inspected or investigated, and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of

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the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is cause to believe that a condition of nonconformity with any building regulations exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with any building regulations.

#### D. Procedure for Issuance of Inspection Warrant.

1. Examination. Before issuing an inspection warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.
2. Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly the person or persons authorized to execute the warrant, the property to be entered, and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any other time of the day or night.

#### E. Execution of Inspection Warrants.

1. Occupied Property. Except as provided in subsection 2. of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
2. Unoccupied Property. In executing an inspection warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the search warrant shall be conspicuously posted on the property.



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3. Police Assistance. In issuing an inspection warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the building inspector or representative of the bureau inspecting the property in any way necessary to complete the inspection.
4. Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 5 working days from its date of execution, unless such judge before the expiration of such time extends the time for five days. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

**3.30.080 Stop Work Orders.**

(Amended by Ordinance Nos. 176955, 186564 and 187432, effective December 4, 2015.)

- A. When it is necessary to obtain compliance with this Title, or any violations of provisions administered by the Bureau of Development Services, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not resume until such time as the Director give specific approval in writing. The stop work order will be in writing and will include:
  1. The date of the order is issued;
  2. Permit or registration number, where applicable;
  3. Site address, legal description or project location that is subject to the stop work order;
  4. A description of violations observed; and
  5. The conditions under which the work may resume.
- B. The stop work order will be posted by the Director at a conspicuous location at the site. In addition, a copy of the order will either be personally delivered or sent to the property owner (and any person authorized to act on the owner's behalf, if identified) by regular first-class mail.
- C. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
- D. A stop work order is effective upon posting.

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- E.** When an emergency condition exists, the Director may issue a stop work order orally. The Director will then issue a written notice as provided under Section A., above, within one working day.
- F.** The Director may issue a stop work order for work commenced without a required permit.
- G.** The Director may impose a penalty as set forth in the Enforcement Fee and Penalty Schedule adopted by the City Council when a stop work order is issued. The stop work order penalty may be assessed daily for each day the violation or condition giving rise to the order continues.
- H.** Review of Stop Work Order by the Director.

  - 1.** If a property owner (and any person authorized to act on the owner's behalf) has received a stop work order as described in this Section and the property owner (and any person authorized to act on the owner's behalf) believes the order has been issued in error, the property owner (and any person authorized to act on the owner's behalf) may request that the order be reviewed by the Director. The property owner (and any person authorized to act on the owner's behalf) must submit a written request to the Director within 15 calendar days of the date of the order. The written request shall be submitted together with all evidence that supports the request. Work subject to a stop work order may not be resumed until approved according to Subsection A. of this Section. Following review, the Director will issue a written determination. The Director's determination will be served on the property owner (and any person authorized to act on the owner's behalf) by regular mail.
  - 2.** A property owner (and any person authorized to act on the owner's behalf) may appeal the Director's written determination to the Code Hearings Officer in accordance with Portland City Code Chapter 22.10.
  - 3.** Nothing in this Chapter limits the authority of the Director to initiate a code enforcement proceeding under Title 22.

**CHAPTER 3.32 - BUREAU OF LICENSES**

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

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**CHAPTER 3.33 - BUREAU OF PLANNING  
AND SUSTAINABILITY**

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

**Sections:**

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

**3.33.010 Purpose.**

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

**3.33.020 Organization.**

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

**3.33.030 Functions.**

(Amended by Ordinance Nos. 184046 and 188177, effective January 1, 2018.) The Bureau of Planning and Sustainability is responsible for planning, implementing, and managing complex programs and projects related to sustainability, urban design, land use, and long range planning.

The Bureau of Planning and Sustainability:

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

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including sustainable government, renewable energy, energy efficiency, sustainable industries, and sustainable food systems; and evaluates the implementation and effectiveness of these policies and programs;

- F.** Develops, modifies and updates economic, environmental, housing, historic preservation, and community development policies and programs; updates demographic data; advocates for and advances quality sustainable urban design; works to ensure natural resource enhancement; and supports thriving neighborhoods and business communities; and evaluates the implementation and effectiveness of these policies and programs;
- G.** Convenes meetings of the Planning and Development Directors to coordinate planning and development activities of the City of Portland;
- H.** Provides City input into and coordination with regional and statewide planning and development activities;
- I.** Administers the City's solid waste and recycling rules and programs;
- J.** Provides support for:
  - 1.** The activities of the Planning and Sustainability Commission;
  - 2.** The legislative activities of the Portland Historic Landmarks Commission and the Portland Design Commission.
  - 3.** The activities of the Community Involvement Committee.
- K.** Carries out other tasks and functions as required by the City Council or Commissioner in Charge.

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**CHAPTER 3.34 - BUREAU OF PURCHASES  
AND STORES**

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

**CHAPTER 3.36 - PORTLAND HOUSING  
BUREAU**

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

**Sections:**

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

**3.36.010 Purpose.**

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

**3.36.020 Organization.**

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

**3.36.030 Functions.**

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

**A. The Portland Housing Bureau:**

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

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



**CHAPTER 3.38 - PORTLAND HOUSING  
ADVISORY COMMISSION (PHAC)**

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

**Sections:**

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

**3.38.010 PHAC Established.**

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

**3.38.020 PHAC Mission.**

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

**3.38.030 Duties.**

The PHAC is delegated to carry out the following functions:

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

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

3. Actively encourage the support, personal commitment, and participation of highly respected community leaders in furthering the City's affordable housing agenda.

**F. Community and Intergovernmental Relations.**

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

**3.38.040 Membership.**

- A. The PHAC shall consist of at least twelve and no more than fifteen members.
- B. The City of Portland shall appoint all members.
- C. Membership appointment shall achieve a balanced citizen-based perspective embracing a high level of knowledge of and expertise in market-rate and rent-restricted housing development and finance, asset management, homeownership, and housing access and stabilization services.

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- D.** Membership appointment shall take into account the income, racial, ethnic, cultural, and geographic diversity of the community.
- E.** Members will be expected to transcend their individual interests and affiliations to focus on the big picture.
- F.** For the initial appointments to PHAC, the following terms will apply: six members shall be appointed for a term of two years; and six for a term of three years.
- G.** All subsequent appointments to the PHAC shall be for terms of two years.
- H.** Members appointed for one two-year term shall be eligible to renew for one additional two-year term.
- I.** Members shall serve without compensation. However, the City may authorize reimbursement of the reasonable expenses of the members for carrying out the work of the PHAC.
- J.** The PHAC shall adopt rules of procedure (bylaws) as necessary for the governance of its proceedings.

**3.38.050 Staffing.**

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

**3.38.060 Consolidated Plan Consortium.**

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

**3.38.070 Cooperation.**

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

**CHAPTER 3.40 - BUREAU OF GENERAL  
SERVICES**

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

**TITLE 3  
ADMINISTRATION**

**CHAPTER 3.44 - BUREAU OF CIVIC  
AUDITORIUM**

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

**CHAPTER 3.46 - BUREAU OF INSECT  
CONTROL**

**Section:**

3.46.010 County to Perform Duties.

**3.46.010 County to Perform Duties.**

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

**TITLE 3  
ADMINISTRATION**

**CHAPTER 3.52 - BUREAU OF COMPUTER  
SERVICES**

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



**CHAPTER 3.53 - BUREAU OF RISK  
MANAGEMENT**

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

**TITLE 3  
ADMINISTRATION**

**CHAPTER 3.54 - LOSS CONTROL AND  
PREVENTION**

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

**Sections:**

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

**3.54.010 Definitions.**

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

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

**3.54.020 OMF Risk Management Division Responsibility and Authority.**

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

- A. Develop guidelines, instructions, and a model plan to assist bureaus in developing loss prevention and control components;
- B. On final review by the Committee of components submitted by the bureaus, file the City-wide program with the City Auditor and issue the program for implementation by affected bureaus;

- C. Advise and assist affected bureaus in the implementation of components or parts thereof;
- D. Monitor the effectiveness of components, and collect, analyze, and report annually to the Committee and City Council data showing the status of the components and the performance of bureaus implementing the components.

**3.54.030 Bureau Responsibility and Authority.**

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

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

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

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

- A. In conjunction with bureau managers, develop and propose for approval by the City Council goals for each bureau or appropriate groups of bureaus for the frequency and severity of workers' compensation and liability losses.
- B. Obtain from each bureau its proposed written loss control component;
- C. Review each component to ensure that it is appropriate, adequate, thorough, and consistent with components developed by other bureaus;
- D. Suggest revisions, if appropriate, and return the component to the bureau for consideration or revisions;
- E. Upon final review of components, provide them to the OMF Risk Management Division for approval and implementation by bureaus.

**TITLE 3  
ADMINISTRATION**

**CHAPTER 3.57 - INDUSTRIAL INJURY  
RETURN TO WORK POLICY**

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

**CHAPTER 3.58 - VEHICLE LOSS CONTROL  
POLICY**

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

**TITLE 3  
ADMINISTRATION**

**CHAPTER 3.60 - ZOO COMMISSION**

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

**CHAPTER 3.62 - BOXING COMMISSION**

**Section:**

3.62.010 Certain City Officials to Render Certain Services.

**3.62.010 Certain City Officials to Render Certain Services.**

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

**TITLE 3  
ADMINISTRATION**

**CHAPTER 3.64 - ART COMMISSION**

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



**CHAPTER 3.66 - CIVIC AUDITORIUM  
ADVISORY COMMITTEE**

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

**TITLE 3  
ADMINISTRATION**

**CHAPTER 3.67 - PERFORMING ARTS  
ADVISORY COMMITTEE**

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

**Sections:**

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

**3.67.010 Creation and Organization.**

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

**3.67.020 Procedure and Rules of Committee.**

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

**3.67.030 Duties.**

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

**CHAPTER 3.68 - FORMAL JAPANESE  
GARDEN COMMISSION**

**Sections:**

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

**3.68.010 Created.**

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

**3.68.020 Powers and Duties.**

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

**3.68.030 Meetings.**

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

**3.68.040 Officers.**

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

**TITLE 3  
ADMINISTRATION**

**3.68.050 Rules - Quorum.**

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

**3.68.060 Vacancy - Removal.**

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

**CHAPTER 3.70 - PITTOCK MANSION  
ADVISORY COMMISSION**

**Sections:**

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

**3.70.010 Created - Terms.**

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

**3.70.020 Powers and Duties.**

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

**3.70.030 Special Committees and Services.**

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

**3.70.040 Meetings.**

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

**3.70.050 Officers.**

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

**3.70.060 Rules - Quorum.**

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

**TITLE 3  
ADMINISTRATION**

**3.70.070 Vacancy.**

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

**CHAPTER 3.71 - ENVIRONMENTAL  
COMMISSION**

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

**TITLE 3  
ADMINISTRATION**

**CHAPTER 3.72 - COMMITTEE ON CLAIMS**

**Sections:**

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

**3.72.010 Created - Members - Meetings.**

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

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

**3.72.020 Presentation of Claims.**

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

**3.72.030 Consideration of Claims Not Covered by Insurance.**

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

**3.72.040 Claims Covered by Insurance.**

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



CHAPTER 3.74 - OATHS OF OFFICE

**Sections:**

- 3.74.010 Persons Required to Take Oath.
- 3.74.020 Form of Oath for Mayor, Commissioner and City Auditor.
- 3.74.030 Form of Oath for Non-Elected City Employees.
- 3.74.040 Administering Oaths.

**3.74.010 Persons Required to Take Oath.**

(Amended by Ordinance Nos. 180917 and 189635, effective August 31, 2019.)

- A. Each of the following employees shall be required to take an oath of office, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the City Auditor;
  - 1. Every officer and member of the Bureau of Police, including temporary, and reserve officers;
  - 2. Parking code enforcement supervisors and officers;
  - 3. Each officer and member of Portland Fire & Rescue serving full time and devoting labor exclusively to the interests of the City;
  - 4. Each elected City official;
  - 5. The City Attorney and every deputy City Attorney; and
  - 6. Each deputy City Auditor who administers oaths.
- B. The City Council or a City board or commission may require the members of the board or commission to take an oath of office. If an oath of office is required, the Council or the board or commission shall establish requirements for the form, administration, and filing of the oath.

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

(Amended by Ordinance Nos. 168343 and 189635, effective August 31, 2019.) The form of oath to be taken by the elected officials of the City, after receiving a certificate of election from the City Elections Officer and before entering upon the discharge of their duties, shall be substantially as follows:

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

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Additional language may be added for ceremonial purposes but shall not be considered part of the official oath of office.

**3.74.030 Form of Oath for Non-Elected City Employees.**

(Amended by Ordinance Nos. 139501, 168343 and 189635, effective August 31, 2019.)  
The form of oath to be taken by non-elected City employees, before entering upon the discharge of their duties or as soon as possible thereafter, shall be substantially as follows:

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

Additional language may be added for ceremonial purposes but shall not be considered part of the official oath of office.

**3.74.040 Administering Oaths.**

(Added by Ordinance No. 189635, effective August 31, 2019.) When an oath is required by this Chapter:

- A.** The oath may be administered by the City Auditor, a deputy City Auditor, a notary public, or a judge or magistrate of any court of record in the United States, within their respective jurisdictions.
- B.** Oaths shall be in writing and signed by the persons taking and administering the oath. Whenever the oath is administered by a person other than the City Auditor or a deputy City Auditor, the credentials of the person administering the oath shall appear on the document, and the oath shall be sent immediately to the City Auditor.

**CHAPTER 3.76 - PUBLIC RECORDS**

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

**Sections:**

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

**3.76.010 Definitions.**

In this Chapter, unless the context otherwise requires:

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

**3.76.020 Purpose.**

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

**3.76.030 Archives and Records Management Program Creation and Administration.**

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

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

The Archives and Records Management Program shall:

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

- M.** Establish procedures for the prompt and orderly disposition of City records for which the state archivist has granted authority to destroy because they no longer possess administrative, legal, or research value to warrant their retention;
- N.** Provide training to City agencies and employees on all aspects of records management.

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

Each City elected official and agency manager shall:

- A.** Make and preserve records containing adequate documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency which are designed to furnish the information necessary to protect the legal and financial rights of the City and of persons directly affected by the agency's activities;
- B.** Ensure staff compliance with City records policies and procedures established by Archives and Records Management;
- C.** Work with Archives and Records Management to develop and review records retention schedules for records maintained by the agency;
- D.** Inform Archives and Records Management of any regulatory changes affecting record retention, maintenance or access requirements;
- E.** Notify Archives and Records Management of any program changes that may affect the management of City records, including but not limited to: new agency responsibilities; records that are no longer being created; changes to records maintenance practices;
- F.** Follow established procedures to identify, segregate and protect records vital to the continuing operation of an agency in the event of natural or man-made disaster;
- G.** Ensure that at least one copy of each report, document, study, publication or consultant report prepared at City expense be deposited with the Archives;
- H.** Notify the Archives of records older than 25 years in the agency's possession; transfer control of original records upon notification from the Archives;
- I.** Establish safeguards against unauthorized or unlawful removal, loss or destruction of City records;
- J.** Ensure that City records are maintained in a manner that meets guidelines set by Archives and Records Management for security and environment;

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- K.** Designate a management level employee to act as a liaison between the agency and Archives and Records Management on all matters relating to the archives and records management program.

**3.76.060 Care of Records.**

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

**3.76.070 Destruction of Records.**

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

**3.76.080 Use of Copies.**

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

**3.76.090 Public Access to Records.**

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

CHAPTER 3.77 - OFFICE OF THE  
OMBUDSMAN

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

**Sections:**

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

**3.77.010 Purpose.**

(Amended by Ordinance No. 188842, effective March 30, 2018.) The Office of the Ombudsman is an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to investigate the administrative acts of City departments, bureaus and other administrative agencies, issue reports and recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of fairness, competency, efficiency and justice in the provision of city services.

**3.77.020 Definitions.**

(Amended by Ordinance No. 188842, effective March 30, 2018.) In this chapter:

- A. "Administrative act" means an action, failure to act, omission, decision, recommendation, practice, policy or procedure.

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

**3.77.030 Office of the Ombudsman.**

(Amended by Ordinance No. 188842, effective March 30, 2018.) There is established in accordance with City Charter Section 2-509 the Office of the Ombudsman.

**3.77.040 Ombudsman Selection.**

(Amended by Ordinance No. 188842, effective March 30, 2018.) The City Auditor shall select the Ombudsman in accordance with the Auditor’s human resource policies and rules and other applicable laws.

**3.77.050 Qualifications and Prohibitions.**

(Amended by Ordinance No. 188842, effective March 30, 2018.)

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



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

**3.77.060 Reserved.**

**3.77.070 Removal.**

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A.** The Ombudsman is an at-will employee and may be removed from office by the City Auditor.
- B.** If the position becomes vacant for any reason, the Deputy Ombudsman shall serve as acting Ombudsman until a new Ombudsman has been appointed.

**3.77.080 Staff and Delegation.**

(Amended by Ordinance No. 188842, effective March 30, 2018.)

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

**3.77.090 Reserved.**

**3.77.100 Office Facilities and Administration.**

- A.** The City shall provide suitable office facilities for the Ombudsman and staff in a location convenient for the public.
- B.** The Ombudsman shall annually recommend a budget proposal for submission to the City Auditor, who shall in turn include it in the Auditor's budget submission to the Mayor and City Council.
- C.** The Ombudsman shall be located within the City Auditor's office, and be accountable to the City Auditor. The Ombudsman shall have sole discretion in choosing consultants to assist with investigations, and in hiring staff. All administrators shall retain the authority to deny any request which is otherwise

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contrary to ordinance or which exceeds the city council-adopted budget for the office.

**3.77.110 Powers and Duties.**

(Amended by Ordinance No. 188842, effective March 30, 2018.) The Ombudsman's powers and duties include, but are not limited to the following:

- A.** To investigate, on complaint or on the Ombudsman's own initiative, any administrative act of an agency, without regard to the finality of the administrative act, if the Ombudsman reasonably believes that it is an appropriate subject for review;
- B.** To undertake, participate in or cooperate with persons and agencies in such general studies, conferences, inquiries, meetings, or studies which might improve the functioning of agencies or lessen the risks that objectionable administrative acts will occur;
- C.** To make such inquiries and obtain such reasonable assistance and information from any agency or person as the Ombudsman shall require for the discharge of the Ombudsman's duties; and may without prior notice enter and inspect the premises of any agency. Agencies shall not restrict the Ombudsman's access to agency employees, subject to collective bargaining obligations to the City's recognized bargaining units;
- D.** In accordance with City Charter, subject to collective bargaining obligations to the City's recognized bargaining units, to have timely access to and to examine and copy, without payment of a fee, any agency information and records, including confidential and legally privileged information and records so long as privilege is not waived as to third parties, subject to any applicable state or federal laws. The Ombudsman shall not disclose confidential or legally privileged information or records and shall be subject to the same penalties as the legal custodian of the information or records for any unlawful or unauthorized disclosure;
- E.** To request any person or agency to give sworn testimony or to timely produce documentary or other evidence that is reasonably relevant to the matters under investigation;
- F.** To maintain confidential any matter related to complaints and investigations to the extent allowable by law, except as the Ombudsman deems necessary to discharge the Ombudsman's duties or as directed by the District Attorney pursuant to a public records request;
- G.** To take appropriate measures to enforce the provisions of this chapter, including issuing reports, submitting recommendations, or seeking Council authorization for legal recourse if necessary to carry out the duties of the Office of the Ombudsman;

- H. To adopt, promulgate, amend and rescind rules and regulations required for the discharge of the Ombudsman's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Ombudsman may not levy any fees for the submission or investigation of complaints;
- I. To insure that a budget for the Office of the Ombudsman is well prepared and administered.

**3.77.120 Investigations of Complaints.**

(Amended by Ordinance No. 188842, effective March 30, 2018.)

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

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

**3.77.130 Communications with Agency.**

(Amended by Ordinance No. 188842, effective March 30, 2018.)

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

**3.77.140 Communications with Complainant.**

- A. After the Ombudsman has decided whether or not to investigate a complaint, the Ombudsman shall inform the complainant.

- B.** The Ombudsman shall, if requested by the complainant, report the status of his or her investigation to the complainant.
- C.** After investigation of a complaint, the Ombudsman shall inform the complainant of his or her conclusion or recommendation and, if appropriate, any action taken or to be taken by the agency involved.

**3.77.150 Procedure after Investigation.**

(Amended by Ordinance No. 188842, effective March 30, 2018.)

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

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

- B.** After a reasonable period of time has elapsed, the Ombudsman may issue final conclusions or recommendations to the Auditor, the Mayor and City Commissioners, a grand jury, the public, or any other appropriate authority. The Ombudsman shall include any brief statement the agency may provide if an opportunity to reply is required by this Chapter.
- C.** If the Ombudsman believes that an action has been dictated by laws whose results are unfair or otherwise objectionable, and could be revised by City Council action, the Ombudsman shall notify the City Council and the agency of a desirable statutory change.
- D.** If the Ombudsman believes that any agency official or employee has acted in a manner warranting criminal or disciplinary proceedings, the Ombudsman shall refer the matter to the appropriate authorities without notice to that person.

**3.77.160 Informing Community Members.**

(Amended by Ordinance No. 188842, effective March 30, 2018.) The Ombudsman shall post notices or use other appropriate means to inform community members of their rights, protections, and availability of services provided for under this Chapter and City Charter

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Section 2-509. These notices may include posted notices in public areas; or, electronic postings or links through Internet web sites, including the City web site. Nothing in this section is to be construed as repealing any other provisions of contract, ordinance or law.

#### **3.77.170 Reports.**

(Amended by Ordinance No. 188842, effective March 30, 2018.) The Ombudsman may from time to time and shall annually report the Office of the Ombudsman's activities to the Auditor and City Council, or any of its committees, to the public and, in the Ombudsman's discretion, to agencies.

#### **3.77.180 Reserved.**

#### **3.77.190 Duty to Cooperate.**

(Amended by Ordinance No. 188842, effective March 30, 2018.) City employees shall cooperate with the Ombudsman in the exercise of their powers, and shall not mislead or attempt to mislead an Ombudsman's inquiry.

#### **3.77.200 Ombudsman Immunities.**

(Amended by Ordinance No. 188842, effective March 30, 2018.) To the extent allowable by law, the Ombudsman and staff shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of their official duties except as may be necessary to enforce this Chapter and City Charter Section 2-509.

#### **3.77.210 Reprisals Prohibited.**

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

#### **3.77.220 Relationship to Other Laws**

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

#### **3.77.230 Effective Date**

This Act shall take effect on July 1, 2001.

**CHAPTER 3.78 - ACQUISITION OF COUNTY  
PROPERTY FOR PARK PURPOSES**

**Sections:**

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

**3.78.010 Authorization for Payment.**

(Amended by Ordinance Nos. 173369 and 189452, effective May 10, 2019.) In all cases, past, present or future, in which an ordinance provides for the acquisition of park property from Multnomah County and where Multnomah County does not furnish an abstract or title insurance, the Accounting Division is hereby authorized to draw and deliver a check in favor of Multnomah County for the amount to be paid for the deed from the county unless such ordinance indicates specifically a purpose to disregard this Chapter and thereupon the Accounting Division shall submit the matter to the City Attorney.

**3.78.020 Title Reports.**

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

**3.78.030 Clearing of Title.**

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

**3.78.040 Retaining Property with Cloud on Title.**

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

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**CHAPTER 3.80 - SPECIAL PERMITS**

**Sections:**

3.80.010 Operations to Cease Upon Expiration of Permit.

3.80.020 Use of Park Property for Private Gardening Purposes.

**3.80.010 Operations to Cease Upon Expiration of Permit.**

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

**3.80.020 Use of Park Property for Private Gardening Purposes.**

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



CHAPTER 3.82 - OFFICER AND EMPLOYEE  
BONDS

**Sections:**

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

**3.82.010 Exceptions.**

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

**3.82.020 Bond of the City Treasurer.**

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

**3.82.030 City Auditor's Bond.**

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

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**CHAPTER 3.84 - CITY OWNED MOTOR  
VEHICLE ACCIDENT REPORTS**

**Sections:**

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

**3.84.010 Filing of Accident Report.**

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

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

**3.84.020 Form of Report.**

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

**3.84.030 Repair Shop Report.**

The person in charge of the bureau repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident, shall report in writing to the Bureau of Property Control not later than the next normal day of business after such motor vehicle

is received, giving the City property number of such vehicle, department, and a general description of the damage.

**3.84.040 Repair.**

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

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

**3.84.050 Billing of Charges.**

(Amended by Ordinance No. 189452, effective May 10, 2019.) No request for billing of charges for repair of motor vehicles damaged as defined in this Chapter shall be forwarded to the Office of Management and Finance as in Section 5.48.040 provided, until the validity thereof based upon determination of liability shall have first been approved by the City Attorney.

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**CHAPTER 3.86 - GOLF ADVISORY  
COMMITTEE**

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

**Sections:**

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

**3.86.010 Created - Organization.**

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

**3.86.020 Procedure and Rules.**

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

**3.86.030 Duties.**

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

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and use of Golf System revenue. The Golf Advisory Committee shall make an annual written report to the Commissioner-in-Charge, the Director of Parks and to the Council.

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**CHAPTER 3.88 - INVESTMENT ADVISORY  
COMMITTEE**

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

**Sections:**

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

**3.88.010 Created - Organization.**

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

**3.88.020 Procedure and Rules.**

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

**3.88.030 Duties.**

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

**CHAPTER 3.90 - OFFICE OF MANAGEMENT  
SERVICES**

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

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**CHAPTER 3.92 - BUREAU OF HUMAN  
RESOURCES**

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



**CHAPTER 3.94 - OFFICE OF PLANNING  
AND DEVELOPMENT**

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

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**CHAPTER 3.95 - BUREAU OF ECONOMIC  
DEVELOPMENT**

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

**CHAPTER 3.96 - OFFICE OF COMMUNITY  
& CIVIC LIFE**

(Chapter replaced by Ordinance No. 179418;  
amended by Ordinance No. 189078 effective July  
18, 2018.)

**Sections:**

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

**3.96.010 Purpose.**

(Amended by Ordinance No. 189078, effective July 18, 2018.) This chapter creates a framework by which the people of the City of Portland may effectively participate in civic affairs and work to improve the livability and character of their Neighborhoods and the City. This Chapter sets out the basis for City recognition of Neighborhood Associations, District Coalitions, and the responsibilities and benefits accruing thereto. This chapter also sets out the basis for city acknowledgement of Business District Associations and the responsibilities accruing thereto. This chapter also creates the Office of Community & Civic Life and sets out its functions, duties and responsibilities. Nothing in this Chapter shall limit the right of any person or group to participate directly in the decision making processes of the City Council or of any City agency.

**3.96.020 Definitions.**

(Amended by Ordinance No. 189078, effective July 18, 2018.) As used in this Chapter the following terms have the meanings given them in this Section.

- A. **Neighborhood:** A geographically contiguous self-selected community.
- B. **Neighborhood Association:** An autonomous organization formed by people for the purpose of considering and acting on issues affecting the livability and quality of their Neighborhood, formally recognized by the Office of Community & Civic Life, and subject to Chapter 3.96.
- C. **District Coalition:** An organization which supports participation services for Neighborhood Associations and everyone within a geographically defined area, and is subject to Chapter 3.96.
  - 1. **Non-Profit District Coalition:** An independent non-profit corporation directed by a board which is primarily composed of representatives from its member Neighborhood Associations.

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

**3.96.030 Neighborhood Associations.**

(Amended by Ordinance No. 189078, effective July 18, 2018.)

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

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4. Undertake projects and activities deemed appropriate by the Neighborhood Association; and,
5. Cooperate with other Neighborhood Associations and Office of Community & Civic Life to create District Coalitions.

**C. Responsibilities of Neighborhood Associations.**

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

**D. Benefits to Neighborhood Associations.**

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

**3.96.040 Functions of District Coalitions.**

(Amended by Ordinance No. 189078, effective July 18, 2018.) A District Coalition shall:

- A. Provide training and orientation, information and support services to Neighborhood Associations within the areas of Neighborhood Associations served;
- B. Facilitate communication between people and government;
- C. Promote public participation within the areas of Neighborhoods served on issues of livability, safety and public policy;
- D. Promote, encourage and support the participation of members of diverse communities within the areas of Neighborhoods served;
- E. Administer contracts or memorandums of understanding and operate the District Coalition in accordance with the adopted Standards; and
- F. Abide by the Standards established by the Office of Community & Civic Life.

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**3.96.050 Responsibility of City Agencies.**

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

**3.96.060 Responsibilities of the Office of Community & Civic Life.**

(Amended by Ordinance Nos. 186216, 187359 and 189078, effective July 18, 2018.) There is hereby established and created an Office of Community & Civic Life which shall consist of a Director and such other employees as the Council may from time to time provide. In order to facilitate participation and improved communication between the public, Neighborhood Associations, Business District Associations, District Coalitions and the City, the Office of Community & Civic Life shall:

- A. Assist Neighborhood Associations, District Coalitions and others in planning and developing programs for public involvement, crime prevention, dispute resolution and budget review;
- B. Act as an information clearinghouse and resource to Neighborhood and Business Associations, other groups and the public;
- C. Notify interested persons of meetings, hearings, elections and other public participation events of the Office of Community & Civic Life neighborhood system;
- D. Enter into, monitor, administer contracts, and memorandums of understanding for Neighborhood Associations through District Coalitions;
- E. Promote and facilitate open communication and notification from City agencies to Neighborhood Associations, District Coalitions, and Business District Associations, promote and facilitate communication amongst City agencies about public involvement best practices and policy;
- F. Support and promote public involvement within the Neighborhood Association framework;
- G. Adopt and revise such Standards as are deemed necessary for the implementation of this Chapter and for orderly public involvement in City government through

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Neighborhood Associations and District Coalitions. In so doing, the Office of Community & Civic Life shall seek representation from Neighborhood Associations, District Coalitions, Business District Associations, diverse community interests, city agencies that engage in considerable public involvement activities, and other interested people as necessary;

- H.** Pursuant to the adopted Standards, formally recognize a Neighborhood Association and/or acknowledge a Business District Association. If a Neighborhood Association or Business District Association fails to meet the minimum requirements of chapter 3.96, the Office of Community & Civic Life may suspend partial or all benefits and may ultimately revoke formal recognition of a Neighborhood Association or acknowledgement of a Business District Association;
- I.** Promote, encourage and support diverse and multicultural public involvement;
- J.** Establish open and fair grievance procedures for Neighborhood Associations, District Coalitions, and the Office of Community & Civic Life;
- K.** Establish open meetings and public records standards for Neighborhood Associations and District Coalitions;
- L.** Administer and enforce City Code Title 18, Noise Control; and
- M.** Other duties as assigned to the Office by Council.

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**CHAPTER 3.98 - TOWING BOARD OF  
REVIEW**

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

**Sections:**

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

**3.98.010 Created - Organization.**

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

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



from the Board and the position shall thereafter be vacant and subject to appointment.

**3.98.020 Procedure and Rules.**

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

**3.98.030 Staff.**

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

**3.98.040 Contracts - Rates.**

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

**3.98.050 Eligibility.**

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

**3.98.060 Powers of Board.**

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

- A. Oversee the operation of and inspect the equipment and personnel qualifications of all parties contracting with the City for towing or dispatching service to determine if they are in compliance with their contracts; and hear and investigate complaints regarding the City's towing contracts and the performance thereof.
- B. Establish dispatching district boundaries and lists of towing companies within each district eligible to be dispatched for tows:

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

**3.98.080 Appeals.**

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

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

**CHAPTER 3.99 - FAIR WAGE POLICIES**

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

**Sections:**

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

**3.99.005 Policy.**

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

**3.99.010 Covered Services and Agreements.**

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

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

**3.99.015 Compliance.**

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

**3.99.020 Adjustments.**

(Amended by Ordinance No. 187124, effective May 13, 2015.) The fiscal year 2015-16 minimum wage shall be \$15 per hour. The Office of Management and Finance shall provide City bureaus with a yearly minimum hourly wage rate for covered services which is anticipated to be adjusted annually by the change in the Portland-Salem OR WA CPI-W as provided by the City Economist. The adjustment shall be effective for all contracts on

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July 1 of each year. In determining the adjustment amount, the Office of Management and Finance shall take into account the City's overall financial picture, and OMF shall not interpret this Code to require any increase which is inconsistent with the City's financial health and capabilities.

#### **3.99.030 Documentation of Fair Wage in Contracts.**

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

**CHAPTER 3.100 - EQUAL OPPORTUNITY**

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

**Sections:**

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

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

(Substituted by Ordinance No. 165383; amended by Ordinance No. 171993, effective February 11, 1998.) The City of Portland has a compelling governmental interest in prohibiting discrimination in programs, activities, services, benefits and employment whether carried out by the City itself or through a contractor with whom the City arranges to carry out its programs and activities. In addition to provision found elsewhere in this

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Code, provisions relating to equal employment opportunity, affirmative action and civil rights are specifically to be found in Chapter 4.02 and Chapter 23.01. The City of Portland's policies and programs relating to affirmative action are contained in its annual Affirmative Action Plan. Individual City bureaus may have specific programs designed to further the broad goals of equal employment opportunity, affirmative action and civil rights. It is unlawful to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income in programs, activities, services, benefits, and employment whether carried out by the City of Portland, directly or through a contractor or any other entity with whom the City of Portland arranges to carry out its programs and activities except as allowed by federal law, rules and regulations.

- 3.100.010 Affirmative Action Program.**  
(Repealed by Ordinance No. 165383, effective April 29, 1992.)
- 3.100.011 Definitions.**  
(Repealed by Ordinance No. 165383, effective April 29, 1992.)
- 3.100.012 Policy.**  
(Repealed by Ordinance No. 165383, effective April 29, 1992.)
- 3.100.013 Objectives.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.014 Management Commitment.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.015 Regulatory Committee.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.016 Bureau EEO Advisory Committees.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.017 Reports and Audits.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.018 Complaints of Discrimination.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.019 Sanction.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.020 Rules and Regulations.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

**3.100.021 Identification of Handicapped.**

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

**3.100.022 Management Commitment.**

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

**3.100.023 Objectives.**

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

**3.100.030 Contractor Equal Employment Opportunity Program.**

**3.100.031 Definitions.**

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

**3.100.032 Contracts with the City.**

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

**3.100.033 Franchises.**

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

**3.100.034 Certification of Contractors.**

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

**3.100.035 Rules and Regulations.**

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

**3.100.036 Compliance by Contractors.**

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

**3.100.037 Denial or Revocation of Certification.**

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

**3.100.038 Compatibility with Other Rules.**

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

**3.100.039 State of Emergency.**

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

**3.100.040 Exemptions.**

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

**3.100.041 Contracts with City.**

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

- A. Equal Opportunity Employer.** An “Equal Employment Opportunity Employer” (“EEO Employer”) is one who does not engage in the discrimination prohibited by

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Section 3.100.005 of this Code and who is certified by the Bureau of Purchases as an EEO Employer.

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

#### **3.100.042 Certification of Contractors.**

(Added by Ordinance No. 171418, effective July 23, 1997.) The Bureau of Purchases is delegated the authority to adopt rules and regulations to establish criteria for certification, conditional certification, decertification, revocation, suspension and denial of EEO status to Contractors and Subcontractors, to administratively implement this program, to investigate complaints of prohibited discrimination, to conduct compliance reviews, and to establish rules of procedure it deems necessary in order to discharge its duties.

#### **3.100.043 Information Required.**

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

#### **3.100.044 Compliance Review.**

(Added by Ordinance No. 171418, effective July 23, 1997.) If the Bureau of Purchases receives a complaint filed by any person or entity that alleges prohibited discrimination by a Contractor or Subcontractor, or when information comes into its possession indicating that a Contractor or Subcontractor may have engaged in prohibited discrimination, the



Bureau may conduct a Compliance Review to determine whether the complaint or the information is correct. The purpose of the Compliance Review is to determine whether an EEO Certification should be revoked or suspended or whether a request for certification or recertification should be denied.

**3.100.045 Denial, Suspension, Revocation.**

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

- A. Actions by Bureau. The Bureau may deny, suspend or revoke an EEO certification of the contractor or subcontractor if:
  - 1. Employs a workforce that shows underutilization of minorities and women, as reflected by their availability in the workforce, and thereafter fails to take positive steps to diversify its workforce after notification from the Bureau that such steps are required to maintain the EEO certification. Underutilization determinations shall be based on federal Title VII standards including the “Four-Fifths Rule” and “Manifest Imbalance” concepts;
  - 2. Engages in discrimination prohibited by state, federal or local law;
  - 3. Refuses to provide information to the Bureau of Purchases to determine whether it should be EEO certified or recertified;
  - 4. Refuses to provide information when the Bureau is conducting a Compliance Review;
  - 5. Intentionally provides false information to the Bureau in regard to its EEO certification or in response to the Bureau’s request for information; or
  - 6. Intentionally employs subcontractors that are not EEO certified.
- B. Appeal. EEO certification that has been denied, suspended or revoked may be appealed to the City Council by filing a written notice with the City Auditor within 10 days after the date of denial, suspension, or revocation. Action on such appeal shall be as directed by the City Council.
- C. Enforcement. If no appeal to the City Council is filed within the time allowed, or if the appeal is denied by the City Council, the decision of the Bureau immediately shall go into effect.

**3.100.050 Nondiscrimination in Contracting.**

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

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**3.100.051 Policy regarding Benefits.**

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

**3.100.052 Definitions.**

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

- A. "Bureau" means the Bureau of Purchases.
- B. "Contract" means all formal solicitation contracts for Public Improvements and Construction Services authorized and executed pursuant to PCC Chapter 5.34, and all formal solicitation contracts for Goods and Services authorized and executed pursuant to PCC Chapter 5.33 and all formal solicitation contracts for Professional, Technical and Expert services (PTE) authorized and executed pursuant to PCC Chapter 5.68.
- C. "Director" or "Purchasing Agent" means the Director of the Bureau of Purchases or that person to whom those duties have been properly delegated.
- D. "Domestic Partner" means any person who is registered with his or her employer as a domestic partner, or, in the absence of an employer-provided registry, is registered as a domestic partner with a governmental body pursuant to state or local law authorizing such registration and who is in fact a current domestic partner with the person with whom that person was registered. Any internal employer registry of domestic partnership must comply with criteria for domestic partnerships specified by rule by the Bureau.
- E. "Employee benefits" means any plan, program or policy provided by an employer to its employees as part of the employer's total compensation package. This includes but is not limited to the following types of benefits: bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

**3.100.053 Discrimination in the provision of benefits prohibited.**

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

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- A.** No contractor on a City contract shall discriminate by policy or practice in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following exceptions:
1. In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.
  2. The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.
- B.** Other options for compliance allowed. Provided that a contractor does not discriminate in the provision of benefits between employees with spouses and employees with domestic partners, a contractor may:
1. Elect to provide benefits to individuals in addition to employees' spouses and employees' domestic partners;
  2. Elect to provide benefits in a manner unrelated to spousal or domestic partner status; or
  3. Provide benefits neither to employees' spouses nor to employees' domestic partners.
- C.** Requirements inapplicable under certain conditions. The Director may waive the requirements of this chapter where it is found not to be in the best interest of the City. Examples of situations that require waiving the requirements of this chapter include but are not limited to:
1. Award of a contract or amendment is necessary to respond to an emergency;
  2. No compliant contractors are capable of providing goods or services that respond to the City's requirements;
  3. The contractor is a public entity;
  4. The requirements are inconsistent with a grant, subvention or agreement with a public agency;

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- 5. The City is purchasing through a cooperative or joint purchasing agreement;
- D. Requests for waivers of the terms of this Chapter are to be submitted to the Bureau of Purchases in a manner prescribed by the Bureau. Decisions by the Bureau to issue or deny waivers are final.
- E. The Director may reject an entity's bid or proposal, or terminate a contract, if the Director determines that the entity was set up, or is being used, for the purpose of evading the intent of this Chapter.
- F. The City shall not execute a contract with a contractor unless such contractor has agreed not to discriminate in the provision of employee benefits as provided for in this chapter.
- G. All contracts awarded by the City shall contain provisions developed by the Bureau of Purchases prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by Section 3.100.054, except as exempted by this chapter or rule.

**3.100.054 Limitations.**

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

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

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

**3.100.055 Powers and duties of the Director.**

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

- A. Adopt rules and regulations, in accordance with this chapter and the Administrative Code of The City of Portland (PCC 3.02), establishing standards and procedures for effectively carrying out this chapter;
- B. Examine contractor's benefit programs covered by this chapter;
- C. Allow for remedial action after a finding of non-compliance, as specified by rule.

- D.** Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but are not limited to:
  - 1.** Disqualification of the contractor from bidding on or being awarded a City contract for a period of up to 3 years; and
  - 2.** Contractual remedies, including, but not limited to, termination of the contract.
- E.** Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;
- F.** Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

**3.100.056 Severability of Provisions.**

(Added by Ordinance No. 180077, effective May 19, 2006) If any part or provision of this Chapter, or application thereof to any person or circumstance, is held invalid, the remainder of this Chapter and the application of the provision or part thereof, to other persons not similarly situated or to other circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable.

**3.100.060 Grant Equal Opportunity Compliance Program.**

**3.100.061 Definitions.**

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

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

**3.100.062 Purpose.**

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

- A.** To provide a uniform and consistent review of all equal opportunity and labor standard requirements associated with grants from other governmental agencies to the City of Portland.
- B.** To establish guidelines, instructions, uniform reporting formats, related administrative support, and assistance necessary to comply with grant equal opportunity requirements.

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- C. To provide a single, initial contact for grantor agencies and others seeking information about, or contact with, grantee bureaus or offices on EO matters.

**3.100.063 Responsibility.**

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

- A. Federal Grants Coordinator shall submit all grant applications to the Contract and Grants Compliance Division for determination of equal opportunity requirements. No grant application shall be submitted to the City Council unless the Contract and Grants Compliance Division has reviewed the applicable equal opportunity requirements and obligations.

Following the award of any grant, the Federal Grants Coordinator shall provide the Contract and Grants Compliance Division with copies of the grant and applicable related documents.

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

**3.100.064 Compliance Monitoring.**

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

**3.100.065 Rules and Regulations.**

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

**3.100.080 Minority/Female Purchasing Program.**

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

**3.100.081 Definitions.**

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

- A. **“Minority”** or **“minorities”** means Blacks, Hispanic Americans, Pacific Islanders, Asian Americans, American Indians, Aleuts and Eskimos.
- B. **“Members of Other Groups”** (MOG) means members of other groups or other individuals than those specified in A above, found to be economically and socially disadvantaged by the Small Business Administration under Section 8(a) of the Small Business Act, as amended (15 U.S.C. 637(a)). These MOGs shall also be eligible to participate in this program.
- C. **“Minority business enterprise”** (MBE) means a business at least 50 percent of which is owned by minorities or, in the case of publicly owned business, at least 51 percent of the stock of which is owned by minorities and whose management and daily business operations are controlled by one or more such individuals.
- D. **“Female business enterprise”** (FBE) means a business at least 50 percent of which is owned by females or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by females and whose management and daily business operations are controlled by one or more individuals.

**3.100.082 Purpose.**

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

**3.100.083 Liaison Officer.**

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

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**3.100.084 Minority/Female Business Enterprise List.**

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

**3.100.085 Advertising.**

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

**3.100.086 Minority/Female Purchasing Associations.**

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Grants Compliance Division shall develop and implement certification and review criteria for authorization of eligible MBE/FBE participants. Such certification shall be no less often than annually.

**3.100.089 Rules and Regulations.**

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

**3.100.090 Metropolitan Human Relations Commission Review and Evaluation.**

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



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

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

**Sections:**

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

**3.101.010 Definitions.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.) As used in this Chapter:

**A. “Low income” means:**

1. For the initial year that persons occupy property for which an application for exemption is filed under ORS 307.545, income at or below 60 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development; and
2. For every subsequent consecutive year that the persons occupy the property, income at or below 80 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

**B. “Eligible property” means land and improvements thereon:**

1. Which are either single or multi-family residential units intended for the exclusive occupancy by low-income persons during the tax year for which approval of the application has been granted or properties which are not residential units but which will become residential units through rehabilitation improvements or new construction to be occupied by low-income persons;

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2. Which are owned, being purchased, or held under leasehold interest in the property which meet the standards of Subsections 3.101.030 B. 1.-2. by a charitable organization and non-profit corporation for the purpose of occupancy by low-income persons as described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.540 to 307.548; and
3. Which the owner or leaseholder has met all eligibility requirements and made all required agreements described in this Chapter.

**3.101.020 Eligible Organizations.**

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

**3.101.030 Eligible Property.**

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

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

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

**3.101.040 Application Procedure.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.)

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

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

**3.101.050 Review of Application.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.)

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

**3.101.060 Annual Application Renewal.**

(Amended by Ordinance Nos. 167356, 178286, 185043 and 187660, effective April 6, 2016.)

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

**3.101.070 Assessment Exemption.**

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

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

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

**3.101.080 Termination.**

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

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

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

**3.101.090 Implementation.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.) The Portland Housing Bureau shall establish procedures and prepare forms for immediate implementation and administration of this Chapter in order to accept applications prior to the March 1 filing deadline imposed by ORS 307.545.

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

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

**Sections:**

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

**3.102.010 Purpose.**

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

**3.102.020 Definitions.**

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

- A.** “**Administrative Rules**” means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes and procedures.
- B.** “**Applicant**” means the individual who or entity which owns the property and is submitting an application for the tax exemption program and is legally bound to the



terms and conditions of an approved tax exemption, including but not limited to any compliance requirements under this Chapter.

- C. **“Single-unit housing”** has the meaning set forth in ORS 307.651(4).

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

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

**3.102.040 Exemption Requirements.**

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

- A. Property
1. Single-unit housing must be located within the City of Portland;
  2. Each qualified dwelling unit in the single-unit housing must have a market value at the time of completion of no more than the amount determined annually by Portland Housing Bureau according to ORS 307.651(3) and 307.661;
  3. Construction of the single-unit housing must be completed according to ORS 307.681(1), except as provided in ORS 307.374;
  4. Each qualified dwelling unit must sell to the initial homebuyer within two years of activation of the exemption;
  5. Each qualified dwelling unit must have at least three bedrooms unless built within an approved transit-oriented area as determined by the Portland Bureau of Planning and Sustainability and included on the map defining eligibility areas where two bedroom homes are allowed; and
  6. The single-unit housing must comply with all other requirements under the Code of the City of Portland.
- B. Affordability

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1. Each dwelling unit of the single-unit housing must be sold to a household with an annual gross household income not greater than one hundred percent of the area median income for a family of four as determined annually for the Portland Metropolitan Area by the United States Department of Housing and Urban Development, which income may be adjusted upward for households with more than four persons.
  2. For the purposes of this program, household income is the annual gross income of the titleholder who will occupy the dwelling unit.
- C. Owner-Occupancy**
1. Once sold to the initial buyer, the dwelling unit shall remain owner-occupied as the principal residence of the titleholder receiving the tax exemption during the tax exemption period;
  2. Hardship exception to the owner-occupancy requirement may be granted by the Portland Housing Bureau in accordance with its policies. Such hardship exceptions may include, but are not limited to, the following circumstances:
    - a. Active military duty outside of the area;
    - b. Temporary relocation to care for an ill or dying family member; or
    - c. Temporary relocation caused by an employer; and
  3. The single-unit housing may not be rented at any time during the exemption period.
- D. Equity**
1. Applicant must acknowledge familiarity with Portland Housing Bureau's Minority, Women, and Emerging Small Businesses (MWESB) guidelines and contracting opportunity goals, and report on past contracting relationships.
  2. Applicant must acknowledge awareness and understanding of Portland Housing Bureau's Guiding Principles on Equity and Social Justice and Strategic Priority of Helping Portlanders from Communities of Color buy a home and agree to partner with Portland Housing Bureau to assure that communities of color are aware of properties for sale with exemptions.
- E. Green Building.** The new construction must be built to meet healthy and resource efficient environmental building standards.

- F. Application Fee. The applicant must pay an application fee determined by the Portland Housing Bureau as described in ORS 307.674 (5).

**3.102.050 Application Review and Approval.**

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

**3.102.060 Compliance.**

(Amended by Ordinance Nos. 186700 and 188932, effective June 8, 2018.)

- A. Upon approval, Portland Housing Bureau will record a notice on title of the property requiring Portland Housing Bureau verification of homebuyer eligibility and owner-occupancy qualification prior to the sale of each property to an initial homebuyer, as well as to subsequent purchasers throughout the duration of the exemption for any HOLTE applications approved after July 1, 2018.
- B. Single-unit housing which sells to homebuyers who do not meet the affordability or owner occupancy qualifications, will have the tax exemption removed as of the next tax year.
- C. Single-unit housing not meeting the exemption requirements by selling over the established sale price at initial sale will have the tax exemption terminated according to Section 3.102.080 and require the applicant to repay any exempted taxes consistent with ORS 307.687.

**3.102.070 Designation of Homebuyer Opportunity Areas.**

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

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**3.102.080 Termination of the Exemption.**

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

**3.102.090 Implementation.**

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

**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.
- 3.103.020 Definitions.
- 3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.
- 3.103.040 Program Requirements.
- 3.103.050 Application Review.
- 3.103.060 Application Approval.
- 3.103.070 Rental Project Compliance.
- 3.103.080 For-Sale Unit Compliance.
- 3.103.100 Termination of the Exemption.
- 3.103.110 Implementation.

**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.

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- 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

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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.

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### **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.



**3.103.110 Implementation.**

Portland Housing Bureau may adopt, amend and repeal the Administrative Rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

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**CHAPTER 3.104 - PROPERTY TAX  
EXEMPTION FOR NEW, MULTIPLE-UNIT  
HOUSING**

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

**CHAPTER 3.105 - BULL RUN ADVISORY  
COMMITTEE**

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

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**CHAPTER 3.106 -  
EXPOSITION-RECREATION COMMISSION**

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

**Sections:**

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

**3.106.010 Commission Action.**

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

**3.106.020 Filing Copies of Resolutions with City Auditor.**

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

**3.106.030 Council Review.**

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

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

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

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

**3.106.050 Council Initiation of Exposition - Recreation Commission Action.**

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

**3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.**

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

**3.106.070 Special Services Personnel as Special Police.**

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

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**CHAPTER 3.107 - WATER QUALITY  
ADVISORY COMMITTEE**

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

**Sections:**

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

**3.107.010 Created - Appointment.**

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

**3.107.020 Duties.**

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

- A.** The Committee shall have the authority to offer policy advice to the Council and the Bureau of Water Works on issues such as management of the Bull Run Watershed, protection of groundwater quality, and other related water quality issues.
- B.** The Committee shall have the authority to issue periodic reports to the Council and the Bureau of Water Works.

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

**3.107.030 Meetings.**

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

**3.107.040 Chairperson.**

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

**3.107.050 Rules - Quorum.**

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

**3.107.060 Staff.**

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

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**CHAPTER 3.110 - BUREAU OF  
HYDROELECTRIC POWER**

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

**Sections:**

3.110.010 Creation and Function.

3.110.020 Jurisdiction.

**3.110.010 Creation and Function.**

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

**3.110.020 Jurisdiction.**

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



**CHAPTER 3.111 - OFFICE OF SUSTAINABLE  
DEVELOPMENT**

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

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**CHAPTER 3.112 - SUSTAINABLE  
DEVELOPMENT COMMISSION**

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

**CHAPTER 3.114 - OFFICE FOR  
COMMUNITY TECHNOLOGY**

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

**Sections:**

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

**3.114.010 Creation.**

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

**3.114.020 Functions.**

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

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

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**3.114.030 Jurisdiction.**

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

**3.114.040 Policy.**

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

**3.114.050 Administration.**

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

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

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

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**CHAPTER 3.115 - MT. HOOD CABLE  
REGULATORY COMMISSION**

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

**Sections:**

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

**3.115.010 Definitions.**

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

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

**3.115.020 Cable Regulatory Commission.**

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

- A.** The City is a party to the Intergovernmental Agreement dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission. The Intergovernmental Agreement establishes the responsibilities and powers of the Commission, as delegated by the various participating

jurisdictions. The City Council approved the City of Portland's participation in the MHCRC by Ordinance No. 166168, enacted on January 20, 1993.

- B.** As provided in the Agreement, the City is represented by three members on the Commission, appointed by the Commissioner in Charge of the Office for Community Technology and confirmed by the Council. Appointments are for staggered terms of 3 years. When an interim vacancy occurs, the Commissioner in Charge appoints, and the Council confirms, a member to fill the balance of the unexpired term. All members representing the City must be residents of the City. The Commissioner in Charge shall appoint members to the Commission so as to provide for an appropriate level of expertise taking into account the powers and duties of the Commission and in making appointments shall take into consideration the desirability of diverse representation, including without limitation, of racial and ethnic minorities, gender, different geographic areas, and different socioeconomic groups. All members shall serve without compensation from the City or from any grantee. No member may have an ownership interest in any grantee. The Commissioner in Charge may remove a member appointed by the City from the Commission at any time, subject to approval by the Council.

**3.115.030 General Powers & Duties.**

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

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

**3.115.040 Portland Community Media.**

(Amended by Ordinance No. 184882, effective September 21, 2011.) The Mayor and the Commissioner in Charge of the Office for Community Technology shall each appoint one member of the board of directors of Portland Community Media, for staggered terms of two years. All appointments shall be confirmed by the Council. In appointing these

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directors, consideration shall be given to representation on the board of directors of the fields of arts, education, government, and community media; and of diverse representation including, without limitation, racial and ethnic minorities, non-English speaking people, gender, and low-income people. In addition, the Commission shall appoint one non-voting ex-officio director of the Portland Community Media board of directors.

**3.115.060 Annexations.**

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

**3.115.070 Cable Television Consumer Protection.**

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

**3.115.080 Definitions.**

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

- A.** **“Normal Business Hours”** means those hours during which most similar businesses in the City are open to serve customers. In all cases, Normal Business Hours must include some evening hours at least one night per week and some weekend hours.
- B.** **“Normal Operating Conditions”** means those service conditions which are within grantee's control. Conditions which are not within grantee's include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the grantee's control include, but are not limited to, special promotions, pay-



per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system. Grantees must adjust staffing and operations to maintain compliance with the service standards in anticipation of events and conditions within grantee's control.

- C. **“Service Interruption”** means the loss of picture or sound on one or more cable channels.

**3.115.090 Local Office and Office Hours.**

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

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

**3.115.100 Telephone Answering Standard.**

- A. Cable system office hours and telephone availability. Grantees shall maintain a local, toll-free or collect call telephone access line which shall be available to its subscribers 24 hours a day, seven days a week. Grantees shall provide, in at least one prominent location, an easily identifiable telephone number for local customer service on all bills, account statements or statements of service to grantee subscribers. Toll-free telephone lines, either staffed or with answering capability, providing at least emergency referral information, must be operational 24 hours a day, including weekends and holidays. Grantee must have trained representatives available to respond to customer telephone inquiries during Normal Business Hours. After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received by grantee after Normal Business Hours must be responded to by a trained representative on the next business day.
- B. Telephone Answering Time. Under Normal Operating Conditions, telephone answer time by grantee's customer representatives including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be

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transferred, transfer time shall not exceed thirty (30) seconds. Grantees shall meet these standards no less than ninety (90) percent of the time under Normal Operating Conditions, measured on a calendar quarterly basis.

- C. Busy Phones. Under Normal Operating Conditions, the customer shall receive a busy signal less than three (3) percent of the time.

**3.115.110 Installations, Disconnections, Outages And Service Calls.**

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

- A. Standard installations shall be performed within seven (7) business days after an order has been placed.
- B. Under Normal Operating Conditions, grantee shall begin work on Service Interruptions promptly and no later than 24 hours after the interruption becomes known. Grantee must begin working on other service problems the next business day after notification of the service problem. Working on Service Interruptions must be more than merely acknowledging that a service interruption has occurred.
- C. The appointment alternatives for installations, service calls and other installation activities shall be either a specific time or, at maximum, a four-hour time block during Normal Business Hours. Grantee may schedule service calls and other installation activities outside of Normal Business Hours for the express convenience of the customer.
- D. Grantee shall be deemed to have honored a scheduled appointment under the provisions of this section when a technician arrives within the agreed upon time and, if the subscriber is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the grantee.
- E. Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. Rescheduling an appointment is an independent obligation and does not necessarily excuse the missed appointment.
- F. If grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer shall be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient for the customer.

**3.115.120 Notice Requirements.**

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

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

**3.115.130 Billing.**

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

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**3.115.140 Reporting.**

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

Local office hours

Telephone call center hours

Telephone answering

Busy signal statistics

Standard installations

Service interruptions

Appointment windows: made, cancelled, and rescheduled

Notice requirements

Billing (refunds and credits)

**CHAPTER 3.116 - WATERWAYS ADVISORY  
COMMITTEE**

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

**Sections:**

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

**3.116.010 Created - Organization.**

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

**3.116.020 Procedures and Rules.**

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

**3.116.030 Duties.**

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

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

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- E.** Make recommendations to the Planning and Sustainability Commission and City Council for the development of City procedure to facilitate applicants' needs for a speedy and certain regulatory process and City policies consistent with such a goal.
- F.** Make recommendations to the Planning and Sustainability Commission and City Council on City policies governing use and development of the City's waterways.

**CHAPTER 3.120 - METROPOLITAN ARTS  
COMMISSION**

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

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**CHAPTER 3.122 - ECONOMIC  
IMPROVEMENT DISTRICTS**

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

**Sections:**

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

**3.122.010 Purpose.**

The purpose of this Chapter is to establish procedures for the creation of two types of Economic Improvement Districts, one in which the assessment is mandatory and applied to all properties except Exempt Properties, the second type in which the property owner can decide whether to be assessed, a voluntary assessment, as authorized by state law. The City will be ultimately responsible for administering and operating any Economic Improvement District, although the administration and operation may be carried out by others under contract with the City. All costs of administering and operating any Economic Improvement District will be paid entirely from assessments and fees actually received from the District; the City will not pledge its credit on behalf of the District; and the City will not loan funds to the District.



**3.122.020 Definitions.**

(Amended by Ordinance No. 189413, effective March 6, 2019.) The following words and phrases when used in this Chapter shall have the following meanings, except where the context requires a different meaning:

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

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6. A preliminary estimate of the cost of City administration of the proposed Economic Improvement District;
7. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
  - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
  - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
8. A statement of why the proposed economic improvements are not likely to be satisfactorily and equitably accomplished except through establishment of an Economic Improvement District.

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

1. A description of economic improvements to be carried out;
2. The number of years, to a maximum of three, in which assessments will be levied;
3. The annual cost of the proposed economic improvements;
4. The boundaries designated by map or perimeter description of the Economic Improvement District within which subject properties will be assessed to finance the costs of the Economic Improvement District;
5. The formula for assessing the cost of the economic improvements against subject properties;
6. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
  - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
  - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
7. The cost of City administration of the Economic Improvement District.

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- F.** “**Lead bureau**” means the City office, bureau or commission determined by the Mayor to have the principal interest in a proposed Economic Improvement District.
- G.** “**Lot**” means a lot, block, or parcel or land.
- H.** “**Owner**” means the owner of the title to real property or the contract purchaser of record as shown on the last available complete assessment roll in the Office of the County Assessor.
- I.** “**Subject Properties**” means the real property within an Economic Improvement District except for Exempt Property.
- J.** “**Exempt Property**” means:
- 1.** Residential real property and any portion of a structure used for residential purposes. In the event a structure is used for both residential and non-residential purposes, the land on which the structure is located shall not be Exempt Property. For purposes of this subsection, “residential real property” and “residential purposes” shall not include hotels and hotel uses, as defined in Section 33.12.420 of this Code, and motels and motel uses, as defined in Section 33.12.560 of this Code, but shall include hotel and hotel uses if, for the entire hotel or entire hotel use:
    - a.** The average rent per unit is less than \$2 per day, or
    - b.** A majority of the units regularly are occupied by the same tenants for more than 30 consecutive days, or
    - c.** A majority of the units regularly are occupied by occupants who pay for lodging on a monthly basis.
  - 2.** Property owned or being purchased by religious organizations including:
    - a.** All houses of public worship; and other additional buildings and property used solely for administration, education, literary, benevolent, charitable, entertainment, and recreational purposes by religious organizations, the lots on which they are situated, and the pews, slips, and furniture therein. However, any part of any house of public worship or other additional buildings or property which is kept or used as a store or shop or for any purpose other than those stated in this Section shall not be exempt property.
    - b.** Parking lots used for parking or any other use as long as that parking or other use is permitted without charge.

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- c. Land and the buildings thereon held or used solely for cemetery or crematory purposes, including any buildings solely used to store machinery or equipment used exclusively for maintenance of such lands.

**K.** “Task Force” means a committee whose membership consists of representatives of those City offices, bureaus, and commissions that have a significant interest in a proposed Economic Improvement District and a representative appointed by the Advisory Committee. A representative designated by the Director of the Revenue Division shall be a member of each Task Force.

**3.122.030 Council Control.**

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

**3.122.040 Statutory Provisions Applicable.**

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

**3.122.050 Preliminary Institution of Economic Improvement District.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

**A.** The Council shall consider creation of an Economic Improvement District whenever owners of Subject Properties file with the Revenue Division a petition for the establishment of a District containing the signatures of the owners of 33 percent or more of the area or of the assessed value of subject properties within the proposed District or whenever a City Commissioner or the Mayor files a report recommending the establishment of a District. A petition or report shall contain a Preliminary Economic Improvement Plan.

**B.** The Council may adopt a resolution directing the lead bureau to begin the Economic Improvement District formation process if the Council finds that:

- 1. The costs of administering the proposed Economic Improvement District would not be substantial in relationship to the cost of the economic improvements;

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

**3.122.060 Final Plan and Ordinance Preparation.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. Immediately following Council adoption of a resolution under Section 3.122.050 B, the head of each office, bureau and commission to be represented on the task force shall appoint its representative and notify the head of the lead bureau of the appointment.

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- B.** The Revenue Division’s representative shall provide to the task force a report setting out:
  - 1.** Whether the petitioners under Section 3.122.050 A are owners of subject property in the proposed District;
  - 2.** Delinquencies in taxes or City liens on subject properties in the proposed District;
  - 3.** The true cash value of all real property located within the proposed District; and
  - 4.** The zoning of land within the District, including verification that only land zoned for commercial or industrial use is included within the District.
  
- C.** The lead bureau shall be responsible for preparing the documents referred to in Subsection D.
  
- D.** The task force shall prepare for the Commissioner In Charge a report recommending whether the owners of property within the proposed Economic Improvement District shall be formally notified of the proposal to establish the District, taking into consideration the criteria set out in Section 3.122.050 B. If the report recommends formal notification, the report shall include a proposed Final Economic Improvement Plan and the report of the Revenue Division’s representative provided under Subsection B. The report also shall include a proposed ordinance that:
  - 1.** States the Council’s intention to proceed with formal notification regarding the proposed Economic Improvement District;
  - 2.** States whether the assessments will be mandatory or voluntary;
  - 3.** Contains the information in the Final Economic Improvement Plan, which may be included by attachment of the Plan as an exhibit; and
  - 4.** Directs notice to be given in the manner provided by PCC 3.122.080.

**3.122.070 Consideration of Final Plan and Ordinance.**

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

Economic Improvement District should go forward, the Council shall adopt the ordinance including any modifications.

**3.122.080 Notice to Owners.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A.** Following adoption of the ordinance under Section 3.122.070 B, the Revenue Division shall mail notice to the property owners within the proposed Economic Improvement District which contains the following information:
- 1.** The Council's intent to form an Economic Improvement District.
  - 2.** Benefitted properties will be assessed unless it is a voluntary assessment in which case only property owners who specifically request to be assessed will be assessed. An owner who fails to submit a written objection before or at the public hearing on assessment shall be deemed to have made a specific request to be assessed.
  - 3.** The formula for determining the amount of the assessment.
  - 4.** The scope of the improvements and that the description of the boundaries of the proposed District and the full scope of the project are on file with the Revenue Division and where the file can be viewed. It should state that:
    - a.** In the case of a voluntary assessment the scope and level of the improvements may be reduced depending on the amount of money collected; or
    - b.** In the case of a mandatory assessment the scope and level of the improvements may be reduced if the amount of the assessment is compressed to fit within the property tax limitation imposed by the Oregon Constitution, Art. XI § 11b.
  - 5.** The estimated cost of the proposal, and that it may be reduced to the amount of money actually received.
  - 6.** The date, time and place of the hearing and that the proposal could be modified as a result of public testimony.
  - 7.** The classification or types of properties which are exempt and that a request for an exemption on an enclosed form must be filed not later than 21 days after the notice is mailed.
  - 8.** In the case of a voluntary assessment that it is an incurred charge and is not a tax and is a charge outside the property tax limitations in the Oregon Constitution, Art. XI, §11b.

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**3.122.090 Exemption Process.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

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

**3.122.100 Hearing and Resolution Establishing District.**

- A. The Council shall hold a public hearing on the proposed Economic Improvement District at the time and place stated in the notice to owners of properties. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to such other time and place as it may deem appropriate. At the hearing, persons supporting or objecting to the proposed improvement and assessment shall be entitled to be heard.
- B. If the Council, at the conclusion of the hearing, finds that the economic improvements will afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public and that the Economic Improvement District should be established, then the Council may adopt a resolution stating those findings and establishing the District.

**3.122.110 Preparation and Notice of Assessments.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. Following Council adoption of a resolution establishing an Economic Improvement District based on the final Economic Improvement Plan, the Revenue Division shall



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prepare the proposed assessment for each lot in the District that is a subject property and shall file a proposed assessment ordinance, with a list of proposed assessments attached, with the City Council. The amount of assessment shall be based on the cost of the economic improvements and the cost of City administration of the Economic Improvement District.

- B.** Following preparation of the proposed assessments, the Revenue Division shall mail to the owner of each lot to be assessed a notice containing the following information:
1. The description of the property being assessed.
  2. The name of the District and whether it is a voluntary or mandatory assessment. In the case of a voluntary assessment a statement that the property will be assessed unless the property owner specifically requests in writing not to be assessed.
  3. The length of the District and the total cost of the project, the assessment formula, and the amount of the assessment on the property.
  4. The assessment will not change unless the Council finds it exceeds the benefit of the improvements, but the total amount and scope of the improvements and level of services could change to correspond to the amount of money collected. Further, the scope of the improvements and level of services could change as a result of the testimony.
  5. The time, date and place of the hearing and that the following forms of objection may be filed:
    - a. A written objection to being assessed in which case no assessment will be placed on the property if it is a voluntary assessment. An owner who fails to submit a written objection before or at the public hearing shall be deemed to have made a specific request for the economic improvement service to be provided during the time specified in the assessment ordinance;
    - b. An objection to the amount of the assessment on the grounds it is incorrect or exceeds the amount of benefit; and
    - c. An objection to the formation of the District.
  6. A written objection may be filed with the Revenue Division prior to the hearing or made orally at the hearing. An objection to the assessment must explain the reasons the assessment is incorrect or exceeds the amount of benefit.

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7. The assessment is due and payable immediately, and whether it may be paid in installments. The amount of interest if any and the fact there will be billing charges. The unpaid balance will become a lien on the property and failure to pay could result in foreclosure.
8. A voluntary assessment is an incurred charge and is a charge outside the property tax limitation imposed by the Oregon Constitution, Art. XI, §11b.
9. Property included in the District and assessed cannot be withdrawn from the District and the assessment will continue through the life of the District.
10. The name and phone number of a City staff person who can answer questions.

**3.122.120 Hearing on Assessments.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. The Council shall hold a public hearing on the proposed assessment ordinance. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to a date and time certain. At the hearing, property owners supporting or objecting to being assessed, to the amount of the assessment or to the formation of the District, shall be entitled to be heard.
- B. Written objections shall be considered to have been received by the Council at the hearing if actually received at the hearing or if received by the Revenue Division prior to commencement of the hearing. A written objection signed by a person purporting to have authority as agent or attorney to sign an objection on behalf of an owner shall be considered received from the owner only if there is included with the objection a copy in writing of the authority to act on behalf of the owner.
- C. If the Council at the hearing receives written objections to the formation of the District from owners of property upon which more than 33 percent of the total value of assessments are levied, then the Economic Improvement District shall not be established and assessments shall not be made.
- D. At the hearing, the Council shall consider any objections and may adopt, correct, modify, revise the proposed assessment ordinance. In the case of a voluntary assessment, the Council shall exclude from assessment property which the owner has requested be omitted from assessment. The request shall be made in writing and submitted prior to the close of the hearing.

**3.122.130 Amendments to Ordinance.**

- A. At the hearing under Section 3.122.100, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070. The procedures required by Sections 3.122.080 and 3.122.100 shall be repeated if the amendment:

1. Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment;
  2. Increases the likely assessment upon one or more properties; or
  3. Enlarges the Economic Improvement District;
- B.** At the hearing under Section 3.122.120, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070 as subsequently amended. If the amendment increases the likely assessment upon one or more properties, then the procedures required by Sections 3.122.110 and 3.122.120 shall be repeated. The procedures required by Section 3.122.080 through 3.122.120 shall be repeated if the amendment:
1. Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment; or
  2. Enlarges the Economic Improvement District.

**3.122.140 Assessments.**

- A.** The Council shall not levy assessments in an Economic Improvement District in any year that exceed one percent of the true cash value of all the real property located within the District.
- B.** Any new owner of benefitted property or any owner of benefitted property who excluded the property from assessment by submitting written objections may subsequently agree to the assessment of the property. The Council shall apply the assessment formula to the property and apportion the costs to the property for the remaining time in which the assessment is levied.
- C.** The assessed property may not be relieved from liability for that assessment for any reason including change of ownership.

**3.122.150 Limitation on Boundaries.**

The Council shall not include within an Economic Improvement District any area of the City that is not zoned for commercial or industrial use.

**3.122.160 Continuation of Assessments.**

If the Council has established an Economic Improvement District and thereafter determines that it is necessary to levy assessments upon subject property in the District for longer than the period of time specified in the assessment ordinance that created the District, the Council shall enact an ordinance that provides for continued assessments for a specified number of years, to a maximum of three. The assessment of lots under such an ordinance shall be subject to the procedures required by Sections 3.122.110 and 3.122.120.

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**3.122.170 Expenditure of Moneys.**

Money derived from assessments levied under this Chapter and from interest earned on that money shall be spent only for the economic improvements and for the cost of City administration of the Economic Improvement District described in the final Economic Improvement Plan. Subject to the requirements of any labor agreements to which the City is a party and to any applicable requirements of state law, the Council in its discretion may authorize an agreement or agreements with the advisory committee appointed under Section 3.122.050 D for the committee to provide all or part of the economic improvements described in the final economic improvement plan.

**3.122.180 Cost of Administration.**

The cost of City administration of an Economic Improvement District shall include the actual cost of administrative services provided by the City related to the District.

**3.122.190 Limitation on Expenditures.**

Money spent for carrying out a final Economic Improvement Plan shall be limited to money actually received from assessments or from other public or private contributions to assist in carrying out the Plan.

**3.122.200 Administration.**

The task force for an Economic Improvement District shall be responsible for administration of the economic improvements to be carried out. With the concurrence of the head of the lead bureau, the task force may designate an employee of the lead bureau as the person responsible for day to day administration of the economic improvements. In the event the task force determines that the economic improvements should be performed by a contractor or contractors, the task force shall prepare for Council consideration contracts for the work. In each case, the contract for work shall include not less than the following:

- A. A description of the work to be done;
- B. A description of the method of compensation for the work;
- C. A description of records to be kept by the contractor to evidence performance of the work and of the documentation to be provided to the City to justify payment for work;
- D. A description of any liability to be born and insurance to be provided by the contractor; and
- E. A description of the rights of the City to terminate the contract prior to its completion.

**3.122.210 Early Termination.**

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The City Council may terminate the activities of an Economic Improvement District in whole or in part prior to the normally scheduled termination date for the District by an ordinance. However, all applicable contract issues shall be resolved before activities are terminated. In the event of early termination, those funds remaining from assessments for the District, following payment of all obligations and costs of administration incurred on behalf of the District, shall be returned to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District. In the event of early termination of only a part of the activities of an Economic Improvement District, the City Council, in the termination ordinance, may elect to apply remaining funds on a similarly proportionate basis as a credit against future District assessments against subject properties, with any funds remaining being returned to the owners as otherwise provided herein.

**3.122.220 Surplus.**

In the event, following the normally scheduled termination of an Economic Improvement District, including the payment of all obligations and costs of administration incurred on behalf of the District, there remain excess funds from assessments paid by owners of subject properties, then the City Council, by ordinance, shall provide for either:

- A. The return of the excess funds to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District;
- B. Use of the excess funds for continued provision of the economic improvements until the excess funds are fully spent; or
- C. Use of part of the excess funds as provided in B and return of the balance of the excess funds as provided in A.

**3.122.230 Entry and Collection of Assessments.**

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. On adoption of an assessment ordinance under Section 3.122.120 D, the Revenue Division shall enter each assessment in the docket of City liens. All such assessments shall be collected in the same manner as local improvement assessments and failure to pay may result in foreclosure in the same manner as provided for other assessments.
- B. The assessments may be paid in semi-annual payments, however the City may charge a billing fee.

**3.122.240 Economic Improvement Fund.**

(Repealed by Ordinance No. 170223, effective July 1, 1996.)

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**CHAPTER 3.123 - PORTLAND UTILITY  
BOARD**

(Chapter replaced by Ordinance No. 187174,  
effective July 31, 2015.)

**Sections:**

- 3.123.010 Created - Purpose.
- 3.123.020 Scope.
- 3.123.030 Membership.
- 3.123.040 Appointments - Composition.
- 3.123.050 Terms.
- 3.123.060 Standing Committees.
- 3.123.070 Staffing.
- 3.123.080 Meeting Schedule.
- 3.123.090 By-Laws.
- 3.123.100 Annual Report and Work Session.

**3.123.010 Created - Purpose.**

A Portland Utility Board is hereby created. The Board's purpose is to advise the City Council, on behalf of and for the benefit of the citizens of Portland, on the financial plans, capital improvements, annual budget development and rate setting for the City's water, sewer, stormwater, and watershed services. The Board will advise Council on the establishment of fair and equitable rates, consistent with balancing the goals of customer needs, legal mandates, existing public policies, such as protecting water quality and improving watershed health, operational requirements, and the long-term financial stability and viability of the utilities.

**3.123.020 Scope.**

- A.** The Portland Water Bureau and the Bureau of Environmental Services use multi-year financial planning to prioritize programs and to project operating and capital costs associated with policies and programs, and to estimate overall rate impacts. The Board will fully participate in the bureaus' financial planning and budgeting processes. The Board will work with the bureaus to develop long-term, 20-year mission plans. The bureaus update their financial plans throughout the year to reflect significant changes in revenues or requirements, and revise the plans annually. The Board will review the proposed financial plans and revisions, and submit its findings and recommendations to the Council as part of the City's annual financial planning process. The Board will actively monitor bureau spending through the fiscal year and be briefed on final fiscal year accounting including status of debt load and rate stabilization funds. The Board will monitor bureau and City Council responses to and implementation of audits, in consultation with the Commissioner(s)-in-Charge. The Board will monitor City Council budget amendments, capital improvement plans (CIP) and implementing actions

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throughout the fiscal year. The Board will participate in evaluating the performance of the bureaus. The bureaus will engage with the Board throughout the fiscal year when developing budgets. The Board may serve, at the Mayor's pleasure, as an advisor in the development of Mayor's budgets for the Portland Water Bureau and the Bureau of Environmental Services.

- B.** The Board will periodically consult the bureaus and the Commissioner(s)in-Charge on strategic communications, public education and involvement, as well as review audits and other reports. The Board will identify and report to the Commissioner(s)-in-Charge, the Mayor or the Council on important issues and challenges for the Portland Water Bureau and the Bureau of Environmental Services. The Board will monitor the bureaus' efforts to achieve equity in the provision of services throughout the City.
- C.** Participate in the rate design process: The Board will report on proposed rate changes to the Council during the annual budget hearings and development processes for water, sanitary sewer, watershed health, and stormwater. The Board shall report on other city activities or proposed policies with significant impacts to water, sanitary sewer, and stormwater rates.
- D.** When the bureaus form other advisory groups on utility matters such as facility or project specific concerns, the Board and its staff will exchange information with these other advisory groups to coordinate policy advice to the Council and the bureaus.
- E.** Relationship to other interested parties: The Board's primary responsibility and duties are to advise the Council, and its deliberations and recommendations shall be directed to Council accordingly. The Board may also share the results of its deliberations and recommendations delivered to Council with interested individuals and groups including neighborhoods, business associations, and public interest groups.

**3.123.030 Membership.**

(Amended by Ordinance No. 188015, effective September 29, 2016.) The Board shall have 11 permanent members. Board members shall be appointed by the Mayor in consultation with the Commissioner(s)-in-Charge of the bureaus, and confirmed by the Council. Any Council member may submit nominations to the Commissioner(s)-in-Charge. In consultation with the Commissioner(s)-in-Charge, the Mayor shall appoint the Chair of the Board. Six members shall constitute a quorum of the Board. Board members serve without compensation, except they may receive from their employer their regular salary during time spent on Board matters.

**3.123.040 Appointments - Composition.**

(Amended by Ordinance No. 188015, effective September 29, 2016.)

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- A.** General Criteria. All members must reside in or work predominantly in the city of Portland and have an interest in water, sewer, stormwater, and watershed health issues, such as system development and maintenance, service delivery, service costs and impacts on low-income households, economic development, public health, conservation, green infrastructure or the environment. In making Board appointments, the Mayor and Council shall strive to have a Board which reflects the diversity of the Portland community, including, but not limited to, the following factors: areas of expertise, advocacy, experience, community involvement, profession, education and/or, economic status. Preferred appointees should have a range of qualified professional and academic expertise, and community volunteer experience. Appointees will include a current employee in a represented bargaining unit with the Portland Water Bureau or the Bureau of Environmental Services. Skills that will serve the Board well include: technical knowledge of water, stormwater, and sewer utility operation and issues, accounting, civil engineering, conservation, environmental sciences, equity, health sciences, public administration, urban planning, or utility economics, financial and capital improvement analysis, ecosystem science, environmental protection, political process, group process, and communications.
- B.** Restrictions. No individual with any direct financial interest in either city utility other than as a rate-paying customer or as an employee of the utility bureaus.
- C.** The Mayor shall, in consultation with the Commissioner(s)-in-Charge, appoint three non-voting, ex officio members annually, to engage utility bureau employees in the budget process. The ex officio members shall be one represented and two non-represented utility bureau employees, appointed to participate in the process of developing recommendations on the bureaus' annual budgets. The voting and ex officio members shall be evenly distributed between the utility bureaus. The term of ex officio members shall be for 1 year. Ex officio members may be re-appointed up to three times.

**3.123.050 Terms.**

- A.** Board members will be appointed to serve for a term of 3 years. The terms of each member shall run from the date of the City Council's confirmation of the member's appointment, or such other date as the Council may establish.
- B.** The Board may make recommendations to the Mayor regarding the reappointment of existing members. Notwithstanding the limitations of this Section, a Board member may continue to serve until his or her replacement is appointed.
- C.** If any member of the Board is absent more than three regularly scheduled meetings of the Board during any 12 month period, without having notified the Chair in advance of such absence, such member shall be deemed to have resigned from the



Board. The member's position shall thereafter be vacant and subject to appointment by the Mayor.

- D.** The Mayor may remove any member of the Board at his or her discretion for due cause, including but not limited to malfeasance or neglect of duties.

**3.123.060 Standing Committees.**

- A.** The Board may at any time establish standing committees of at least three individuals to address specific issues related to the Board's purpose.
- B.** The Board may designate more specific roles and responsibilities for any standing committee in the Board by-laws.

**3.123.070 Staffing.**

- A.** The City Budget Office will provide staffing for the Board, with logistical and topic-related support from the Portland Water Bureau, the Bureau of Environmental Services, and other bureaus or agencies as may be needed. Staffing should be experienced and skilled in financial analysis, utilities, and government operations within the context of environmental stewardship.
- B.** Commissioner(s)-in-Charge liaisons to the two utility bureaus shall serve as a resource to the Board and attend its meetings.

**3.123.080 Meeting Schedule.**

The Board shall meet at least once monthly on a regular date established by the Board. Additional meetings may also be scheduled during annual budget and rate review periods as determined by the Board Chair. The Board Chair, with assistance from the Board's staff, will develop meeting agendas in consultation with others including Board members, the utility bureaus, and the Commissioner(s)-in-Charge.

**3.123.090 By-Laws.**

- A.** The Board shall adopt by-laws to govern its procedures within the purposes of this Chapter that shall not conflict with any portion of this Chapter and which are subject to the prior review and approval of the Mayor, with approval as to legal sufficiency by the City Attorney. These by-laws shall include specifications concerning selection and tenure of standing committee chairs, division of responsibilities, attendance policies, meeting schedules, as well as communications between the Board and City agencies, the media and the general public, and any other appropriate matters. As an initial action, the PUB will establish operating procedures that define expectations for member participation and roles and address transparency in its deliberations, public information and participation, and equity.

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- B.** The by-laws shall specify procedures for public testimony, including opportunities for public comments at each Board meeting.

**3.123.100 Annual Report and Work Session.**

- A.** Annually, the Board shall prepare and submit to the Council a report summarizing the work performed by the Board during the previous year. The Board shall submit the annual report within the first 3 months following the beginning of each fiscal year for the utility bureaus. The annual report shall include, but need not be limited to, a summary of issues reviewed and analyzed; a list of briefings and reports received from staff, outside experts and other informed parties; a summary of recommendations forwarded to the Council; and a summary of Council action on the recommendations.
- B.** The Board's report will be presented to the Council in a work session. In addition, the Board will present a work plan outline for the next year and seek input from the Council on potential next steps.

**CHAPTER 3.124 - PORTLAND BUREAU OF  
EMERGENCY MANAGEMENT**

(Chapter replaced by Ordinance No. 184740;  
Amended by Ordinance No. 185304, effective June  
1, 2012.)

**Sections:**

- 3.124.010 Definitions.
- 3.124.020 Portland Bureau of Emergency Management.
- 3.124.030 Purpose.
- 3.124.040 Organization.
- 3.124.050 Director's Powers and Duties.
- 3.124.060 Staff and Delegation.
- 3.124.070 Neighborhood Emergency Team Program.
- 3.124.080 Neighborhood Emergency Teams.
- 3.124.090 Neighborhood Emergency Team Leaders.

**3.124.010 Definitions.**

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019.) The following definitions apply to Chapters 3.124 through 3.126:

- A.** “Comprehensive Emergency Management Plan (CEMP)” means a written document that describes the City’s overall emergency management plan. A CEMP specifies the purpose, organization, responsibilities and facilities of the agencies and officials of the City in the mitigation of, preparation for, response to, and recovery from emergencies and disasters.
- B.** “Director” means the director of the Portland Bureau of Emergency Management.
- C.** “Emergency” means any natural, technological or human-made, event or circumstance causing or threatening: widespread loss of life, injury to persons or property, human suffering or financial loss, including but not limited to fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war.
- D.** “Emergency Coordination Center (ECC)” means the centralized location where local officials gather during an emergency to coordinate emergency response activities and implement direction from the Mayor.
- E.** “Emergency Management” means an approach to prevent, protect against, respond to, recover from, and mitigate the effects of incidents.

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- F.** “Emergency Notices” means information that is disseminated primarily in anticipation of or during an emergency. In addition to providing situational information to the public, it frequently provides directive actions required to be taken by the general public.
- G.** “Emergency Plan” means an ongoing plan for responding to a wide variety of potential hazards.
- H.** “Incident” means an occurrence, natural or human-made, that requires a response to protect life or property in an emergency.
- I.** “National Incident Management System” (NIMS) means the Federal Government’s standardized framework of doctrines, concepts, principles, terminology, and organizational processes for emergency management.
- J.** “Continuity of Operations” (COOP) Plan means a plan that describes how a bureau will continue to perform its essential functions following an event that disrupts normal operations.

**3.124.020 Portland Bureau of Emergency Management.**

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019.) There is established by the City Council the Portland Bureau of Emergency Management (PBEM).

**3.124.030 Purpose.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The purpose of PBEM is to centralize leadership and coordination of emergency management.

**3.124.040 Organization.**

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019). The Portland Bureau of Emergency Management shall consist of the Director and such other employees as the Council may provide. The Director shall be immediately responsible to the Mayor or its commissioner-in-charge if other than the Mayor, and, thereafter, to the City Council.

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

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Director of the Portland Bureau of Emergency Management’s duties and powers include, but are not limited to the following:

- A.** Overall administrative authority for the Office;
- B.** Serve as principal strategic advisor to the Mayor concerning emergency management;
- C.** Implement policy directives of the City Council and the Disaster Policy Council and enforce the schedules and plans approved by them;

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- D.** Manage the Emergency Coordination Center (ECC), establishing the overall structure, roles, responsibilities and direction for the operation of the ECC and ensuring that the ECC is appropriately sited, staffed, equipped, and maintained. The Director may reassign employees to ECC duties as required;
- E.** Maintain written emergency plans, including all chapters, annexes and appendices of the Comprehensive Emergency Management Plan (CEMP) and annually submit a report with any recommendations for revisions;
- F.** Maintain records documenting compliance with requirements of federal and state emergency management programs, including NIMS. When a bureau other than PBEM possesses such records, the bureau shall immediately produce them upon the request of the Director;
- G.** Develop and implement training and exercise programs for responders that test the effectiveness of the CEMP and other emergency management plans;
- H.** Develop and implement processes, procedures, and systems for communicating emergency notices to the public and responders about incidents;
- I.** Develop and implement programs to educate the public about emergency preparedness, including volunteer programs, and train citizens to assist in emergencies;
- J.** Evaluate the effectiveness of the City's response to an emergency event.

**3.124.060 Staff and Delegation.**

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019).

- A.** The Director may appoint an Operations Manager who is accountable to the Director and may appoint other personnel necessary to carry out the provisions of this Chapter, when in keeping with the adopted budget for PBEM or specially funded projects.
- B.** The Director may delegate to staff members any of the Director's duties.
- C.** In the event of an emergency, the line of succession for the PBEM is: the succession plan described in the Bureau's COOP plan.
- D.** When a succession occurs, all duties and responsibilities of the Director are transferred to the successor and any delegations remain in place unless withdrawn by the new Director.

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**3.124.070 Neighborhood Emergency Team Program.**

The purpose of the Neighborhood Emergency Team Program is to prepare neighborhoods for self-sufficiency during an emergency by providing individuals with information, training, and exercises related to emergency preparedness and response.

**3.124.080 Neighborhood Emergency Teams.**

- A.** As part of the Neighborhood Emergency Team Program, the Director is authorized to:
  - 1.** Create Neighborhood Emergency Teams (NET) and define the qualifications for membership therein;
  - 2.** Develop written processes and procedures governing the conduct of members;
  - 3.** Conduct or cause to be conducted such inquiries or investigations into the fitness of an individual to serve as a NET member that the Director believes are necessary and appropriate;
  - 4.** Conduct or approve of ongoing training for NET members;
  - 5.** Designate certain NET members as team leaders for the purpose of supervision;
  - 6.** Dismiss or remove NET members.
- B.** When acting as agents of the City, NET members are entitled to defense and indemnification pursuant to ORS 30.285.

**3.124.090 Neighborhood Emergency Team Leaders.**

- A.** All NET members shall be immediately responsible to a team leader and thereafter the Director. The Director may dismiss or remove a NET Leader.
- B.** NET leaders may designate one assistant for each five NET members or fraction thereof for purposes of maintaining adequate supervision of NET members during training or deployment.
- C.** NET leaders are responsible for the organization, ongoing training, communication with and operational safety of the NET members assigned to their teams.
- D.** NET leaders shall attend regularly scheduled meetings for the purposes of training and communicating with NET members.

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- E.** NET leaders shall evaluate the performance of NET members and may recommend to the Director the dismissal or removal of NET members.

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**CHAPTER 3.125 - DISASTER POLICY  
COUNCIL**

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

**Sections:**

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

**3.125.010 Disaster Policy Council.**

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

**3.125.020 Duties.**

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019.) The DPC's duties include, but are not limited to, the following:

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

**3.125.030 Membership.**

(Amended by Ordinance Nos. 185304, 186729 and 189462, effective May 17, 2019.) The DPC shall consist of the following members:

- A. The Mayor, who shall be Chair;



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- B.** Commissioner serving as President of the City Council, who shall be Vice Chair;
- C.** If the Mayor or the President of the Council is not the Commissioner-in-Charge of the Portland Bureau of Emergency Management, the Commissioner-in-Charge of the Portland Bureau of Emergency Management or his or her designee, unless it would create a quorum of the City Council;
- D.** Chief Administrative Officer;
- E.** City Attorney;
- F.** City Auditor;
- G.** Director, Portland Bureau of Emergency Management;
- H.** Chief of Portland Fire & Rescue;
- I.** Chief of Portland Police Bureau;
- J.** Director, Bureau of Emergency Communications;
- K.** Administrator, Portland Water Bureau;
- L.** Director, Bureau of Transportation;
- M.** Director, Human Resources;
- N.** Director, Bureau of Environmental Services;
- O.** Director, Portland Parks and Recreation;
- P.** Director, Bureau of Development Services;
- Q.** Director, Joint Office of Homeless Services
- R.** Director, Bureau of Revenue and Financial Services
- S.** Director, Bureau of Technology Services
- T.** If the Mayor is unavailable to Chair the DPC, the duties shall be performed and authority exercised by the first of the City officials in the order of membership listed in Subsections A.-S. above who is able and available.

**3.125.040 Procedures.**

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

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

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

**CHAPTER 3.126 - EMERGENCY  
MANAGEMENT STEERING COMMITTEE**

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

**Sections:**

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

**3.126.010 Emergency Management Steering Committee.**

(Amended by Ordinance No. 189462, effective May 17, 2019.) The Emergency Management Steering Committee (EMSC) is hereby created for the purpose of assisting the Portland Bureau of Emergency Management in developing emergency management policies and procedures for incidents requiring significant interbureau coordination.

**3.126.020 Duties.**

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

- A. Assign lead author responsibility to specific bureaus for the development of emergency plans, including annexes and appendices to the CEMP, and approve schedules for plan completion, plan exercise, review and revision;
- B. Develop strategic, response, and work plans in coordination with the Portland Bureau of Emergency Management defining the City's emergency program goals and priorities;
- C. Devise bureau-specific protocols for mobilizing resources to respond to emergencies;
- D. Assess individual Bureau compliance with emergency plans;
- E. Keep records of decisions;
- F. Convene meetings at least monthly and at other times as requested by the Director;
- G. Make periodic reports to the Disaster Policy Council so that the DPC can fulfill its duty under PCC 3.125.020.

**3.126.030 Membership.**

(Amended by Ordinance Nos. 185304, 189078 and 189462, effective May 17, 2019.) The EMSC shall consist of qualified staff from the following Bureaus:

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- A. Water Bureau;
- B. Portland Fire & Rescue;
- C. Portland Police Bureau;
- D. Bureau of Environmental Services;
- E. Portland Parks & Recreation;
- F. Bureau of Transportation;
- G. Bureau of Emergency Communications;
- H. Portland Bureau of Emergency Management;
- I. Bureau of Development Services;
- J. Bureau of Technology Services;
- K. Office of Community & Civic Life;
- L. Bureau of Human Resources;
- M. Joint Office of Homeless Services; and
- N. Bureau of Revenue and Financial Services.

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

**CHAPTER 3.127 - BUREAU OF PORTLAND  
FIRE AND POLICE DISABILITY AND  
RETIREMENT**

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

**Sections:**

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

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

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

**3.127.020 Purpose.**

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

**3.127.030 Organization.**

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

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

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

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

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

**3.127.050 Staff and Delegation.**

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

**CHAPTER 3.128 - OFFICE OF EQUITY AND  
HUMAN RIGHTS**

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

**Sections:**

- 3.128.010 Creation and Organization.
- 3.128.020 Purpose.
- 3.128.030 Director's Powers and Duties.
- 3.128.040 Administrative Rulemaking Procedures.

**3.128.010 Creation and Organization.**

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

**3.128.020 Purpose.**

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

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

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

(Amended by Ordinance No. 186898, effective November 19, 2014.) The duties of the Director of the Office of Equity and Human Rights include, but are not limited to:

- A. Overall administration of the Office and supervision of its staff;
- B. Implementing the policy directives of the City Council and the Commissioner in Charge, and proposing policies and practices to achieve the purpose of the Office, and adopt administrative rules, procedures and forms to assist in implementing City policies;

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

**3.128.040 Administrative Rulemaking Procedures.**

(Added by Ordinance No. 186898, effective November 19, 2014.)

- A. Purpose. The Director has been delegated the authority to adopt and administer administrative rules appropriate to perform the duties set forth in Section 3.128.030. Administrative rules shall be adopted according to the procedures in this Section.
- B. Adopting Rules.
  - 1. Prior to the adoption or amendment of a permanent rule, the Director shall:
    - a. Give notice of the proposed rule at least 15 days prior to the effective date of the rule to City Commissioners, Bureau Directors and other parties of interest. The notice shall include a brief description of the subjects covered by the proposed rule, the final date for acceptance of written comments, the location to submit comments, and the location where copies of the full set of the proposed rules may be obtained.
    - b. During the comment and review process, the Director will analyze written comments, engage stakeholders and solicit legal review. The Director may either adopt the proposed rule, modify it or reject it.
    - c. If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for review and comment prior to adoption.
    - d. Unless otherwise stated, all rules will be effective upon adoption by the Director. Permanent rules shall be filed in the Portland Policy Documents repository.



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- e. Upon consultation with the Commissioner in Charge, the Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the City's interest. Interim rules will be effective for a period of no longer than 180 days. No later than 15 days after adoption, notice of the interim rule shall be given to City Commissioners, Bureau Directors and other parties of interest as identified by the Director.
2. All administrative rules shall be posted on the Bureau's website.
  3. The Director may repeal any adopted rules upon consultation with the Commissioner in Charge. Notice of repeal will be given to City Commissioners, Bureau Directors and other parties of interest.

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**CHAPTER 3.129 - HUMAN RIGHTS  
COMMISSION**

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

**Sections:**

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

**3.129.010 Staffing and Membership.**

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

**3.129.020 Mission.**

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

**3.129.030 Jurisdiction.**

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

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**CHAPTER 3.130 - ADMINISTRATIVE  
APPEALS**

(Chapter added by Ordinance No. 187151; effective  
September 1, 2015.)

**Sections:**

- 3.130.010 Definitions.
- 3.130.020 Timely and Adequate Notification of Right to Appeal Required.

**3.130.010 Definitions.**

(Amended by Ordinance No. 189614, effective August 23, 2019.) For the purpose of this Chapter:

- A. “Administrative Act” means a final action, decision, determination, or order of Council, a bureau, department, or office. Administrative acts do not include legislative acts of Council, any City employment action, decision, determination, or order, or any action, decision, determination, or order that is subject to the review procedures set forth in Title 33 of the Code.
- B. “Administrative Appeal” means appeals of administrative acts by appellants when the right to appeal is provided by Code or rule, and the Code or rule requires the appeal to be decided by a bureau, department, office, board, hearings officer, or Council acting in its quasi-judicial capacity.
- C. “Appellant” includes any person given the right to appeal an administrative act by Code or a rule. As used in this Chapter, “appellant” does not include prospective, current, or former City employees contesting any administrative act related to their employment, employment benefits, application for employment, termination of employment, or internal complaint arising out of or connected with their employment.
- D. “Rule” means an administrative rule or bureau policy, as each term is defined in Section 1.07.020.
- E. "Timely" means that written notice is provided to the appellant in accordance with the time period specified in the Code or rule providing for the right of appeal. If the applicable Code or rule does not specify a time period, “timely” means that written notice is provided as soon as practicable after the right to request an administrative appeal is triggered but no later than:
  - 1. Three business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is less than 15 days; or

2. Ten business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is 15 days or more.

**3.130.020 Timely and Adequate Notification of Right to Appeal Required.**

- A. Timely and Adequate Notification Required. When there is a right to appeal an administrative act through an administrative appeal, the bureau, department or office must provide timely notice to appellant in accordance with Subsection 3.130.020 B.
- B. Form and Content of the Notice. An adequate notice must:
  1. Be in writing;
  2. Provide a short, plain statement describing the underlying administrative act and the basis for the administrative act, including citation to the applicable Code provision or rule;
  3. Explain any right to request an administrative appeal, including:
    - a. citation of the applicable Code provision or rule providing the right to appeal;
    - b. the time limit for requesting an administrative appeal, specifying calendar or business days;
    - c. the method for requesting an administrative appeal, including a City address and phone number;
    - d. the cost, if any, for requesting an administrative appeal, including accepted payment methods and whether there is a low-income fee waiver; and
    - e. disclosure of whether effect of administrative act will be stayed pending resolution of the requested administrative appeal.
- C. A bureau, department or office may adopt a rule specifying when and how notice of the right to request an administrative appeal will be provided so long as it is consistent with Subsections A and B of this Section 3.130.020.

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**CHAPTER 3.131 - NEW PORTLANDERS  
POLICY COMMISSION**

(Chapter added by Ordinance No. 187805; effective  
July 8, 2016.)

**Sections:**

- 3.131.010 Mission.
- 3.131.020 Membership and Staffing.
- 3.131.030 Purpose.
- 3.131.040 Organization and Meetings.

**3.131.010 Mission.**

There is established in the City of Portland a New Portlanders Policy Commission. The New Portlanders Policy Commission shall advise the City on policies and practices to integrate immigrant and refugee communities' voices and needs into the provision of City services, City decision-making and civic engagement in Portland, and to seek constructive relationships with each member of Council and the City Auditor.

**3.131.020 Membership and Staffing.**

The Commission shall consist of 25 voting members. All members shall serve without compensation from the City. Appointments to serve on the Commission are for staggered terms of three years. No member may serve more than two 3-year terms. The Commissioner(s)-in-Charge of the New Portlanders Policy Commission recommends, the Mayor nominates, and the Council approves members to the Commission. Members shall be appointed to provide representation from a reasonably broad spectrum of immigrant and refugee communities, striving to include a range of areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification. Members must live, work, worship or be enrolled in school within the city of Portland and/or volunteer for a nonprofit within the city of Portland. If any member of the Commission is absent more than three regularly scheduled meetings of the Commission during any 12 month period, without having notified the Co-Chairs in advance of such absence, such member shall be deemed to have resigned from the Commission. The member's position shall thereafter be vacant. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commissioner-in-Charge. City Elected Officials may appoint City bureau staff to the Commission as non-voting members. Staffing for the Commission shall be provided, subject to the annual City Budget process.

**3.131.030 Purpose.**

The purpose of the New Portlanders Policy Commission is to:

- A. Review, develop, evaluate and refine policy and practice recommendations for improving immigrant and refugee community integration in all City activities.

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

**3.131.040 Organization and Meetings.**

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

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**CHAPTER 3.132 - COMMUNITY  
INVOLVEMENT COMMITTEE FOR  
LEGISLATIVE PROJECTS UNDER THE  
COMPREHENSIVE PLAN.**

(Chapter added by Ordinance No. 188177, effective  
January 1, 2018.)

**Sections:**

- 3.132.010 Purpose.  
3.132.020 Membership, Meetings, and Organization.

**3.132.010 Purpose.**

The Community Involvement Committee (CIC), an independent advisory body, is charged with reviewing, commenting and advising City staff on the community involvement elements of legislative projects that implement Portland's Comprehensive Plan. The Committee will:

- A. Recommend changes to and assessments of ongoing and project-specific community involvement practices to bring them closer into alignment with the Comprehensive Plan Community Involvement goals and policies.
- B. Approve and update the Community Engagement Manual over time to reflect emerging best practices.

**3.132.020 Membership, Meetings, and Organization.**

The Community Involvement Committee members shall be appointed by the Commissioner-in-Charge of the Bureau of Planning and Sustainability and confirmed by the City Council. The Committee will consist of at least 5 and no more than 12 members. The appointed membership shall be broadly representative of geographic areas and interests and from a reasonably broad spectrum of lived experience, particularly in under-served and under-represented communities. Members must live, work, worship or be enrolled in school within the City of Portland and/or volunteer for a nonprofit within the City of Portland.

- A. **Appointments and Terms.** The Commissioner-in-Charge of the Bureau of Planning and Sustainability shall appoint members of the Community Involvement Committee. Appointment to the Community Involvement Committee shall be for a three-year term, renewable for a second term. If a position is vacated during a term, the Commissioner-in-Charge of the Bureau shall appoint a member to serve for the unexpired term. Members appointed to the Community Involvement Committee serve at the pleasure of the Commissioner-in-Charge of the Bureau of Planning and Sustainability. Members of the Committee may be dismissed at the discretion of the Commissioner-in-Charge.



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- B.** Meetings, Officers, and Subcommittees.
- 1.** The Community Involvement Committee shall meet at least five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with bylaws adopted by the Director of the Bureau of Planning and Sustainability.
  - 2.** The Community Involvement Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose, such as gathering information.
- C.** Attendance. Members of the Community Involvement Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from two or more consecutive meetings or more than 50 percent of the meetings in any year.
- D.** Compensation. Community Involvement Committee members shall serve without compensation.

**TITLE 3  
ADMINISTRATION**

**CHAPTER 3.133 - RENTAL SERVICES  
COMMISSION (RSC)**

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

**Sections:**

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

**3.133.010 Rental Services Commission Established.**

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

**3.133.020 Mission.**

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

**3.133.030 Duties.**

The RSC is delegated to carry out the following functions:

**A. Landlord-Tenant Policy Initiatives**

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

**B. Landlord-Tenant Regulation and Programs**

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

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ADMINISTRATION**

3. Advise PHB on the effectiveness of landlord-tenant regulation and programs.
  4. Recommend improvements to PHB's landlord-tenant regulation and programs
  5. Recommend annual performance goals for PHB's landlord-tenant regulation and programs
- C. Budget
1. Advise the Portland Housing Advisory Commission (PHAC), the Housing Commissioner, and City Council on the budget for PHB's landlord-tenant regulation and programs
  2. Provide feedback on landlord-tenant funding priorities
- D. Community Involvement
1. Provide an inclusive forum for the community's discussion of its landlord-tenant housing needs and priorities
  2. Assist PHB in strengthening community partnerships

**3.133.040 Membership.**

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

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

**3.133.050 Meetings.**

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

**3.133.060 Quorum.**

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

**3.133.070 Chairperson.**

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

**3.133.080 Committees.**

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

**3.133.090 Staffing.**

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

**3.133.100 Cooperation.**

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

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ADMINISTRATION**

**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.
- 3.134.020 Director's Powers and Duties.
- 3.134.030 Duration and Dissolution.

**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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**CHAPTER 4.11 - WHERE THESE  
REGULATIONS APPLY**

(Chapter added by Ordinance No. 189656, effective  
September 20, 2019.)

**Sections:**

4.11.010 Where These Regulations Apply.

**4.11.010 Where These Regulations Apply.**

The regulations of this title apply to all Original Art Murals installed on sites within the City of Portland. It does not apply to installations that are in the right-of-way, unless the installation is part of a building or structure that extends from the site over a right-of-way.

**TITLE 4  
ORIGINAL ART MURALS**

**CHAPTER 4.12 - DEFINITIONS**

**Sections:**

- 4.12.010 General.
- 4.12.020 Definitions.

**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.**

(Amended by Ordinance No. 189656, effective September 20, 2019.)

- 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 property 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 property owner or leaseholder, and the property owner or leaseholder fully controls the content of the mural.

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ORIGINAL ART MURALS**

- 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 Plane.** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1,829 mm) from the building, between the building and a point 6 feet (1,829 mm) from the building. This definition is adopted from the Oregon Structural Specialty Code.
- 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 or structure. 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.

**TITLE 4**  
**ORIGINAL ART MURALS**

- 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.

**CHAPTER 4.20 - ALLOWED AND  
PROHIBITED ORIGINAL ART MURALS**

**Sections:**

- 4.20.010 Allowed Original Art Murals.
- 4.20.020 Prohibited Murals.
- 4.20.030 Relationship of Permitted Original Art Mural to other Regulations.
- 4.20.040 Exceptions to this Title.

**4.20.010 Allowed Original Art Murals.**

(Amended by Ordinance Nos. 185915 and 189656, effective September 20, 2019.)  
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 the grade plane.
- B.** The mural shall remain in place, without alterations, for a period of 2 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 2 years without alteration.
- C.** The mural shall not extend more than 6 inches from the plane of the surface 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 Zone, murals may be allowed on buildings or structures 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.**

(Amended by Ordinance No. 189656, effective September 20, 2019.) The following are prohibited:

- A.** Murals on sites developed with residential buildings with fewer than five dwelling units on the site.
- B.** Murals on sites with historic or conservation landmarks.
- C.** Murals on sites containing buildings that have been identified as contributing structures to a historic or conservation district.

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- D.** 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.
- E.** 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.
- F.** Murals on stormwater facilities.

**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.

**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.

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ORIGINAL ART MURALS**

**CHAPTER 4.40 - ADMINISTRATIVE RULES**

**Sections:**

4.40.010 Administrative Rules to Be Adopted

**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.
- 4.50.020      Notice of Violations.
- 4.50.030      Responsibility for Enforcement.

**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.



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**CHAPTER 5.74 - ACQUISITION OF PUBLIC  
ART**

(Chapter replaced by Ordinance No. 161537;  
amended by Ordinance Nos. 168591 and 179869,  
effective February 10, 2006.)

**Sections:**

- 5.74.010 Purpose.
- 5.74.020 Definitions.
- 5.74.030 Dedication.
- 5.74.040 Public Art Trust Fund.
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- 5.74.050 Siting.
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- 5.74.070 Ownership.
- 5.74.080 Decisions.
- 5.74.090 Implementation.

**5.74.010 Purpose.**

(Amended by Ordinance No. 189611, effective August 23, 2019.) It is the purpose of this Chapter and the policy of the City of Portland to dedicate two percent of the total Eligible Costs or two percent of the total Eligible Funds of all Improvement Projects (whichever is less) to Public Art. Public Art contributes to experiences that enrich the social, physical and cultural environment of Portland and promotes dialogue among people of all ages and backgrounds. This Chapter shall be implemented in a manner that benefits all Portlanders, including historically underserved communities and neighborhoods.

**5.74.020 Definitions.**

(Amended by Ordinance Nos. 178946 and 189611, effective August 23, 2019.)

**A.** As used in this Chapter:

1. Improvement Project means any project paid for wholly or in part by a Participating Bureau in which the Participating Bureau's contribution of Eligible Funds equals \$50,000 or more for the construction, rehabilitation, remodeling, improvement or purchase for a public use of any building, structure, park, public utility, street, sidewalk or parking facility or any portion thereof within the limits of the City of Portland.
2. Maintenance and repair does not constitute an Improvement Project.
3. Improvement Projects which are developed privately and leased back to the City of Portland are not exempt from the provisions of this Chapter.

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4. The purchase of improved or unimproved property by the Portland Development Commission solely for resale or redevelopment, in which property is not otherwise to be put to a governmental use, shall not constitute an Improvement Project subject to the provisions of this Chapter.
- B.** Artist-in-Residence means an artist in any discipline who explores new working methods to develop socially engaging, interactive art experiences with City Bureaus through either permanent or temporary artworks.
- C.** Creative Space means a physical location or a mobile location like a truck that is owned, leased, rented by, donated to, or otherwise made available to the City of Portland that has the exclusive purpose of facilitating the creation or display of visual, performing, cultural or other artworks.
- D.** Eligible Costs means the Participating Bureau's capitalized costs for completion of an Improvement Project, including costs for capitalized tenant improvements. Eligible Costs do not include costs for: administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising and legal fees. When an improvement project involves the acquisition of real property, costs attributable to land acquisition are not Eligible Costs, while costs attributable to improvements on the real property are Eligible Costs.
- E.** Eligible Funds means a Participating Bureau's monetary contribution to an Improvement Project. The following are not Eligible Funds: private development revenue, federal and state grants that preclude Public Art as an object for expenditure, Local Improvement District revenue, Water Operating Fund revenue, Water Construction Fund revenue, Sewer Systems Operating Fund revenue, Sewer Systems Construction Fund revenue and revenue from any other funding source subject to legal restrictions which preclude Public Art as an object for expenditure.
- F.** Public Art means original creative work, which is accessible to the public and/or public employees, and which has been approved as public art by the Regional Arts and Culture Council, acting on behalf of the City of Portland. This definition shall be liberally construed to support this Chapter's purpose, including but not limited to physical art works, Artists-in-Residence and Creative Space.
- G.** Participating Bureau means a City of Portland Bureau or Commission that funds an Improvement Project within the meaning of this Chapter.
- H.** Selection Panel means a group responsible for reviewing proposed Public Art. The Selection Panel will make a recommendation on the selection of Public Art to the Regional Arts & Culture Council. Selection Panels shall include a representative of



the Participating Bureau, the Improvement Project architect or engineer, one or more artist(s), and one or more Portland resident.

**5.74.030 Dedication.**

(Amended by Ordinance Nos. 187570 and 189611, effective August 23, 2019.) Any City of Portland official or employee acting on behalf of a Participating Bureau who authorizes or appropriates expenditures for an Improvement Project shall include in the capital improvement program of the City's capital budget, and except as provided herein for funds used to generate Creative Space, disburse to the Regional Arts & Culture Council, a monetary contribution for Public Art equal to two percent (2%) of the total Eligible Costs or two percent (2%) of the total Eligible Funds of the Improvement Project, whichever is less. When all or a portion of the funds are used to generate Creative Space, the Participating Bureau will not disburse those funds to the Regional Arts & Culture Council; rather, those funds used to generate Creative Space will stay with the Improvement Project.

- A. The Participating Bureau representative shall authorize using the contribution of Eligible Costs or Eligible Funds for:
  - 1. Public Art sited in, on or about the subject Improvement Project; or
  - 2. Public Art on another property owned, leased, rented by, donated to or otherwise made available to the City of Portland; or
  - 3. Artists-in-Residence; or
  - 4. Creative Space; or
  - 5. Any combination of Subsections 1. through 4.
- B. The Office of Management and Finance shall adopt administrative rules and procedures to implement this section, which to the greatest extent practicable shall set forth the same procedures to be followed by all Participating Bureaus.
- C. The Regional Arts & Culture Council shall develop project plans for Eligible Costs or Eligible Funds that take into account the views of the Participating Bureau, with final approval of the project plans from the Commissioner-in-Charge of the Participating Bureau.

**5.74.040 Public Art Trust Fund.**

(Amended by Ordinance No. 189611, effective August 23, 2019.) The Regional Arts & Culture Council shall maintain a special fund called the Public Art Trust Fund into which funds dedicated to Public Art, excluding Creative Space, pursuant to Section 5.74.030 shall be deposited.

- A. Such funds shall be deposited into the Public Art Trust Fund, and shall be allocated as follows:

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

**5.74.045 Funds for Creative Space.**

(Added by Ordinance No. 189611, effective August 23, 2019.) Participating Bureaus wishing to dedicate Eligible Costs or Eligible Funds towards the creation or improvement of Creative Space must obtain written approval from the Bureau's Commissioner-in-Charge. Requests must be submitted to the City Arts Manager at the Office of Management and Finance. Funds may not be used for programming or staffing.

Bureaus are responsible for operations and maintenance of Creative Space generated through this program and must submit an operations plan, 5-year programming plan, estimated annual budget and equity statement for the Creative Space.

If any part of an Improvement Project is a Creative Space, the Participating Bureau may, after obtaining written approval from the Bureau's Commissioner-in-Charge, opt to dedicate its Eligible Costs or Eligible Funds for future maintenance of the Creative Space. The Office of Management and Finance shall adopt administrative rules and procedures to implement this section, which to the greatest extent practicable shall set forth the same procedures to be followed by all Participating Bureaus.

**5.74.050 Siting.**

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

**5.74.060 Guidelines.**

(Amended by Ordinance No. 189611, effective August 23, 2019.) The Regional Arts & Culture Council shall, after consultation with Participating Bureaus, and after receiving written approval from the Office of Management and Finance and Arts Commissioner, adopt guidelines to:

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

**5.74.070 Ownership.**

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

**5.74.080 Decisions.**

(Amended by Ordinance No. 189611, effective August 23, 2019.) Except as limited by other sections of this Chapter, the Regional Arts & Culture Council shall make decisions as to the management and registration of Public Art, and disbursement of the Public Art Trust Fund. Notwithstanding the above, the Director of the Office of Management and Finance, in consultation with the Arts Commissioner and Participating Bureau, has exclusive final decision-making authority.

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**5.74.090 Implementation.**

(Amended by Ordinance Nos. 187570 and 189611, effective August 23, 2019.) The Regional Arts & Culture Council, or its designee, shall implement and be held accountable for the provisions of this Chapter, in cooperation with the Office of Management and Finance and all Participating Bureaus.

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

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

**Sections:**

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

**5.75.010 Purpose.**

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

**5.75.020 Definitions.**

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

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4. Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or
- E. Land Use Regulation.** A provision of the City of Portland comprehensive plan, zoning ordinance or land division ordinance that restricts the residential use of private real property zoned for residential use.
- F. Measure 37.** A ballot measure adopted by the voters of the State of Oregon and effective on November 6, 2004 that was codified as Oregon Revised Statutes (ORS) 197.352 and that required, under certain circumstances, the payment of just compensation to landowners if a government land use regulation restricted the use of property and reduced its value, or, in the alternative, authorized the government to remove, modify, or not apply one or more challenged regulations.
- G. Owner.** A person who is:
1. The owner of fee title to the property as shown in the deed records of the county where the property is located;
  2. The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or
  3. If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner.
- H. Program Manager.** The person authorized to administer and oversee the processing of claims under this Chapter.
- I. Protection of Public Health and Safety.** A law, rule, ordinance, order, policy or permit or other governmental authorization that restricts a use of property in order to reduce the risk or consequence of fire, earthquake, landslide, flood, storm, pollution, disease, crime or other natural or human disaster or threat to persons or property including, but not limited to, building and fire codes, health and sanitation regulations, solid or hazardous waste regulations and pollution control regulations.
- J. Reduction in Value.** A decrease in fair market value of the property from the date that is one year before the enactment of the land use regulation to the date that is one year after enactment, plus interest, adjusted by any ad valorem property taxes not paid as a result of any special assessment of the property under ORS 308A.050 to 308A.128, 321.257 to 321.390, 321.754 or 321.805 to 321.855, plus interest, offset by any severance taxes paid by the claimant and by any recapture of potential additional tax liability that the claimant has paid or will pay for the property if the property is disqualified from special assessment under ORS 308A.703.

- K. Waiver.** Action by the Portland City Council to modify, remove or not apply one or more land use regulations found to have caused a reduction in value.

**5.75.030 Filing an Amended Claim.**

- A.** A person may amend a Measure 37 claim that was filed with the City of Portland on or before June 28, 2007.
- B.** To qualify for compensation or waiver, a person filing an amended claim under this section must establish that:
- 1.** The claimant is an owner of the property;
  - 2.** All owners of the property have consented in writing to the filing of the claim;
  - 3.** The property is located, in whole or in part, within the City of Portland;
  - 4.** On the claimant's acquisition date, the claimant lawfully was permitted to establish at least the number of single family dwellings on the property that are authorized under Measure 49;
  - 5.** The property is zoned for residential use;
  - 6.** A land use regulation prohibits the establishment of a single-family dwelling;
  - 7.** The establishment of a single-family dwelling is not prohibited by a land use regulation described in ORS 197.352(3);
  - 8.** The land use regulation described in paragraph 6 of this section was enacted after the date the property, or any portion of it, was brought into the Metro Urban Growth Boundary;
  - 9.** The land use regulation described in paragraph 6 of this section was enacted after the date the property, or any portion of it, was annexed to the City of Portland;
  - 10.** The enactment of the land use regulation caused a reduction in the fair market value of the property; and
  - 11.** The highest and best use of the property was residential use at the time the land use regulation was enacted.
- C.** A person filing an amended Measure 37 claim under this section must submit the following information:

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1. The name, street address and telephone number of the claimant and all other persons and entities with an interest in the property;
  2. A title report issued no more than 30 days prior to submission of the claim that shows the claimant's current real property interest in the property, the deed registry of the instrument by which the claimant acquired the property, the location and street address and township, range, section and tax lot number(s) of the property, and the date on which the owner acquired the property interest;
  3. A written statement signed by all owners of the property, or any interest in the property, consenting to the filing of the claim;
  4. A reference to any and all specific, existing land use regulations the claimant believes reduced the value of the property and a description of the manner in which the regulation prohibits the residential use of the property;
  5. A copy of the city land use regulations that applied to the property at the time the challenged land use regulations became applicable to, or were enforced against, the property;
  6. An appraisal showing the fair market value of the property one year before the enactment of the land use regulation and one year after enactment, and expressly determining the highest and best use of the property at the time the land use regulation was enacted;
  7. A description of the claimant's proposed use of the property if the Council chooses to waive a land use regulation instead of paying compensation;
  8. If the property is or has been enrolled in one or more of the special assessment programs listed in Section 5.75.020 J., information regarding tax amounts not paid as a result of the program or programs; and
  9. A statement whether the claimant filed a claim with other public entities on or before June 28, 2007, involving the same property and a copy of any decision made by the entity on the claim.
- D.** The Program Manager shall notify all claimants who filed claims on or before June 28, 2007, and whose claims were not decided by the City Council prior to December 6, 2007, that they may amend their claims under this section and shall provide a form for amended claims. A claimant must submit an amended claim under this section to the Program Manager within 120 days after the date of notice under this paragraph or the claimant is not entitled to relief.



**5.75.040 Review of Amended Claim by Program Manager.**

- A.** The Program Manager shall review a claim filed under Section 5.75.030 to ensure that it provides the information required by Subsection 5.75.030 C. If the Program Manager determines that the claim is incomplete, the Program Manager shall, within 21 days after the filing of the claim, provide written notice of the incompleteness to the claimant. If the Program Manager does not notify the owner that the claim is incomplete within the prescribed 21 days, the claim shall be considered complete on the date it was filed with the City of Portland.
- B.** The Program Manager shall review the claim for compliance with the requirements of Subsection 5.75.030 B. and prepare a tentative determination of compliance not later than 90 days after the filing of a complete claim. The Program Manager shall provide written notice to the claimant, the Department, and owners of property within 200 feet of the claim property of the tentative recommendation as to whether the claimant qualifies for the number of single-family dwellings the City of Portland proposes to authorize. The written notice shall inform recipients they have 15 days to submit evidence or argument to the Program Manager in response to the tentative recommendation. The Program Manager shall make a final recommendation on the claim within 135 days of the date the claimant notifies the Program Manager of the claimant's intent to continue the claim.
- C.** The Program Manager's recommendation to approve or deny a claim under Subsection B of this section shall be in writing and shall be supported by a brief explanation for the basis of the recommendation.

**5.75.050 Hearing on Amended Claim by City Council.**

- A.** The Auditor shall schedule each amended claim for consideration by City Council at a regularly scheduled City Council meeting. After considering the report and final recommendation by the Program Manager and any other material the Council determines is relevant, the Council shall make its final determination and adopt a final decision and order that explains the determination.
- B.** The City Council shall take final action within 180 days of receipt of a claim.
- C.** The City Council's decision shall be in writing and shall be supported by a brief explanation of the basis for the decision.
- D.** The Program Manager shall provide notice of the date, time and location of the public hearing at least 30 days before the hearing to the claimant, the Department, and owners of property within 200 feet of the claim property.

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**5.75.060 Filing a New Claim.**

- A.** A person may file a claim after June 28, 2007, and will qualify for compensation or waiver, if:
1. The claimant is an owner of the property and all owners of the property have consented in writing to filing of the claim;
  2. The claimant's desired use of the property is a residential use;
  3. The claimant's desired use of the property is restricted by a land use regulation enacted after January 1, 2007;
  4. The enactment of the land use regulation has reduced the fair market value of the property; and
  5. The highest and best use of the property was residential use at the time the land use regulation was enacted.
- B.** A person filing a claim under this section must submit the fee for processing the claim prescribed in Section 5.75.090 and the following information:
1. The name, street address and telephone number of the claimant and all other owners of the property;
  2. A title report issued no more than 30 days prior to submission of the claim that shows the claimant's current real property interest in the property; the deed registry of the instrument by which the claimant acquired the property; the location and street address and township, range, section and tax lot number(s) of the property; the date on which the owner acquired the property interest; and any exceptions and encumbrances to title;
  3. A written statement signed by all owners of the property consenting to the filing of the claim;
  4. A citation to the land use regulation the claimant believes is restricting the claimant's desired use of the property;
  5. A description of the specific single-family residential use of the property that the claimant desires to carry out, but cannot because of the land use regulations;
  6. An appraisal showing the fair market value of the property one year before the enactment of the land use regulation and one year after enactment, and expressly determining the highest and best use of the property at the time the land use regulation was enacted;

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7. If the property is or has been enrolled in one or more of the special assessment programs listed in Measure 49, Section 9(6), information regarding taxes not paid as a result of the program or programs; and
  8. A statement whether the claimant filed a claim with other public entities on or before June 28, 2007, involving the same property and a copy of any decision made by the entity on the claim.
- C. A person filing a claim under this section must file the claim within five years after the challenged land use regulation was enacted.

**5.75.070 Review of New Claim by Program Manager.**

- A. The Program Manager shall review the claim to ensure that it provides the information required by Section 5.75.060. If the Program Manager determines that the claim is incomplete, the Program Manager shall, within 60 days after the filing of the claim, provide written notice of the incompleteness to the claimant. If the Program Manager does not notify the owner that the claim is incomplete within the prescribed 60 days, the claim shall be considered complete on the date it was filed with the Program Manager.
- B. A claim filed under this section shall not be considered complete until the claimant has submitted the information required by this section. If the claimant fails to submit a complete claim within 60 days after the notice prescribed in Subsection A, the claim shall be deemed withdrawn.
- C. The Program Manager shall conduct a preliminary review of a claim to determine whether it satisfies all of the following prerequisites for full evaluation of the claim:
1. The property lies within the City of Portland's jurisdictional boundary;
  2. The land use regulation that is the basis for the claim is a provision of a city land use regulation; and
  3. The claimant acquired an interest in the property before the effective date of the land use regulation and has continued to have an interest in the property since the effective date.
- D. If the claim fails to satisfy one or more of the prerequisites in subsection C of this section, the Program Manager shall prepare a report to that effect and recommend to the City Council that it dismiss the claim following a public hearing under Section 5.75.080.
- E. If the claim satisfies each of the prerequisites in Subsection C of this section, the Program Manager shall complete the review of the claim to determine whether it satisfies the criteria in Section 5.75.060.

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- F.** The Program Manager may commission an appraisal or direct other research in aid of the determination whether a claim meets the requirements of ORS 197.352 and to assist in the development of a recommendation regarding appropriate relief for a valid claim.
- G.** The Program Manager shall prepare a written report with the determinations required by Subsection E of this section and the reasoning to support the determination. The report shall include a recommendation to the City Council on the validity of the claim and, if valid, whether the City of Portland should compensate the claimant for the reduction of value or waive the regulation. If the Program Manager recommends compensation or waiver, the report shall recommend any conditions that should be placed upon the compensation or waiver to help achieve the purpose of this chapter and the policies of the City of Portland's comprehensive plan. If the Program Manager recommends waiver, the report shall recommend the specific number of single-family dwellings the City of Portland should authorize commensurate to the reduction in fair market value of the property.
- H.** The Program Manager shall provide the report to the City Council, the claimant, Metro, and other persons who request a copy.

**5.75.080 Hearing on New Claim by City Council.**

- A.** The City Council shall hold a public hearing on a claim prior to its final determination. The Program Manager shall schedule the hearing for a date within 180 days after the filing of a completed claim.
- B.** The Program Manager shall provide notice of the date, time and location of the public hearing at least 30 days before the hearing to the claimant and owners of the subject property, owners and occupants of property within 100 feet of the subject property, the Department, Metro, and Multnomah County. The notice shall indicate that:

  - 1.** A copy of the Program Manager's recommendation is available upon request;
  - 2.** Judicial review of the City of Portland's final determination is limited to the written evidence and arguments submitted to the City of Portland prior to or at the public hearing; and
  - 3.** Judicial review is available only for issues that are raised with sufficient specificity to afford the City of Portland an opportunity to respond in its final determination.
- D.** After the close of the public hearing the City Council shall makes its final determination on the claim and enter an order with findings of fact and conclusions

of law, based upon the record made before the City of Portland, that explain the determination. The Program Manager shall mail a copy of the final determination to the claimant, Multnomah County, and any person who submitted written or oral testimony prior to the close of the public hearing.

- E. The City Council will make its final determination within 180 days of the date the claim is complete.

**5.75.090 Claim Processing Fee.**

A claimant shall pay a \$250 fee to file a claim under Sections 5.75.030 and 5.75.060 of this Chapter. A claim will not be considered complete until the fee is paid. For any claims submitted on or after December 2, 2004 for which a fee was not paid at the time of claim submittal, the Program Manager may bill the owner for the fee at any time during the claim review process and prior to a final decision on the claim.

**5.75.100 Determination of Common Law Vested Right.**

- A. A person with an approved Measure 37 claim may apply for a determination that the person has a common law vested right to continue and complete a use or development allowed by an approved Measure 37 claim consistent with Measure 49.
- B. An applicant seeking to establish a common law vested right for an approved Measure 37 claim must submit the following information:
  - 1. The name, mailing address, and telephone number of the applicant.
  - 2. A legal description and tax lot numbers of the subject property as well as a street address for the property, if any.
  - 3. A copy of the approved Measure 37 claim decision from the City of Portland and, if appropriate, the State of Oregon.
  - 4. Additional information sufficient to address each of the factors listed in Subsection C of this Section.
- C. The factors to be considered by the Program Manager and the City Council in determining whether the applicant has a common law vested right to continue and complete a use or development allowed by an approved Measure 37 claim are:
  - 1. The amount of money spent on developing the use in relation to the total cost of establishing the use.
  - 2. The good faith of the property owner.

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3. Whether the property owner had notice of the proposed change in law before beginning development.
  4. Whether any improvements could be used for other allowed uses.
  5. The kind of use, and the location and cost of the development.
  6. Whether the property owner's acts are more than mere contemplated use or preparation, such as the leveling of land, boring test holes, or preliminary negotiations with contractors or architects.
  7. Other relevant factors.
- D.** The Program Manager shall review the application to ensure that it provides the information required by Subsections B and C of this Section. If the Program Manager determines that the application is incomplete, the Program Manager shall, within 30 days after the filing of the application, provide written notice of the incompleteness to the applicant. If the applicant fails to respond or submit the missing information within 30 days of the date of the Program Manager's notice, the application shall be considered complete on the date it was filed with the City of Portland.
- E.** The Program Manager shall prepare a written report with the determinations required by Subsections B and C of this section and the reasoning to support the determination. The report shall include a recommendation to the City Council on whether the applicant has established a common law vested right to continue and complete a use or development allowed by an approved Measure 37 claim.
- F.** The Program Manager shall provide the report to the City Council, the claimant, Metro, and other persons who request a copy.

**5.75.110 Hearing on a Common Law Vested Right By City Council.**

- A.** The City Council shall hold a public hearing on an application for a common law vested right to continue and complete a use or development allowed by an approved Measure 37 claim prior to its final determination. The Program Manager shall schedule the hearing for a date within 90 days after the filing of a completed application.
- B.** The Program Manager shall provide notice of the date, time and location of the public hearing at least 30 days before the hearing to the applicant and owners of the subject property, owners and occupants of property within 100 feet of the subject property, and the Department. The notice shall indicate that:
1. A copy of the Program Manager's recommendation is available upon request;

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2. Judicial review of the City of Portland's final determination is limited to the written evidence and arguments submitted to the City of Portland prior to or at the public hearing; and
  3. Judicial review is available only for issues that are raised with sufficient specificity to afford the City of Portland an opportunity to respond in its final determination.
- C.** After the close of the public hearing the City Council shall make its final determination on the application and enter an order with findings of fact and conclusions of law, based upon the record made before the City of Portland, that explain the determination. The Program Manager shall mail a copy of the final determination to the claimant, the Department, and any person who submitted written or oral testimony prior to the close of the public hearing.
- D.** The City Council will make its final determination within 120 days of the date the claim is complete.





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**CHAPTER 6.04 - TRANSIENT LODGINGS  
TAX**

(Chapter replaced by Ordinance No. 161506,  
effective January 1, 1989.)

**Sections:**

- 6.04.010 Definitions.
- 6.04.020 Tax Imposed.
- 6.04.025 Administrative Authority.
- 6.04.030 Collection of Tax by Operator.
- 6.04.040 Booking Agent and Operator Duties.
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- 6.04.140 Business License Appeals Board; Hearings Officer; Appeal; Rules.
- 6.04.150 Appeal to Business License Appeals Board, Hearings Officer.
- 6.04.155 Appeal of Penalty or Interest Assessments.
- 6.04.165 Presumptive Tax for Failure to Register or File Returns.
- 6.04.170 Civil Penalties for Violations of this Chapter.

**6.04.010 Definitions.**

(Amended by Ordinance Nos. 162647, 186985, 187339, 188170 and 189557, effective July 12, 2019.) Except where the context otherwise requires, the definitions given in this Section govern the construction of this Chapter.

- A. “Accrual Accounting”** means the Operator enters the Rent due from a Transient on their records when the Rent is earned, whether or not it is paid.
  
- B. “Booking Agent”** means any Person that provides a means through which a Host may offer a Short-Term Rental for transient lodging occupancy. This service is usually, though not necessarily, provided through an online platform and generally allows a Host to advertise the Short-Term Rental through a website provided by the Booking Agent’s hosting platform and provides a means for potential users to arrange transient lodging occupancy and payment, whether the transient pays rent directly to the Host or to the Booking Agent. Booking Agents include, but are not limited to:

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1. Online travel booking sites which are involved in the process of listing and booking Short-Term Rental transient lodging occupancies and handle any aspect of the resulting financial transaction; or
  2. Online travel booking sites for Short-Term Rental transient lodging occupancy where advertisements of Short-Term Rental transient lodging occupancy rentals are displayed; or
  3. A hosting or other online site that provides a means through which an Operator, Host or agent may offer a Short-Term Rental unit for transient lodging occupancy; or
  4. Any Person who lists commercial Hotel rooms or long-term rentals for transient lodging occupancy; or
  5. Any Person who directly or indirectly accepts, receives or facilitates payment, whether or not they are the ultimate recipient of the payment, including through Application Programming Interfaces (APIs) or other computerized devices where third party providers receive information about a transaction and collect funds for the transient lodging occupancy from a Transient.
- C. **“Division”** means the Revenue Division of the Bureau of Revenue and Financial Services of the City of Portland.
- D. **“Director”** means the director of the Revenue Division, or designee.
- E. **“Business License Appeals Board”** means the Board composed of five representatives appointed in the manner set forth in Section 7.02.295 of this Code.
- F. **“Cash Accounting”** means the Operator does not enter the Rent due from a Transient on their records until Rent is paid.
- G. **“Host”** means the owner or person who resides at a Short-Term Rental or has been designated by the owner or resident of the Short-Term Rental and who rents out the Short-Term Rental for transient lodging occupancy either directly or through the use of a Booking Agent.
- H. **“Hotel”** means any structure, or any portion of any structure which is used, occupied, intended or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes, but is not limited to, any hotel, inn, tourist home or house, motel, studio hotel, boutique hotel, lodging house, rooming house, apartment house, single family house or any portion of such house, duplex, condominium, bed and breakfast facility, vacation home, multi-dwelling structure, accessory dwelling unit, trailer home, houseboat, public or private

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dormitory, hostel, fraternity, sorority, public or private club, corporate housing or executive housing space or facility, and also means space in a mobile home or trailer park or portion thereof so occupied, provided such occupancy is for less than a 31-day period. All Hotels must comply with all local codes applicable to their location and use, including but not limited to zoning and building codes.

**I. “Occupancy”** means the use or possession, or the right to the use or possession for lodging or sleeping purposes of any Room, Rooms or portion thereof in a Hotel as defined above.

**J. “Operator” means:**

1. Any Person who provides one or more Rooms for Occupancy for periods of 30 days or less to the general public for compensation. Furnishing accommodations can be done via employees, contractors, agents or any other person the Hotel consents to allow to process reservations and accept payments from the Transient on behalf of the Hotel; or
2. Any Person that facilitates the reservation of an accommodation and collects the payment for the Room reservation from the Transient; or
3. Any Transient Lodging Provider, Transient Lodging Intermediary or Transient Lodging Tax Collector as defined in ORS 320.300; or
4. A Booking Agent as defined in this Chapter.

There may be more than one Operator for a Hotel and each Operator is independently responsible for compliance with this Chapter though the tax will only be collected once. Operators include, but are not limited to, the Hotel owner and/or management, online travel companies, Booking Agents or other online travel facilitators, travel agents or companies, contracted management companies or any other Person that secures the right to occupy a Room on behalf of the Transient and receives payment from the Transient for that right whether or not the Operator is the ultimate recipient of the payment.

**K. “Person”** means any individual, firm, partnership, joint venture, limited liability company, corporation, limited liability partnership, association, host, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

**L. “Rent”** means the full consideration charged to the Transient for the right to occupy a Room in a Hotel, valued in money, goods, gift cards, labor, credits, property or other consideration of value without any deduction. Rent is considered to be the



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total amount represented to the Transient by an Operator as the consideration charged for the Occupancy including any accommodation fees, commissions or similar amounts paid to or withheld by a Person that facilitates the reservation of a Room.

- M. “Rent Package Plan”** means the consideration charged for both food and Rent where a single rate is made for the total of both. The amount applicable to Rent for determination of transient room tax under this Chapter is considered the same charge made for Rent of the identical room when it is not a part of a package plan.
- N. “Room”** means each portion of a Hotel which may be rented or is intended to be rented to a separate transient lodger or lodging party, other than rooms containing no sleeping accommodations and intended to be used for purposes other than sleeping and living accommodations, such as meetings, recreation, education, business or other purposes. In rooms with multiple beds where each bed may be rented or is intended to be rented to a separate transient lodger, such as bunk or dormitory style rooms, each bed is counted as a room.
- O. “Short-Term Rental”** means a house, duplex, multi-plex, apartment, condominium, houseboat, trailer or other residential dwelling where a person rents guest bedrooms for transient lodging Occupancy. Generally, a Short-Term Rental is zoned residential or has a building occupancy that only allows for residential use.
- P. “Short-Term Rental Registry”** means Short-Term Rentals that have valid, current Type A or Type B Accessory Short-Term Rental permits as required by Chapter 33.207 and that are recorded in the City’s Portland Maps or successor database platform publicly available on the City’s website. A copy of the Registry shall be made available to any person upon request.
- Q. “Tax”** means either the tax payable by the Transient or the aggregate amount of taxes due from an Operator during the period for which the Operator is required to report their collections.
- R. “Transient”** means any individual who exercises Occupancy or is entitled to Occupancy in a Hotel for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a Transient checks out of the Hotel is not included in determining the 30-day period if the Transient is not charged rent for that day by the Operator. Any such individual so occupying space in a Hotel is deemed to be a Transient until the period of 30 days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of Occupancy, and the tenancy actually extends more than 30 consecutive days.

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**6.04.020 Tax Imposed.**

(Amended by Ordinance No. 188170, effective January 20, 2017.) For the privilege of Occupancy in any Hotel, each Transient shall pay a tax in the amount of 6 percent of the Rent charged by the Operator. The Tax constitutes a debt owed by the Transient to the City, which is extinguished only by payment by the Operator to the City. The Transient shall pay the Tax to the Operator of the Hotel at the time the Rent is paid. The Operator must enter the tax on their records when Rent is collected if the Operator keeps their records on the Cash Accounting basis and when earned if the Operator keeps their records on the Accrual Accounting basis. If Rent is paid in installments, a proportionate share of the tax must be paid by the Transient to the Operator with each installment. In all cases, the Rent paid or charged for Occupancy may exclude the sale of any goods, services and commodities, other than charges associated with furnishing rooms, including but not limited to cleaning fees, non-refundable deposits, reservation or service fees.

**6.04.025 Administrative Authority.**

(Added by Ordinance No. 188170, effective January 20, 2017.)

- A. The Revenue Division administers this Chapter. Nothing in this Chapter precludes the disposition of a controversy by stipulation or agreed settlement, through correspondence or a conference with the Director.
- B. The Director may implement procedures, forms and written policies for administering the provisions of this Chapter.
- C. The Director may adopt rules relating to matters within the scope of this Chapter or to obtain compliance with this Chapter.
- D. Before adopting a new rule, the Director must hold a public hearing. Prior to the hearing, the Director must mail notice of the public hearing to each Operator currently registered with the Division at the last known mailing address provided or post the rule on the City of Portland website. The notice must be mailed not less than 10 nor more than 30 days before the hearing. Such notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule and the location where copies of the full text of the proposed rule may be obtained.
- E. At the public hearing, the Director must accept oral or written testimony concerning the proposed rule. The Director will either adopt the proposed rule, modify it or reject it, taking into consideration the testimony received during the public hearing.

**6.04.030 Collection of Tax by Operator.**

(Amended by Ordinance Nos. 187339 and 188170, effective January 20, 2017.)

- A. Operators must collect a Tax from the Transient. The Tax collected or accrued by the Operator constitutes a debt owing by the Operator to the City.

- B.** In cases of deferred payment of Rent, the payment of Tax to the Operator may be deferred until the Rent is paid, and the Operator shall not be liable for the Tax until credits are paid or deferred payments is made. Adjustments may be made for uncollectible Rent where appropriate.

**6.04.040 Booking Agent and Operator Duties.**

(Amended by Ordinance Nos. 186985, 187339, 188170, 188501 and 189557, effective July 12, 2019.)

- A.** Operators must collect the Tax imposed by this Chapter at the same time as the Rent is collected from every Transient. The amount of Tax must be separately stated upon the Operator's records, and any receipt rendered by the Operator. If a single amount is stated on the Operator's records or receipts without a breakout between Rent and Tax, the Division will deem the entire amount is Rent and Tax will be calculated on the total amount. No imputation of Tax is permitted. No Operator may advertise that the Tax or any part of the Tax will be assumed or absorbed by the Operator, or that it will not be added to the Rent, or that, when added, any part will be refunded, except in the manner provided by this Chapter.
- B.** Upon request of the Division for any regulatory or tax administration purpose or upon issuance of a subpoena in accordance with this Chapter, Operators must provide all physical addresses of transient lodging occupancy locations within Portland city limits and the related contact information, including the name and mailing address of the general manager, agent, owner, Host or other responsible Person for the location. Any location and related contact information provided under this Subsection is considered confidential and is not subject to public disclosure due to personal privacy concerns.
- C.** Booking Agents or Operators shall not complete any booking transaction or collect Rent for any Short-Term Rental unless it is listed in the City's Short-Term Rental Registry at the time the Booking Agent or Operator receives a fee or Rent for the booking transaction. An exception to this requirement is if the Booking Agent or Operator has entered into a pass-through registration data-sharing agreement in a form acceptable to and approved by the Revenue Division Director.
- D.** Booking Agents or Operators shall not collect or receive a fee or any portion of Rent, directly or indirectly through a Person, agent or intermediary, for facilitating or providing services ancillary to a vacation rental, or Short-Term Rental that is not in the Short-Term Rental Registry, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit. An exception to this requirement is if the Booking Agent or Operator has entered into a pass-through registration data-sharing agreement in a form acceptable to and approved by the Revenue Division Director.

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**6.04.050 Exemptions.**

(Amended by Ordinance Nos. 162647 and 188170; effective January 20, 2017.) No tax imposed under this Chapter shall be imposed upon:

- A.** Any occupant for more than 30 successive calendar days (a Person who pays for lodging on a calendar month basis, irrespective of the number of days in such a month, shall not be deemed a Transient);
- B.** Any occupant in a hospital room, medical or mental health facility, convalescent home, skilled nursing facility, assisted living facility, foster home, rehabilitation center or a government owned and operated public institution.
- C.** Any Person housed through an emergency shelter or disaster program where the Rent is paid with government assistance funds;
- D.** Any Federal Government employee traveling on official government business, who presents an official Government Exemption Certificate or official travel authorization. An exemption may also be granted for direct bills to a Federal Government department, agency or instrumentality. An exemption may not be granted for Rents paid by contractors of the Federal Government, even if the Occupancy was for a Federal Government employee on official business, and notwithstanding the fact that such Rents may be reimbursed by the Federal Government or paid under the contract with the Federal Government.

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

(Amended by Ordinance Nos. 186736, 187339 and 188170, effective January 20, 2017.)

- A.** Person engaging or about to engage in business as an Operator in this City must register with the Division on a form provided by the Division. Operators starting business must register within 15 calendar days after commencing business. The failure to register with the Division does not relieve any Person from the obligation of payment or collection of Tax. Registration must state the name under which an Operator transacts or intends to transact business, any affiliated companies or brands that are associated with the registration, the location of the place of business and such other information necessary to facilitate the collection of the Tax as the Division may require. The Operator must sign the registration form.
- B.** Within 10 days after registration, the Division will issue a Certificate of Authority and establish an account to collect the tax from the Transient. Certificates of Authority are non-assignable and non-transferable and will be returned to the Division upon the cessation of business or business sale or transfer at the location listed on the certificate, if applicable. Certificates of Authority must be prominently displayed so as to be seen by all occupants and persons seeking occupancy. If the Rent transaction is facilitated online, the Certificate of Authority must be able to be

viewed by the Transient by clicking on link to the Certificate of Authority at a reasonable place during the payment transaction.

- C. The Certificate of Authority will include at least the following:
  - 1. The name of the Operator;
  - 2. The date the certificate was issued;
  - 3. “This Transient Occupancy Registration Certificate signifies that the person named has fulfilled the requirements of the Transient Lodgings Tax Chapter of the City of Portland for the purpose of collecting and remitting the lodgings tax. This certificate does not authorize any Person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a Hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the City of Portland. This certificate does not constitute a permit.”
  
- D. Hosts of Type A and Type B Accessory Short-Term Rentals must comply with the requirements of Chapter 33.207. In addition, all Operators of Type A and Type B accessory Short-Term Rentals as described in Chapter 33.207 must prominently display the Type A Permit Number or Type B Conditional Use case file number, as applicable, in all advertising and other listing services. No Operator will advertise or otherwise represent that an accessory Short-Term Rental is available for Occupancy unless all applicable legal requirements allowing the Occupancy of a Short-Term Rental has been met and the Operator has registered with the Division as required above. Additionally, this Permit Number, Conditional Use case file number or other number issued directly by the Division must be prominently displayed in the rental unit so as to be seen by all short-term occupants.

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

(Amended by Ordinance Nos. 187339 and 188170, effective January 20, 2017.)

- A. The tax imposed by this Chapter must be paid by the Transient to the Operator at the time that Rent is paid. All amounts of such taxes collected by any Operator are due and payable to the Division on or before the last day of the following month for the preceding 3 months. If the due date falls on a Sunday or legal holiday as defined by ORS 187.010, amounts are delinquent on the first business day that follows. Payments and returns received or postmarked before the first business day that follows will be deemed to have been received on the due date. The Division has authority to classify and/or district Operators for determination of applicable tax periods, and will notify each Operator of the due dates for returns.

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- B.** On or before the last day of the month following each quarter of collection, or month of collection if an Operator is required or elects to file monthly returns, a return for the preceding period's tax collections must be filed with the Division. The return must be filed in such form as the Division may prescribe for payment of the tax.
- C.** Returns must show the amount of tax collected or otherwise due for the related period. The Division may require returns to include additional information to explain the tax calculation.
- D.** The Person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the Division at its office, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.
- E.** For good cause, the Division may extend for 1 month the time for making any return or payment of tax. No further extension will be granted, except by the Director. Any Operator to whom an extension is granted will pay interest at the rate of 1.25 percent per month on the amount of tax due without proration for a portion of a month or reduction for any prepayments or credits available. If a return is not filed, and the tax and interest due is not paid by the end of the extension period, then the interest will be added to the tax due for computation of penalties and additional interest described elsewhere in this Chapter.
- F.** The Division, if deemed necessary in order to ensure payment or facilitate collection by the City of the amount of taxes in any individual case, may require returns and payment of the amount of taxes for other than quarterly periods. If an Operator is required to report on a more frequent basis, the Division will provide a schedule showing the tax periods, due dates and delinquent dates.

**6.04.080 Penalties and Interest.**

(Amended by Ordinance Nos. 187339, 188170 and 189557, effective July 12, 2019.)

- A.** Original delinquency. Any Operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this Chapter on or before the due date will pay a penalty of 10 percent of the tax due in addition to the tax. There is no grace period between the due date and the assessment of a penalty and interest; the day following the due date is considered to be the delinquent date.
- B.** Continued delinquency. Any Operator who fails to pay in full on or before the due date of an original delinquency notice will pay a second delinquency penalty of 15 percent of the amount of the tax due plus all penalty and interest assessments at the time of the continued delinquency calculation.

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- C.** Fraud. If the Division determines that the nonpayment of any amount due under this Chapter is due to fraud or intent to evade the provisions thereof, a penalty of 25 percent of the tax will be added in addition to the penalties stated in paragraphs A. and B. of this Section and interest stated in paragraph D. of this Section. This penalty is calculated on the entire amount due, including any penalties and interest previously assessed at the time of the calculations.
- D.** Interest. In addition to the penalties imposed, any Operator who fails to file or pay any tax imposed by this Chapter will pay interest at the rate of 1 percent per month or fraction thereof without proration for portions of a month, on the amount of the tax due from the first day following the original due date. Interest will be compounded monthly until the amount due is paid in full.
- E.** Penalties and interest merged with tax. Every penalty imposed and such interest as accrues under the provisions of this Section will be merged with and become a part of the tax required to be paid. If delinquency continues, requiring additional penalty and interest calculations, previously assessed penalty and interest are added to the tax due. This amount becomes the new base for calculating new penalty and interest amounts. This merging continues each month until the full balance is paid.
- F.** Petition for waiver. Any Operator who fails to pay the tax within the time stated must pay the tax, penalties and interest assessed; however, the Operator may petition the Director for waiver and refund or credit of all or part of the penalty assessed and the Director may, if a good and sufficient reason is shown, waive some or all of the penalty assessment. Interest will not be waived except by written policy.
- G.** Any violation of Subsections 6.04.040 C. or D., Booking Agent and Operator Duties, shall be subject to a civil penalty of \$1,000 per violation per day. Each booking transaction or fee collected shall be considered a separate violation.

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

(Replaced by Ordinance No. 184772; amended by Ordinance Nos. 187339 and 188170, effective January 20, 2017.)

- A.** Deficiency determinations. If the Division determines that a return is incorrect, that required reports or returns have not been filed, or that an Operator has otherwise failed to comply with the terms of the Code, it may compute and determine or estimate the amount required to be paid based on the facts contained in the return or returns or any other information reasonably within its possession. Once a deficiency determination is made, the amount is due and payable within ten days. The Division may assess penalties and interest as set forth in Section 6.04.080.

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1. In making a deficiency determination, the Division may offset overpayments, if any, which may have been previously made against any deficiency for a subsequent period or periods, or against penalties and interest on the deficiency.
  2. The Division must give to the Operator or Transient (in the case of a refund request) a written notice of its deficiency determination. The notice may be served personally or by mail. If by mail, the notice will be addressed to the Operator at the address as it appears on the records of the Division or as the Division can best determine if the Operator has not provided that information to the Division. In case of service by mail or any notice required by this Chapter, the service is complete at the time of deposit with the United States Post Office.
  3. Any deficiency is due and payable within 10 days. The Operator or Transient (in the case of a refund request) may petition for a redetermination if the petition is filed within 10 days of service as provided in Section 6.04.100. Nothing prohibits the Division from extending the time for petition beyond 10 days at its sole discretion.
  4. Every deficiency determination must be made and notice mailed within 5 years after a return was originally filed, subsequently amended or the tax was paid, whichever period expires later. In the case of the filing of a false or fraudulent return with the intent to evade this Chapter, a failure to file a required return, or willful refusal to collect and remit the tax, a deficiency determination may be made, or a proceeding for the collection of such deficiency may be commenced, at any time and is not subject to the 5 year limitation above.
- B.** Operator delay. If the Division believes that the collection of any tax or any amount of tax required to be collected and paid to the City will be jeopardized by delay, or if any deficiency determination will be jeopardized by delay, the Division may make a deficiency determination of the tax or amount of tax required to be collected, noting the fact upon the deficiency determination. The amount so determined is immediately due and payable, and the Operator will immediately pay such determination to the Division after service of notice thereof; provided, however, the Operator may petition, after payment has been made, for a redetermination of the Division's assessment, if the petition is filed within 10 days from the date of the written notice from the Division.

**6.04.100 Redeterminations.**

(Amended by Ordinance Nos. 184772, 187339 and 188170, effective January 20, 2017.)

- A.** Any Person against whom a deficiency determination is made under Section 6.04.090 or civil penalties assessed under Section 6.04.170 may petition for a



redetermination within the time required in Section 6.04.090. The deficiency determination becomes final at the expiration of the allowable time.

- B.** If a petition for redetermination is filed within the time provided in Subsection 6.04.090 A.3., the Director will reconsider the deficiency determination or civil penalties, and, if requested in the petition, will grant an oral hearing and give 10 days notice of the time and place of the hearing. The Director may continue the hearing from time to time as may be necessary.
- C.** The Director may adjust the amount of the deficiency determination as a result of the hearing and, if an increase is determined, such increase will be payable immediately after the hearing.
- D.** The Director's order or decision becomes final 10 days after service upon the petitioner unless an appeal is filed with the Business License Appeals Board or Hearings Officer, if applicable, within 10 days after service.
- E.** No petition for redetermination or other appeal will be accepted and no petition or appeal is effective for any purpose unless the Operator has first complied with the payment provisions and has paid in full the amount determined to be due in the deficiency determination or civil penalty that is being appealed.

**6.04.110 Security for Collection of Tax.**

(Amended by Ordinance Nos. 162647, 187339 and 188170, effective January 20, 2017.)  
The Division, whenever deemed necessary to ensure compliance with this Chapter, may require any Operator to deposit security in the form of cash, bond or other security as the Division may determine. The amount of the security will be determined by the Division but will not be greater than twice the Operator's largest quarterly liability, determined in such manner as the Division deems proper. No interest will accrue on any security required by the Division.

**6.04.120 Credits or Refunds.**

(Amended by Ordinance Nos. 187339 and 188170, effective January 20, 2017.)

- A.** Credits by City to Operator. Whenever the amount of any tax, penalty, or interest has been paid in error to the Division under this Chapter, it may be credited to the Operator's account, provided a verified claim in writing, stating the specific reason upon which the claim is founded, is filed with the Division within 3 years from the date of payment. If the claim is approved by the Division, the excess amount collected or paid may be credited against any current or future amounts due and payable from the Operator. If there is no future liability, the Division may issue a refund.
- B.** Refunds by City to Transient. Whenever the tax required by this Chapter has been collected by the Operator, and paid by the Operator to the Division, and it is later

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determined that the tax was erroneously collected by the Operator, it may be refunded by the Division to the Transient or the party who paid the tax if different from Transient, provided a verified claim in writing, stating the specific reason on which the claim is founded, is filed with the Division within 3 years from the date of payment. Prior to any refund, the Division will audit the Operator's records to determine that the tax was collected and paid to the City.

- C. Refunds by Operator to Transient. Whenever the tax required by this Chapter has been collected by the Operator and it is later determined that the tax was collected in error, the Operator will refund to the Transient the tax previously collected. The Operator will account for such collection and refund to the Division. If the Operator has remitted the tax prior to refund to the Transient, the Operator may request a credit for the refunded tax when the next report is filed with the City.

**6.04.130 Administration and Recordkeeping.**

(Amended by Ordinance Nos. 187339, 188170 and 188501, effective July 5, 2017.)

- A. Records required from Operator. Operators must keep appropriate records, including but not limited to registration forms or logs, accounting and bank records, supporting documentation for all deductions taken and any other documentation necessary to support the tax report filed or required to be filed. All records must be retained by the operator for a period of 5 years and 6 months after the filing of the tax return, amended return or payment of the tax, whichever is later.
- B. Examination of records; investigations. The Division, or any person authorized in writing by it, may examine during normal business hours the books, papers and accounting records relating to tax returns filed by any Operator, after notification to the Operator liable for collecting and remitting the tax, and may investigate the business of the Operator in order to verify the accuracy of any return made, or if no return is made or, to determine the amount required to be paid.
- C. Subpoenas. For purposes of determining compliance with this Chapter, the Director may issue subpoenas to any Operator or Person for the production of all information, documents, reports, records, accounts, papers, and other data and documentary evidence, in whatever format or however stored, necessary to ensure compliance with this Chapter.
  - 1. It is unlawful for any Operator or Person so subpoenaed to neglect or refuse to attend at the proper time and place and to bring the records mentioned in the subpoena, or, having done so, to refuse or neglect to answer such questions as may be applicable to the matter at issue or to allow records to be examined, unless the Operator or Person has first sought and obtained an order quashing the subpoena from a court of competent jurisdiction, in the same manner as provided for in a civil case. Failure to seek and obtain such an order waives any objections or defenses the person may have against

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compliance with the subpoena, whether or not the person made any specific objections or raised that specific defense in seeking the order to quash.

2. If an Operator or Person subpoenaed as provided fails to appear or produce any records as required, or whenever any Operator or Person so summoned refuses to answer any question pertinent to the subject under inquiry, the City Attorney may apply to any court of competent jurisdiction for an order to the Operator or Person to attend and testify, or otherwise comply with the subpoena.
  3. The City Attorney's application to the court may seek an order requiring the Operator or Person against whom the subpoena is directed to comply with the subpoena within 3 days after service of the order, or within such further time as the court may grant, or to justify the failure within that time.
- D.** Should the City prevail in any legal proceedings in any state or federal court to collect the taxes, penalties and interest assessed in accordance with this Chapter, or to enforce a subpoena, the City shall be entitled to its reasonable costs and attorneys' fees.
- E.** At any time within 5 years after any tax or any amount of tax required to be collected becomes due and payable or at any time within 5 years after any determination becomes final, in the case where no tax returns have been filed, the Division may bring an action in the courts of this State, or any other state, or of the United States in the name of the City to collect the amount tax due, together with all penalties and interest amounts assessed under this Code.
- F.** Confidential financial information. Except as otherwise required by law, it is unlawful for the Division, or any elected official, employee or agent, to divulge, release, or make known in any manner any financial information submitted or disclosed to the Division under the terms of Chapter 6.04. Nothing in this subsection prohibits:
1. The disclosure to, or the examination of, financial records by City officials, employees or agents for the purpose of administering or enforcing the terms of this Chapter, or collecting taxes imposed under the terms of this Chapter, or collecting City permit fees or business license taxes; or
  2. The disclosure to the Operator or an authorized representative of financial information, including amounts of transient lodgings taxes, penalties, or interest, after filing of a written request and approval of the request by the Director; or
  3. The disclosure of the names and addresses of any persons to whom Certificates of Authority have been issued; or

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4. The disclosure of general statistics in a form which would prevent the identification of financial information regarding any particular Operator's return; or
5. The disclosure of financial information to the City Attorney or other legal representatives of the City, to the extent the Division deems disclosure or access necessary for the performance of the duties of advising or representing the Division.
6. The disclosure of financial information or unpaid tax balances, including penalty and interest assessments, to an outside collection agency on contract with the City to provide collection services.

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

(Replaced by Ordinance No. 184772; amended by Ordinance Nos. 187339 and 188170, effective January 20, 2017.)

- A. Except as provided herein, the Business License Appeals Board has authority to hear and determine appeals of orders or decisions of the Division or Director made upon petitions for redetermination. The Board may affirm, modify, or reverse such orders or decisions or dismiss the appeals and prescribe such forms, rules, and regulations relating to appeals as it may deem necessary. In the review of the Division or Director's decision or order, the Board may take such evidence and make such investigation as it may deem necessary. It will give notice of its determinations in the manner prescribed for service of a notice of the Division or Director's decision and will file a copy of each such determination with the Division. Such determination will become final after 10 days and any increase to the determination becomes due and payable once final, subject to interest and penalties, and enforceable by the Division as an order or decision of the Division or Director.
- B. For an amount in controversy greater than \$10,000 and less than \$50,000, an appellant may request a hearing by an appointed Hearings Officer instead of a hearing by the Business License Appeals Board.
- C. An appeal involving an amount in controversy greater than \$50,000 will be heard by a Hearings Officer instead of a hearing by the Business License Appeals Board. The Hearings Officer will be appointed by the City Attorney, will be a member of the Oregon State Bar and will not be a City employee.
- D. In appeal hearings held before a Hearings Officer, the appellant and the City's representative will each have the right to appear in person and be represented by legal counsel, to receive notice, to respond to and present evidence, to call and cross-examine witnesses under oath and to present argument on all issues involved. Subject to the provisions herein, the City Attorney may promulgate supplementary

rules and procedures for the conduct of the hearing, the forms of notice and proceedings, and the preparation and submission of the record.

- E.** The record in a proceeding before the Hearings Officer will include:
1. All pleadings, motions, and intermediate rulings;
  2. Evidence received or considered;
  3. Stipulations;
  4. A statement of matters officially noticed;
  5. Questions and offers of proof, objections, and rulings thereon;
  6. Proposed findings and exceptions; and
  7. Any proposed, intermediate, or final order prepared by the Hearings Officer.
- F.** The Hearings Officer has the power to compel attendance of witnesses by deposition or at hearing and the production of documents by subpoena to any party upon showing of general relevance and subpoena in accordance with civil law.
- G.** The formal rules of evidence do not apply and any relevant evidence that is the sort of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of serious business affairs is admissible. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Hearsay evidence may be considered by the Hearings Officer, but no findings may be based solely on hearsay evidence unless supported or corroborated by other relevant and competent evidence. The Hearings Officer will give effect to the rules of privilege recognized by law.
- H.** The Hearings Officer may take notice of judicially recognizable facts, and the Hearings Officer may take official notice of general, technical, or scientific facts within the specialized knowledge of City employees.
- I.** A verbatim, written, mechanical, or electronic record will be made on all motions, rulings, and testimony if requested by any party. The record will be transcribed for the purposes of court review. If the City prevails on such review, the reasonable costs of preparing the transcript will be allowed as a part of the City's costs in such action.
- J.** The Hearings Officer is authorized to rule upon issues of law or fact and to determine the amount of the tax, penalty or interest due in accordance with the Transient Lodgings Tax Law. The Hearings Office does not have any jurisdiction

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to waive, mitigate or suspend the collection of any tax, penalty or interest assessment found to be duly imposed.

- K.** The decision of the Hearings Officer will be issued in writing in a final order. The final order becomes final on the date specified in the order, which date will be within 30 days after the conclusion of the hearing. The decision is the final administrative remedy of the appellant. Any amounts due are payable to the City of Portland within 10 days of the order becoming final. The Hearings Officer will notify the parties to a proceeding of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to each party or, if applicable, the party's attorney of record.

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

(Replaced by Ordinance No. 184772; amended by Ordinance Nos. 187339 and 188170, effective January 20, 2017.) Any Operator or Transient aggrieved by a decision of the Director made pursuant to Section 6.04.100 may appeal to the Business License Appeals Board or Hearings Officer as allowed in Section 6.04.140 by filing a notice of appeal with the Director within 10 days of the service of the notice of a Director's decision. Any hearing will be scheduled by the Business License Appeals Board or Hearings Officer in accordance with rules pertaining to such appeals.

**6.04.155 Appeal of Penalty or Interest Assessments.**

(Added by Ordinance No. 188170, effective January 20, 2017.) Appeals of penalty and/or interest assessments are not subject to the appeals process or timeline outlined in Section 6.04.140 or 6.04.150 above. The Operator must follow the "Redetermination" procedures under Section 6.04.100. The decision of the Director regarding penalty and interest assessments is final.

**6.04.160 Appeals to City Council.**

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

**6.04.165 Presumptive Tax for Failure to Register or File Returns.**

(Added by Ordinance No. 188170, effective January 20, 2017.)

- A.** The Director may impose a presumptive tax upon any Person failing or refusing to register as an Operator or file tax returns as required under this Chapter.
- B.** In calculating the presumptive tax amount when imposed under this Section, the Division will determine:
- 1.** The number of rooms that the Operator controlled for each day that it was not registered; and
  - 2.** The room rental rate, based upon the best available information, including comparable operations by a similarly situated Operator; or

3. Use any other reasonable method available to the Division to impose a presumptive tax, including but not limited to tax returns filed by similarly situated Operators.
- C. Any presumptive tax issued under this section will include penalty and interest assessments based on when the registration or tax returns were originally due, following the rules established within this Chapter.
- D. Presumptive taxes are not intended to approximate actual taxes that may be due and nothing prohibits the Division from assessing excessive tax amounts due based on reasonable assumptions and calculation methods.

**6.04.170 Civil Penalties for Violations of this Chapter.**

(Amended by Ordinance Nos. 186985, 187339 and 188170, effective January 20, 2017.) It is unlawful for any Operator or other Person so required to fail or refuse to register or to fail or refuse to file any return required, or to fail or refuse to file a supplemental return or any other data required by the Division, or to render a false or fraudulent return, or to fail to perform any of the duties required in Chapter 6.04. No Person required to make, render, sign, or verify any report will make any false or fraudulent report with intent to defeat or evade the determination of any amount due required by this Chapter. In addition to any presumptive taxes assessed under Section 6.04.165, the Director may impose a civil penalty of up to \$500 for each violation of this Chapter. Violations may be assessed as frequently as necessary to achieve compliance with this Chapter, up to and including daily. A violation includes, but is not limited to:

- A. Failure to file any required Transient Lodgings Tax payment and/or report, including any penalties and interest, within 60 days of the due date;
- B. Filing a false or fraudulent report;
- C. Failure to register a Hotel or Short-Term Rental, or failure to register as an Operator with the Division as described in Section 6.04.060;
- D. Failure to maintain a separate account for the transient lodgings tax collected when required by the Division;
- E. Failure to provide any data or other information requested by the Division, including but not limited to, the physical address of a transient lodging occupancy location within Portland and the related contact information;
- F. Failure by a Host or failure by any Operator to prominently display the Type A Permit Number, Type B Conditional Use case file number or Revenue Division issued advertising number in advertising or other listing services, or failure by the Host to post the number in the Short-Term Rental unit; and

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- G.** Failure by an Operator to prominently display the Accessory Short-Term Rental permit number, case file number or other number issued by the Division in all advertisements and/or in the Short-Term Rental.
- H.** Failure by an Operator to maintain records required in Subsection 6.04.130 A.



**CHAPTER 6.05 - TOURISM IMPROVEMENT  
DISTRICT**

(Chapter added by Ordinance No. 185443, effective  
July 20, 2012.)

**Sections:**

- 6.05.010 Portland Tourism Improvement District.
- 6.05.020 Definitions.
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**6.05.010 Portland Tourism Improvement District.**

(Amended by Ordinance No. 189028, effective August 1, 2018.) The Portland Tourism Improvement District includes all Hotels, as defined in Section 6.05.020, and all Short-Term Rental Hosts who use Booking Agents to advertise or accept reservations within the Portland City limits.

**6.05.020 Definitions.**

(Amended by Ordinance Nos. 187339, 187828, 188171 and 189028, effective August 1, 2018.)

- A. “Booking Agent” means any Person that provides a means through which a Host may offer a Short-Term Rental for transient lodging occupancy. This service is usually, though not necessarily, provided through an online platform and generally allows a Host to advertise the Short-Term Rental through a website provided by the Booking Agent’s hosting platform and provides a means for potential users to arrange transient lodging occupancy and payment, whether the transient pays rent directly to the Host or to the Booking Agent. Booking Agents include, but are not limited to:
  - 1. Online travel booking sites which are involved in the process of listing and booking Short-Term Rental transient lodging occupancies and handle any aspect of the resulting financial transaction; or

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2. Online travel booking sites for Short-Term Rental transient lodging occupancy where advertisements of Short-Term Rental transient lodging occupancy rentals are displayed; or
  3. A hosting or other online site that provides a means through which an Operator, Host or agent may offer a Short-Term Rental unit for transient lodging occupancy; or
  4. Any Person who lists commercial Hotel rooms or long-term rentals for transient lodging occupancy; or
  5. Any Person who directly or indirectly accepts, receives or facilitates payment, whether or not they are the ultimate recipient of the payment, including through Application Programming Interfaces (APIs) or other computerized devices where third-party providers receive information about a transaction and collect funds for the transient lodging occupancy from a Transient; or
  6. Any Transient Lodging Provider, Transient Lodging Intermediary or Transient Lodging Tax Collector as defined in ORS 320.300.
- B.** “Division” means the Revenue Division of the City of Portland Bureau of Revenue and Financial Services, along with its employees and agents;
- C.** “Division Director” and “Director” mean the Director of the Revenue Division of the City of Portland Bureau of Revenue and Financial Services, or designee;
- D.** “District” means the Portland Tourism Improvement District as described in this Chapter;
- E.** “Notice” means a written document mailed by the Division by first class mail to the last known address of a hotel as provided to the Division in the latest application or return on file at the Division; or, if mailed to a hotel who is not a licensee, then to the last known address of the hotel as provided to the Portland Water Bureau or, if that Bureau has no address record, as provided to the Revenue Division in the latest business license tax return on file at the Division or, if none, then to such address as may be determined following reasonable investigation;
- F.** “Hotel” means any structure, or any portion of any structure which is used, occupied, intended or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes, but is not limited to, any hotel, inn, tourist home or house, motel, studio hotel, boutique hotel, lodging house, rooming house, apartment house, single family house or any portion of such house, duplex, condominium, bed and breakfast facility, vacation home, multi-dwelling structure, accessory dwelling unit, trailer home, houseboat, public or private

dormitory, hostel, fraternity, sorority, public or private club, corporate housing or executive housing space or facility and also means space in a mobile home or trailer park or portion thereof so occupied, provided such occupancy is for less than a 31-day period. All Hotels must comply with all local codes applicable to their location and use, including but not limited to zoning and building codes.

**G.** “Engaged in hotel management activities” means:

1. Being financially responsible for a water service provided to a Hotel or Short-Term Rental; or
2. Being financially responsible for operation of a Hotel or Short-Term Rental business; or
3. Being responsible for initiating or maintaining Short-Term Rental listing information on an online travel booking site; or
4. Being financially responsible for the indicia of management of a Hotel or Short-Term Rental, in cases not covered by Subsection 1. or 2. Indicia of management of property include, in order of importance, but need not be limited to:
  - a. Being responsible for waste disposal service provided to a Hotel or Short-Term Rental;
  - b. Being responsible for providing fire insurance for a Hotel or Short-Term Rental;
  - c. Being responsible for repair and maintenance of a Hotel or Short-Term Rental;
  - d. Being responsible for operation of heating, ventilating, and air conditioning equipment that serves a Hotel or Short-Term Rental; and
  - e. Being responsible for the operation and maintenance of fire prevention and suppression equipment that serves a Hotel or Short-Term Rental.

**H.** "City Council" means the City Council of the City of Portland, Oregon.

**I.** "Rent" means the full consideration charged to the Transient for the right to occupy a Room in a Hotel or Short-Term Rental for the occupancy of guest rooms only, valued in money, goods, gift cards, labor, credits, property or other consideration of valued, without any deduction. Rent is considered to be the total amount represented to the Transient as the consideration charged for the occupancy

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including any accommodation fees, customer fees, booking fees, service fees, off-platform booking fees, non-refundable fees, commissions or similar amounts paid to or withheld by a Person that facilitates the reservation of a Room.

- J.** “Management Corporation” means an incorporated nonprofit organization that is responsible for the promotion of Portland on a year-round basis; manages tourism-related economic development plans, programs, and projects; and represents tourism-related businesses.
- K.** “Person” means any individual, firm, partnership, joint venture, limited liability company, association, club, trust estate, corporation (for profit or not-for-profit), or any other entity or combination of entities capable of engaging in Hotel management activities within the District.
- L.** “Licensee” means a person licensed to engage in hotel management activities within the District under this Chapter.
- M.** “Room” means each portion of a Hotel or Short-Term Rental which may be rented or is intended to be rented to a separate transient lodger or lodging party, other than rooms containing no sleeping accommodations and intended to be used for purposes other than sleeping and living accommodations such as, meetings, recreation, education, business or other purposes. In rooms with multiple beds where each bed may be rented or is intended to be rented to a separate transient lodger, such as bunk and dormitory style rooms, each bed is counted as a room under this definition. This definition is included for purposes of determining if a hotel is included in the District.
- N.** “Short-Term Rental” means a house, duplex, multi-plex, apartment, condominium, bed & breakfast, accessory dwelling unit, tiny house, houseboat, trailer or other residential dwelling where a person rents a full house or guest bedroom(s) for transient lodging occupancy. A Short-Term Rental is generally, but not always, zoned residential and has a residential building occupancy. Certain residential building occupancy may allow Transient Lodging Occupancy by right or by permit.
- O.** “Short-Term Rental Host” means the owner, agent or person who resides at a Short-Term Rental or has been designated by the owner, agent or resident of the Short-Term Rental and who rents out the Short-Term Rental for transient lodging occupancy either directly or by using a Booking Agent or Transient Lodging Intermediary.

**6.05.030 License Registration Required.**

(Amended by Ordinance Nos. 187828 and 189028, effective August 1, 2018.) Any person engaged in Hotel Management Activities of any Hotel or Short-Term Rental who use Booking Agents to advertise or accept reservations within the District shall register for such activities covering each license year, or if application is made after the beginning of

a license year, then for the balance of the license year. Only one person needs to register for each Hotel or Short-Term Rental who use Booking Agents to advertise or accept reservations in the District. The term license as used in this Chapter, shall not be construed to mean a permit and no physical license will be issued. The license fees prescribed herein are for the privilege of engaging in the activity of Hotel or Short-Term Rental management in the District, and the revenues collected will be used as provided herein. The payment of a license fee required hereunder and the acceptance of such fee shall not entitle a licensee to engage in any activities not in compliance with all the requirements of this Code, including but not limited to the requirements of Title 7, and all other applicable laws.

**6.05.040 License Transfer.**

(Amended by Ordinance No. 187828, effective July 15, 2016.)

- A. Except as provided in this Section, no license shall be transferred or assigned from one person to another.
- B. The Division shall allow transfer of a license for the balance of its term to a successor or transferee who continues the acts that constituted hotel management activities requiring a license under this Chapter. Any transfer shall be reported to the Division in writing or on a form provided by the Division and shall be effective when the Division approves the transfer as complete. The licensee shall be responsible for any license fee installments which become payable prior to the Division's approval; and the transferee shall be responsible for any license fee installments which become payable after the Division's approval.

**6.05.050 License Term.**

(Repealed by Ordinance No. 189028, effective August 1, 2018.)

**6.05.060 Portland Tourism Improvement District License Rate.**

(Amended by Ordinance No. 189028, effective August 1, 2018.) The license assessment established by this Chapter for Hotel or Short-Term Rental management activities in the Portland Tourism Improvement District shall be calculated as follows:

- A. Gross rent charged by the Hotel or Short-Term Rental who use Booking Agents to advertise or accept reservations;
- B. Minus rent received from any occupant for a stay of more than 30 successive calendar days (rent derived from stays by a person who pays for lodging on a monthly basis, irrespective of the number of days in such a month, shall also be subtracted);
- C. Minus rent received from stays by any person housed through an emergency shelter or disaster program where the rent is paid with government assistance funds; and

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- D. Minus rent received from stays by any U.S. Federal Government employee traveling on official government business, who presents an official Government Exemption Certificate or official travel authorization.
- E. Multiplied by .02 (two percent).

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

(Amended by Ordinance Nos. 187828, 188171 and 189028, effective August 1, 2018.)

- A. The assessment imposed by this Chapter is due and payable on or before the last day of the following month for the preceding three months. If the due date falls on a Sunday or legal holiday as defined by ORS 187.010, amounts are delinquent on the first business day that follows. Payments and returns received or postmarked before the first business day that follows will be deemed to have been received on the due date. The Division has the authority to classify and/or district the Hotels or Short-Term Rental who use Booking Agents to advertise or accept reservations for determination of applicable collection periods.
- B. On or before the last day of the month following each quarter of collection, or month of collection if a Hotel or Short-Term Rental is required or elects to file monthly returns, a return for the preceding period's assessment on a form prescribed by the Division must be filed. The return must be filed in such form as the Division may prescribe for payment of the assessment.
- C. Returns must show the amount of assessment owed for the period. The Division may require returns to include additional information to explain the assessment calculation.
- D. The Person required to file the return shall cause to be delivered the return, together with the remittance of the amount of assessment due, to the Division at its office, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the day of delivery for determining delinquencies.
- E. For good cause shown, the Division may extend the time for making any return or payment of the assessment for one month. No further extension will be granted, except by the Director. Any person granted an extension will pay interest at the rate of 1.25 percent per month on the amount of assessment due without proration for a portion of a month or reduction for any prepayments or credits available. If an extension is granted and the assessment and interest due is not paid by the end of the extension granted, then the interest will be added to the assessment due for computation of penalties and additional interest designed elsewhere in this Chapter.
- F. The Division, if deemed necessary in order to ensure payment or facilitate collection by the Division of the amount of assessments in any individual case, may require returns and payment of the amount of assessments for other than quarterly

periods. If a Hotel or Short-Term Rental who use Booking Agents to advertise or accept reservations is required to report on a more frequent basis, the Division will provide a schedule showing the assessment periods, due dates and delinquent dates.

- G.** Any Booking Agent or Transient Lodging Intermediary who collects and remits the Transient Lodging tax imposed under Chapter 6.04, shall also provide a Short-Term Rental Host an option for the Booking Agent or Transient Lodging Intermediary to collect and remit the assessment imposed by this Chapter.

**6.05.080 Disposition of License Fees.**

(Amended by Ordinance No. 187828, effective July 15, 2016.) The Division shall forward revenues collected, minus any amount withheld to cover administrative costs incurred by the Division to the Management Corporation, which shall manage funds pursuant to Section 6.05.120.

**6.05.090 Authority of Director to Adopt Rules, Procedures, and Forms.**

(Amended by Ordinance No. 187828, effective July 15, 2016.)

- A.** The Director may adopt administrative rules, procedures, and forms to implement the provisions of this Chapter.
- B.** Adoption of Rules.
  - 1.** Prior to the adoption of any rule by the Director pursuant to this Section, a public hearing shall be conducted. The Director shall give reasonable public notice of a proposal to adopt rules not less than 10, nor more than 30, days before the public hearing. The notice shall include the place, time, and purpose of the public hearing, a brief description of the proposed rules, and the location at which copies of the full text of the proposed rules may be obtained.
  - 2.** During the public hearing, the Director shall hear statements or receive written comment concerning the proposed rules. The Director shall either adopt the proposed rule, modify it, or reject it, taking into consideration the comments received during the public hearing. If a substantial modification is made, additional public review shall be conducted, but no additional public notice shall be required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules shall be effective upon adoption by the Director. All rules adopted by the Director shall be filed in the Division's office. Copies of all current rules shall be made available to the public upon request.
  - 3.** The Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the

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public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of no longer than 180 days.

**6.05.100 Penalties and Interest.**

(Amended by Ordinance Nos. 187828, 188171 and 189028, effective August 1, 2018.)

- A.** Original Delinquency. Any Licensee that has not been granted an extension of time for remittance of the assessment due and who fails to remit any assessment imposed by this Chapter on or before the due date will pay a late penalty of 10 percent of the amount of the assessment due in addition to the assessment. There is no grace period between the due date and the assessment of penalty and interest; the day following the due date is considered to be the delinquent date.
- B.** Continued Delinquency. Any Licensee who fails to pay in full on or before the due date of an original delinquency notice will pay a second delinquency penalty of 15 percent of the amount of the assessment due plus all penalty and interest assessments at the time of the continued delinquency calculation.
- C.** Fraud. If the Division determines that the nonpayment of any amount due under this Chapter is due to fraud or intent to evade the provisions thereof, a penalty of 25 percent of the assessment shall be added in addition to the late penalties stated in Subsections A. and B. of this Section and interest stated in Subsection D. of this Section. This penalty is calculated on the entire amount due, including any penalties and interest previously assessed at the time of the calculation.
- D.** Interest. In addition to the penalties imposed above, any Licensee that fails to file or pay any assessment imposed by this Chapter will pay interest at the rate of 1 percent per month or fraction thereof without proration for portions of a month, on the amount of the assessment due from the first day following the original due date. Interest shall be compounded monthly until the amount due is paid in full.
- E.** Penalties and interest merged with assessment. Every penalty imposed and such interest as accrues under the provisions of this Section will be merged with and become a part of the assessment required to be paid. If delinquency continues, requiring additional penalty and interest calculations, previously assessed penalty and interest are added to the assessment due. This amount becomes the new base for calculating new penalty and interest amounts. This merging continues each month until the full balance is paid.
- F.** Petition for Waiver. Any Licensee that fails to pay the assessment within the time stated must pay the tax, penalties and interest assessed; however, the Hotel may petition the Division for waiver and refund or credit of all or part of the penalty assessed and the Division may, if a good and sufficient reason is shown, waive



some or all of the penalty assessment. Interest will not be waived except by written policy.

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

(Added by Ordinance No. 187828, effective July 15, 2016.) Any person engaged in hotel management activities aggrieved by a decision of the Division or Director made pursuant to this Chapter may appeal to the Business License Appeals Board or Hearings Officer as allowed in City Code Section 6.04.140 by filing a notice of appeal with the Division Director within 10 days of the service of the notice of a decision. Any hearing will be scheduled by the Business License Appeals Board or Hearings Officer in accordance with rules pertaining to such appeals. The procedures and rules of City Code Section 6.04.140 will apply to any such appeal.

**6.05.110 Civil Penalties.**

(Amended by Ordinance Nos. 187828 and 189028, effective August 1, 2018.)

- A. The Director may impose a civil penalty of up to \$500 for failure to file a return or pay any assessment within 60 days of the Due Date provided in Section 6.05.070.
- B. Failure to separately state on the guest folio, bill or receipt the 2 percent fee if the charge is being passed through to the guest as an additional charge or fee.
- C. The determination of a violation and imposition of a civil penalty under this Section shall be subject to appeal pursuant to Section 6.05.105.

**6.05.120 Revenues and Programs.**

(Amended by Ordinance Nos. 187828 and 189028, effective August 1, 2018.)

- A. Revenues shall be used only for programs which promote overnight tourism and improve the lodging business environment. Programs shall be designed to benefit both Hotels and Short-Term Rental Hosts who use Booking Agents to advertise or accept reservations paying the assessment. Programs may include:
  - 1. Internet, radio, television, and print advertising;
  - 2. Branding efforts;
  - 3. Sales promotions;
  - 4. Sponsorship of special events which attract out-of-town visitors; and
  - 5. Other programs designed to increase overnight stays at Hotels or Short-Term Rentals.

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- B.** Revenues shall be forwarded to and managed by a comprehensive destination marketing organization operating in Portland, which shall be the Management Corporation. The Management Corporation shall:
- 1.** Prepare and submit to the City Council, and make available to lodging businesses, an annual report on expenditures and activities;
  - 2.** Manage funds in accordance with the provisions of this Chapter;
  - 3.** Not be considered a public entity for any purpose; nor shall its Board members be considered public officials for any purpose; and
  - 4.** Enter into an Agreement with the City of Portland relative to management of district funds.
- C.** The Portland Tourism Improvement District is intended to provide supplemental funding for marketing programs above and beyond those currently provided. Portland Tourism Improvement District funds shall supplement the existing funding of one percent of transient lodging tax dedicated to promotion, solicitation, procurement and service of convention business and tourism in the City of Portland.

**6.05.130 Portland Tourism Improvement District Periodic Sunset Review.**

(Amended by Ordinance No. 187828, effective July 15, 2016.) During 2021 and each 10th year thereafter, the City Council shall conduct a public hearing or hearings to determine whether the Portland Tourism Improvement District assessment should be terminated. Prior to the first such hearing in 2021 and each 10th year thereafter, the Division shall mail notice of the hearing to the then current Portland Tourism Improvement District hotels under this Chapter.

**6.05.140 Severability.**

If any portion, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, and if such portion, clause, or phrase is not so substantial that the City Council would not have adopted this Chapter without it, then the remaining portions, clauses, and phrases shall not be affected but shall remain in full force and effect.

**CHAPTER 6.06 - DISTRICT PROPERTY  
MANAGEMENT LICENSE**

(Chapter replaced by Ordinance No. 175729,  
effective July 27, 2001.)

**Sections:**

- 6.06.010 License Required.
- 6.06.020 Definitions.
- 6.06.030 Authority of Manager to Adopt Rules, Procedures and Forms.
- 6.06.040 License.
- 6.06.050 Exemptions from License Requirements.
- 6.06.060 License Transfer.
- 6.06.080 License Term.
- 6.06.090 Preparation and Notice of Fee.
- 6.06.095 Preparation and Notice of Fee Adjustment.
- 6.06.100 Appeals.
- 6.06.110 Registration for License.
- 6.06.120 Interest on Delayed Application.
- 6.06.140 Fee Payment in Two Installments.
- 6.06.145 Fee Payment in One Installment.
- 6.06.150 Penalty and Interest on Failure to Pay Fee.
- 6.06.160 Civil Penalties.
- 6.06.180 Severability.
- 6.06.190 Clean & Safe District.
- 6.06.200 Clean & Safe District Fee Rates for Engaging in Business Property Management Activities.
- 6.06.210 Clean & Safe District Fee Rates for Engaging in Residential Property Management Activities.
- 6.06.211 Clean & Safe District Fee Rates for Engaging in Affordable Residential Rental Property Management Activities.
- 6.06.212 Clean & Safe District Exempt Property.
- 6.06.213 Computation of Clean & Safe District License Fee for Management of Mixed Use Properties.
- 6.06.214 Clean & Safe District Square Footage of Improvements.
- 6.06.215 Pledging of Clean & Safe District License Fee Revenues.
- 6.06.216 Lighting and District Amenities Revenues and Program.
- 6.06.220 Clean & Safe District Periodic Sunset Review.
- 6.06.230 Clean & Safe District Early Termination.
- 6.06.240 Request Annual CPI Increase to be Different than Calculated.
- 6.06.250 Lloyd District.
- 6.06.260 Lloyd District Fee Rates for Engaging in Property Management Activities.
- 6.06.270 Revisions to License Fee Year Schedule.
- 6.06.280 Lloyd District Periodic Sunset Review.

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- 6.06.290 Lloyd District Early Termination.
- 6.06.300 Request That Annual Lloyd District Escalator Be Lowered.
- 6.06.310 Central Eastside Industrial District.
- 6.06.320 Central Eastside Industrial District Fee Rates for Engaging in Property Management Activities.
- 6.06.330 Revisions to License Fee Year Schedule.
- 6.06.340 Central Eastside Industrial District Periodic Sunset Review.
- 6.06.350 Central Eastside Industrial District Early Termination.
- 6.06.360 Request That Annual Central Eastside Industrial District Escalator Be Lowered.

**6.06.010 License Required.**

(Amended by Ordinance No. 185495, effective July 11, 2012.) Any person engaged in property management activities within a District will pay a license fee for such activities covering each license year, or if registration is made after the beginning of a license year, then for the balance of the license year. The term “license,” as used in this Chapter, will not be construed to mean a permit and no physical license will be issued. The license fees prescribed herein are for the privilege of engaging in the activity of property management in a District, and the revenues collected will be used to provide, through a qualified contractor, cleaning, security, crime prevention, business development, transportation, public policy, housing, and marketing and communications services, or any such services, that benefit properties in the District. The payment of a license fee required hereunder and the acceptance of such fee and issuance of a license by the City will not entitle a licensee to engage in any activities not in compliance with all the requirements of this Code, including but not limited to the requirements of Title 7, and all other applicable laws.

**6.06.020 Definitions.**

(Amended by Ordinance Nos. 182925, 185495, 187339 and 189374, effective April 8, 2019.) Unless the context requires otherwise, the terms used in this Chapter will be defined as follows:

- A. “Assessed Value of Improvements” means, for property tax years beginning on or before July 1, 1996, the assessed value of improvements as recorded in the assessment roll for Multnomah County for a specified assessment year and, for property tax years beginning on or after July 1, 1997, the real market value of improvements as recorded in the assessment roll for Multnomah County for a specified assessment year; or, as to property assessed by the Oregon Department of Revenue, the real market value of the property where “real market value” means the minimum amount in cash which could be reasonably expected by an informed seller acting without compulsion from an informed buyer acting without compulsion, in an arm’s length transaction during that assessment year.
- B. “Division” means the Revenue Division of the City of Portland Bureau of Revenue and Financial Services, along with its employees and agents;

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- C.** “Business property” means real property that is not residential property and is not exempt property. If real property in the District in part is residential or exempt property and in part is neither residential nor exempt property, then “business property” is that portion of the real property that is neither residential nor exempt property, including a proportionate share of the land. For a condominium, all condominium units and their undivided interests in the common elements will be treated as a single property;
- D.** “CPI-W” means the Consumer Price Index for Urban Wage Earners and Clerical Workers for Portland-Salem, OR-WA, not seasonally adjusted, as published semi-annually by the United States Bureau of Labor Statistics. Effective January 1, 2018, “CPI-W means the Consumer Price Index for Urban Wage Earners and Clerical Workers for West – Size Class A, not seasonally adjusted, as published by the United States Bureau of Labor Statistics;
- E.** “CPI-W adjustment factor” for a license year means the fraction in which the numerator is the CPI-W HALF1 immediately preceding the commencement of that license fee year and the denominator is the CPI-W for HALF1 for 2011;
- F.** “District” means an enhanced services district as described in this Chapter;
- G.** “Elevator capacity” means the pounds of elevator capacity for elevators type PXH, PXVE, and PXE as recorded in the records of the Building Codes Division of the Oregon Department of Consumer and Business Services;
- H.** “Engaged in property management activities” means:
- 1.** Being financially responsible for a water service provided to a building or, if there is no building on property, to land within the District, in the event there is a single water service serving the property;
  - 2.** Being financially responsible for operation of a business or a residential use that exclusively occupies a building or, if there is no building on property, land within the District, in the event there is no water service serving the property;
  - 3.** Being financially primarily responsible for the indicia of management of property within the District, in cases not covered by Subsection 1. or 2. Indicia of management of property include, in order of importance, but need not be limited to:
    - a.** Being responsible for a water service provided to common areas of a building;



- K.** “Manager” means the Director of the Revenue Division or his or her designee;
- L.** “Notice” means a written document mailed by the Division by first class mail to the last known address of a licensee as provided to the Division in the latest application on file at the Division; or, if mailed to a person who is not a licensee, then to the last known address of the person as provided to the Portland Water Bureau or, if that Bureau has no address record, as provided to the Revenue Division in the latest general business license tax return on file at the Division or, if none, then to such address as may be determined following reasonable investigation;
- M.** “Person” means a natural person, sole proprietorship, partnership, joint venture, association, club, trust estate, corporation (for profit or not-for-profit), or any other entity capable of engaging in property management activities within the District;
- N.** “Qualified contractor” means a non-profit corporation or other non-profit entity established by property owners or licensees in the District for the purpose of providing services that benefit the District;
- O.** “Residential Property” means real property that is exclusively in residential use and is not exempt property. If part of real property is in residential use and part is not in residential use or is exempt property, then “residential property” is that portion of the real property that is exclusively in residential use and is not exempt property, and a proportionate share of land. Property is considered to be in residential use if the use is within a “Residential Use Category” as defined by Chapter 33.920 of this Code. For a condominium, all condominium units and their undivided interests in the common elements will be treated as a single property; and
- P.** “Square feet” and “square footage,” except as otherwise expressly stated in this Chapter, means square footage as recorded in the records of the Multnomah County Office of Assessment and Taxation or, if not so recorded, as measured using the same method as used by the Multnomah County Office of Assessment and Taxation.

**6.06.030 Authority of Manager to Adopt Rules, Procedures and Forms.**

(Amended by Ordinance No. 185495, effective July 11, 2012.)

- A.** The Manager may adopt rules, procedures and forms to implement the provisions of this Chapter.
- B.** Adoption of Rules.
  - 1.** Prior to the adoption of any rule by the Manager pursuant to this Section, a public hearing will be conducted. The Manager will give reasonable public notice of his or her proposal to adopt rules not less than ten nor more than

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thirty days before such public hearing. Such notice will include the place, time, and purpose of the public hearing, a brief description of the proposed rules, and the location at which copies of the full text of the proposed rules may be obtained.

2. During the public hearing, the Manager will hear statements or receive written comment concerning the proposed rules. The Manager will either adopt the proposed rule, modify it, or reject it, taking into consideration the comments received during the public hearing. If a substantial modification is made, additional public review may be conducted, but no additional public notice will be required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules will be effective upon adoption by the Manager. All rules adopted by the Manager will be filed in the Bureau's office. Copies of all current rules will be made available to the public upon request.
3. Notwithstanding Subsections 6.06.030 B.1.-2., the Manager may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph will be effective for a period of not longer than 180 days.

**6.06.040 License.**

(Amended by Ordinance No. 185495, effective July 11, 2012.) No person will engage in property management activity within the District unless such person first will have paid a license fee installment as described in Subsection 6.06.140.

**6.06.050 Exemptions from License Requirements.**

Persons who the city is prohibited from licensing or 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 are exempt from the license requirements imposed by this Chapter, to the extent of any such prohibition.

**6.06.060 License Transfer.**

(Amended by Ordinance No. 185495, effective July 11, 2012.)

- A. Except as provided in this Section, no license will be transferable from one person to another.
- B. The Bureau may allow transfer of a license for the balance of its term to a successor or transferee who continues the acts that constituted property management activities requiring a license under this Chapter. Any transfer will be reported to the Bureau in writing or on a form provided by the Bureau and will be effective when the



Bureau approves the transfer as complete. The licensee will be responsible for any license fee installments which become payable prior to the Bureau's approval; and the transferee will be responsible for any license fee installments which become payable after the Bureau's approval.

**6.06.070 Contents of License.**

(Repealed by Ordinance No. 185495, effective July 11, 2012.)

**6.06.080 License Term.**

(Amended by Ordinance No. 185495, effective July 11, 2012.)

- A. Each license issued under this Chapter will be dated as of the first day of the month in which the license is issued or was required to have been obtained. Each license issued under this Chapter will expire on the day prior to the beginning of the new license year. In no case will a license be valid in excess of 12 months.

**6.06.090 Preparation and Notice of Fee.**

(Amended by Ordinance No. 185495, effective July 11, 2012.) On or before August 1 of each year, the Bureau will make a preliminary determination of each person engaged in property management activity within the District and subject to the license fee requirement and of the amount of license fee payable by the person for the next license year. On or before August 1, the Bureau will mail to each person preliminarily determined to be engaged in property management activity within the District and subject to the license fee requirement a notice which contains the following information:

- A. That the Bureau has determined the person is engaged in property management activity within the District that is subject to the license fee requirement;
- B. The amount of the license fee the Bureau has determined to be payable by the person for the next license year, including the data and formula used in determining the amount;
- C. The activities which constitute being engaged in property management activities, as defined in Subsection 6.06.020 H.1.-3.;
- D. The activities which do not constitute being engaged in property management activities, as defined in Subsection 6.06.020 H.4.;
- E. The exemption provisions of Section 6.06.050 and the definition of exempt property as set out in Section 6.06.020 I. and any other provision of this Chapter applicable to the District;
- F. That any appeal from the determinations of the Bureau as to the person's engagement in property management activity within the District, as to the person's being subject to the license fee requirement, or as to the amount of the license fee

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payable by the person for the next license year, must be filed in writing with the Bureau not later than 30 days after the notice is mailed. Appeal information from Section 6.06.100 will be included with the notice.

**6.06.095 Preparation and Notice of Fee Adjustment.**

(Amended by Ordinance No. 185495, effective July 11, 2012.) In cases in which the sections of this Chapter establishing a license fee formula for the District provide for a license fee adjustment, the Bureau, following City issuance of authorization to occupy improvements or any portion of improvements, will make a preliminary determination of the license fee adjustment for the balance of the license year. The Bureau will mail to the licensee a notice which contains the following information:

- A. That the Bureau has determined that the licensee is subject to a fee adjustment;
- B. The amount of the adjusted license fee the Bureau has determined to be payable by the licensee for the balance of the license year, including the data and formula used in determining the adjusted amount;
- C. That any appeal from the determinations of the Bureau as to the person's being subject to a license fee adjustment, or as to the adjusted amount payable for the balance of the license year, must be filed in writing with the Bureau not later than 30 days after the notice is mailed.

Failure to receive notice as provided in this Section will not relieve a person from the obligation to pay an adjusted license fee payable under this Chapter.

**6.06.100 Appeals.**

(Amended by Ordinance Nos. 176955 and 185495, effective July 11, 2012.)

- A. Persons to whom the Bureau mails a notice under Section 6.06.090 will be presumed to be engaged in property management activity within the district, to be subject to the license fee requirement, and to be liable for the amount indicated in the notice as the license fee payable by the person for the next license year, unless the person files with the Bureau an appeal not later than 30 days after the date of mailing of the notices.
- B. Persons to whom the Bureau mails a notice under Section 6.06.095 will be presumed to be subject to a license fee adjustment, and to be liable for the adjusted amount indicated in the notice as payable for the balance of the license year, unless the person files with the Bureau an appeal not later than 30 days after the date of mailing of the notices.
- C. A person may appeal a preliminary determination of the Bureau made under Section 6.06.090 on the following grounds:

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1. The person is not engaged in property management activity within the District as defined in Subsection 6.06.020 H.1.-4.;
  2. The person is not subject to the license fee requirement because the person is exempt under Section 6.06.050;
  3. The amount of license fee determined by the Bureau to be payable by the person for the next license year is incorrect because the data reviewable under Subsection E. of this Section or the application of the formula to the data is incorrect.
- D.** A person may appeal a preliminary determination of the Bureau made under Section 6.06.095 on the following grounds:
1. The licensee is not subject to a fee adjustment;
  2. The amount of the adjusted license fee determined by the Bureau to be payable by the person for the balance of the license year is incorrect because the data reviewable under Subsection E. of this Section or the application of the formula to the data is incorrect.
- E.** The Bureau, in its discretion, may grant an appeal without audit or may audit an appeal to determine whether the appeal should be granted. The audit may include review of such evidence as the Bureau deems appropriate. If the person appeals on the ground that the data used in determining the license fee payable are incorrect, the Bureau will not be bound by the data contained in the record sources identified in the sections of this Chapter establishing the license fee formula for the District and may consider other evidence as to data, except that the Bureau will be bound by the assessed value data as recorded in the Multnomah County assessment roll, by the square footage data as recorded in the records in the Multnomah County Office of Assessment and Taxation, by the City Bureau of Development Services written documentation of authorization to occupy improvements or portions of improvements, by the City Bureau of Development Services building permit application records of the cost of physical changes, and by the City Bureau of Development Services building permit application records of the additional square feet of improvements, when those record sources are designated for use by a section of this Chapter establishing the license fee formula for the District. In the event the Bureau determines that an appeal should or should not be granted, in whole or in part, then the Bureau will give the appealing person written notice of the determination and the reasons, by mail or personal delivery. The Bureau's determination is final.

**6.06.110 Registration for License.**

(Amended by Ordinance No. 185495, effective July 11, 2012.)

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- A. All persons required to obtain a license under this Chapter may register with the Bureau either in writing or on specific forms if provided by the Bureau. Registrations will be filed, together with the specified license fee installment if known or due at the time of registration:
  - 1. Before the property manager engages in property management activities in the District; or
  - 2. Prior to commencement of the new license year.
- B. The Bureau may, for good cause, allow further time for filing registrations, except that no extension may be granted for more than 30 days.
- C. The registration may contain a written declaration, verified by the property manager, that the statements made therein are true.
- D. The Bureau will prepare information containing appropriate data and fee calculations and make them available at its office, on request. Failure to receive or secure a form, file a registration or to receive notice as provided in Section 6.06.090, will not relieve a person from the obligation to pay a license fee and register for a license under this Chapter.

**6.06.120 Interest on Delayed Application.**

(Amended by Ordinance No. 185495, effective July 11, 2012.) When the time for filing a license registration is extended at the request of the applicant, interest at the rate specified in Subsection 6.06.150 B. will be added and paid on the license fee installment or portion thereof not paid within the time originally allowed.

**6.06.140 Fee Payment in Two Installments.**

(Amended by Ordinance No. 185495, effective July 11, 2012.) Except as otherwise provided by Section 6.06.145, District license fees will be payable as follows:

- A. Except as provided in Subsection F. of this Section, the license fee computed under a section of this Chapter establishing a license fee formula for the District will be payable in two equal installments, with the first installment due on October 1 of the license year and the second installment due on April 1 of the license year.
- B. On or before February 15 of each license year, the Bureau will mail notice to each licensee stating the amount of the second installment payable on April 1 of the license year.
- C. The property manager or licensee on record as of the billing date of the notice of fee each license year is presumed to be the responsible party for the entire license year unless the Bureau approves the transfer to another property manager or licensee under Section 6.06.060. If the licensee has not engaged in property management activities within the District until after the beginning of the license

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year and a transfer has been approved, then the fee payment required will be the next installment due, provided that the property management activities within the District began no later than the billing notice of the next installment.

- D.** In computing the license fee payable by a licensee who has not engaged in District business property management activities until after the beginning of a license year, no fee shall be payable in relation to any real property which, for that license year, has been paid by another licensee.
- E.** In case of a license fee adjustment under a subsection of this Chapter establishing a license fee formula for the District:
  - 1.** The amount of any adjustment increase allocable to the portion of the license year between October 1 and March 31 will be due 30 days after the Bureau's mailing of notice of the fee adjustment to the licensee under Section 6.06.095, subject to any change in the adjustment in an appeal under Subsection 6.06.100 B.
  - 2.** The amount of any adjustment increase allocable to the portion of the license year between April 1 and September 30 will be due on April 1 of the license year or 30 days after the Bureau's mailing of notice of the fee adjustment to the licensee under Section 6.06.095, whichever is later, subject to any change in the adjustment in an appeal under Subsection 6.06.100 B.
  - 3.** The amount of any adjustment decrease allocable to the portion of the license year between October 1 and March 31, provided that the amount previously determined to be due as of that October 1 has already been paid, will be refunded to the licensee or credited to an outstanding installment amount due within 30 days after the Bureau's mailing of notice of the fee adjustment to the licensee under Section 6.06.095, subject to any change in the adjustment in an appeal under Subsection 6.06.100 B.; and
  - 4.** The amount of any adjustment decrease allocable to the portion of the license year between April 1 and September 30, provided that the amount previously determined to be due as of that April 1 has already been paid, will be refunded to the licensee or credited to an outstanding installment amount due within 30 days after the Bureau's mailing of notice of the fee adjustment to the licensee under Section 6.06.095, subject to any change in the adjustment in an appeal under Subsection 6.06.100 B.

**6.06.145 Fee Payment in One Installment.**

(Amended by Ordinance No. 185495, effective July 11, 2012.) If a qualified contractor for a District has filed a written request approved by resolution of the City Council that the District license fee be payable in one installment, District license fees for future license fee

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years will be payable as follows, until such time as the City Council by resolution determines that the District license fee will be payable in two installments in accord with Section 6.06.140:

- A.** Except as provided in Subsection E. of this Section, the license fee computed under a section of this Chapter establishing a license fee formula for the District will be payable in one installment due on October 1 of the license year.
- B.** Each registration for a license, will be accompanied by payment of the license fee for the license year if known.
- C.** The property manager or licensee on record as of the billing date of the notice of fee each license year is presumed to be the responsible party for the entire license year unless the Bureau approves the transfer to another property manager or licensee under Section 6.06.060.
- D.** In computing the license fee payable by a licensee who has not engaged in District business property management activities until after the beginning of a license year, no fee will be payable in relation to any real property which, for that license year, has been included in computing the license fee payable by another licensee.
- E.** In case of a license fee adjustment under a subsection of this Chapter establishing a license fee formula for the District:
  - 1.** The amount of any adjustment increase for a license year will be due 30 days after the Bureau's mailing of notice of the fee adjustment to the licensee under Section 6.06.095, subject to any change in the adjustment in an appeal under Subsection 6.06.100 B.
  - 2.** The amount of any adjustment decrease for a license year, provided that the amount previously determined to be due has already been paid, will be refunded to the licensee or credited to an outstanding installment amount due within 30 days after the Bureau's mailing of notice of the fee adjustment to the licensee under Section 6.06.095, subject to any change in the adjustment in an appeal under Subsection 6.06.100 B.

**6.06.150 Penalty and Interest on Failure to Pay Fee.**  
(Amended by Ordinance No. 185495, effective July 11, 2012.)

- A.** If a person:
  - 1.** Fails to file a correct registration at the time required by or under this Chapter; or

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2. Fails to pay a fee installment at the time it becomes due, unless it is shown that the failure is due to reasonable cause and not due to neglect, then there will be added to the amount of a fee installment a penalty of:
  - a. 5 percent of the amount of the unpaid fee installment, but not less than \$20, if the failure is for not more than 1 month; and
  - b. Additional penalties of 5 percent of the unpaid fee installment for each additional month or fraction thereof during which the failure continues, up to a maximum of four (4) additional months.
- B. Interest will be collected on any unpaid fee installment at the rate of 10 percent simple interest per annum, computed on the balance still due at the end of each month following the date the fee installment became due. For purposes of this subsection, “unpaid fee installment” will not include penalties or interest.
- C. If a person fails to file a registration on the prescribed date, as determined with regard to any extension for filing, the Bureau may determine the fee and fee installment payable. If the Bureau determines the fee and fee installment payable, the Bureau will determine appropriate penalties and interest and will send notice to the person of the determination.
- D. The Bureau may apply payments to penalty and interest assessments before applying payments to fee installments due.

**6.06.160 Civil Penalties.**

(Amended by Ordinance No. 185495, effective July 11, 2012.)

- A. The Manager may impose a civil penalty of up to \$500 for each of the following violations of this Chapter:
  1. Failure to file any registration within 90 days of the Bureau’s original written notice to file;
  2. Failure to pay any fee installment within 90 days of the Bureau’s original written notice for payment.
- B. The Manager may only impose a civil penalty under this section if the Bureau gives notice of the potential for assessment of civil penalties for failure to comply in the original written preliminary determination notice issued under Sections 6.06.090 and 6.06.095.
- C. The determination of a violation and imposition of a civil penalty under this Section will be subject to appeal to the Code Hearings Officer under the provisions of Chapter 22.10 of this Code.

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**6.06.180 Severability.**

(Amended by Ordinance No. 185495, effective July 11, 2012) If any portion, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, and if such portion, clause, or phrase is not so substantial that the City Council would not have adopted this Chapter without it, then the remaining portions, clauses, and phrases will not be affected but will remain in full force and effect.

**6.06.190 Clean & Safe District.**

(Amended by Ordinance No. 185495, effective July 11, 2012.)

- A.** The Clean & Safe District is that area within the boundaries formed by NW and SW Front Avenue on the east; SW Harrison between SW Front and SW 4th; SW 4<sup>th</sup> between SW Harrison and SW Market; SW Market between SW 4th and SW 9th; SW 9th between SW Market and SW Salmon; SW Salmon between SW 9th and SW 11th; SW 11th between SW Salmon and W Burnside; W Burnside between 11th and 9th; NW 9th between W Burnside and NW Hoyt; NW Hoyt between NW 9th and NW Broadway; and the Broadway Bridge on the north; but excluding the area known as 1800 SW First Avenue, more particularly described as part of Block 1, South Auditorium Addition, Blocks A, B, I, J and partial Block H (all comprising Tax Lot 2 of Block 1), at the southeast corner of the District.
- B.** Notwithstanding the exclusion set out in Subsection A. of this Section, beginning with the license year commencing October 1, 2004, the Clean & Safe District also will include the area known as 1800 SW First Avenue, more particularly described as part of Block 1, South Auditorium Addition, Blocks A, B, I, J and partial Block H (all comprising Tax Lot 2 of Block 1), at the southeast corner of the District.

**6.06.200 Clean & Safe District Fee Rates for Engaging in Business Property Management Activities.**

(Amended by Ordinance Nos. 175840, 176776, 176955, 179000 and 185495, effective July 11, 2012.)

- A.** The fee established by this Chapter for management of business property in the Clean & Safe District in a license year will be the sum of the following amounts, computed separately in relation to each such property within the District as to which the licensee is engaged in property management activities:
  - 1.** \$.87 (cents) per \$1,000 of value of improvements, measured as set out in Subsection B. of this Section;
  - 2.** Plus \$5.52 per 290 square feet of the sum of improvements and land square footage as of the July 1 immediately preceding commencement of the license fee year;



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3. Plus \$.46 (cents) per pound of elevator capacity as of the July 1 immediately preceding commencement of the license fee year;
4. Plus 2.5 percent of the sum of Subsections A.1. through 3., as to any business property as to which the licensee is engaged in property management activities, if the business property is among the 50 District business properties used primarily for business activities with the highest value of improvements; and
5. Less 2.5 percent of the sum of Subsections A.1 through .3., as to any business property as to which the licensee is engaged in property management activities, if the business property is among the 51st to the 150th District business properties used primarily for business activities with the highest value of improvements;
6. Plus 15 percent of the amounts determined under subsections A.1. through 5.;
7. Plus \$.01401 (1.401 cents) per square foot of improvements and, for surface parking lots, per square foot of land square footage, as of the July 1 immediately preceding commencement of the license fee year;
8. Plus 20.03 percent of the amounts determined under Subsections A.1. through 7. which is the inflation that occurred during license years 2001 through 2011.
9. Plus the total of the amounts determined under Subsections A.1. through 7. multiplied by the CPI-W factor, for license fee years commencing on or after October 1, 2012.

**B.** “Value of improvements” under this Section will be measured as follows:

1. For business property as to which, on or after July 1, 1994, there has been no physical change resulting in an increase or decrease in square footage of the sum of improvements and land or in elevator capacity, “value of improvements” is the assessed value of improvements for the 1993-94 property tax assessment year;
2. For business property as to which, on or after July 1, 1994 but before July 1, 1997, there has been physical change resulting in an increase or decrease in square footage of the sum of improvements and land or in elevator capacity, “value of improvements” is the assessed value of improvements for the 1996-97 property tax assessment year, discounted by 8.8 percent;

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- 3.** For business property as to which, on or after July 1, 1997 but before July 1, 2001, there has been physical change resulting in an increase or decrease in square footage of the sum of improvements and land or in elevator capacity, “value of improvements” is:

  - a.** For license fee years that commence before the January 1 immediately preceding the first property tax assessment year in which the assessment roll reflects the change or would reflect it were the property not assessed by the Oregon Department of Revenue, the amount determined under whichever of Subsections B.1. or 2. or C.1. otherwise would be applicable plus the cost of the physical changes as determined from the City Bureau of Development Review records of all building permits issued authorizing or in association with the physical changes, discounted by a percent equal to 8.8 percent plus an additional 2.9 percent for each year between the 1996-97 assessment year and such occupancy authorization date; or
  - b.** For license fee years that commence after the January 1 immediately preceding the first property tax assessment year in which the assessment roll reflects the change or would reflect it were the property not assessed by the Oregon Department of Revenue, the assessed value of improvements for the first assessment year in which the assessment roll reflects the physical change or would reflect it were the property not assessed by the Oregon Department of Revenue, discounted by a percent equal to 8.8 percent plus an additional 2.9 percent for each year between the 1996-97 assessment year and such first assessment year;
- 4.** For business property as to which, on or after July 1, 2001, there has been physical change resulting in an increase or decrease in square footage of the sum of improvements and land square footage or in elevator capacity, but the physical change has not resulted in there being a new building on the property, “value of improvements” is the amount determined under whichever of Subsections B.1., 2., or 3. otherwise would be applicable, multiplied by a fraction the numerator of which is the square footage of improvements after the physical change and the denominator of which is the square footage of improvements prior to the physical change. For purposes of this Subsection and Subsection B.5. of this Section, building on a property will be considered new if the cost of the physical change, as determined from the City Bureau of Development Services records of all building permits issued authorizing or in association with the physical change, is more than 50 percent of the assessed value of improvements on the property immediately prior to the physical change;

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5. For business property as to which, on or after July 1, 2001, there has been physical change that has resulted in there being a new building on the property, “value of improvements” is \$73 per square foot of improvements.
- C. Notwithstanding Subsections A. and B. of this Section, if as of July 1 immediately preceding commencement of a license year, the Multnomah County Assessor in accord with ORS 307.340 has cancelled the property tax assessment on a business property building, structure, or addition for the property tax assessment year beginning on that July 1, then:
1. For purposes of initially determining the license fee for such license year, the value of improvements, improvements square footage, and elevator capacity attributable to the business property building, structure, or addition will be deemed to be zero; and
  2. If, after that July 1 and prior to completion of such license year the City Bureau of Development Services issues an authorization to occupy the building, structure, or addition as to which the property tax assessment was cancelled, then the license fee payable for such license year will be adjusted. For purposes of adjustment, value of improvements will be measured as set out in set out in Subsection B. of this Section, improvements square footage will be measured as of the date of such authorization, and elevator capacity will be measured as of the date of such authorization. The adjusted license fee will be the amount determined under Subsection A. of this Section multiplied by a fraction, the numerator of which is the number of whole and partial months after the date of such authorization remaining in the license year and the denominator of which is twelve. For purposes of this Subsection, the date of such authorization will be the date the Bureau of Development Services issues a written authorization to occupy all new improvements on the business property or the date 180 days after the Bureau issues a written authorization to occupy some but not all new improvements on the property, whichever occurs first.

**6.06.210 Clean & Safe District Fee Rates for Engaging in Residential Property Management Activities.**

(Amended by Ordinance Nos. 175840, 176955 and 185495, effective July 11, 2012.)

- A. The fee established by this Chapter for management of residential property in the Clean & Safe District for a license year, other than affordable residential rental property as defined in Section 6.06.211, will be the sum of the following amounts, computed separately in relation to each such property within the District as to which the licensee is engaged in property management activities:
1. \$.87 (cents) per \$1,000 of value of improvements, measured as set out in Subsection B. of this Section;

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2. Plus \$5.52 per 725 square feet of the sum of improvements and land square footage as of the July 1 immediately preceding commencement of the license fee year;
3. Plus \$.46 (cents) per pound of elevator capacity as of the July 1 immediately preceding commencement of the license fee year;
4. Plus 15 percent of the amounts determined under Subsections A.1. through 3.;
5. Plus 20.03 percent of the amounts determined under Subsections A.1. through 4. which is the inflation that occurred during license years 2001 through 2011.
6. Plus the total of the amounts determined under Subsections A.1. through 4. multiplied by the CPI-W adjustment factor, for license fee years commencing on or after October 1, 2012.

**B.** “Value of improvements” under this Section will be measured as follows:

1. For residential property as to which, on or after July 1, 1994, there has been no physical change resulting in an increase or decrease in square footage of the sum of improvements and land or in elevator capacity, “value of improvements” is the assessed value of improvements for the 1993-94 property tax assessment year;
2. For residential property as to which, on or after July 1, 1994 but before July 1, 1997, there has been physical change resulting in an increase or decrease in square footage of the sum of improvements and land or in elevator capacity, “value of improvements” is the assessed value of improvements for the 1996-97 property tax assessment year, discounted by 8.8 percent;
3. For residential property as to which, on or after July 1, 1997 but before July 1, 2001, there has been physical change resulting in an increase or decrease in square footage of the sum of improvements and land or in elevator capacity, “value of improvements” is:
  - a. For license years that commence before the January 1 immediately preceding the first property tax assessment year in which the assessment roll reflects the change or would reflect it were the property not assessed by the Oregon Department of Revenue, the amount determined under whichever of Subsections B.1. or 2. or C.1. otherwise would be applicable plus the cost of the physical changes as determined from the City Bureau of Development Services records of all building permits issued authorizing or in



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capacity attributable to the building, structure, or addition will be deemed to be zero; and

2. If, after that July 1 and prior to completion of such license year the City Bureau of Development Services issues an authorization to occupy new residential improvements on the property, then the license fee payable for such license year will be adjusted. For purposes of adjustment, value of improvements will be measured as set out in Subsection B. of this Section, improvements square footage will be measured as of the date of such authorization, and elevator capacity will be measured as of the date of such authorization. The adjusted license fee will be the amount determined under Subsection A. of this Section multiplied by a fraction, the numerator of which is the number of whole and partial months after the date of such authorization remaining in the license year and the denominator of which is twelve. For purposes of this Subsection, the date of such authorization will be date the Bureau of Development Services issues a written authorization to occupy all new residential improvements on the property or the date 180 days after the Bureau issues a written authorization to occupy some but not all new residential improvements on the property, whichever occurs first.

**6.06.211 Clean & Safe District Fee Rates for Engaging in Affordable Residential Rental Property Management Activities.**

(Amended by Ordinance No. 185495, effective July 11, 2012.)

- A. The fee established by this Chapter for management of affordable residential rental property in the Clean & Safe District for a license year will be the sum of the following amounts, computed separately in relation to each such residential property within the District as to which the licensee is engaged in property management activities:
  1. If the licensee is a not-for-profit corporation or a government entity, \$20 multiplied by the number of affordable residential dwelling units managed by the licensee; and
  2. If the licensee is other than a not-for-profit corporation, \$44 multiplied by the number of affordable residential dwelling units managed by the licensee.
- B. For purposes of this Section, “affordable residential rental property” means single room occupancy housing, as defined in Chapter 33.910 of this Code; low income housing; and subsidized housing. For purposes of this Subsection, low income housing is dwelling units available for rent at rates that are considered affordable, under federal affordability standards in effect on the July 1 immediately preceding commencement of the license year, to persons earning 60 percent or less of the Portland region median income as identified in the records of Metro as of that July

1. For purposes of this Subsection, subsidized housing is housing units available for rent at below market rates because either the units qualify for federal income tax benefits under Section 42 of the Internal Revenue Code; or the units are subsidized through United States Department of Housing and Community Development Section 8 subsidies or other public or private organization subsidies. Subsidized housing includes but is not limited to student housing owned by the Oregon State System of Higher Education and housing owned by non-profit organizations that is subsidized through charitable contributions and grants.

- C. For purposes of this Section, “dwelling units” means dwelling units as defined in Chapter 33.910 of this Code.

**6.06.212 Clean & Safe District Exempt Property.**

(Amended by Ordinance Nos. 182925 and 185495, effective July 11, 2012.) The Clean & Safe District property management license requirements will not apply to exempt property. For purposes of this Section, “exempt property” means exempt property as defined in Subsection 6.06.020 I. and also means exempt residential property. “Exempt residential property” means a dwelling unit as defined in Chapter 33.910 of this Code that is owner-occupied and has its own separate water service.

**6.06.213 Computation of Clean & Safe District License Fee for Management of Mixed Use Properties.**

(Amended by Ordinance No. 185495, effective July 11, 2012.) In computing Clean & Safe District property management license fees under Sections 6.06.200, 6.06.210, and 6.06.211, in relation to property within the District as to which the licensee is engaged in property management activities, where the property is a combination of any two or more of business property that is subject to Section 6.06.200, residential property that is subject to Section 6.06.210, residential property that is subject to Section 6.06.211, exempt property that is subject to Section 6.06.212, or property managed by a person generally exempt under Section 6.06.050 but where the exemption does not apply in relation to part of the property the person manages, the fee in relation to property management activities will be the sum of the following:

- A. For management of the part of the property that is business property subject to Section 6.06.200, the fee computed under Section 6.06.200 computed as though the entire property were such business property, multiplied by a fraction, the numerator of which is the square footage of business property improvements on the property subject to Section 6.06.200 and the denominator of which is the square footage of all improvements on the property;
- B. For management of the part of the property that is residential property subject to Section 6.06.210, the fee computed under Section 6.06.210 computed as though the entire property were such residential property, multiplied by a fraction, the numerator of which is the square footage of residential property improvements on

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the property subject to Section 6.06.210, and the denominator of which is the square footage of all improvements on the property; and

- C. For management of the part of the property that is residential property subject to Section 6.06.211, the fee computed under Section 6.06.211.
- D. If there are common area improvements in a property subject to this Section, then in computing square footage of business property improvements subject to Subsection A. of this Section and of residential property improvements subject to Subsection B. of this Section, such square footage will be deemed to include an allocated portion of the common area improvements. The allocated portion of common area improvements will be determined by multiplying the square footage of common area improvements by a fraction, the numerator of which is the square footage of business property improvements subject to Subsection A. of this Section or the square footage of residential property improvements subject to Subsection B. of this Section, whichever is appropriate, and the denominator of which is the square footage of all improvements on the property less the square footage of the common area improvements.

**6.06.214 Clean & Safe District Square Footage of Improvements.**

(Added by Ordinance No. 176262; Amended by Ordinance No. 185495, effective July 11, 2012.) For purposes of Sections 6.06.200, 6.06.210 and 6.06.213 only, the terms "square footage of improvements" and "improvements square footage" will not include:

- A. Surface area of surface parking lots;
- B. Landscaped area;
- C. Unenclosed sidewalk, plaza, and courtyard area;
- D. Below grade parking area (but, for parking structures that have above grade parking, will include both any at grade parking area within the parking structure and all above grade parking area within the parking structure); and
- E. Other below grade area unless improved for occupancy by employees or tenants.

**6.06.215 Pledging of Clean & Safe District License Fee Revenues.**

(Amended by Ordinance Nos. 176776 and 185495, effective July 11, 2012.)

- A. In addition to the uses of District revenues set out in Section 6.06.010, the City, if so requested in writing by a qualified contractor and approved by the City Council, may pledge Clean & Safe District license fee revenues as security for City debt incurred to finance the design, acquisition, construction, and installation of improvements within the District and may pledge Clean & Safe District license fee revenues to a qualified contractor or its designee in order that the contractor or designee may have revenues sufficiently ensured to enable the contractor or



designee to incur debt to finance the design, acquisition, construction, installation, operation and maintenance of improvements within the District. Any such pledge of Clean & Safe District license fee revenues will be subject to any limitations set out in Oregon law or in the City Charter. In addition, no City pledge or combination of pledges under this Section for City payment of actual debt service or to enable the qualified contractor or its designee to make payments of actual debt service, but not including pledges to provide excess coverage for City payment of actual debt service or to enable the qualified contractor or its designee to provide excess coverage for payments of actual debt service, at any time will exceed one-third of the Clean & Safe District license fee revenues.

- B.** In making a request under Subsection A. of this Section, the qualified contractor will submit to the City a description of the improvements to be funded in whole or in part with the proceeds of the debt financing. The request also will include a description of any previously provided Clean & Safe District services proposed to be reduced or not provided due to the pledge of the District license fee revenues.
- C.** Notwithstanding Section 6.06.010, if the City pledges District license fee revenues for City debt incurred in accord with this Section, the City will retain the pledged portion of the District license fee revenues, to be used for repayment of the debt.

**6.06.216 Lighting and District Amenities Revenues and Program.**

(Added by Ordinance No. 176776; amended by Ordinance Nos. 179000, 185495 and 186288, effective November 15, 2013.)

- A.** As used in this Chapter, “lighting revenues” means that portion of Clean & Safe District revenues collected under Subsection 6.06.200 A.7. as adjusted each year under Subsection 6.06.200 A.8.
- B.** As used in this Chapter, “lighting program” means the design, acquisition, construction, installation, operation, and maintenance of all components, including but not limited to electrical connections and decorative lighting fixtures, necessary for a seasonal and decorative lighting system within portions of the District.
- C.** As used in this Chapter, “district amenities revenue” means that portion of Clean & Safe District revenues collected under Subsection 6.06.200 A.7. as adjusted each year under Subsection 6.06.200 A.8. in excess of amounts necessary to fund the lighting program in Subsection B. in a given year.
- D.** As used in this Chapter, “district amenities program” means the design, acquisition, construction, installation, operation, and maintenance of all components of amenities that improve the safety, function, and appearance of downtown sidewalks including but not limited to:
  - 1.** Trash receptacles, including solar trash compactors;

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2. Co-located publication boxes.
- E. Notwithstanding Section 6.06.010, lighting revenues and district amenities revenues will be used only:
1. For the lighting program and district amenities program as set forth above, including but not limited to the pledging of such revenue as provided under Section 6.06.215;
  2. For a proportionate share of the Bureau's costs of administration of the license fee directed by the City Council to be recovered from license fee revenues, based on the ratio of lighting revenue and district amenities revenues to total District revenues; or
  3. If a qualified contractor determines that lighting revenue and district amenities revenues in a license year will exceed or have exceeded the costs and expenses of the lighting program and the district amenities program in that license year and that the excess revenues will not be needed to fund a prudent reserve or for the costs and expenses of the lighting program and district amenities program in future license years, then for distribution by the qualified contractor to the payers of the lighting revenues and district amenities revenues of that portion of the excess determined by the qualified contractor not to be so needed, in proportion to the amount paid by each payer in the license year that produced the excess.

**6.06.220 Clean & Safe District Periodic Sunset Review.**

(Amended by Ordinance No. 185495, effective July 11, 2012.) During 2011 and each tenth year thereafter, the City Council will conduct a public hearing or hearings to determine whether the Clean & Safe District property management license fee should be terminated. Prior to the first such hearing in 2011 and in each tenth year thereafter, the City will mail notice of the hearing to the then current Clean & Safe District licensees under this Chapter.

**6.06.230 Clean & Safe District Early Termination.**

(Amended by Ordinance No. 185495, effective July 11, 2012.) If the City Council, on or before March 30 of any license fee year, receives written objections signed in that license fee year by licensees responsible for more than 33 percent of the total revenues generated from the Clean & Safe District property management license fee during that year, then the license fee for the Clean & Safe District will be terminated as of September 30 of that license fee year except that the fee will continue, at a rate reduced equally proportionally as to each licensee, to the extent necessary to meet any City pledge obligations incurred as authorized by Section 6.06.215.

**6.06.240 Request Annual CPI Increase to be Different than Calculated.**

(Added by Ordinance No. 185495; amended by Ordinance No. 187339, effective October 16, 2015.)

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- A.** The contractor's Board of Directors may recommend that the annual CPI adjustment be set to an amount other than the CPI calculation, but not less than zero for a license year.
- 1.** The Board must pass a resolution during a regular board meeting and submit the resolution, any minutes from the meeting and the results of the vote to the Revenue Division no later than June 10th. The resolution must contain the following information:
    - a.** The reason why the board is requesting the annual CPI adjustment to be set at a rate that is different than calculated;
    - b.** What the CPI adjustment amount for the license year should be; and
    - c.** The impact on the upcoming budget that will result if a different CPI adjustment is made, specifically as it relates to contract employee wages and contract service levels.
    - d.** The impact to District services.
  - 2.** The Revenue Division will review the information from the contractor's Board of Directors and evaluate impacts to contract employee wages to ensure wages for these employees do not decrease inappropriately as a result of a lower CPI adjustment. The Revenue Division will make a recommendation to City Council if a different CPI adjustment is warranted for the upcoming license year.
  - 3.** City Council must approve a different CPI adjustment prior to August 1st;
  - 4.** An approved different CPI adjustment will apply to the license year that begins on October 1st.
- B.** Once one or more different CPI adjustments have been approved by City Council, the Revenue Division has authority to adjust the CPI component in the fee rate formulas in Subsections 6.06.200 A.9., and 6.06.210 A.6. The Revenue Division will document via written policy all changes to the CPI calculation as a result of City Council approval and this policy will supersede the calculation defined in Subsection 6.06.020 E.

**6.06.250 Lloyd District.**

(Amended by Ordinance No. 186356, effective November 27, 2013.) The Lloyd District is that area within the boundaries formed by the Willamette River, from the Broadway Bridge to the point just south of the Oregon Convention Center at which NE Lloyd Boulevard reaches the River; NE Lloyd Boulevard, from the Willamette River to NE 16th Avenue; NE 16th Avenue curving into NE 15th Avenue, from NE Lloyd Boulevard to NE

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Halsey Street; NE Halsey Street, from NE 15th Avenue to NE Grand Avenue; NE Grand Avenue, from NE Halsey Street to NE Broadway; and NE Broadway, from NE Grand Avenue to the Willamette River.

**6.06.260 Lloyd Business District Fee Rates for Engaging in Property Management Activities.**

(Amended by Ordinance Nos. 176262, 176955, 182925, 185495 and 186356, effective November 27, 2013.)

- A.** Except as set out in Subsection B. of this Section, the fee established by this Chapter for management of business and residential property in the Lloyd District for a license year will be the sum of the following amounts, computed separately in relation to each such property within the District as to which the licensee is engaged in property management activities:
1. \$.40 (cents) per \$1,000 of assessed value of improvements for the 2010-2011 property tax assessment year;
  2. Plus \$2.25 per 290 square feet of improvements as of July 1, 2010;
  3. Plus \$.015 (cents) per square foot of land as of July 1, 2010.
  4. Plus the total of the amounts determined under Subsections A.1. through A.3. multiplied by a 2.3 percent annual escalator for license years commencing on or after February 1, 2015.
- B.** In relation to business and residential property other than exempt residential property where physical changes to the property on or after July 1, 2010 have resulted in an increase or decrease in square footage of improvements, as compared to the square footage as of July 1, 2010, the fee established by this Chapter, for management of such property in the Lloyd District in a license year, will be as provided in this Subsection:
1. During the period between the date the City Bureau of Development Services issues an authorization, documentable by written documentation, to occupy the improvements, or during the period between 180 days after the date the Bureau of Development Services issues such an authorization to occupy any portion of the improvements that was not occupied while the physical changes were being made, and the date of beginning of the license year following the first property tax assessment year in which the assessment roll reflects the physical changes, the fee otherwise payable during the period will be adjusted to the following amount, prorated based on the number of days of the period in the applicable license year:



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property were subject to the fee multiplied by a fraction, the numerator of which is the square footage of the area in which the licensee is engaged in property management activities subject to the fee (including land or improvements, as applicable) and the denominator of which is the square footage of the entire real property parcel (including land or improvements, as applicable).

**3.** In relation to property within the District as to which there is more than one property manager for a given property, the fee for each property manager will be calculated as follows:

**a.** Each property manager's fee will first be computed as though the property manager was subject to the fee for the entire property. That amount will then be multiplied by a fraction, the numerator of which is the square footage of the area for which the property manager is engaged in property management activities subject to the fee (including land or improvements, as applicable), and the denominator of which is the square footage of the entire real property parcel (including land or improvements, as applicable); and

**b.** If there are common area improvements in a property subject to Subsection a. above, then in computing square footage of each property manager's improvements, such square footage will be deemed to include an allocated portion of the common area improvements. The allocated portion of common area improvements will be determined by multiplying the square footage of common area improvements by a fraction, the numerator of which is the square footage of the property improvements subject to this fee for each district manager, and the denominator of which is the square footage of all improvements on the property less the square footage of the common area improvements.

**D.** Notwithstanding the amount of the fee computed under Subsections A., B., and C., of this Section, in no case will the fee payable by a licensee, in relation to all real property within the Lloyd District as to which the licensee is engaged in property management activities, exceed \$35,000 for non-residential zoned property and \$8,500 for non-exempt residential zoned property.

**E.** The Lloyd District license requirements will not apply to exempt property. For purposes of this Section, "exempt property" means exempt property as defined in Section 6.06.020 I. and also means exempt residential property. For purposes of this Section, "exempt residential property" means a dwelling unit as defined in Chapter 33.910 of this Code that is owner-occupied and has its own separate water service; single room occupancy housing, as defined in Chapter 33.910 of this Code; low income housing; and subsidized housing. For purposes of this Subsection, low

income housing is dwelling units available for rent at rates that are considered affordable, under federal affordability standards in effect on July 1, 1997, to persons earning 60 percent or less of the Portland region median income as identified in the records of Metro as of July 1 of each year. For purposes of this Subsection, subsidized housing is housing units available for rent at below market rates because either the units qualify for federal income tax benefits under Section 42 of the Internal Revenue Code, as in effect on January 1, 1997; or the units are subsidized through United States Department of Housing and Community Development Section 8 subsidies, as in effect on January 1, 1997, or other public or private organization subsidies. Subsidized housing includes but is not limited to student housing owned by the Oregon State System of Higher Education and housing owned by non-profit organizations that is subsidized through charitable contributions and grants.

- F.** For purposes of this Section only, the terms "square feet of improvements" and "square footage of improvements" will not include:
1. Surface and structured parking lot area;
  2. Landscaped area;
  3. Unenclosed sidewalk, plaza, and courtyard area; and
  4. Below grade area unless improved for occupancy by employees or tenants.

**6.06.270 Revisions to License Fee Year Schedule.**

(Amended by Ordinance Nos. 178073, 185495, 186356 and 187339, effective October 16, 2015.) Notwithstanding that Sections 6.06.010 through 6.06.180 are based on a license fee year of October 1 through September 30, the license fee year for the Lloyd District will be February 1 through January 31, with the first license fee year to commence February 1, 2001. Therefore, the due dates set out in Sections 6.06.010 through 6.06.180, for purposes of the Lloyd District, will be February 15 and September 15 except that the August 1 date set out in Section 6.06.090 will be January 5. Any other dates are also changed to provide at least 30 days notice before a due date and may be clarified by the Revenue Division in a written policy.

**6.06.280 Lloyd District Periodic Sunset Review.**

(Replaced by Ordinance No. 178073; amended by Ordinance Nos. 185495 and 186356, effective November 27, 2013.) During 2013 and each tenth year thereafter, the City Council will conduct a public hearing or hearings to determine whether the Lloyd District property management license fee should be terminated. Prior to the first such hearing in 2013 and in each tenth year thereafter, the City will mail notice of the hearing to the then current Lloyd District licensees under this Chapter.

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**6.06.290 Lloyd District Early Termination.**

(Added by Ordinance No. 178073; amended by Ordinance Nos. 185495 and 186356, effective November 27, 2013.) If the City Council, on or before July 31 of any license fee year, receives written objections signed in that license fee year by licensees responsible for more than 33 percent of the total revenues generated from the Lloyd District property management license fee during that year, then the license fee for the Lloyd District will be terminated as of January 31 of that license fee year.

**6.06.300 Request That Annual Lloyd District Escalator Be Lowered.**

(Added by Ordinance No. 186356; amended by Ordinance No. 187339, effective October 16, 2015.)

- A.** The Lloyd District contractor's Board of Directors may recommend that the annual 2.3 percent escalator adjustment be set to an amount lower than 2.3 percent for a particular license year.
- 1.** The Board must pass a resolution during a regular board meeting and submit the resolution, any minutes from the meeting and the results of the vote to the Revenue Division no later than October 10th. The resolution must contain the following information:
    - a.** The reason why the board is requesting the annual escalator adjustment be set at a rate that is lower than 2.3 percent;
    - b.** What the Board recommends as the appropriate escalator amount for the license year;
    - c.** The impact on the upcoming budget that will result if a lower escalator adjustment is made, specifically as it relates to contract employee wages and contract service levels; and
    - d.** The impact to District services.
  - 2.** The Revenue Division will review the information from the Lloyd District contractor's Board of Directors and evaluate impacts to contract employee wages to ensure wages for these employees do not decrease inappropriately as a result of a lower escalator adjustment. The Revenue Division will make a recommendation to City Council if a lower escalator adjustment is warranted for the upcoming license year.
  - 3.** City Council must approve a lower escalator adjustment prior to December 1st.
  - 4.** An approved lower escalator adjustment will apply to the next license year that begins on February 1st.



- B.** City Council's approval to decrease the annual escalator for any given year has no effect on future years, and the District contractor's Board must follow the process outlined in Subsection A.1. of this Section for each year it wishes to recommend a rate lower than the prescribed 2.3 percent escalator.

**6.06.310 Central Eastside Industrial District.**

(Added by Ordinance No. 189374, effective April 8, 2019.)

- A.** The Central Eastside Industrial District is that area within the boundaries formed by:
  - 1.** Northern Boundary: The south side of I-84 between the Willamette River and east side of SE 12<sup>th</sup> Avenue;
  - 2.** Southern Boundary: SE Division Place, north side between I-99 and Willamette River; SE Division Street, including the properties on the south side between SE Grand and SE 10th Avenues; both sides between SE 10th and SE 12th Avenues; and SE Hawthorne, including the properties on the south side between SE 10th and SE 11th Avenues, and north side between SE 11th and SE 12th Avenues;
  - 3.** Eastern Boundary: SE 10th Avenue, west side between SE Hawthorne Blvd and SE Division Street; SE 12th Avenue, west side between I-84 and SE Stark Street; including the properties on the east side between SE Stark Street and SE Hawthorn Blvd; I-99, west side between SE Division Place and SE Division Street; and
  - 4.** Western Boundary: Willamette River, between I-84 and north side of SE Division Place.
- B.** The District shall also include the properties immediately on both sides of SE Division Street between SE 10th and SE 12th Avenues and the area within the west side of SE 12th Ave between SE Division Street and SE Ivon Street.
- C.** The District Shall also include the property at 1401 SE Morrison Street.

**6.06.320 Central Eastside Industrial District Fee Rates for Engaging in Property Management Activities.**

(Added by Ordinance No. 189374, effective April 8, 2019.)

- A.** Except as set out in Subsection B. of this Section, the fee established by this Chapter for management of business and residential property in the Central Eastside Industrial District for a license year will be the sum of the following amounts, computed separately in relation to each such property within the District as to which the licensee is engaged in property management activities:

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1. \$.45 (cents) per \$1,000 of assessed value of improvements as of July 1, 2017;
  2. Plus \$3.50 per 290 square feet of improvements less parking structures(s) as of July 1 2017;
  3. Plus \$.02 (cents) per square foot of land as of July 1, 2017.
  4. Plus the total of the amounts determined under Subsections A.1. through A.3. multiplied by a 2.3 percent annual escalator for license years commencing on or after July 1, 2020.
- B.** In relation to business and residential property other than exempt residential property where physical changes to the property on or after July 1, 2017 have resulted in an increase or decrease in square footage of improvements, as compared to the square footage as of July 1, 2017, the fee established by this Chapter, for management of such property in the Central Eastside Industrial District in a license year, will be as provided in this Subsection:
1. During the period between the date the City Bureau of Development Services issues an authorization, documentable by written documentation, to occupy the improvements, or during the period between 180 days after the date the Bureau of Development Services issues such an authorization to occupy any portion of the improvements that was not occupied while the physical changes were being made, and the date of beginning of the license year following the first property tax assessment year in which the assessment roll reflects the physical changes, the fee otherwise payable during the period will be adjusted to the following amount, prorated based on the number of days of the period in the applicable license year:
    - a. The amount determined under Subsection A.1., plus \$.45 (cents) per \$1,000 of the cost of the physical changes, as determined from the City Bureau of Development Services records of all building permits issued authorizing or in association with the physical changes;
    - b. Plus the amount determined under Subsection A.2., plus \$3.50 per 290 additional square feet of improvements, resulting from the physical changes, as determined from the City Bureau of Development Services records of building permits issued authorizing or in association with the physical changes;
    - c. Plus the amount determined under Subsection A.3.

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2. Beginning with the license year following the first property tax assessment year in which the assessment roll reflects the physical changes, the fee will be:
  - a. \$.45 (cents) per \$1,000 of assessed value of improvements for the first property tax assessment year in which the assessment roll reflects the physical changes or would reflect the changes were the property not assessed by the Oregon Department of Revenue;
  - b. Plus \$3.50 per 290 square feet of improvements, as of July 1 of the first property tax assessment year in which the assessment roll reflects the physical changes or would reflect the changes were the property not assessed by the Oregon Department of Revenue;
  - c. Plus the amount set out in Subsection A.3.;
  - d. Plus the total of the amounts determined under Subsections B.2.a. through B.2.c. multiplied by a 2.3 percent annual escalator for the license years commencing on or after July 1, 2020.

**C. In computing the fee as provided in Subsection A. or B.:**

1. In relation to real property within the Central Eastside Industrial District as to which a licensee is engaged in property management activities, where the property in part is exempt residential property or religious organization property or,
2. In relation to persons generally exempt from the license requirements of this Chapter under Section 6.06.050 but where the exemption does not apply to property management activities in relation to part of the property they manage, the fee in relation to property management activities as to such real property will be the fee computed as though management of the entire property were subject to the fee multiplied by a fraction, the numerator of which is the square footage of the area in which the licensee is engaged in property management activities subject to the fee (including land or improvements, as applicable) and the denominator of which is the square footage of the entire real property parcel (including land or improvements, as applicable).
3. In relation to property within the District as to which there is more than one property manager for a given property, the fee for each property manager will be calculated as follows:
  - a. Each property manager's fee will first be computed as though the property manager was subject to the fee for the entire property. That

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amount will then be multiplied by a fraction, the numerator of which is the square footage of the area for which the property manager is engaged in property management activities subject to the fee (including land or improvements, as applicable), and the denominator of which is the square footage of the entire real property parcel (including land or improvements, as applicable); and

- b.** If there are common area improvements in a property subject to Subsection a. above, then in computing square footage of each property manager's improvements, such square footage will be deemed to include an allocated portion of the common area improvements. The allocated portion of common area improvements will be determined by multiplying the square footage of common area improvements by a fraction, the numerator of which is the square footage of the property improvements subject to this fee for each district manager, and the denominator of which is the square footage of all improvements on the property less the square footage of the common area improvements.
- D.** The Central Eastside Industrial District license requirements will not apply to exempt property. For purposes of this Section, "exempt property" means exempt property as defined in subsection 6.06.020 I. and also means exempt residential property. For purposes of this Section, "exempt residential property" means a dwelling unit as defined in Chapter 33.910 of this Code that is owner-occupied and has its own separate water service.
- E.** The Central Eastside Industrial District license fee requirement will be reduced by 50 percent per license year for non profit organizations organized under section 501 of the U.S. Tax Code.
- F.** The Central Eastside Industrial District license fee requirement will be reduced by 50 percent per license year for low income housing. For purposes of this Subsection, low income housing is dwelling units available for rent at rates that are considered affordable, under federal affordability standards in effect on July 1, 1997, to persons earning 60 percent or less of the Portland region median income as identified in the records of Metro as of July 1 of each year.
- G.** For purposes of this Section 6.06.320 only, the terms "square feet of improvements" and "square footage of improvements" will not include:

  - 1.** Surface and structured parking lot area;
  - 2.** Landscaped area;
  - 3.** Unenclosed sidewalk, plaza, and courtyard area; and

4. Below grade area unless improved for occupancy by employees or tenants.

**6.06.330 Revisions to License Fee Year Schedule.**

(Added by Ordinance No. 189374, effective April 8, 2019.) Notwithstanding that Sections 6.06.010 through 6.06.180 are based on a license fee year of October 1, through September 30, the license fee year for the Central Eastside Industrial District will be July 1, through June 30, with the first license fee year to commence July 1 2019. Therefore, the due dates set out in Sections 6.06.010 through 6.06.180, for purposes of the Central Eastside Industrial District, will be July 1 and February 1 except that the August 1 date set out in Section 6.06.090 will be May 1st. Any other dates are also changed to provide at least 30 days notice before a due date and may be clarified by the Revenue Division in a written policy.

**6.06.340 Central Eastside Industrial District Periodic Sunset Review.**

(Added by Ordinance No. 189374, effective April 8, 2019.) During the license year ending 2022 and each tenth year thereafter, the City Council will conduct a public hearing or hearings to determine whether the Central Eastside Industrial District property management license fee should be terminated. Prior to the first such hearing in the license year ending 2022 and in each tenth year thereafter, the City will mail notice of the hearing to the then current Central Eastside Industrial District licensees under this Chapter.

**6.06.350 Central Eastside Industrial District Early Termination.**

(Added by Ordinance No. 189374, effective April 8, 2019.) If the City Council, on or before June 30, of any license fee year, receives written objections signed in that license fee year by licensees responsible for more than 33 percent of the total revenues generated from the Central Eastside Industrial District property management license fee during that year, then the license fee for the Central Eastside Industrial District will be terminated as of June 30 of that license fee year.

**6.06.360 Request That Annual Central Eastside Industrial District Escalator Be Lowered.**

(Added by Ordinance No. 189374, effective April 8, 2019.)

- A. The Central Eastside Industrial District contractor's Board of Directors may recommend that the annual 2.3 percent escalator adjustment be set to an amount lower than 2.3 percent for a particular license year.
  1. The Board must pass a resolution during a regular board meeting and submit the resolution, any minutes from the meeting and the results of the vote to the Revenue Division no later than March 10th. The resolution must contain the following information:
    - a. The reason why the Board is requesting the annual escalator adjustment be set at a rate that is lower than 2.3 percent;



**CHAPTER 6.07 - TAX ON RECREATIONAL  
MARIJUANA SALES**

(Chapter added by Ordinance No. 186857; amended by Resolution No. 37217 (approved at November 8, 2016 election); effective November 8, 2016.)

**Sections:**

- 6.07.010 Purpose.
- 6.07.020 Definitions.
- 6.07.030 Levy of Tax.
- 6.07.035 Exemption of Medical Marijuana Cardholders from Marijuana Tax.
- 6.07.040 Deductions.
- 6.07.050 Seller Responsible for Payment of Tax.
- 6.07.060 Penalties and Interest.
- 6.07.070 Failure to Report and Remit Tax – Determination of Tax by Director.
- 6.07.080 Appeal.
- 6.07.090 Credits/Refunds.
- 6.07.100 Actions to Collect.
- 6.07.110 Violation Infractions.
- 6.07.120 Confidentiality.
- 6.07.130 Audit of Books, Records or Persons.
- 6.07.140 Forms and Regulations.
- 6.07.145 Net Revenues Distribution.
- 6.07.150 Invalidity.
- 6.07.155 Effective Date.

**6.07.010 Purpose.**

(Amended by Resolution No. 37217 (approved at November 8, 2016 election); effective November 8, 2016.) For the purposes of PCC 6.07, every person who sells recreational marijuana, or recreational marijuana-infused products, to consumers within the City is exercising a taxable privilege. The purpose of PCC 6.07 is to impose a tax upon recreational marijuana and recreational marijuana-infused product sales to consumers within the City.

**6.07.020 Definitions.**

(Amended by Resolution No. 37217 (approved at November 8, 2016 election); effective November 8, 2016.) When not clearly otherwise indicated by the context, the following words and phrases as used in PCC 6.07 have the following meanings:

- A. “Director”** means the director of the Revenue Division of the Bureau of Revenue and Financial Services or his/her designee, and includes any Person or entity with whom the City contracts to administer and enforce the Marijuana Tax program or a portion thereof.

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- B.** “**Consumer**” means a person who purchases, acquires, owns, holds or uses marijuana other than for the purpose of resale.
- C.** “**Marijuana**” means the plant of the Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” includes cannabinoid products, cannabinoid concentrates and cannabinoid extracts as those terms are defined in ORS 475B.015. Marijuana does not include industrial hemp, as defined in ORS 571.300.
- D.** “**Oregon Medical Marijuana Program**” means the office within the Oregon Health Authority that administers the provisions of ORS 475B.400 to 475B.525, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto.
- E.** “**Person**” means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the state and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.
- F.** “**Retail sales price**” means the price paid for marijuana, excluding tax, to a Seller by or on behalf of a Consumer of marijuana.
- G.** “**Retail Sale**” means any transfer, exchange, gift or barter of marijuana by a seller to a consumer.
- H.** “**Seller**” means any person who is required to be licensed or has been licensed under ORS 475B.110 to sell marijuana to a consumer within the City of Portland.
- I.** “**Tax**” means either the tax payable by the Seller or the aggregate amount of taxes due from a Seller during the period for which the Seller is required to report collections under PCC 6.07.
- J.** “**Taxpayer**” means any person obligated to account to the Director for taxes collected or to be collected, or from whom a tax is due, under the terms of PCC 6.07.

**6.07.030 Levy of Tax.**

(Amended by Resolution No. 37217 (approved at November 8, 2016 election); effective November 8, 2016.)

- A.** Every Seller exercising the taxable privilege of retail sales of marijuana within the City of Portland is subject to and must pay a tax for exercising that privilege.
- B.** The amount of tax levied is as follows: Three percent of the retail sales price paid to the Seller in a retail sale of marijuana to any Consumer.



**6.07.035 Exemption of Medical Marijuana Cardholders from Marijuana Tax.**

(Added by Resolution No. 37217 (approved at November 8, 2016 election); effective November 8, 2016.)

- A.** As used in this Section, “designated primary caregiver,” “registry identification card” and “registry identification cardholder” have the meanings given those terms in ORS 475B.410.
- B.** Notwithstanding Section 6.07.030:
  - 1.** A tax is not imposed upon the retail sale of marijuana in the City of Portland by a Seller to a registry identification cardholder or to a designated primary caregiver who is purchasing marijuana for a registry identification cardholder; and
  - 2.** A Seller may not collect the tax imposed under Section 6.07.030 from a Consumer if, at the time at which the retail sale of the marijuana occurs, the Consumer provides proof to the Seller that the Consumer:
    - a.** Holds a valid registry identification card under ORS 475B.415; or
    - b.** Holds a valid identification card under ORS 475B.415 (5)(b) and is purchasing the marijuana for a registry identification cardholder.

**6.07.040 Deductions.**

(Amended by Resolution No. 37217 (approved at November 8, 2016 election); effective November 8, 2016.) The following deductions are allowed against sales received by the Seller providing marijuana:

- A.** Refunds of sales actually returned to any Consumer;
- B.** Any adjustments in sales that amount to a refund to a Consumer, providing such adjustment pertains to the actual sale of marijuana and does not include any adjustments for other services furnished by a Seller.

**6.07.050 Seller Responsible for Payment of Tax.**

(Amended by Ordinance No. 188215, effective March 3, 2017.)

- A.** Every Seller must, on or before the last day of the month following the end of each calendar quarter (in the months of April, July, October and January) make a return to the Director, on forms provided by the Revenue Division or designee, specifying the total sales subject to PCC 6.07 and the amount of tax collected under PCC 6.07. The Seller may request, or the Director may establish, shorter reporting periods for any Seller if the Seller or Director deems it necessary in order to ensure collection of the tax. The Director may require further information in the return relevant to the

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payment of the tax. A return is not considered filed until it is actually received by the director.

- B.** The Seller must remit to the Director the full amount of the tax collected for each month by the last day of the subsequent month. Payments must be remitted with forms provided by the Revenue Division or designee, specifying the total sales subject to PCC 6.07 and the amount of tax collected under PCC 6.07. Payments received by the Director for application against existing liabilities will be credited toward the period designated by the Taxpayer under conditions that are not prejudicial to the interest of the City. A condition considered prejudicial is the imminent expiration of the statute of limitations for a period or periods.
- C.** The City will apply non-designated payments in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax.
- D.** If the Director, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the Director may order such a change. The Director also may require additional information in the return relevant to payment of the liability. When a shorter return period is required, penalties and interest will be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. Sellers must hold in trust all taxes collected pursuant to PCC 6.07 on the City's behalf until the Seller makes payment to the Director. A separate trust bank account is not required in order to comply with this provision, unless the Director determines one necessary to ensure collection of the tax.
- E.** Every Seller must keep and preserve in an accounting format established by the Director records of all sales made by the Seller and such other books or accounts as the Director may require. Every Seller must keep and preserve for a period of three years after the tax was due or paid, whichever is later, all such books, invoices and other records. The Director has the right to inspect all such records at all reasonable times.

**6.07.060 Penalties and Interest.**

(Amended by Resolution No. 37217 (approved at November 8, 2016 election) and Ordinance Nos. 188215 and 189004, effective July 1, 2018.)

- A.** Any Seller who fails to remit any portion of any tax imposed by PCC 6.07 within the time required must pay a penalty of 5 percent of the unpaid tax, in addition to the amount of the tax.

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- B.** If any Seller fails to file any return for a period in excess of one month after the return due date, there shall be added to the amount of tax required to be shown on the return a failure to file penalty of 20 percent of the amount of the tax. Thereafter the Director or designee may send a notice and demand to the person to file a report or return within 30 days of the mailing of the notice. If after the notice and demand no report or return is filed within the 30 days, the Director or designee may determine the tax according to the best of its information and belief, assess the tax with appropriate penalty and interest plus an additional penalty of 25 percent of the tax deficiency determined by the department and give written notice of the determination and assessment to the person required to make the filing.
- C.** In addition to the penalties stated in PCC 6.07.060 A. and PCC 6.07.060 B., if tax returns are not filed by the due date for three consecutive years, a penalty of 100 percent of the unpaid tax will be assessed for each year.
- D.** If the Director determines that the nonpayment of any remittance due under PCC 6.07 is due to fraud, a penalty of 25 percent of the entire amount of the tax will be added thereto in addition to the penalties stated in PCC 6.07.060 A., PCC 6.07.060 B. and PCC 6.07.060 C.
- E.** In addition to the penalties imposed, any Seller who fails to remit any tax imposed by PCC 6.07 must pay interest at the annual rate of 5 percent on the amount of unpaid tax from the date on which the remittance first became delinquent until paid. The interest rate will remain at 5 percent unless this rate is adjusted under the administrative authority of the Director or designee to reflect then current national market conditions for interest rates.
- F.** All sums collected, including penalty and interest, will be distributed to the City's Recreational Cannabis Tax Fund.
- G.** Penalties for certain late tax payments may be waived or reduced pursuant to policies and processes adopted by the Director.

**6.07.070 Failure to Report and Remit Tax – Determination of Tax by Director.**

(Amended by Ordinance No. 188215, effective March 3, 2017.)

- A.** If any Seller fails to make any report of the tax required by PCC 6.07 within the time provided in PCC 6.07, the Director may proceed to obtain facts and information on which to base the estimate of tax due. As soon as the Director procures such facts and information upon which to base the assessment of any tax imposed by PCC 6.07 and payable by any Seller, the Director may determine and assess against such Seller the tax, interest and penalties provided for by PCC 6.07.
- B.** If the Director makes a determination as outlined in PCC 6.07.070 A., the Director must give notice to the Seller of the amount assessed. The notice must be personally

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served on the Seller or deposited in the United States mail, postage prepaid, addressed to the Seller at the last known place of address.

- C. The Seller may appeal the determination as provided in PCC 6.07.080. If no appeal is timely filed, the Director's determination is final and the amount assessed is immediately due and payable.

**6.07.080 Appeal.**

(Amended by Ordinance No. 188215, effective March 3, 2017.)

- A. Any Seller aggrieved by any decision of the Director with respect to the amount of the tax owed along with interest and penalties, if any, may appeal the decision to the Director or designee.
- B. The Seller must follow the administrative appeal process that is set forth by the Director or designee.

**6.07.090 Credits/Refunds.**

(Amended by Ordinance No. 188215, effective March 3, 2017.)

- A. The Director may credit to the Seller any tax, interest or penalty amount under any of the following circumstances:
  - 1. The Seller has overpaid the correct amount of tax, interest or penalty; or
  - 2. The Seller has paid more than once for the correct amount owed; or
  - 3. The City has erroneously collected or received any tax, interest or penalties.
- B. If the Director determines the claim is valid, the claimant may take as credit against taxes collected and remitted the amount that was overpaid, paid more than once, or erroneously received or collected by the City.
- C. In cases where there is no future filing to claim the credit or other circumstances where a credit amount should be refunded, the claimant may petition the director to have the credit amount refunded to the claimant.

**6.07.100 Actions to Collect.**

Any tax required to be paid by any Seller under the provisions of PCC 6.07 is a debt owed by the Seller to the city. Any tax collected by a Seller that has not been paid to the City is a debt owed by the Seller to the City. Any person owing money to the City under the provisions of PCC 6.07 is liable to an action brought in the name of the City of Portland for the recovery of the amount owing. In lieu of filing an action for the recovery, the City, when taxes due are more than 30 days delinquent, may submit any outstanding tax to a collection agency. So long as the City has complied with the provisions set forth in ORS

697.105, if the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees.

**6.07.110 Violation Infractions.**

- A.** All violations of PCC 6.07 are also subject to civil penalties of up to \$2,000 per occurrence. It is a violation of PCC 6.07 for any Seller or other person to:
  - 1.** Fail or refuse to comply as required herein;
  - 2.** Fail or refuse to furnish any return required to be made;
  - 3.** Fail or refuse to permit inspection of records;
  - 4.** Fail or refuse to furnish a supplemental return or other data required by the director;
  - 5.** Render a false or fraudulent return or claim; or
  - 6.** Fail, refuse or neglect to remit the tax to the City by the due date.
- B.** The remedies provided by PCC 6.07 are not exclusive and do not prevent the City from exercising any other remedy available under the law.
- C.** The remedies provided by this section do not prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or city ordinance.

**6.07.120 Confidentiality.**

(Amended by Resolution No. 37217 (approved at November 8, 2016 election); effective November 8, 2016.) Except as otherwise required by law, it is unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of PCC 6.07. Nothing in PCC 6.07.120 prohibits any of the following:

- A.** The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana is sold or provided; or
- B.** The disclosure of general statistics in a form which would not reveal an individual Seller's financial information; or
- C.** Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the Director or an appeal from the Director for amounts due the city under PCC 6.07; or

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- D. The disclosure of information to a collection agency in order to collect any delinquent tax amount; or
- E. The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six months or when the tax exceeds \$5,000. The Council expressly finds that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).
- F. The Revenue Division may also disclose and give access to information described in PCC 6.07.120 to:
  - 1. The City Attorney, his or her assistants and employees, or other legal representatives of the City, to the extent the Revenue Division deems disclosure or access necessary for the performance of the duties of advising or representing the Revenue Division, including but not limited to instituting legal actions on unpaid accounts.
  - 2. Other employees, agents and officials of the City, to the extent the Revenue Division deems disclosure or access necessary for such employees, agents or officials to:
    - a. Aid in any legal collection effort on unpaid accounts,
    - b. Perform their duties under contracts or agreements between the Revenue Division and any other department, bureau, agency or subdivision of the City or state relating to the administration of PCC 6.07, or
    - c. Aid in determining whether a Revenue Division account is in compliance with all city, state and federal laws or policies.

**6.07.130 Audit of Books, Records or Persons.**

The City may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of Seller's state and federal income tax return, bearing upon the matter of the Seller's tax return for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due. All books, invoices, accounts and other records must be made available within the city limits and be open at any time during regular business hours for examination by the director or an authorized agent of the director. If any Taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the Director may immediately seek a subpoena from the court to require that the Taxpayer or a representative of the Taxpayer attend a hearing or produce any such books, accounts and records for examination.

**6.07.140 Forms and Regulations.**

(Amended by Resolution No. 37217 (approved at November 8, 2016 election) and Ordinance No. 188215; effective March 3, 2017.)

- A. The Director is authorized to enter into contracts or agreements relating to the administration of PCC 6.07, including intergovernmental agreements with the State of Oregon as provided in ORS 305.620, and to prescribe forms and promulgate rules, policies and regulations to aid in the making of returns, the ascertainment, assessment and collection of the marijuana tax and to provide for:
  - 1. A form of report on sales and purchases to be supplied to all Sellers;
  - 2. The records that Sellers providing, mixing, serving, or handling marijuana and marijuana-infused products must keep concerning the tax imposed by PCC 6.07.
- B. Notwithstanding any other provisions in this Chapter, the State of Oregon, if appointed as the designee, may apply the provisions of ORS 475B.700 to ORS 475B.755 in the administration of the Portland tax.

**6.07.145 Net Revenues Distribution.**

(Added by Resolution No. 37217 (approved at November 8, 2016 election); amended by Ordinance No. 189004, effective July 1, 2018.) Net revenues remaining after collection, refunds, credits, and costs related to administration of the tax will be distributed by the City as follows:

- A. In the course of developing the City's budget, the Bureau of Revenue and Financial Services shall report the projected balance in the Recreational Cannabis Tax Fund at the beginning of the next fiscal year.
- B. Allocation of revenue from the Recreational Cannabis Tax Fund shall occur annually as part of the public budget adoption process followed by Council, with funding allocations made annually by City Council.
- C. These funds shall be allocated in the Adopted Budget for the following purposes:
  - 1. Drug and alcohol education and treatment programs, including but not limited to services that facilitate or increase access to drug and alcohol education and treatment, and programs that support rehabilitation and employment readiness.
  - 2. Public safety, including police, fire, and transportation safety purposes that protect community members from unsafe drivers. Examples include but are not limited to police DUII training and enforcement, support for firefighter

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paramedics, street infrastructure projects that improve safety, and other initiatives to reduce impacts of drug/alcohol abuse.

3. Support for neighborhood small businesses, especially women-owned and minority-owned businesses, including but not limited to business incubator programs, management training, and job training opportunities; and providing economic opportunity and education to communities disproportionately-impacted by cannabis prohibition.

**6.07.150      Invalidation.**

If any section, clause, phrase, sentence or part of this Chapter shall for any reason be adjudged unconstitutional, invalid or unenforceable, it shall only void that part, clause, phrase or section so declared and the remainder shall remain in full force and effect.

**6.07.155      Effective Date.**

(Added by Resolution No. 37217 (approved at November 8, 2016 election); effective November 8, 2016.) This Chapter will be in full force and effect upon approval by the voters in the November 8, 2016 election. The tax levied in PCC 6.07.030 shall be imposed beginning on and after January 1, 2017. The Director is authorized to collect amounts receivable under this Chapter for taxes, interest and penalties.



CHAPTER 6.08 – CONSTRUCTION EXCISE  
TAX

(Chapter added by Ordinance No. 187855, effective  
August 1, 2016.)

**Sections:**

- 6.08.010 Purpose.
- 6.08.020 Definitions.
- 6.08.030 Administration and Enforcement Authority.
- 6.08.040 Administrative Authority Rulemaking.
- 6.08.050 Imposition of Tax.
- 6.08.060 Exemptions.
- 6.08.070 Failure to Pay.
- 6.08.080 Statement of Entire Value of Improvement Required.
- 6.08.090 Interest and Penalties for Failure to Comply.
- 6.08.100 Enforcement by Civil Action.
- 6.08.110 Refunds.
- 6.08.120 Appeals.
- 6.08.130 Dedication of Revenue.

**6.08.010 Purpose.**

This Chapter establishes a Construction Excise Tax on commercial and residential improvements to provide funding for affordable housing in the City of Portland. Chapter 6.08 of the City Code shall be known as the Construction Excise Tax.

**6.08.020 Definitions.**

(Amended by Ordinance No. 187975, effective September 7, 2016.) As used in this Chapter, unless the context requires otherwise:

- A. **“Commercial”** means any structure designed or intended to be used, or actually used, for occupancy for other than residential purposes.
- B. **“Construct”** or **“Construction”** means erecting, constructing, enlarging, altering, repairing, improving, or converting any building or structure for which the issuance of a building permit is required pursuant to the provisions of Oregon law.
- C. **“Improvement”** means any improvements to real property resulting in a new structure, additional square footage added to an existing structure, or the addition of living space to an existing structure.
- D. **“Mass Shelters”** means a structure that contains one or more open sleeping areas, or is divided only by non-permanent partitions, 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

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non-profit agency to provide shelter. For mass shelters, “affordable” means that shelter is provided on a daily basis without a fee. The number of beds is determined by the maximum number of people who can be given overnight accommodations at one time on the site.

- E.** “**Median family income**” means median family income by household size for the Portland Metropolitan Statistical Area as defined by the United States Department of Housing and Urban Development as adjusted for inflation and published periodically.
- F.** “**Net Revenue**” means revenues remaining after the administrative fees described in Section 6.08.130 are deducted from the total Construction Excise tax collected.
- G.** “**Residential**” means structure designed or intended to be used, or actually used, for occupancy for residential purposes including any residential structure, dwelling, or dwelling unit.
- H.** “**Value of Improvement**” means the total value of the improvement as determined by the construction permit or building permit for the Improvement. The Bureau will calculate the total value by determining the value per square foot based on building type using the International Code Council Building Valuation Data Tables and multiplying that value by the area of the new structure or additional square footage from the exterior surface of the outside wall.

**6.08.030 Administration and Enforcement Authority.**

- A.** The Bureau of Development Services is responsible for the administration of this Chapter as described in Sections 6.08.050 and 6.08.060. In exercising the responsibilities of this section, the Bureau of Development Services may act through designated representatives.
- B.** Except as provided in Subsection 6.08.030 A., the Portland Housing Bureau is responsible for administration and enforcement of this Chapter. In exercising the responsibilities of this Section, the Portland Housing Bureau may act through designated representatives.

**6.08.040 Administrative Authority Rulemaking.**

(Amended by Ordinance No. 189078, effective July 18, 2018.)

- A.** The Director of the Portland Housing Bureau may adopt procedures, forms and written policies for administering the Construction Excise Tax. Authority granted to the Director of the Portland Housing Bureau under this Chapter 6.08 may be delegated, in writing, to employees or agents of the Portland Housing Bureau. The Director of the Portland Housing Bureau may adopt rules related to matters within the scope this Chapter 6.08, conforming to the intent and purpose of this Chapter

6.08. Adoption of rules by the Director shall follow the procedures set forth in this Section.

**B. Permanent rules.**

1. Prior to the adoption of a permanent rule, the Director will:
  - a. Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than thirty days before the hearing. The notice must identify the place, time and purpose for the hearing; a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments and the location where copies of the full set of the proposed rules may be obtained. A copy of the notice will be provided to the Office of Community & Civic Life at least thirty days before the hearing.
  - b. At the hearing, a designee of the Director will hear testimony and receive written comments regarding the proposed rules. The designee will provide a recommendation to the Director. The recommendation will take into consideration the comments received.
  - c. The Director will review the recommendation of the designee and may either adopt the proposed rule, modify or reject it.
  - d. If a substantial modification is made to the proposed rule, the Director may adopt the modification as an Interim Rule or provide additional public review prior to adoption.
2. Unless otherwise stated, all rules will be effective two weeks after adoption by the Director.

**C. Interim rules.**

1. The Director may adopt interim rules without prior notice upon a finding that a failure to act promptly will result in a serious threat of injury or hazard to the public health or public or private property. The rule will include specific reasons for the finding.
2. Interim rules may be effective for a period of no longer than 180 days.
3. Not more than 30 days after adoption of an interim rule, public notice of interim rules must be given by publication in a newspaper of general circulation and notice sent to the Office of Community & Civic Life. Such

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notice must also identify the location at which copies of the full set of the interim rules may be obtained.

- D. All final and interim rules must be filed in the offices of the Portland Housing Bureau's Director. All final and interim rules will be made available to the public at the Development Services Center, and posted on the City's website.

**6.08.050 Imposition of Tax.**

- A. Each person who applies to construct a commercial improvement in the City of Portland shall pay a commercial construction excise tax in the amount of 1 percent of the value of the improvement.
- B. Each person who applies to construct a residential improvement in the City of Portland shall pay a residential construction excise tax in the amount of 1 percent of the value of the improvement.
- C. The construction excise tax shall be due and payable prior to the issuance of any building permit by the Bureau of Development Services.

**6.08.060 Exemptions.**

(Amended by Ordinance No. 187975, effective September 7, 2016.)

- A. No tax imposed under this Chapter shall be imposed upon the following improvements:
  - 1. Improvements when the value of improvement is less than or equal to \$100,000;
  - 2. Residential housing units guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income, for a period of at least 60 years following the date of construction of the residential housing;
  - 3. Owner occupied residential properties qualifying under the property tax exemption program under Portland City Code Chapter 3.102.
  - 4. Private school Improvements;
  - 5. Public Improvements as defined in ORS 279A.010;
  - 6. Public or private hospital Improvements;
  - 7. Improvements to religious facilities primarily used for worship or education associated with worship;

8. Agricultural buildings, as defined in ORS 455.315 (2)(a);
  9. Facilities operated by a not-for-profit corporation and that are:
    - a. Long term care facilities, as defined in ORS 442.015;
    - b. Residential care facilities, as defined in ORS 443.400;
    - c. Continuing care retirement communities, as defined in ORS 101.020; or
  10. Mass Shelters.
- B.** Until June 30, 2018, no tax shall be imposed under this Chapter 6.08 on accessory dwelling units as defined by PCC 33.910.
- C.** The Portland Housing Bureau may require any person seeking an exemption to demonstrate that the person is eligible for an exemption and to establish all necessary facts to support the exemption.

**6.08.070 Failure to Pay.**

The Bureau of Development Services may not issue a building permit to any person who has failed to pay the tax required by Section 6.08.050.

**6.08.080 Statement of Entire Value of Improvement Required.**

It is a violation of this Chapter 6.08 for any person to fail to state or to misstate the full value of the improvement.

**6.08.090 Interest and Penalties for Failure to Comply.**

(Amended by Ordinance No. 187975, effective September 7, 2016.)

- A.** Interest. If the Director of the Portland Housing Bureau determines that a person has failed to pay to the City all or any part of the construction excise tax due under this Chapter 6.08, interest shall be due on the entire unpaid amount, assessed 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 fee to the 15th day of the month following the date of the underpayment. Interest amounts properly assessed in accordance with this Section may not be waived or reduced by the Director.
- B.** Penalties. In addition to assessing interest, the Director of the Portland Housing Bureau may assess a penalty of five percent of the otherwise applicable tax liability upon:
1. Any person that initially qualifies for an exemption under Subsections 6.08.060 A.2., 6.08.060 A.3. and 6.08.060 A.10. and the housing units subsequently fail to qualify for the exemption;

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2. Any person who intentionally fails to state the full value of an improvement.
- C. Penalties and interest merged with tax. Any accrued interest and imposed penalties under the provisions of this Section shall be merged with and become a part of the construction excise tax required to be paid under this Chapter 6.08. If delinquency continues, requiring additional penalty and interest calculations, previously assessed penalty and interest are added to the tax due. This amount becomes the new base for calculating new interest amounts.

**6.08.100 Enforcement by Civil Action.**

The construction excise tax, and any assessed interest and penalties, due and owing under this Chapter 6.08 constitutes a debt owing to the City by the person liable for the tax as set forth in Section 6.08.050.

**6.08.110 Refunds.**

- A. The Portland Housing Bureau shall issue a refund to any person who has paid a construction excise tax the amount of the tax actually paid:
1. If the person establishes that the tax was paid for improvements that were otherwise eligible for an exemption under Section 6.08.060.
  2. If the person establishes that construction of the improvements was not commenced and the associated building permit has been cancelled by the Bureau of Development Services;
  3. Upon a determination by either the Director of the Portland Housing Bureau or the Code Hearings Officer that the amount of any construction excise tax, penalty, or interest has been erroneously collected or paid to the City under this Chapter 6.08.
- B. The Portland Housing Bureau shall either refund all amounts due under this section within 30 days of a complete application for the refund or give written notice of the reasons why the application has been denied. Claims for refunds shall be made upon forms provided by the Portland Housing Bureau. The request for the refund must be submitted within three years from the date of payment of the construction excise tax.
- C. Denial of an application for refund may be appealed as provided for in Section 6.08.120.

**6.08.120 Appeals.**

- A. Administrative Review. Any written determination issued by either the Bureau of Development Services or the Portland Housing Bureau applying the provisions of this Chapter 6.08, believed to be in error may be reviewed by the Director of the

Portland Bureau of Housing if requested in writing by the recipient. The request for administrative review must be received within 10 days of the determination, and must include all documentation supporting the request. The Director's determination in the administrative review shall be served by regular mail.

- B.** Appeals. Any written determination from either the Bureau of Development Services or the Portland Housing Bureau applying the provisions of this Chapter 6.08 regarding liability for payment of construction excise taxes, the valuation of may appeal such determination of the Director to the Code Hearings Officer of the City as provided in Chapter 22.10 of this Code.
- C.** The filing of any notice of appeal shall not stay the effectiveness of the written determination unless the Code Hearings Officer so directs.

**6.08.130 Dedication of Revenue.**

- A.** The Bureau of Development Services may retain up to 4 percent of the taxes collected for payment towards the Bureau's administrative expenses related to collection and distribution of the tax.
- B.** For the tax imposed on residential improvements, the net revenues will be distributed as follows:
  - 1.** Fifteen percent of net revenue will be remitted to the Oregon Department of Housing and Community Services to fund home ownership programs.
  - 2.** Fifty percent of net revenue will be transferred to the Portland Housing Bureau Inclusionary Housing Fund to fund finance-based incentives for programs that require affordable housing.
  - 3.** Thirty-five percent of net revenue will be transferred to the Housing Bureau Inclusionary Housing Fund to support the production and preservation of affordable housing units at and below 60 percent median family income.
- C.** For the tax imposed on commercial improvements, 100 percent of net revenue will be distributed to the Housing Bureau Inclusionary Housing Fund to support the production and preservation of affordable housing units at and below 60 percent median family income.

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**CHAPTER 6.09 - NIGHTLY FEE ON SHORT-  
TERM RENTALS**

(Chapter added by Ordinance No. 189031, effective  
August 1, 2018.)

**Sections:**

- 6.09.005 Purpose.
- 6.09.010 Definitions.
- 6.09.020 Fee Imposed.
- 6.09.030 Administrative Authority.
- 6.09.040 Due Dates; Returns and Payments.
- 6.09.050 Registration.
- 6.09.060 Penalties and Interest.
- 6.09.070 Administration and Recordkeeping.
- 6.09.080 Deficiency Determinations; Redeterminations.
- 6.09.090 Business License Appeals Board; Hearings Officer; Appeal; Rules.
- 6.09.100 Civil Penalties.

**6.09.005 Purpose.**

All Booking Agents and Transient Lodging Intermediaries that facilitate the rental of Short-Term Rentals will be charged a fee each night a Guest rents a room. This fee is separate from the transient lodging tax authorized by the Portland City Charter and Chapter 6.04. The revenues from this fee will be used to fund affordable housing and homelessness initiatives in the Portland area.

**6.09.010 Definitions.**

Except where the context otherwise requires, the definitions given in this Section govern the construction of this Chapter.

- A. “Booking Agent” has the same meaning as the term defined in Section 6.04.010.
- B. “Division” means the Revenue Division of the City of Portland Bureau of Revenue and Financial Services, along with its employees and agents;
- C. “Division Director” and “Director” means the director of the Revenue Division of the City of Portland Bureau of Revenue and Financial Services or designee;
- D. “Guest” means a person who rents one or more rooms in a Short-Term Rental on a temporary basis, for any number of days. Any person who signs a monthly rental or fixed-term lease agreement is not considered to be a Guest, but is considered a tenant exercising Long-Term Occupancy.
- E. “Host” means the owner, agent or person who resides at a Short-Term Rental or has been designated by the owner, agent or resident of the Short-Term Rental and



who rents out the Short-Term Rental for transient lodging occupancy either directly or by using a Booking Agent or Transient Lodging Intermediary;

- F.** “Hotel”, for purposes of Chapter 6.09 only, means a commercially zoned structure that was built or remodeled to operate as a hotel or motel for transient lodging purposes.
- G.** “Long-Term Occupancy” means a rental agreement between a property owner and a tenant with the intention of the rental period being an extended period of time, often months or years, governed by a verbal or written monthly rental agreement or a lease. Long-Term Occupancy established a person’s primary residence for voting and income tax purposes.
- H.** “Transient Lodging Occupancy” means the use or possession, or the right to the use or possession for lodging or sleeping purposes of any Short-Term Rental or portion thereof. Transient Lodging Occupancy does not establish or change a person’s primary residence
- I.** “Online Booking Site” means a hosting or other online website that provides a means through which a Host may offer to rent a Short-Term Rental unit for transient lodging or other short-term occupancy;
- J.** “Person” has the same meaning as defined in Section 6.04.010.
- K.** “Rent” has the same meaning as defined in Section 6.04.010.
- L.** “Room” has the same meaning as defined in Section 6.04.010.
- M.** “Short-Term Rental” means a house, duplex, multi-plex, apartment, condominium, bed & breakfast, accessory dwelling unit, tiny house, houseboat, trailer or other residential dwelling where a person rents a full house or guest bedroom(s) for transient lodging occupancy. A Short-Term Rental is generally, but not always, zoned residential and has a residential building occupancy. Certain residential building occupancy may allow Transient Lodging Occupancy by right or by permit.
- N.** “Transient Lodgings Intermediary” means any Transient Lodging Intermediary, Transient Lodging Tax Collector or Transient Lodging Provider as defined in ORS 320.300

**6.09.020 Fee Imposed.**

For the privilege of facilitating a Transient Lodging Occupancy of a Short-Term Rental within the City of Portland, a Booking Agent or Transient Lodging Intermediary shall pay to the City a fee of \$4 per night for each Transient Lodging Occupancy. This fee is due each night on any occupancy between one and 30 nights at a Short-Term Rental Accommodation. If the occupancy exceeds 30 continuous days, the fee is no longer due

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for any of the nights, and if collected, must be refunded to the Guest. This fee may be passed onto the Guest if the receipt provided to the Guest separately states this nightly fee, identifying the fee as “Portland Housing and Homelessness Fee”. This fee is not assessed on Booking Agents or Transient Lodging Intermediaries who only facilitate the rental of rooms of a Hotel defined in Chapter 6.09. Additionally, Booking Agents or Transient Lodging Intermediaries who facilitate the rental of rooms of a Hotel as defined in Chapter 6.09, in addition to Short-Term Rentals are not required to collect this fee on Hotel room rentals.

**6.09.030 Administrative Authority.**

- A. The Revenue Division administers this Chapter. Nothing in this Chapter precludes the disposition of a controversy by stipulation or agreed settlement, through correspondence or a conference with the Director.
- B. The Director may implement procedures, forms and written policies for administering the provisions of this Chapter.
- C. The Director may adopt rules relating to matters within the scope of this Chapter or to obtain compliance with this Chapter.
  - 1. Before adopting a new rule, a public hearing must be held. The Director shall give reasonable notice of the hearing, not less than 10 nor more than 30 days before the hearing. The notice shall include the place, time, purpose of the public hearing, a brief description of the proposed rule(s) and where copies of the full text of the proposed rule(s) may be obtained.
  - 2. At the hearing, the Director must accept oral or written testimony concerning the proposed rule. The Director must either adopt the proposed rule, modify it or reject it, taking into consideration the testimony received during the hearing. Unless otherwise stated, all rules adopted by the Director are effective upon adoption.
  - 3. The Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of no longer than 180 days.

**6.09.040 Due Dates; Returns and Payments.**

- A. The fee imposed by this Chapter is due and payable on or before the last day of the month for the preceding month or other reporting period allowed by the Division. Amounts due are considered delinquent on the first of the month, or in the case

when the due date falls on a Sunday or legal holiday as defined by ORS 187.010, amounts are delinquent on the first business day that follows.

- B.** A return must be filed with the fee due on a form prescribed by the Division by the due date in Subsection A. above. Returns must show the amount of the fee owed for the period. The Division may require returns to include additional information to explain the fee calculation.
- C.** The Booking Agent or Transient Lodging Intermediary required to file the return must deliver the return, together with the remittance of the fee amount due, to the Division at its office, either by personal delivery or mail. If the return is mailed, the postmark will be considered the day of delivery for determining delinquencies.
- D.** For good cause, the Division may extend the time for making any return or payment of the fee due for one month. No further extension will be granted. Any Booking Agent or Transient Lodging Intermediary granted an extension will pay interest at the rate of 1.25 percent for the month on the amount of fee due without proration for a portion of a month or reduction for any prepayments or credits available. If an extension is granted and the assessment and interest due is not paid by the end of the extension period, then the interest will be added to the fee due for the computation of penalties and additional interest as detailed elsewhere in the Chapter.
- E.** The Division, if deemed necessary in order to ensure payment or facilitate collection by the Division of the fee in any individual case, may require returns and payment of fees due for other than monthly periods. If a Booking Agent or Transient Lodging Intermediary is required to report on a different basis, the Division will provide a schedule showing the filing periods, due dates and delinquent dates.

**6.09.050 Registration.**

All Booking Agents and Transient Lodging Intermediaries that facilitate any Short-Term Rental reservations for Transient Lodging Occupancy must register with the Division. Failure to register with the Division does not relieve the Booking Agent or Transient Lodging Intermediary from the obligation to pay the fee. Registration must state the name under which the Booking Agent or Transient Lodging Intermediary transacts business, any affiliated companies or brands that are associated with the registration, the location of the place of business and other information necessary to facilitate the collection of the fee as the Division may require.

**6.09.060 Penalties and Interest.**

- A.** Original Delinquency. Any Booking Agent or Transient Lodging Intermediary that has not been granted an extension of time for remittance of the fee due and who fails to remit any fee imposed by this Chapter on or before the due date will pay a

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late penalty of 10 percent of the amount of the fee due in addition to the fee. There is no grace period between the due date and the assessment of penalty and interest; the day following the due date is considered be the delinquent date.

- B.** Continued Delinquency. Any Booking Agent or Transient Lodging Intermediary who fails to pay in full on or before the due date of an original delinquency notice will pay a second delinquency penalty of 15 percent of the amount of the fee due plus all penalty and interest assessments at the time of the continued delinquency.
- C.** Fraud. If the Division determines that the nonpayment of any amount due under this Chapter is due to fraud or intent to evade the provisions thereof, a penalty of 25 percent of the amount due will be added in addition to late penalties stated in Subsections A. and B. of this Section and interest stated in Subsection D. of this Section. This penalty is calculated on the entire amount due, including any penalties and interest previously assessed at the time of the calculation.
- D.** Interest. In addition to the penalties imposed above, any Booking Agent or Transient Lodging Intermediary that fails to file or pay any fee imposed by this Chapter will pay interest at the rate of 1 percent per month or fraction thereof without proration for portions of a month, on the amount due from the first day following the original due date. Interest shall be compounded monthly until the amount due is paid in full.
- E.** Penalties and interest merge with fee. Every penalty imposed and such interest as accrues under the provisions of this Section will be merged with and become a part of the fee required to be paid. If delinquency continues, requiring additional penalty and interest calculations, previously assessed penalty and interest are added to the fee due. This amount becomes the new base for calculation new penalty and interest amounts. This merging continues each month until the full balance is paid.
- F.** Petition for Waiver. Any Booking Agent or Transient Lodging Intermediary that fails to pay the fee within the time stated must pay the fee, penalties and interest assessed; however, the Booking Agent or Transient Lodging Intermediary may petition the Division for waiver and refund or credit of all or part of the penalty assessed and the Division may, if a good and sufficient reason is shown, waive some or all of the penalty assessment. Interest will not be waived except by written policy.

**6.09.070 Administration and Recordkeeping.**

- A.** Records. Booking Agents and Transient Lodging Intermediaries must keep appropriate records, including but not limited to accounting and bank records, detailed transaction information including Short-Term Rental location and number of nights rented during the period and any other documentation necessary to support the fee calculation and report filed or required to be filed. All records must be

retained by the Booking Agent or Transient Lodging Intermediary for a period of 5 years and 6 months after the filing of the return, amended return or payment of the fee, whichever is later.

- B.** Examination of records; investigations. The Division, or any person authorized in writing by it, may examine during normal business hours the books, papers, reservation records and accounting records relating to returns filed by Booking Agents or Transient Lodging Intermediaries, after notification by the Division and may investigate the business of the Booking Agent or Transient Lodging Intermediary in order to verify the accuracy of any return made or if no return is filed, to determine the amount required to be paid.
- C.** Should the City prevail in any legal proceedings in any state or federal court to collect the fees, penalties and interest assessed in accordance with this Chapter, the City shall be entitled to its reasonable costs and attorneys' fees.

**6.09.080 Deficiency Determinations; Redeterminations.**

- A.** Deficiency determinations. If the Division determines that a return is incorrect, that required reports or returns have not been filed or that a Booking Agent or Transient Lodging Intermediary has otherwise failed to comply with the terms of this Chapter, it may compute and determine or estimate the amount required to be paid based on the facts contained in the return or any other information reasonably within its possession. Once a deficiency determination is made, the amount is due and payable within 10 days. The Division may assess penalties and interest as set forth in Section 6.09.060.
  - 1.** The Booking Agent or Transient Lodging Intermediary may petition for a redetermination if the petition is filed with 10 days of the postmark date on the written deficiency notice. Nothing prohibits the Division from extending the time for petition beyond 10 days at its sole discretion.
  - 2.** Every deficiency determination must be made and notice mailed within five years after a return was originally filed, subsequently amended or the tax was paid, whichever period expires later. In the case of the filing of a false or fraudulent return with the intent to evade this Chapter, a failure to file a required return or willful refusal to remit the fee, a deficiency determination may be made, or a proceeding for the collection of such deficiency may be commenced at any time and is not subject to the 5-year limitation above.
- B.** Any Booking Agent or Transient Lodging Intermediary against whom a deficiency determination is made or civil penalties are assessed under Section 6.09.100 may petition for a redetermination within the time required in this Section. If a petition for redetermination is filed timely, the Director will consider the deficiency

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determination or civil penalties and, if requested in the petition, will grant an oral hearing and give 10 days' notice of the time and place of the hearing.

1. The Director may adjust the amount of the deficiency determination as a result of the hearing and, if an increase is determined, such increase will be payable immediately after the hearing.
  2. The Director's order or decision becomes final 10 days after service upon the petitioner unless an appeal is filed with the Business License Appeals Board or Hearings Officer, if applicable, within 10 days of the postmark date on the written order.
  3. No petition for redetermination or other appeal will be accepted and no petition or appeal is effective for any purpose unless the Booking Agent or Transient Lodging Intermediary has first paid in full the amount determined to be due in the deficiency determination or civil penalty assessment that is being appealed.
- C. Appeals of penalty and/or interest assessments are not subject to the appeals process outlined in Section 6.09.090. The decision of the Director regarding penalty and interest assessments is final.

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

Any Booking Agent or Transient Lodging Intermediary aggrieved by a decision of the Division or Director made pursuant to this Chapter may appeal as allowed in Section 6.04.140 by filing a notice of appeal with the Division Director within 10 days of the service of the notice of a decision. Any hearing will be scheduled by the Business License Appeals Board or Hearings Officer in accordance with rules pertaining to such appeals. The procedures and rules of Section 6.04.140 will apply to any such appeal.

**6.09.100 Civil Penalties.**

- A. The Director may impose a civil penalty of up to \$500 for failure to file a return or pay any fee within 60 days of the Due Date provided in Section 6.09.040.
- B. Failure to separately state on the guest receipt the per night privilege charge if the charge is being passed through to the guest as an additional charge or fee.
- C. The determination of a violation and imposition of a civil penalty under this Section shall be subject to appeal pursuant to Section 6.09.090.

**TITLE 12 - AIR POLLUTION EMERGENCY  
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(Title repealed by Ordinance No. 189646, effective September 6, 2019.)





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**CHAPTER 16.20 - PUBLIC RIGHT-OF-WAY  
PARKING**

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## **TITLE 16**

### **VEHICLES AND TRAFFIC**

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#### **16.20.001 Purpose.**

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

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

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

**16.20.431 City of Portland Owned or Operated Property.**

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

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

**16.20.440 Meter Fees.**

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

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

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

**16.20.445 Pay Stations.**

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

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

**16.20.450 Obstruction of Meters.**

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

**16.20.460 Parking Space Reservation.**

(Amended by Ordinance Nos. 176394, 179141 and 189651, effective September 6, 2019.)

- A.** A parking space may be reserved by obtaining a Temporary Street Use Permit and paying the fees per Section 17.24.020.
- B.** In metered areas, Parking Enforcement will reserve on-street parking spaces. A vehicle parked prior to placement of a space reservation device will not be considered parked in violation until it is parked longer than the time limit indicated on the meter.
- C.** In non-metered areas, the permittee shall be responsible for placing the parking reservation devices per directions detailed in the parking reservation procedure.

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- D.** Except for permits issued under authority of Subsections 17.24.017 C. and D., parking spaces may not be reserved to facilitate vending or promotional activities in the right-of-way.

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

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

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

**16.20.500 General Parking Permits.**

**16.20.501 Purpose.**

(Amended by Ordinance No. 189651, effective September 6, 2019.) General parking permits may be issued to reserve public right-of-way areas for use by designated parties. The Director of the Bureau of Transportation may issue permits, and parking reservation devices to temporarily reserve public right-of-way areas. The Director of the Bureau of Transportation may approve general parking permits that apply in designated parking zones, at parking meters, or elsewhere depending on the specifications of the permit. This

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section will describe each general parking permit and the regulations for enforcement of the permit.

**16.20.503 Current Approval Required Before Use.**

(Amended by Ordinance No. 189651, effective September 6, 2019.)

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

**16.20.505 All Traffic Laws Apply to Permit Holder.**

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

**16.20.510 Construction Area Permit.**

(Amended by Ordinance No. 189651, effective September 6, 2019.)

- A.** A Temporary Street Use construction area permit will only be issued to a person with an official street use permit, a street opening permit, a temporary street closure permit, or who is performing minor modifications or clean-up activities.
- B.** A construction area permit allows placement of building materials, equipment, or commercial vehicles necessary for the performance of the work in the public right-of-way. A parking reservation device may only be used to establish a construction area when the parking of the vehicle is essential to the performance of the construction work. Permitted construction area does not authorize the use of the right of way as employee parking. A vehicle not allowed by right to park in truck loading zone and vehicles being used to transport small tools are not essential in this regard and are not allowed in any construction area unless specifically authorized by the permit.



- C. No vehicle may park in a construction area unless authorized by the construction area permit. Identification cards may be required for authorization of the vehicle.

**16.20.520 Maintenance Hood Permit.**

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

**16.20.530 Temporary Truck Loading Zone Permit.**

(Amended by Ordinance No. 189651, effective September 6, 2019.)

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

**16.20.540 Angle Loading Permit.**

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

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

**16.20.550 Travel Lane Parking Permit.**

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

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

**16.20.560 Special Use Permit.**

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

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

**16.20.595 Improper Use.**

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

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

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

**16.20.600 Vehicle Parking Permits.**

**16.20.601 Purpose.**

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

**16.20.603 Current Approval Required Before Use.**

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

**16.20.605 All Traffic Laws Apply to Permit Holder.**

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

**16.20.610 Media Permit.**

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

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**16.20.620 Commercial Permit.**

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

**16.20.621 Disabled Resident Permit.**

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

**16.20.622 Disabled Employee Permit.**

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

**16.20.630 Delivery Permit.**

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

**16.20.640 Disabled Person Placard – Metered Districts.**

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

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

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

- B.** Use of invalid disabled person parking permit; penalty.
- 1.** A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:
    - a.** Has been previously reported as lost or stolen;
    - b.** Has been altered;
    - c.** Was issued to a person who is deceased at the time of the citation;
    - d.** Has not been issued under ORS 811.602;
    - e.** Is a photocopy or other reproduction of a permit, regardless of the permit status; or
    - f.** Is mutilated or illegible.
- C.** Unlawful use of disabled person parking permit; penalty.
- 1.** A person commits the offense of unlawful use of a disabled person parking permit if the person:
    - a.** Is not a person with a disability and is not transporting the holder of a disabled person parking permit to or from the parking location; and
    - b.** Uses a disabled person parking permit described under ORS 811.602 OR 811.606 to exercise any privileges granted under ORS 811.635.
- D.** Misuse of program placard; penalty.
- 1.** A person commits the offense of misuse of a program placard if the person:
    - a.** Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and
    - b.** Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

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**16.20.641 Disabled Person Placard – Non-Metered Regulated Parking Zone.**

(Added by Ordinance No. 186575, effective July 1, 2014.)

- A.** A vehicle with an official State-issued disabled person registration plate, placard, permit or decal, must adhere to all applicable non-meter regulated parking zone regulations, and may park:
  - 1.** In any non-metered regulated parking zone designated for a vehicle with a disabled person parking placard for any amount of time (subject to on-street storage regulations);
  - 2.** In any non-metered regulated parking zone with a designated time limit of 30 minutes or more for any amount of time; or
  - 3.** In any non-metered regulated parking zone with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit.
  
- B.** Use of invalid disabled person parking permit; penalty.
  - 1.** A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:
    - a.** Has been previously reported as lost or stolen;
    - b.** Has been altered;
    - c.** Was issued to a person who is deceased at the time of the citation;
    - d.** Has not been issued under ORS 811.602;
    - e.** Is a photocopy or other reproduction of a permit, regardless of the permit status; or
    - f.** Is mutilated or illegible.
  
- C.** Unlawful use of disabled person parking permit; penalty.
  - 1.** A person commits the offense of unlawful use of a disabled person parking permit if the person:
    - a.** Is not a person with a disability and is not transporting the holder of a disabled parking permit to or from the parking location; and

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- b. Uses a disabled parking permit described under ORS 811.602 or 811.606 to exercise any privileges granted under ORS 811.635,

**D.** Misuse of program placard; penalty.

- 1. A person commits the offense of misuse of a program placard if the person:
  - a. Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and
  - b. Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

**16.20.645 Wheelchair User Disabled Person Parking Placard.**

(Added by Ordinance No. 181507; amended by Ordinance No. 186575, effective July 1, 2014.)

- A. A vehicle with an official State-issued “Wheelchair User” plate, placard, permit or decal, may park:
  - 1. In any space designated for a vehicle with a “Wheelchair User” placard or decal for any amount of time (subject to on-street storage regulations);
  - 2. In any metered or non-metered space with a designated time limit of 30 minutes or more for any amount of time without fee; or
  - 3. In any metered or non-metered space with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit with fee, if applicable.
  - 4. In an Area Parking Permit Program Zone for any amount of time and without fee.
- B. A vehicle with an official State-issued “Wheelchair User” plate, placard, permit or decal, may not;
  - 1. Park in any space reserved for special types of vehicles or activities including, but not limited to, truck loading zones, carpool zones, no parking zones, and reserved zones.
- C. Use of invalid disabled person parking permit; penalty.
  - 1. A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:

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- a. Has been previously reported as lost or stolen;
  - b. Has been altered;
  - c. Was issued to a person who is deceased at the time of the citation;
  - d. Has not been issued under ORS 811.602;
  - e. Is a photocopy or other reproduction of a permit, regardless of the permit status; or
  - f. Is mutilated or illegible.
- D. Unlawful use of disabled person parking permit; penalty.
  - 1. A person commits the offense of unlawful use of a disabled person parking permit if the person:
    - a. Is not a person with a disability and is not transporting the holder of a disabled parking permit to or from the parking location; and
    - b. Uses a disabled parking permit described under ORS 811.602 or 811.606 to exercise any privileges granted under ORS 811.635,
- E. Misuse of program placard; penalty.
  - 1. A person commits the offense of misuse of a program placard if the person:
    - a. Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and
    - b. Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

**16.20.650 Government Permit.**

A government permit allows a vehicle displaying the permit to park in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

**16.20.660 Nonprofit Permit.**

A nonprofit vehicle permit allows a vehicle displaying the permit to park in any area designated by the permit. This permit may be issued to a charitable organization when permit parking activities directly serve a charitable function. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.



**16.20.670 Carpool Permit for Metered Parking.**

A vehicle with a carpool permit may park without payment of the meter fee only at any long-term metered parking space, or at spaces reserved for carpool permit parking.

**16.20.675 Carpool Zone Permit.**

A vehicle with a carpool zone permit may park in the area designated on the permit according to the rules of the permit.

**16.20.680 Other Permit.**

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

**16.20.695 Improper Use.**

- A.** The improper use of a permit, meter hood, or sign will be cause for the revocation of the permit, meter hood, or sign and/or for a fine to be levied by the City Traffic Engineer. Upon notice of revocation, the permit and/or meter hood(s) must immediately be returned to the City Traffic Engineer.
- B.** The vehicle permit applicant is fully responsible for any violation of the conditions of the permit.
- C.** All fees paid will be forfeited in the event of revocation. All fines will be due within 30 days after the fine is levied.
- D.** Decisions of the City Traffic Engineer regarding the revocation of a vehicle permit may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

**16.20.800 Area Parking Permit Program.**

**16.20.801 Purpose.**

- A.** The area parking permit program is intended to increase access to residents and businesses, reduce traffic congestion, increase traffic/pedestrian safety, reduce air pollution, reduce noise pollution, prevent blighted areas, and promote the use of mass transit, car pooling, and other alternative modes of transportation.
- B.** The area parking permit program will reduce commuter traffic that originates from outside the permit area and has no apparent connection or business within the permit area. A guest who originates from outside the permit area but is visiting a resident or conducting business within the permit area may be provided a guest permit by the area permittee.
- C.** Each area that implements the parking permit program will have a unique set of parking needs. These needs will be based in part on the extent of the parking

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congestion; the cause(s) of the congestion; the proximity of the neighborhood to the parking generator(s); the mix of residential/nonresidential use; the number of guests visiting the area; the frequency of guests visiting the area; the availability of off-street parking; the types of parking problems in surrounding areas; the availability of alternative modes of transportation; the possibility of alternative parking solutions; and the physical layout and boundaries of the area.

- D.** Each area must meet the eligibility criteria (16.20.830) and follow the prescribed process (16.20.840) in order to form a permit program.
- E.** Area residents and businesses will be allowed to purchase a permit granting on-street parking privileges in the area where they reside or have their places of business. A permit will allow a vehicle under the legal control of a resident, worker, or visitor, with a properly displayed permit decal or card, to exceed the area permit parking program time limits that are posted within a designated area.

**16.20.810 Definitions.**

(Amended by Ordinance Nos. 165594, 176394 and 189078, effective July 18, 2018.)

- A.** “**Address**” is the street number and applicable apartment number for each dwelling unit, business, or other use. Each apartment or commercial unit is regarded as a unique address.
- B.** “**Annual permit fee**” is the annual fee for each business, guest, or resident permit decal. If a permit is issued on or after the first day of the seventh month in the permit year, the fee will be one half of the yearly permit fee. Replacement permits will be one half of the current permit fee.
- C.** “**Area business**” is any professional establishment or nonresident property owner whose business property is located within a permit area.
- D.** “**Area Parking Committee**” is the group of not less than two people and not more than five people (excluding alternates) appointed by the neighborhood association and business district association which implements an Area Permit Parking Program or, when a proposed permit program area is not within the boundaries of a listed business district association, by the neighborhood association whose residents represent the greatest number of addresses within a permit area. Area Parking Committees will assist the City Traffic Engineer in establishment of the Area Permit Parking Program, development of a Supplemental Plan Description, and ongoing review of the program.
- E.** “**Area resident**” is any person who resides within the permit area.
- F.** “**Area vehicle**” is one that originates from inside the permit area and/or has an apparent connection or business within the permit area.

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- G.** “**Business District Association**” is any group listed by the Office of Community & Civic Life to represent businesses of a geographic area within the City.
- H.** “**Business permit decal**” is the decal issued by the City Traffic Engineer for assignment to vehicles under the legal control of workers, customers, clients, or others while conducting business in the area.
- I.** “**Complimentary Hours Permit**” is the permit(s) granted to each area program permit holder for guest parking for special occasions.
- J.** “**Effective hours**” are the days and hours during which the area permit program applies as defined by each individual Supplemental Plan.
- K.** “**Guest permit decal**” is the decal issued by the City Traffic Engineer to a permittee to identify any vehicle(s) under the legal control of guests during periods when guests are actually visiting at the permittee’s address.
- L.** “**Improper use**” has occurred when a permit holder violates the provisions described on the permit application. Improper use will lead to penalties as described in 16.20.860.
- M.** “**Neighborhood association**” is any group recognized by the Office of Community & Civic Life to represent residents of a geographic area within the City.
- N.** “**Non-permitted vehicle**” is any vehicle which does not display a current permit decal for the Area Permit Parking Program Area in which it is parked.
- O.** “**Permit area**” is any area as designated by an initiating petition or as modified in the boundary description.
- P.** “**Permit decal**” (generally) means any resident, business, and guest decal issued by the City Traffic Engineer to residents and businesses in permit areas. Permit decals must be clearly identified as belonging to a specific permit area, for use during a specified permit year, and proper for only one of the following permits: resident, business, or guest. These decals must be displayed in the manner described in the administrative rules for Area Parking Permit decals. Permit decals expire on the last day of the permit year in which they are issued.
- Q.** “**Permit program**” is any Area Permit Parking Program created and administered under this Code Chapter 16.20.800.
- R.** “**Permit year**” is the 12-month period set for the administration of an Area Permit Parking Program by consent of the City Traffic Engineer and the Area Parking Committee.

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- S. **“Permitted vehicle”** is any vehicle which properly displays the correct permit decal, or temporary permit issued by the City Traffic Engineer for use on such vehicle.
- T. **“Program administrator”** is designated by the City Traffic Engineer to administer an Area Permit Parking Program. Program administrator responsibilities include routine program administration, consulting with the Area Parking Committee to amend or interpret the Supplemental Plan Description, and giving approval or denial to proposed permit program provisions.
- U. **“Resident permit decal”** is a decal issued by the City Traffic Engineer to a resident to identify the vehicle(s) under the resident’s legal control as permitted vehicle(s).
- V. **“Supplemental plan description”** is the document established by the Area Parking Committee and the program administrator. It details the Area Parking Permit Program policies and procedures in accordance with Code Chapter 16.20.800.
- W. **“Temporary permit”** is used in lieu of an annual permit decal on vehicles. The purpose of a temporary permit is for display in a vehicle under the legal control of an applicant without sufficient proof to obtain a permanent permit, for the usage of complimentary hours, or for construction projects. Applicants will be charged a fee for each vehicle they register with the exception of complimentary permit hours. The Area Parking Committees may establish any additional terms and conditions for use of temporary permit cards.
- X. **“Unauthorized permit”** is the display of any permit decal not assigned to that vehicle as defined in the supplemental plan description.
- Y. **“Vehicle of record”** is the vehicle which a permit holder has registered for a permit decal with the Program Administrator.

**16.20.830 Area Eligibility.**

All of the following eligibility criteria must be met before the area will be considered for the area parking permit program:

- A. There must exist at some time during the day an occupancy rate of 75 percent or more of the existing on-street parking spaces. Twenty-five percent (25%) of the vehicles occupying the on-street spaces must be other than area vehicles. Vehicles that originate from outside the proposed permit program area but are visiting a resident or conducting business in the proposed permit program area will not be considered a commuter vehicle. This occupancy rate must occur at least 4 days per week and the neighborhood association, the business district association, and the City Traffic Engineer must agree that this occupancy will occur for a minimum of 9 months per year.

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- B.** The requesting area must consist of a minimum of 40 block faces or 8,000 lineal feet of curb space.
- C.** An area that feels it is adversely affected by parking and is requesting permit parking must work through its neighborhood association or business district association as defined in City Code Section 3.96.020 and 3.96.030. If the area is not formally organized, it should directly contact the Office of the Neighborhood Associations for assistance. The Office of the Neighborhood Associations must review the request and discuss the eligibility of that area to form a neighborhood association or business district association in conformance with the criteria established.
- D.** The City Traffic Engineer must agree that the area permit parking program would promote benefits within the designated area.
  - 1.** Benefits may include, but are not limited to: increased access to area residents and businesses, reduced traffic congestion, increased traffic/pedestrian safety, reduced air/noise pollution, prevention of blighted areas, increased neighborhood unity, and promoting the use of alternative modes of transportation.
  - 2.** Adverse effects that may prevent implementation include, but are not limited to: transferring the problem to a different area, inability to effectively enforce program restrictions, lack of alternative modes of transportation, availability of simpler, cheaper solutions, and the legal existence of more than one firm with 50 or more employees that could not operate under the permit system constraints.

**16.20.840 Process.**

(Amended by Ordinance No. 170923, effective March 21, 1997.) The following process must be followed to establish area permit parking programs:

- A.** An area may apply to participate in a permit program through a community-initiated petition with signatures representing 50 percent of the affected addresses (one signature per address) to be submitted to the neighborhood association and the business district association. This petition shall include:
  - 1.** The parking problem;
  - 2.** The probable cause of the problem;
  - 3.** The proposed boundaries of the congested area;
  - 4.** The number of individual addresses in the congested area; and
  - 5.** The permit fees of the program.

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- B.** The neighborhood association and business district association shall discuss the request with the City Traffic Engineer to determine if there are any conditions (as specified in 16.20.830 D above) that would prevent the implementation of a area permit parking program. If the City Traffic Engineer recommends that the application process continue, the neighborhood association and the business district association must work with the area to determine its eligibility and appoint an area parking committee.
- C.** Upon receipt of the petition, the City Traffic Engineer must initiate a preliminary investigation to verify that the area meets the criteria.
- D.** Based on the findings of the investigations, the City Traffic Engineer will determine if a proposed area is eligible for an area parking permit program.
- E.** If an area is approved as eligible, the City Traffic Engineer may propose a program and mail this program and notice of a public meeting to all addresses in the proposal area. After the public meeting, the proposal will be refined and a ballot prepared. The City Traffic Engineer may expand or contract (if larger than the minimum) the proposed area to conform to major physical boundaries such as arterial roadways, rivers, hills, ridges, or political boundaries such as neighborhood boundaries or to protect projected impact areas as determined by the professional engineering or planning staff.
- F.** A ballot will be mailed to all addresses within the proposed area within 30 days after the last public meeting. The legal occupant of an address is eligible to vote. This ballot must be received by the City Traffic Engineer on or before the date specified in the mailing. A minimum of 50 percent of the ballots must be received, of which 60 percent must be “yes” votes, to approve the program.
- G.** If the vote in Paragraph F. is negative, a minimum of 12 months must elapse before any new proposal can be initiated.
- H.** If the vote in Paragraph F. of this Section is positive, the City Traffic Engineer will submit to the City Council an ordinance authorizing the permit system and required funding. If approved by Council, the City Traffic Engineer will notify all addresses of the approval and enclose application materials. Permit fees from at least 50 percent of the addresses must be collected prior to the installation of signs.
- I.** The program will renew annually, unless:

  - 1.** The City Traffic Engineer receives a petition, representing 50 percent of the addresses within the designated permit program area, requesting termination of the program. After receipt of a valid petition, the City Traffic Engineer will mail a ballot to the program area according to subsection F. The vote must be completed before the program will be terminated; or

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2. The designated area does not meet the rules or procedures established by the City Traffic Engineer.
- J.** Changes to boundaries of existing permit areas desired by area residents must be made according to the following procedure:
1. The City Traffic Engineer must determine that the resulting permit area will meet the minimum standards for permit areas established in 16.20.830.
  2. The changes must be approved by the City Traffic Engineer and by a majority of the Area Parking Committee.
  3. The City Traffic Engineer will mail a ballot to the addresses of the area to be annexed into or deleted from the permit area. The completed ballot must be received by the City Traffic Engineer on or before the date specified in the mailing. A minimum of 50 percent of the ballots must be received, of which 60 percent must be “yes” votes, to approve the changes.
  4. If the vote in is negative, a minimum of 12 months must elapse before any new proposal can be initiated.

**16.20.850 Program Administration.**

(Amended by Ordinance Nos. 177006 and 183829, effective July 1, 2010.)

- A.** For each Area Permit Parking Program, the City Traffic Engineer will guide the area in establishment, evaluation, revision, or termination of the Area Permit Parking Program by:
1. Meeting with the Area Parking Committee;
  2. Planning and coordinating registration and enforcement; and
  3. Completing any other such duties described in the Supplemental Plan Description.
- B.** Annual Review of Program Fees: Services charges and fees are reviewed annually and updated per the City’s financial policy, and are effective with the adoption of the annual budget.
- Notification of Fee Changes and Permit Renewal: A current listing of service charges and fees will be made available to the public.
- C.** It is the obligation of area residents and businesses to apply for permit decals in a timely manner and in accordance with Code Chapter 16.20 and the appropriate Supplemental Plan Description. Applicants must present authorized documentation to the City Traffic Engineer as follows:

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1. An area resident must present proof of current occupancy and current proof of vehicle control. A person using a vehicle owned by another must present a notarized statement from the owner stating that the vehicle has been assigned to the applicant for their personal use.
  2. An area business must present proof of current occupancy and a payroll record or a list of employees and the hours each employee works per week.
- D.** An area business is eligible to purchase business permit decals for workers in accordance with the supplemental plan description. The number of business permit decals which may be issued to an area business must be defined in each permit area's supplemental plan description.
- E.** One guest permit decal may be issued to each address for an area permit decal. A guest permit decal may not be converted to a business permit decal. Additional guest permit decals may be issued to an address according to the rules of each Supplemental Plan Description.
- F.** It is the obligation of the permit holder to notify the City Traffic Engineer of loss or theft of a permit decal within 3 business days. The permit holder may purchase a replacement for one half of the current fee, unless the City Traffic Engineer has disallowed purchase by the purchase holder under the penalty provision of 16.20.860.

**16.20.860 Violation and Enforcement.**

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

- A.** A permitted vehicle which is parked in accordance with posted Area Permit Parking Program signing and in accordance with parking regulations generally (Chapter 16.20) is permitted to be parked in excess of the visitor parking time limit. An area parking permit does not allow parking in restricted parking zones (16.20.200).
- B.** Display of an area parking permit does not convey any privileges other than that of exceeding the posted permit parking visitor time limit. It does not authorize parking in any other restricted zone. Permitted vehicles are subject to the provisions of 16.20.170. (Storing Property on street is prohibited.)
- C.** During permit designated hours, it is unlawful for a nonpermitted vehicle to:
1. Exceed the maximum visitor time limit allowed within the signed permit area;
  2. Return to the signed permit area for a period of 12 hours after parking for any time period.



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- D.** The permit holder is responsible for all improper use (16.20.810 L.) of any assigned permit decal(s), unless previously reported as lost or stolen. If investigation verifies improper use, the permit holder will be penalized as described below.
- 1.** A fine will be assessed for each permit decal in violation. This fine shall be payable and due within 30 days following the violation.
  - 2.** No additional permits will be issued to the permit holder until all fines have been paid.
- E.** It is unlawful for a vehicle to display an unauthorized permit. A vehicle displaying an unauthorized permit may be cited, or a fine assessed for each violation. The fine shall be payable and due within 30 days of the violation.
- F.** Improper use of a decal by a permit holder will result in cancellation of that permit decal for a period of 12 months. Further improper use of a permit decal by that permit holder within a 24-month period will additionally render the permit holder disqualified from purchasing any Area Parking Program Permit for two subsequent permit years.
- G.** Decisions of the City Traffic Engineer regarding the revocation or refusal to issue a permit may be appealed to the Code Hearings Office according to the provisions of Title 22 of the Portland City Code.
- H.** It is unlawful for a vehicle to improperly display any authorized permit, as outlined in the City of Portland, Transportation Administrative Rule.

**16.20.900 City Owned Parking Garages.**

(Added by Ordinance No. 183979; amended by Ordinance No. 185351, effective June 22, 2012.)

**16.20.910 Rules of Conduct.**

(Added by Ordinance No. 185351, effective June 22, 2012.) The Bureau of Transportation Business Services Division Manager shall be authorized to develop and enforce Rules of Conduct for City Parking Garages and require all persons to obey the Rules of Conduct. City Parking Garages include any publicly or privately owned real property, and the buildings, structures and facilities thereon, placed under the jurisdiction of the City for parking garage purposes, and includes all land granted to the City for such purposes. Any person who fails to comply with the Rules of Conduct for City Parking Garages or the reasonable direction of the Person in Charge, may be excluded as provided in this Section.

- A.** Person in Charge is defined in ORS 164.205(5) and includes, but is not limited to, any of the following while acting in the scope of employment, agency or duty:
- 1.** Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau;

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2. Any person providing security services in City Parking Garage pursuant to any contract with the City, or with any person, firm or corporation managing City parking garages or City leased properties on the City's behalf; and/or,
  3. Any person specifically designated in writing as the Person in Charge by the Commissioner in Charge of the Bureau of Transportation or by the Transportation Business Services Division Manager.
- B.** City Parking Garage Exclusions. Any Person in Charge may exclude any person who violates any Rule of Conduct while in or upon any City Parking Garage, from all City Parking Garages for a period of 180 days.
1. The notice of exclusion shall be in writing, given to the person excluded and signed by the Person in Charge. It shall specify the dates and places of exclusion. It shall contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.
  2. A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of the Code to have the notice of exclusion rescinded. Notwithstanding the provisions of Title 22, the appeal to the Code Hearings Officer shall be filed within 5 days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Person in Charge who issued the notice of exclusion shall be used as evidence on appeal, unless the appellant requests, in writing, the presence of the Person in Charge at the appeal hearing.
- C.** City Parking Garages Rules of Conduct
1. No person shall violate federal, state, or city law.
  2. No person shall enter or remain for any purpose other than to park or retrieve a motor vehicle or do business with a City parking garage retail tenant.
  3. No person shall possess any weapon or any similar instrument that can be used to inflict injury upon a person or damage to property, except to the extent permitted by Oregon law.
  4. No person shall use City parking garages for the purpose of housing or camping, including but not limited to, sleeping, bathing, cooking, or use as a restroom.
  5. No person shall deface, damage, or destroy City parking garages.

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6. Unless authorized by the City of Portland, no person shall post or place on cars any handbills, flyers, or posters of any kind within City parking garages.
7. No person shall engage in sexual conduct as defined by ORS 167.060 (10).
8. Other than at City of Portland authorized events, no person shall possess an open container of alcohol or consume alcoholic beverages.
9. Other than at City of Portland authorized events, no person shall play or use amplified or audio equipment at a level that disturbs others.
10. Other than at City of Portland authorized events, no person shall participate in parties, rave parties, or other similar gatherings.
11. No person shall use City parking garages and/or their structures and fixtures, including but not limited to, walls, railings, banisters, stairs, or ventilation fixtures, in ways they were not intended to be used, including but not limited to, sitting, standing, lying kneeling, skating, or skateboarding.
12. No person shall smoke or carry any lighted smoking instrument while in the elevator or any enclosed portion of City parking garages.
13. No person shall engage in conduct that disrupts or interferes with normal operations of City parking garages, or any tenant of a City parking garage, or that disturbs employees or patrons of City parking garages, including but not limited to, conduct that involves the use of abusive or threatening language or gestures, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior.
14. No person shall interfere with free passage of patron or employees of City parking garages, including but not limited to, placing objects such as bicycles, backpacks, carts or other items in a manner that interferes with free passage.
15. No person shall refuse to obey any posted parking signs or any reasonable direction of a Parking Garage Officer.

**16.20.920 Garage Parking Rates.**

(Added by Ordinance Nos. 185351 and 189529, effective June 28, 2019.) The Bureau of Transportation Director shall be authorized to set parking rates at City-owned Parking Garages without first returning to City Council, subject to the following provisions:

- A. Portland City Council shall set the hourly parking rate for the first four hours at all City Parking Garages.

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- B.** The Transportation Director may set different parking rates at different locations and may consider the following factors when setting parking rates:
1. Rate changes may reflect an amount intended to reach a desired occupancy rate in each location;
  2. Rate changes may reflect the annual consumer price index (CPI) for inflation in the Portland Metropolitan Area;
  3. Rate changes may reflect market conditions in the Portland Central City;
  4. Rate changes may accommodate specific site characteristics and seasonal events; and
  5. Rate changes may reflect parking conditions, including without limitation the availability and desirability of reserved and non-reserved parking spaces.
- C.** Parking rates may not exceed the following rate maximums without Council approval:
1. Weekday daily maximum: \$40
  2. Weekday evening maximum: \$20
  3. Weekend daily maximum: \$30
  4. Weekend evening maximum: \$15
  5. Monthly general access: \$400
  6. Monthly reserved: \$450
  7. Monthly carpool: \$300
  8. Monthly motorcycle: \$250
  9. Event maximum: \$50

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**16.50.200 Prohibited Use of Transit Lanes, Transit Mall and Auxiliary Vehicular Lanes.**  
(Amended by Ordinance No. 182921, effective June 17, 2009.)

- A. Except as otherwise provided for in this Section, no vehicle may enter upon, park on, or use an officially designated transit lane, or the Transit Mall.
- B. Restrictions on transit lane use will vary depending on whether the lane is designated for light rail, motor bus, trolley, or carpool use.
- C. Except as otherwise provided for in this Section, no vehicle may stop or park on Auxiliary Vehicular Lanes except vehicles acting in compliance with law, or at the direction of a police officer or a control device or Multnomah County prisoner transfer vehicles actively transferring people.
- D. Except vehicles may cross the Transit mall to ingress or egress the following driveways provided that the vehicles shall obey all applicable traffic control devices:
  - 1. The driveway located on the west side of SW 5th Avenue immediately south of SW Jefferson Street.
  - 2. The first two driveways located on the west side of SW 5th Avenue immediately north of SW College Street.
  - 3. The driveway located on the west side of SW 5th Avenue immediately south of SW Harrison Street.

**16.50.300 Vehicles Allowed In Transit Lanes, Auxiliary Vehicular Lanes and on the Transit Mall.**

(Amended by Ordinance Nos. 182921 and 183979, effective August 13, 2010.) The following vehicles may enter upon, stop or park in a transit lane or the Transit Mall:

- A. A vehicle owned or operated by the Tri-County Metropolitan Transportation District of Oregon.
- B. A vehicle so allowed by the terms of a maintenance contract with the City of Portland or TriMet or City Transportation maintenance crews engaged in maintenance.
- C. A police, fire, ambulance, or outpatient vehicle, if performing emergency services.
- D. A vehicle and equipment engaged in emergency response:
  - 1. Towing;
  - 2. Snow removal; or

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3. Street, sewer, utility, bus or fire alarm repair.

E. Street Car.

**16.50.400 Vehicles Allowed in Non Transit Mall Transit Lanes During Certain Hours.**  
(Amended by Ordinance Nos. 173627, 182389 and 182921, effective June 17, 2009.)

A. A vehicle may enter upon and park in a transit lane if the lane is closed by a street closure permit from the City Engineer per Title 17 and if the vehicle is specifically authorized to do so by the street closure permit.

B. A vehicle with a travel lane parking permit (16.20.550) or an angle loading permit (16.20.540) may park in a transit lane if authorized to do so by the permit.

C. A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use except during the following hours: 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, after giving notification as required by regulations governing the Special Traffic Control District (17.23.050).

D. A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use between the hours of 7 a.m. to 9 a.m. and/or 4 p.m. to 6 p.m., Monday through Friday, when specifically allowed during this time by a permit from the City Traffic Engineer. The City Traffic Engineer will notify Tri-Met and the City Engineer before issuing such a permit.

E. A vehicle requiring direct access to properties facing a transit lane for ingress/egress or special loading may enter upon and use (but not park in) the transit lane(s) between 7 p.m. and 6 a.m. A permit from the City Traffic Engineer is required for this access between 6 a.m. and 7 p.m.

F. A taxicab, for hire vehicle, delivery vehicle, maintenance vehicle, or garbage truck may enter certain transit lanes during times established by the Bureau of Transportation's Administrative Rules.

**16.50.410 Vehicles Allowed on the Transit Mall and Auxiliary Vehicular Lanes by Permit.**

(Added by Ordinance No. 182921; Amended by Ordinance Nos. 183979 and 189651, effective September 6, 2019.)

A. A public utility or construction vehicle engaged on or adjacent to the Transit Mall may enter upon, park and use the Transit Mall and/or the Auxiliary Vehicular Lanes if the Transit Mall and/or Auxiliary Vehicular Lanes are closed by permit from the City Engineer per Title 17, or TriMet access permit, and the vehicle is specifically authorized to do so by the permit.

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- B.** Except in the case of emergency and as otherwise provided for herein, the City Engineer shall not issue permits for the use of Auxiliary Vehicular Lanes between the hours of 6:00 AM and 7:00 PM Monday through Friday. The City Engineer may issue permits for Saturday and/or Sunday, but permits shall be short term closures as required for operational safety of the service provider and shall not interrupt TriMet service. The Director of Transportation may approve a short term (3 days or less) permit, during otherwise restricted times, with agreement from Tri-County Metropolitan Transportation District of Oregon (TriMet). The Director shall establish rules and procedures for this type of closure.
- 1.** “Emergency” shall mean any unscheduled repair of existing facilities which must be accomplished immediately to protect the life, health and well being of the public, or to protect public or private property. Under this definition, “emergency” work shall encompass only immediately required repairs and shall not include extensive replacement or upgrading of the facility.
- C.** The City Engineer may issue permits for the use of Auxiliary Vehicular Lane on SW 6th Avenue between SW Taylor and SW Morrison Streets to accommodate events permitted and authorized by Pioneer Courthouse Square, Inc. as may be deemed appropriate in the judgment of the City Engineer.
- D.** All permits shall include a traffic control plan approved by the City Engineer and Tri-County Metropolitan Transportation District of Oregon (TriMet).

**16.50.500 Regulation and Permit Procedure.**

- A.** The Traffic Engineer must notify the Tri-County Metropolitan Transportation District of Oregon of any rule, regulation or permit proposed to be issued under this chapter. The rule, regulation or permit will become effective on a date agreed upon by both parties. In the event of disagreement between Tri-Met and the Traffic Engineer, the City Council will determine whether the rule be adopted or the permit issued based upon the amount of interference to mass transit operations.
- B.** No limitation or prohibition of use herein applies to vehicles on a street intersecting or crossing a transit lane unless it is specifically designated as a transit lane.

**TITLE 16  
VEHICLES AND TRAFFIC**

**CHAPTER 16.60 - MOTOR VEHICLE FUELS**

(Chapter added by Ordinance No. 180313, effective  
August 11, 2006.)

**Sections:**

- 16.60.010 Definitions.
- 16.60.020 Biofuel Requirements.
- 16.60.025 Additional Regulation in the 122nd Avenue Subdistrict.
- 16.60.030 Exemptions.
- 16.60.040 Enforcement and Notice of Violation.
- 16.60.050 Penalties.
- 16.60.060 Disclosure.
- 16.60.070 Additional Regulations.

**16.60.010 Definitions.**

(Amended by Ordinance No. 180671, effective January 12, 2007.) As used in this Chapter, the following terms shall be defined as provided in this section:

- A.** “B5 Fuel” means a fuel mixture consisting of 5% Biodiesel and 95% Diesel Fuel.
- B.** “B10 Fuel” means a fuel mixture consisting of 10% Biodiesel and 90% Diesel Fuel.
- C.** “B20 Fuel” means a fuel mixture consisting of 20% Biodiesel and 80% Diesel Fuel.
- D.** “Biodiesel blend stock” means 100% biodiesel fuel utilized for the purpose of blending with diesel fuel.
- E.** “Biodiesel fuel” means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet the registration requirements for fuels and fuel additives established by the federal Environmental Protection Agency and standards established by the American Society of Testing and Materials (ASTM).
- F.** “Biofuel” means any fuel that is derived from plant or animal matter that meets the registration requirements for fuels and fuel additives established by the federal Environmental Protection Agency and standards established by the American Society of Testing and Materials (ASTM) as determined by the Director of the Bureau of Development Services under Section 16.60.020.D. For the purposes of this Chapter, Biofuel shall include Biodiesel and Ethanol.
- G.** “Diesel” means petroleum based liquid that is suitable for use as a fuel in diesel powered vehicles.
- H.** “E10” means a fuel mixture of 10% ethanol and 90% gasoline.



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#### **16.90.001 Generally.**

The following words and phrases when used in this Title shall, for the purpose of this Title, have the meanings respectively ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning. Definitions of words and phrases in the Oregon Revised Statutes may be applied unless defined differently in this Title or in those instances where the context clearly indicates a different meaning.

#### **16.90.005 Abandoned Vehicle.**

(Amended by Ordinance No. 179141, effective March 23, 2005.) A vehicle that remains in violation for more than 24 hours and one or more of the following conditions exist:

- A. The vehicle does not have a lawfully affixed, unexpired registration plate, or fails to display current registration.
- B. The vehicle appears to be inoperative or disabled.
- C. The vehicle appears to be wrecked, partially dismantled or junked.

#### **16.90.010 Accessory Recreational Vehicle.**

See Recreational Vehicle.

#### **16.90.015 Alley.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) A facility primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular movement.

#### **16.90.020 Angle Loading.**

When a vehicle is parked at an angle to traffic flow for the purpose of loading/unloading and extends into the public right-of-way anywhere outside of a legal parking area.

**16.90.225 Operator.**

Any person who is in actual physical control of a vehicle.

**16.90.230 Parade.**

Any group of persons and/or vehicles moving on a street or streets of the City under permit as herein provided in accordance with a plan or common purpose for a celebration, display, exhibition, show, or advertisement, whether for public, semi-public, or private purposes, but does not include funeral processions or advertising vehicles operating under the provisions of Title 7.

**16.90.235 Park, Parking, or Parked.**

The stopping or standing of any vehicle upon any street or highway within the City, whether such vehicle is occupied or not. It does not mean stopping or halting temporarily for less than 30 seconds to load/unload passengers, or in obedience to traffic regulations, signs, signals, or officers.

**16.90.240 Parking Lane.**

The area between the curb and not more than 8 feet from the curb or curb line or as shown by official street markings. The parking lane is generally intended for vehicle parking. Parking regulations may apply to the parking lane area according to the provisions of Title 16 of the Portland City Code.

**16.90.245 Parking Meter.**

(Amended by Ordinance Nos. 176394 and 179141, effective March 23, 2005.) A device placed at or near the curb adjacent to the street area, or on City of Portland owned or operated property authorized by the City and designed to register the duration of the parking time and the limit thereof, upon payment by a U.S. coin or a payment card. Parking meter includes a pay station.

**16.90.247 Payment Card.**

(Added by Ordinance No. 176394, effective April 17, 2002.) A valid credit, debit or stored value card.

**16.90.249 Meter Area Space Reservation Device.**

(Added by Ordinance No. 176394; amended by Ordinance Nos. 179141 and 189651, effective September 6, 2019.) A marker that is placed near the curb of the parking space, which contains administrative information on permit holder and regulations.

**16.90.250 Pedestrian.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) A person afoot; a person operating a pushcart; a person riding on or pulling a coaster wagon, sled, scooter, tricycle, bicycle with wheels less than 14 inches in diameter, or a similar non-motorized vehicle; or on roller skates, skateboard, wheelchair, or a baby in a carriage.

**TITLE 16  
VEHICLES AND TRAFFIC**

**16.90.255 Pedestrian Way.**

(Amended by Ordinance No. 177028, effective December 14, 2002.) A facility intended for pedestrian movement.

**16.90.260 Permanently Exhibit.**

To display affixed to a vehicle so that the sign may not be removed from the vehicle without mechanical tools.

**16.90.265 Person.**

A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

**16.90.270 Planting Strip.**

The area between the curb or edge of the roadway and an improved sidewalk.

**16.90.275 Private Road.**

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

**16.90.280 Public Right-of-Way.**

(Repealed by Ordinance No. 177028, effective December 14, 2002.)

**16.90.285 Rail Vehicles.**

Any steel-wheeled vehicle(s) propelled on fixed steel rails, including, but not limited to: trolleys; light rail vehicles; and diesel-powered trains.

**16.90.290 Recreational Vehicle.**

A vehicle which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

- A. Motor Home. A motor vehicle designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck.
- B. Accessory Recreational Vehicle. A nonmotor vehicle designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is not on the back of a pick-up or truck. Accessory recreational vehicle also includes vehicles designed for off-road use such as off-road vehicles, dune buggies, and recreational boats.

**16.90.295 Regulated Parking Zone.**

(Amended by Ordinance No. 179141, effective March 23, 2005.) A space adjacent to a curb or curb line, designated by official signs or markings, where special regulations for

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**CHAPTER 17.04 - DEFINITIONS**

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

**Section:**

17.04.010 Definitions.

**17.04.010 Definitions.**

(Amended by Ordinance Nos. 186902 and 189629, effective August 30, 2019.) The following definitions apply to the entirety of Title 17. Additional section-specific definitions may be found in other sections.

- A. **“Best Management Practices (BMPs)”** means operational, maintenance and other practices that prevent or reduce environmental, health or safety impacts. BMPs include structural controls, modification of facility processes, and operating and housekeeping pollution control practices.
- B. **“Brownfield”** means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.
- C. **“Building Permit”** means a permit required under Chapter 24 or state administrative rule to erect, construct, enlarge, alter, repair, move, improve, remove, convert, change occupancy group of, or demolish any building or structure, or to do any clearing or grading, or cause any of the same to be done.
- D. **“Chief Engineer”** means the engineer with the authority to act as the official agent of the bureau or department responsible for a local or public improvement or the lawfully designated subordinate of the City Engineer. For the Bureau of Transportation this shall be the City Engineer, for the Bureau of Environmental Services this shall be the Chief Engineer of the Bureau of Environmental Services, and for the Portland Water Bureau this shall be the Chief Engineer of the Portland Water Bureau.
- E. **“City Engineer”** means the duly appointed City Engineer, or designee.
- F. **“Department of Environmental Quality (DEQ)”** means the Oregon Department of Environmental Quality.
- G. **“Development”** means all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities which create the need for additional usage or construction of public infrastructure.
- H. **“Director of the Bureau of Environmental Services”** means the duly appointed Director of the Bureau of Environmental Services, or the lawfully designated

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subordinate of the Director of Environmental Services acting under the orders of the Director of the Bureau of Environmental Services.

- I. “Director of the Bureau of Transportation”** means the duly appointed Director of the Bureau of Transportation, or the lawfully designated subordinate of the Director of the Bureau of Transportation acting under the orders of the Director of the Bureau of Transportation.
- J. “Dwelling Unit”** means a building or a portion of a building consisting of one or more rooms which may include sleeping, cooking, and plumbing facilities and are arranged and designed as living quarters for one family or household.
- K. “Engineer’s Estimate”** means the calculation of anticipated total dollar cost of the construction of a public or local improvement project as determined by the Chief Engineer. The estimate is used in determining the face value of performance bonds where applicable.
- L. “EPA”** means the United States Environmental Protection Agency.
- M. “Frontage”** means the length of public right-of-way adjacent to a property, measured in feet.
- N. “Lateral”** means the underground pipe that connects the plumbing system of a building or buildings to a public or private sewer.
- O. “Local Improvement”** means an improvement of, on, over or under property that is or will be owned or controlled by the public, by construction, reconstruction, remodeling, repair or replacement, when the improvement is determined by the Council to confer a special benefit on certain properties, and such properties are to be charged through assessment all or a portion of the improvement cost.
- P. “Oregon Administrative Rules (OAR)”** means the State of Oregon Administrative Rules as amended.
- Q. “Owner”** means an owner-of-record of real property according to the appropriate county’s assessment and taxation records.
- R. “Person”** means any 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.
- S. “Projected Future Curbline”** means:
  - 1. The location of the curbline as designated on City plans for street construction;
  - 2. To the edge of existing pavement; or

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3. To the appropriate width of the designated street classification as described in the Design Standards for Public Streets.
- T. “Public Improvement”** means an improvement of, on, over or under property owned or controlled by the City, or property to be controlled by the City upon plat and easement recording for approved land divisions, by construction, reconstruction, remodeling, repair or replacement, when no property is intended to be charged through assessment any portion of the improvement cost.
- U. “Public Sewer”** means the entire City sewage, sludge, and stormwater collection, conveyance, treatment, pollution reduction, reuse, and disposal systems, including all pipes, ditches, sumps, manholes, and other system components that:
1. Have been designed for the collection and transport of stormwater, wastewater, or sanitary sewage received from street inlets, sewer service laterals and common private sewer systems; and
  2. Were
    - a. Constructed by the City’s Bureau of Environmental Services; or
    - b. Accepted by the City’s Bureau of Environmental Services under Section 17.32.055.
- V. “Public Utility”** means a person currently possessing a franchise or privilege granted by the City of Portland to provide utility service, or is a City bureau charged with providing utility service, to the public to generate, transmit or provide any such service within the City, including but not limited to electricity, telecommunications, natural gas, sewer, water, stormwater, cable or pipeline services.
- W. “Public Works Project”** means any project performed or financed by a local, state, or federal government that results in the construction of a Local Improvement or a Public Improvement.
- X. “Responsible Official”** means the Official with the authority to act as the official agent of the bureau or department or the lawfully appointed subordinate of the Responsible Official. For the Bureau of Transportation, this shall be the Director of the Bureau of Transportation as defined in Section 17.04.036. For the Bureau of Environmental Services, this shall be the Director of the Bureau of Environmental Services as defined in Section 17.04.035.
- Y. “Street”** means any street as defined in the City Charter, including all area between property lines, and area dedicated to street use.
- Z. “Tri-County Metropolitan Transportation District of Oregon (TriMet)”** is a public agency established under ORS 267.010 to 267.390 that operates mass transit

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which spans most of the Portland metropolitan area, and/or the manager, lessee, agent, servant, officer, or employee of the organization.



**CHAPTER 17.06 - ADMINISTRATION OF  
PUBLIC WORKS PERMITTING**

(Chapter added by Ordinance No. 183483, effective  
February 19, 2010.)

**Sections:**

- 17.06.010 Purpose and Scope.
- 17.06.015 Protection of the Public Interest.
- 17.06.020 Definitions.
- 17.06.030 Organization and Rules.
- 17.06.040 Appeals Panel and Appeals Board.
- 17.06.050 Appeals.

**17.06.010 Purpose and Scope.**

This Title establishes regulations affecting or relating to Public Works Permit Improvements.

**17.06.015 Protection of the Public Interest.**

(Added by Ordinance No. 185397, effective July 6, 2012.) No provision of this Title shall be construed to create a right in any individual to a permit which in the opinion of the City would be inconsistent with the public interest.

**17.06.020 Definitions.**

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

- A. **“Public Works Permit”** is a permit issued by the Bureau of Transportation in accordance with Section 17.24.030, Application for Permit, or issued by the Bureau of Environmental Services in accordance with Chapter 17.32, Sewer Regulations.

**17.06.030 Organization and Rules.**

(Amended by Ordinance No. 189651, effective September 6, 2019.)

- A. The Public Works Permitting Section shall administer the provisions of this Chapter.
- B. The personnel of the Public Works Permitting Section shall consist of a Public Works Permit Manager and other employees as may be allowed and provided by City Council. Such personnel may act to enforce provisions of this Title. The Public Works Permit Manager shall report to the Development Division Managers of the Bureaus of Transportation, Environmental Services, and Water.
- C. The Public Works Permitting Section shall reside in the Bureau of Transportation Budget. Each year the Bureaus of Transportation, Environmental Services, and Water shall negotiate and implement an Interagency Agreement to manage administration and operations of the Section.

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1. The Public Works Permit Manager, under the direction of the three Development Division Managers for the Bureaus of Transportation, Environmental Services and Water, and in consultation with the City Engineer and Chief Engineers of the Bureaus of Environmental Services and Water, shall establish rules and procedures for appeals. The rules may include, consistent with this Code, a description of agency decisions that are and are not subject to appeal under this Code section.

**17.06.040 Appeals Panel and Appeals Board.**

(Amended by Ordinance Nos. 185397 and 189651, effective September 6, 2019.)

**A. Public Works Administrative Appeals Panel (PWAAP).**

1. The PWAAP shall consist of five members. No quorum is required for deliberation or decision.
  - a. The Panel shall include the three Development Division Managers or equivalent on the Bureaus of Transportation, Environmental Services, and Water or their designees.
  - b. Mayor Appointed Members.
    - (1) The Panel shall include one representative from the Development Review Advisory Committee (DRAC) and one from the City who has a strong interest or background in neighborhood land use and development activities. The Mayor may solicit nominations from the Chairs of the City's Neighborhood Association Land Use Committees or, if an association has no land use chair, the Neighborhood Chair.
    - (2) The Mayor shall appoint a qualified member and an alternate for each member. The alternate shall attend meetings and vote when the member is unavailable. Appointed Panel members and alternates shall serve a term of two years. However at the creation of the PWAAP, the initial term one DRAC and a City at large member shall be for three years to stagger membership for continuity with appointed members. The Mayor shall appoint and may remove any member or alternate from the Panel at any time.
    - (3) Members of the Panel shall be public officials within the meaning of state and local laws pertaining to ethics.
    - (4) Appointed members of the PWAAP shall serve without compensation.

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2. The PWAAP shall annually elect a Chairperson from among the three development division manager members of the Panel. Meetings of the PWAAP shall be held at the call of the Chairperson, who shall call meetings at the Public Works Permit Manager's request.
- B.** Public Works Board of Appeals (PWBA).
1. The Board shall consist of three members: Chief Engineers from the Bureaus of Environmental Services and Water, and the City Engineer or their designees. Two members shall constitute a quorum.
  2. The Board annually shall elect a Chairperson from among the three members of the Board. Meetings of the Board shall be held at the call of the Chairperson, who shall call meetings at the Public Works Permit Manager's request.
- C.** Representation from the Bureaus of Fire, Parks and Recreation Forestry Division or Development Services may be called upon by the Public Works Permit Manager at any time to provide staff support related to appeals to be acted upon by the PWAAP or PWBA.

**17.06.050 Appeals.**

(Amended by Ordinance Nos. 184707 and 189651, effective September 6, 2019.)

- A.** Unless prohibited by this Code and rules adopted by the Public Works Permit Manager, any person whose application for a Public Works Permit is denied or any person who is required pursuant to, or as a written condition of, the grant of a Public Works Permit to incur an expense for the alteration, repair, or construction of a facility in the public right of way, including but not limited to pavement, sidewalk areas, stormwater facilities or utilities may appeal to the Public Works Administrative Appeal Panel (PWAAP) by serving written notice upon the Public Works Permit Manager. The following actions are not subject to appeal:
1. Approval or denial of requests for design exceptions;
  2. Previously established City standards and specifications;
  3. Decisions related to the assessment of system development charges;
  4. Matters subject to the authority of any other City appeal body;
  5. Matters which may be appealed through City or state land use processes.
- B.** A permit decision, requirement or condition may only be appealed if it is in writing and only on the grounds that it is inconsistent with or contrary to City Code, rules, standards, policy, or is a misapplication or misinterpretation, thereof.

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- C.** An appellant shall serve written notice of appeal on the Public Works Permit Manager challenging an appealable permit decision, requirement, or condition. The notice of appeal shall be in such form as specified by the Public Works Permit Manager, and shall be accompanied by a fee, which shall be set on an annual basis by City Ordinance, and served within the time for appeal specified in Subsection H. of this Section.
- D.** Content of the appeal. The appeal must be submitted on forms provided by the Public Works Permit Manager. All information requested on the form must be submitted. The appeal request must include:
- 1.** The public works permit number appealed;
  - 2.** The appellant's name, address, signature, phone number;
  - 3.** The grounds for the appeal including, at a minimum, the specific City Code provision, rule, standard, or policy with which the decision, requirement, or condition is claimed to be in conflict and a detailed explanation of the alleged conflict;
  - 4.** The relief requested; and
  - 5.** The required fee.
- E.** The PWAAP may approve, approve with conditions or deny the requested relief. Any such decision must be consistent with applicable City Code, rules, standards and policies. The decision of the PWAAP, including a statement of its basis, shall be transmitted to the appellant and the relevant Bureaus in writing.
- F.** The appellant may appeal the PWAAP decision to the Public Works Board of Appeals (PWBA) by serving written notice on the Public Works Permit Manager. Failure to do so shall constitute waiver of any objections to the decision. The allowable grounds for appeal to the PWBA are as stated in Subsection B. of this Section. The request for appeal to the PWBA must include all items as stated in Subsection D. of this Section, and must be made within the time for appeal specified in Subsection H. of this Section.
- G.** The PWBA may approve, approve with conditions or deny the requested relief. Any such decision made must be consistent with applicable City Code, rules, standards and policies. If the PWBA determines that the requested relief cannot be granted without a change to City policy the PWBA may recommend such a change in writing to the Directors of the Bureaus of Transportation, Water, Environmental Services and Development Services and may incorporate the Directors' response into its final decision. The PWBA shall transmit to the appellant and the relevant Bureaus a written decision on the appeal, including a statement of its basis.

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- H.** Sequence of Appeals. The purpose of the appeals procedures is to identify and resolve appealable issues as early as possible, and to ensure an appeal is fully resolved before an applicant moves to subsequent steps in the permit review process. The following sequencing requirements apply to appeals:
- 1.** Appellant may file an appeal during any phase of the permit application and review process. However, an appeal must be submitted during the phase in which the decision is made. For example, a decision made during the 30 percent phase of plan review must be appealed prior to the start of the 60 percent phase.
  - 2.** The time required to file and process an appeal shall not increase the amount of time allowed by the City for an applicant to file and process a public works permit application. The right to appeal shall expire when the permit expires.
- I.** Decisions of the PWBA are final. They may be reviewed by the Circuit Court pursuant to ORS 34.010 to 34.102.



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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, 189323 and 189651, effective September 6, 2019.) 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

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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. For projects located within the North Macadam TSDC Overlay area or Innovation Quadrant TSDC Overlay area, the discount is only applicable to the Citywide TSDC. No discount may be applied to the North Macadam Overlay TSDC or the Innovation Quadrant Overlay TSDC.
  - 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:

<b>Residential</b>	
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



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Senior Housing/Congregate Care/Nursing Home	Eligible if in mixed use site that is built to at least 75% of max FAR
<b>Commercial – Services</b>	
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
<b>Commercial – Institutional</b>	
School, K-12	Eligible
University / College / Jr. College	Eligible
Church	Eligible
Hospital	Eligible
Park	Eligible
<b>Commercial - Restaurant</b>	
Restaurant (Standalone)	Eligible if in mixed use site that is built to at least 75% of max FAR
Quick Service Restaurant (Drive-Though)	Ineligible
<b>Commercial - Retail</b>	
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
<b>Commercial – Office</b>	
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
<b>Industrial</b>	
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

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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:

$$(\text{size of existing building} - 3,000 \text{ square feet}) / 2,000 \text{ square feet}$$

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

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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.

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- (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.

**CHAPTER 17.24 - PERMITS**

(Chapter replaced by Ordinance No. 184957,  
effective November 25, 2011.)

**Sections:**

- 17.24.000 Purpose and Intent.
- 17.24.005 Jurisdiction and Management of Public Right-of-Way.
- 17.24.010 Permits Required.
- 17.24.012 Financial Guarantee Required.
- 17.24.013 Insurance and Indemnification.
- 17.24.014 Permits to Construct and Maintain Structures in the Street Area.
- 17.24.015 Obligation of Property Owner for Structures in the Street Area.
- 17.24.016 Permit Revocation.
- 17.24.017 Temporary Street Closure.
- 17.24.020 Fees and Charges.
- 17.24.025 Fees for Public Improvement Permits.
- 17.24.026 Fees for Review of Land Use Applications.
- 17.24.030 Application for a Public Improvement Permit to construct a Street or Transportation Facility.
- 17.24.035 Deposit Required.
- 17.24.040 Refusal of a Public Improvement Permit.
- 17.24.050 Contents of Permit.
- 17.24.055 Assurance of Performance.
- 17.24.060 Permit Conditions.
- 17.24.067 Hazardous Substances.
- 17.24.070 Engineering and Superintendence for Street and Transportation Facility Public Improvements.
- 17.24.080 Work Done Under Permit.
- 17.24.085 Original Documents Become the Property of the City.
- 17.24.090 Certificate by City Engineer.
- 17.24.100 Street Pavement Preservation.
- 17.24.105 Regulations Governing Excavations and Disturbance of Pavement on Transit Mall.
- 17.24.110 Record of Permits.
- 17.24.120 Removal of Improvement.
- 17.24.130 Preservation of Cobblestones.

**17.24.000 Purpose and Intent.**

The purpose and intent of this Chapter is to:

- A.** Permit and manage reasonable access to the public right-of-way of the City;
- B.** Conserve the limited physical capacity of those public right-of-way held in trust by the City;

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- C. Assure that all persons owning or operating facilities within the public right-of-way comply with applicable ordinances, rules and regulations of the City;
- D. Assure that the City can continue to fairly and responsibly protect the public health, safety and welfare of its citizens.

**17.24.005 Jurisdiction and Management of Public Right-of-Way.**

- A. The City has jurisdiction and exercises regulatory management over all public right-of-way within the City, as provided under City Charter, ordinances, and Oregon law.
- B. The City has jurisdiction and exercises regulatory management over public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way, and whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- C. No person may occupy or encroach on a public right-of-way without the permission of the City, as provided under Portland City Code.
- D. The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right of way.
- E. The City retains the right and privilege to immediately require any person to remove, move or otherwise adjust its facilities located within the public rights-of-way whenever, in the determination of the Director of the Bureau of Transportation, the public need requires it. If the person ordered to remove, move, or adjust the facility does not do so as directed by the Director of the Bureau of Transportation the City may remove, move or otherwise adjust such facilities with its own forces or contract forces and the full cost of such removal, movement or adjustment shall be the responsibility of the person responsible for the facility.
- F. The Bureau of Transportation shall be the agency responsible for management of the public right-of-way.

**17.24.010 Permits Required.**

(Amended by Ordinance No. 189629, effective August 30, 2019.)

- A. Any person desiring to make a public improvement, do work in, or use the street area must first obtain a permit from the Director of the Bureau of Transportation as prescribed in this Chapter, and pay the permit fees set forth in Section 17.24.020, except for maintenance activities allowed without a permit, as set forth in Sections 17.42.020 and 17.42.025.

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- B.** Except as set forth in paragraph E. below, no person shall be granted a permit to install, construct, reconstruct, repair, alter or maintain facilities for the distribution, transmission or collection of sewer, water, gas, petroleum products, steam, electricity, telecommunications, or other service and any associated wires, cables, poles, conduits, appliances or apparatus in, on, over, through or in any manner beneath the surface of the streets unless that person currently possesses a franchise or privilege granted by the City of Portland or is a City bureau charged with providing such service to the public to generate, transmit or provide any such service including but not limited to electricity, telecommunications, natural gas, sewer, water, stormwater, and pipeline services within the City.
- C.** Except for street or transportation facility construction and maintenance work done by or under contract with Bureau of Transportation, and except for work allowed to be performed Sections 17.42.020 and 17.42.025, it is unlawful for any person to do any work or perform any act as set forth in this Title without first obtaining a permit. It is unlawful for any person to break up, dig up, cut, excavate or fill in any street or to construct any sidewalk, curb, gutter or to do any work in or upon any street or in any way to tamper with hard surface pavements without first obtaining a permit therefor and paying the fee prescribed in Section 17.24.020. The permit shall be obtained from the Director of the Portland Bureau of Transportation unless specifically provided otherwise in this Title.
- D.** The failure of any permittee to comply with any and all permit conditions or related Code and Charter provisions while doing work in the street area shall be reasonable cause for revocation of the permit. Upon revocation of the permit the City may complete the work and charge such costs to the permittee.
- E.** Licensed plumbing contractors having a valid plumbing permit to install water service lines and a valid authorization from the Portland Water Bureau to connect to a public water meter may obtain permits to install water service lines between the property line and the public water meter.
- F.** The Director of the Bureau of Transportation may issue permits to the Bureau of Environmental Services for street openings to facilitate connections to public sewers and to install, repair and replace sewer mains, laterals, necessary appurtenances and drainage facilities constructed through public and local improvement procedures. The Bureau of Environmental Services shall obtain permits from the Director of the Bureau of Transportation for use of the street area in accordance with the schedule of fees set forth in Section 17.24.020.
- G.** The Director of the Bureau of Transportation may issue permits to the Portland Water Bureau for street openings to facilitate connections to the public water system and to install, repair, and replace water mains, laterals, and necessary appurtenances. The Bureau of Water Works shall obtain permits from the Director of the Bureau of Transportation for use of the street area in accordance with the schedule of fees set forth in Section 17.24.020.

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- H.** The Director of the Bureau of Transportation may issue permits to a Public Utility for street openings to facilitate connections to the public utilities systems and to allow the Public Utility to install, repair, and replace its poles, mains, laterals, and necessary appurtenances. A Public Utility shall obtain permits from the Director of the Bureau of Transportation for use of the street area in accordance with the schedule of fees set forth in Section 17.24.020.
- I.** When immediate repairs to an existing at grade, underground or overhead installation become necessary as the result of an emergency or accident involving public hazard or interruption of service to subscribers or customers, the emergency repairs may be started or made without permit after notice to the Director of the Bureau of Transportation. The owner of such facilities shall apply for appropriate permits as soon as possible, not to exceed two (2) business days following discovery of the emergency.
- J.** The Director of the Bureau of Transportation may issue permits to Tri-County Metropolitan Transportation District of Oregon (TriMet) for activities not explicitly identified under any existing or future agreements, including the modifications to any existing or future infrastructure to allow for the attachments of telecommunication facilities. TriMet shall obtain permits from the Director of the Bureau of Transportation for use of the street area in accordance with the schedule of fees set forth in Section 17.24.020.

**17.24.012 Financial Guarantee Required.**

- A.** When issuing permits under this Chapter, the Director of the Bureau of Transportation may require a construction bond, performance bonds or other form of financial guarantee, approved by the Director of the Bureau of Transportation, as a condition of the permit.
- B.** The Director of the Bureau of Transportation may require a maintenance bond, or other financial guarantee, approved by the Director of the Bureau of Transportation, as a permit condition. The maintenance bond or other financial guarantee shall remain in force as long as the person or that person's predecessor has facilities located within the public right-of-way.
- C.** The acceptable forms and levels of the required financial guarantees shall be established by the Director of the Bureau of Transportation, as maintained on file in the office of the Bureau of Transportation.

**17.24.013 Insurance and Indemnification.**

- A.** Insurance. An applicant for a permit under this Chapter shall procure insurance, the adequacy of which shall be determined by the Director of the Bureau of Transportation, that names the City as an additional insured. The applicant shall



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supply the City with a certificate providing evidence of that insurance prior to issuance of the permit.

- B.** Indemnification. As a condition of a permit issued under this Chapter, the applicant shall hold harmless, indemnify and defend the City, its officers, employees and agents from and against all claims, suits, actions of whatsoever nature, damages or losses, and all expenses and costs incidental to the defense thereof, including attorney fees, resulting from or arising out of the activities of the applicant, its officers, employees, agents and contractors under this permit. In addition, in situations which occur prior to dedication of the right of way, the permittee acknowledges and assumes all risk of loss which may arise in the event the City or any other public agency subsequently requires changes in or additions to plans or refuses to approve all or any part of permittee's improvements.

**17.24.014 Permits to Construct and Maintain Structures in the Street Area.**

(Amended by Ordinance Nos. 187403 and 188850, effective April 6, 2018.)

- A.** Except as otherwise provided in this Code, permits to construct, install and/or maintain privately-owned structures in dedicated street area may be issued by the Director of the Bureau of Transportation only to the owner of the property abutting the half of the street area in which the structure is proposed to be built. Such permits shall be revocable at any time as provided in Section 17.24.016. The burdens and benefits of any such permit shall run with the property abutting the half of the street area in which the structure is proposed to be built and all such permits shall be recorded against the title of the benefitting property except as otherwise specified below. All cost of such recordings shall be borne by the permittee. Upon sale or other disposition of the property, the permit shall automatically transfer to any new property owner, unless the permit specifically states that it is nontransferable.
- B.** Permits may be issued to parties other than the owner of the abutting property only under the following circumstances:
- 1.** the Director of the Bureau of Transportation has determined that the permittee is an organization with public responsibilities and is of sufficient permanence to carry insurance, liability and maintenance responsibilities for the full life of the permit; or
  - 2.** the permittee is the owner of a benefited property against which the permit is recorded, and the underlying property owner of the right of way has agreed to issuance of the permit; or
  - 3.** as otherwise provided for in Section 17.24.010, Chapter 17.25, Chapter 17.26 and Chapter 17.56.

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- C. The benefits and burdens of permits issued to parties other than the owner of the abutting property shall run with the party or property specified in the permit, other portions of this code notwithstanding.

**17.24.015 Obligation of Property Owner for Structures in the Street Area.**

The owner of any real property shall be responsible for maintaining any structures in the half of the street area abutting the owner's property, whether such structures are under City permit or not, except that the abutting owner shall not be responsible for the maintenance of structures which have been installed by other than the abutting owner under a permit or other authority granted by the City of Portland.

The abutting property owner shall be liable to any person who is injured or otherwise suffers damage by reason of the property owner's failure to keep any structure located in the half of the street area immediately abutting his or her property in safe condition and good repair. Furthermore, said abutting property owner shall be liable to the City of Portland, its officers, agents and employees, for any judgment or expense incurred or paid by the City its officers, agents or employees, by reason of the existence of any such structure in the street area.

**17.24.016 Permit Revocation.**

(Amended by Ordinance No. 188692, effective January 1, 2018.) Permits for structures in City streets, for public improvements, work in, or use of the street area may be revoked by the Director of the Bureau of Transportation at any time and for any reason the Director of the Bureau of Transportation deems to be in the interest of the City, and no grant of any permit, expenditure or money in reliance thereon, or lapse of time shall give the permittee any right to the continued existence of a structure or to any damages or claims against the City arising out of revocation.

Upon revocation the permittee, or any successor permittee, shall at permittee's own cost remove such structure or equipment associated with work or use of street area within 90 days after written notice to the permittee by the City of such revocation, unless the Director of the Bureau of Transportation specifies a shorter period, and shall return the street area to the condition of the street area immediately surrounding it, to the satisfaction of the Director of the Bureau of Transportation. If the permittee does not remove the structure or equipment and/or return the street area to a condition satisfactory to the, Director of the Bureau of Transportation, the Director of the Bureau of Transportation may do so, and the permittee shall be personally liable to the City for any and all costs of dismantling the structure or equipment and reconstructing the street area. The costs of removal and reconstruction shall be assessed to the permittee and/or will become a lien upon the abutting property until paid by the permittee. The City may sell or otherwise dispose of structures, equipment or parts thereof removed from the public right of way under authority of this Section, and the owner of same shall not be entitled to any compensation for said items from the City.

**17.24.017 Temporary Street Closure.**

(Amended by Ordinance Nos. 185212 and 188850, effective April 6, 2018.) The Director of the Bureau of Transportation may close or by permit allow to be closed temporarily any street or portion thereof for the following reasons:

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- A. To facilitate construction, demolition or installation of facilities on public or private property.
- B. To restrict vehicular use of an unimproved street for the protection of the public or to eliminate a neighborhood nuisance.
- C. To provide for block parties.
- D. To provide for community events.

Such closures shall include the requirements of the City Traffic Engineer and provide for appropriate insurance as required by the Director of the Bureau of Transportation, protecting the public and the City.

**17.24.020 Fees and Charges.**

The Director of the Bureau of Transportation and/or City Council may establish fees and charges. All fees, charges, civil penalties, and fines established by authority of this Title will be listed in the Portland Policy Documents, as amended annually by Council effective with the fiscal year budget.

If a larger fee is required elsewhere in this Title for any class of permit, the larger fee shall apply, otherwise the fees and charges listed in the Portland Policy Documents shall be paid unless the Transportation Director or Council has granted a specific permit for a different fee. All fees, charges, civil penalties, and fines established by authority of this Title will be listed in the Portland Policy Documents, as amended annually by Council effective with the fiscal year budget. All fees for recording permits and other documents with the County Recorder shall be paid by the property owner or permittee.

**17.24.025 Fees for Public Improvement Permits.**

(Amended by Ordinance Nos. 187486 and 188850, effective April 6, 2018.)

- A. Engineering and superintendence services in connection with public improvement projects shall be charged in accordance with Portland Policy Document TRN 3.450 – Transportation Fee Schedule. Director of the Bureau of Transportation shall review actual yearly program costs of engineering and superintendence to ensure that only usual and ordinary costs are included and adjust the rates accordingly.

**17.24.026 Fees for Review of Land Use Applications.**

The Bureau of Transportation shall establish fees which recover the Bureau of Transportation's costs of participating in pre-application conferences and reviewing applications for land use approvals which are required by either Title 33 or Title 34 of the Code of the City of Portland.

- A. Policy
  - 1. Fees are not intended to exceed the Bureau of Transportation's average cost of processing the type of review requested or average cost of participating in pre-application conferences.

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2. Fees shall include direct costs and overhead charges.
  3. Fee schedules shall be updated annually and made available in the Portland Policy Documents.
- B. Required Fees**
1. Each request for a pre-application conference shall be accompanied by the applicable fee.
  2. All land use review applications requested must be accompanied by the applicable fee.
- C. Concurrent Applications.** When more than one review is requested on the same project, the fee for each review will be charged.
- D. Appeal Fees.** The process and charges for appeals shall be as set forth in Subsection 33.750.030 C. Appeal Fees.
- E. Fee Waivers.** The Bureau of Transportation will waive its pre-application and review fees in those cases where the Planning Director has granted a fee waiver under the provisions of Section 33.750.050.
- F. Refunds.** The Bureau of Transportation will refund fees under the following circumstances:
1. **Unnecessary Fee.** When a fee is accepted by staff for a land use review that is later found to not be required, a full refund will be made.
  2. **Errors.** When an error is made in calculating the fee, the overpayment will be refunded.
  3. **Full Refunds.**
    - a. If upon receipt of the application by the Bureau of Transportation, it is evident that no transportation review is required, the Transportation review fee will be refunded. The determination of whether a Transportation review is required is at the sole discretion of the Director of the Bureau of Transportation.
    - b. If the applicant meets the Bureau of Planning's requirements under Subsection 33.750.060 D. for a 50 percent refund and the Bureau of Transportation has not begun its review, the Transportation review will be refunded. Determination of whether to grant the refund is at the sole discretion of the Director of the Bureau of Transportation.
  4. **No Refunds.**

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- a. Appeal fees are not refundable except as set forth in Subsections 33.750.050 B. and 33.750.060 C.2.
- b. Pre-application conference fees are non-refundable except as set forth in Subsection F. 1. and 2.
- c. No refunds shall be given once a review has begun.

**17.24.030 Application for a Public Improvement Permit to construct a Street or Transportation Facility.**

- A. All persons or agencies wishing to construct street or transportation facilities as a public improvement shall make application to the Director of the Bureau of Transportation for a permit. The application for permit shall contain such information as the Director of the Bureau of Transportation may designate, and shall specify the nature of the proposed improvement, the name of the street or streets to be improved or in which the improvement is to be located, the location of any off street improvements and the completion date therefor.
- B. A public improvement permit for a street or transportation facility within a land division may be issued prior to recording of the final plat only after the following:
  - 1. the improvement plans have been approved by the City Engineer,
  - 2. the final plat, is approvable as determined by the Bureau of Development Services,
  - 3. any necessary site permits have been obtained from the Bureau of Development Services,
  - 4. any necessary easements outside the land division have been obtained,
  - 5. the permittee has provided the following:
    - a. Acknowledgment that the construction is on private property which is to become easement for public improvements or public right of way and to come under public control upon plat and easement recording with the county.
    - b. Authorization for City personnel to enter upon the particular private property for the purpose of testing, inspection and surveying if required, during the course of construction of the public improvements.
    - c. Acknowledgment that City inspection personnel may reject or require correction of work not in accordance with the approved

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plans and standard specifications, which would prevent future acceptance of the improvements.

- d. Acknowledgment that all public utilities to be located in public right of way must be installed prior to final acceptance of the public street improvements, or as directed by the Director of the Bureau of Transportation.
  - e. Acknowledgment that the plat and easements must be recorded with the County prior to final acceptance of the public improvements.
  - f. Agreement that the permittee will hold the City of Portland harmless against any liability which may occur during construction prior to dedication of the right of way or recording of the easement, and further agreement that the permittee assumes all risk of loss which may arise in the event the City or any other public agency subsequently requires changes in or additions to plans or refuses to approve all or any part of permittee's improvements.
  - g. Agreement that the permittee shall, at the permittee's own expense, maintain the public improvements for a period of 24 months following issuance of a certificate of completion by the City Engineer, as assurance against defective workmanship or materials employed in such improvement.
  - h. Acknowledgment that the issuance of this permit in no way waives any requirements by the City or any other public agency which may be associated with the development of the land division.
6. Any other conditions established by the Director of the Bureau of Transportation and or the City Engineer have been met.

**17.24.035 Deposit Required.**

Concurrent with making the permit application the party desiring the permit shall deposit a sum equal to one half of the estimated cost of engineering and superintendence as determined by the Director of the Bureau of Transportation except that when a consultant does the design and survey the deposit shall be 20 percent of the estimated cost of engineering and superintendence. This deposit shall be determined by using the appropriate schedule of services found in Section 17.24.070. All deposits must be made prior to any design work being done by the consultant. In the event that no permit is issued for the proposed improvement within 1 year from the time design and plans are reviewed and completed, the City shall retain the amount of the deposit as compensation for the preparation of design and plans or efforts of review. In the event a permit is issued for the proposed improvement within 1 year from the time such design and plans are completed, the amount of the required deposit shall be applied to the cost of the permit fee for such improvements.

**17.24.040 Refusal of a Public Improvement Permit.**

- A.** A permit application for a public improvement shall be refused when the street grade has not been established, if street grade is applicable directly or indirectly to the proposed improvement, while a proposal to change the grade is pending before the Council, or after plans have been filed with the Council to improve the street.
- B.** The Director of the Bureau of Transportation may refuse a permit if in his/her judgment the proposed use or improvement:

  - 1.** Is not suitable in the circumstances,
  - 2.** Will not be uniform with existing or proposed street improvements in the immediate vicinity, or
  - 3.** Includes movement of earth from one portion of street to another.
- C.** The City Engineer delegates to the Chief Engineer of the Bureau of Environmental Services authority to refuse a permit or establish permit conditions for modification or repair of any nonconforming sewer or drainage systems within existing or proposed right-of-way.
- D.** The Director of the Bureau of Transportation may refuse to issue a permit hereunder unless the application is modified as the Director of the Bureau of Transportation may deem necessary. The Director of the Bureau of Transportation may require the addition of curbs if a sidewalk improvement is proposed. The Director of the Bureau of Transportation may require the addition of curbs or sidewalks or both if the proposed improvement is a street improvement. If the Director of the Bureau of Transportation finds that water main extensions are likely to be needed within 5 years after the completion of a street improvement, the Director of the Bureau of Transportation shall refuse issuance of a street improvement permit unless the water main extensions are provided before the completion of a proposed street improvement. If an application is made for a street improvement and the Director of the Bureau of Transportation finds that public service installations will be needed below the surface of the street or that sanitary or storm drainage is necessary or that underground facilities are needed for future street light installations, the Director of the Bureau of Transportation may refuse the application unless such installations are included within the proposal or are arranged to be completed prior to the completion of the proposed street improvement.

**17.24.050 Contents of Permit.**

(Amended by Ordinance No. 188850, effective April 6, 2018.)

- A.** Any permit issued for the construction of a public improvement or use of the street area may contain such conditions as the Director of the Bureau of Transportation finds appropriate in the public interest. The permit shall specify the kind of work

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and or use allowed by the permit. The date by which the work is to be completed or if the permit is for use of the street area the date the use shall cease if applicable.

- B.** The contents of the permit shall include but are not limited to the following items:
1. A requirement for proof of insurance in a form acceptable to the City Attorney. Insurance requirements for use permits will be as specified in TRN-10.21 and per TRN-10.06 Portland in the Streets Administrative Rule.
  2. A requirement that the permittee shall be responsible for a 24-month quality assurance period following issuance of a certificate of completion.
  3. If the permit is for a local improvement a requirement for assurance of performance shall be required. If the permit is for a use of the street area the Director of the Bureau of Transportation may require an assurance of performance if he or she determines it is needed to protect the public interest.
  4. If the permit is for a local improvement a schedule setting forth when the permitted activity may begin and the date by which the work will be completed.
  5. A requirement that all stated fees and charges or estimated fees and charges have been paid and that the applicant will pay the balance of fees and charges above the estimated cost prior to issuance of a certificate of completion.

**17.24.055 Assurance of Performance.**

- A.** Assurance of Performance shall be for a sum approved by the Director of the Bureau of Transportation as sufficient to cover 100 percent of the cost of design, superintendence, and construction of improvements authorized under permit. Such assurance may, at the discretion of the Director of the Bureau of Transportation, be in the form of separate assurances covering individual stages of a staged development or covering the installation of various individual improvements rather than a single assurance of performance covering 100 percent of the cost of all improvements to the entire land division. Deposits for engineering and superintendence as required by Title 17 or by Title 5 are in addition to the filing of such assurances of performance.
- B.** Assurance of performance for public improvements may be in one of the following forms as approved by the City Attorney:
1. Surety bond executed by a company authorized to transact business in the State of Oregon.
  2. Irrevocable letter of credit.



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3. Set-aside account
  4. Cash deposit.
  5. City Council passage of a LID Formation Ordinance for a local improvement district.
  6. Other forms as approved by the City Attorney.
- C. If an applicant for permit fails to carry out the provisions of the application for permit, or the permittee fails to carry out the provisions of the permit, and the City has unreimbursed expenses resulting from such failure, the City shall call on the assurance of performance for reimbursement. If the amount of the assurance of performance exceeds the expenses incurred by the City, it shall release the remainder. If the amount of the assurance for performance is less than the expenses incurred by the City, the applicant or permittee shall be liable to the City for the difference. Assurance of performance covering stages or portions of a total development may be released as such stage or portion is completed to the satisfaction of the Director of the Bureau of Transportation. Twenty percent of all funds deposited as assurance of performance will be retained through the maintenance or quality assurance period; other forms of assurance of performance shall contain written provisions for a similar guarantee through the maintenance period.

**17.24.060 Permit Conditions.**

(Amended by Ordinance Nos. 185397 and 188850, effective April 6, 2018.) All work done in streets or other public places shall be done in the location approved by the Director of the Bureau of Transportation and in accordance with plans and specifications prepared or approved by the City Engineer. The permit may include conditions, and the conditions shall be binding upon the permittee (see Section 17.24.050). All work done shall be subject to the rejection or correction requirements of the City Engineer and subject to the final approval of the City Engineer. Any person or entity performing work in the street area shall:

- A. Begin the work promptly and diligently pursue the work until the work is completed;
- B. Upon completion of the work, make a written report to the Director of the Bureau of Transportation detailing the manner in which the work was executed, the location of the work and facilities, and other information regarding the work performed as the Director of the Bureau of Transportation may request. The report shall be certified as accurately depicting the horizontal and vertical location, size and type of material of all facilities constructed. The plans need not include details of the nature of the facilities. These plans shall be submitted to the City within sixty (60) days after completion of construction. The Director of the Bureau of Transportation may establish the format of such reports.

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- C. When there are two or more curbs on the same side of the street centerline, lay all pipes, mains, sewers, conduits, lines, when the same are to run lengthwise in any street, at a distance at least 3-1/2 feet from the curb closest to the street centerline measuring toward the center of the street and at least 2 feet from the curb closest to the street centerline measuring to the outer edge of the street. All connections to the pipes, mains, sewers, conduits, and lines laying lengthwise in the street or to any lot shall be installed perpendicular to the curb. In cases where compliance with these regulations would cause unnecessary digging up of pavement, disruption of traffic, place a burden on the street system, or otherwise not be in the best interest of the public, the Director of the Bureau of Transportation may in their sole discretion permit and or require the laying of pipes, mains, sewers, conduits, lines, in a different location or manner;
- D. Keep all stone, macadam, gravel or other pavement material separate from the excavated earth;
- E. Refill any trench or hole that has been dug or opened in any street for the purpose of reaching or laying any sewer, gas, water or other pipe or main within 24 hours after laying or reaching the sewer, gas, water or other pipe or main, or as directed by the Director of the Bureau of Transportation, in the following manner:
  - 1. If the street has not been improved with permanent pavement, the earth excavated from the hole or trench shall be refilled and thoroughly compacted until the grade of the roadway previously existing at such trench or hole is reached.
  - 2. If the street has been improved with permanent pavement, the excavated area shall be refilled and compacted to the elevation of the bottom of the permanent pavement, which shall be re-laid compactly and made to conform to the grade, base and quality of the surrounding street pavement.
- F. Erect appropriate traffic control devices and protective measures around the work site, and maintain warning lights or other warning devices as required by the Traffic Engineer at or around the work site during the hours between sunset and sunrise so that pedestrians and operators of vehicles may be duly warned of, and protected from the obstruction;
- G. Install and maintain erosion control measures as directed by the Director of the Bureau of Transportation;
- H. Comply with any other directions given by the Director of the Bureau of Transportation.

**17.24.067 Hazardous Substances.**

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

- A. **“Utility corridor fill”** means fill that:

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1. Meets the requirements of the City's Standard Construction Specifications;
  2. May be handled without the need for monitoring of exposure to contaminants under the Oregon OSHA occupational standards for maintenance workers or the use of personal protection equipment above Level D as described in 29 CFR 1910.120;
  3. Meets the current DEQ definition of clean fill in OAR 340-093; and
  4. The concentrations of any contaminants of concern in the fill material are below the DEQ soil and sediment clean fill screening levels for terrestrial and upland use.
- B. "Right-of-way access area" means:**
1. The area within a public right-of-way to a minimum depth of five feet below the final street and sidewalk grade and;
  2. Any additional depth or width necessary for maintenance of public or private infrastructure including but not limited to sewers, hydrants, meters, conduits and pole bases as required by the Director of the Bureau of Transportation.
- C. "Contaminant barrier" means** a visual and physical barrier that is of a material, construction and thickness sufficient to minimize transmission of hazardous substances present in the surrounding fill to the utility fill and provide a visual demarcation of the boundary of the utility fill as specified in the City's standard construction specifications or as approved by the Director of the Bureau of Transportation with the concurrence of the Director of the Bureau of Environmental Services.
- D.** In addition to the requirements of this Chapter, permittees shall comply with applicable state and federal laws, regulations and orders concerning hazardous substances including but not limited to their use, storage, handling, disposal, remediation, spill reporting and release reporting.
- E.** Except as provided in Subsection 17.24.067 H., all fill placed in the right-of-way access area as part of a project permitted under this Chapter shall be utility corridor fill.
- F.** Permittees shall excavate soil or fill that does not meet the definition of utility corridor fill that is encountered in the right-of-way access area during permitted work and replace it with utility corridor fill.
- G.** If the soil immediately outside of the right-of-way access area does not meet the definition of utility corridor fill, a contaminant barrier shall be placed between the utility corridor fill and surrounding fill.

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- H.** On a site-specific basis, the Director of the Bureau of Transportation with the concurrence of the Director of the Bureau of Environmental Services may allow the placement of fill that does not meet the definition of utility corridor fill in the right-of-way access area.
- I.** If a permittee is required under state, federal or local law to report a spill or release of hazardous substances that occurs at, on, over, under or affects the public right-of-way, the permittee must the Bureau of Environmental Services Spill Prevention and Citizen Response Section within 24 hours of such a spill unless otherwise required by state, federal or local law.
- J.** If a permittee encounters contaminated media within the public right-of-way that poses an imminent threat to human health, the environment, or the waters of the State or requires the use of personal protective equipment above Level D to conduct the permitted work, the Permittee must notify the Director of Bureau of Transportation and Director of the Bureau of Environmental Services within two business days of encountering the contaminated media.

**17.24.070 Engineering and Superintendence for Street and Transportation Facility Public Improvements.**

- A.** The City Engineer shall:
  - 1.** Make all necessary surveys;
  - 2.** Mark all grades;
  - 3.** Prepare, fix, and prescribe all plans and specifications;
  - 4.** Provide engineering provisions and approvals;
  - 5.** Test and evaluate all project materials and resources as required;
  - 6.** Inspect and approve all work done. At the option of the City Engineer, Subsections 17.24.070 A.1., 2., and 3. above may be done by a professionally registered consulting engineer working under private contract with the permittee.
- B.** If a permittee, person, or agency seeks to have a public improvement constructed under contract in the name of the City, then the permittee shall be charged for engineering and superintendence services in an amount equal to the Director of the Bureau of Transportation estimate of the actual costs of such services in accordance with the provisions of Section 5.48.050. This fee shall be paid prior to the issuance of permittee's permit for public improvement.
- C.** If a permittee, person or agency seeks to have a public improvement constructed under private contract between the permittee and a contractor, or if the permittee

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- C. A letter signed by the property owner, or an authorized representative of the property owner, consenting to a sidewalk cafe adjacent to the property on which the restaurant is located.
- D. A signed agreement between the Responsible Party and the City stating the Responsible Party understands all terms and conditions of the permit.

**17.25.050 Permit Requirements.**

No person shall operate any restaurant or cafe, to provide food or alcoholic liquor, on any public street or sidewalk unless such person has obtained a valid permit, to operate that business in such a manner, pursuant to this Chapter.

**17.25.060 Location Rules and Review.**

(Amended by Ordinance Nos. 182870, 185397, 188850 and 189651, effective September 6, 2019.)

- A. A sidewalk café shall only be allowed where the sidewalk is at least 8 feet wide. Café operations will be allowed only within the Area of Operation, which shall be established by the City Engineer.

The following table shows the minimum width of the Clear Pedestrian Zone for a given sidewalk width.

Sidewalk Width	Clear Pedestrian Zone Minimum Width
Greater than or equal to 8' 0" and less than or equal to 10' 0"	5' 6"
Greater than 10' 0" and less than 15' 0"	6' 0"
Greater than or equal to 15' 0"	8' 0"

- B. Sidewalk width is determined by City records. Adjustments may be made at the discretion of the City Engineer when field measurements conflict with City records.
- C. As a tool to allow compliance in areas with space conflicts a sidewalk café may be allowed pinch points that are less than the required Clear Pedestrian Zone minimum width. At a pinch point, the Clear Pedestrian Zone minimum width may be reduced by 6 inches for a length of no more than 2 feet. Pinch points must be at least 4 feet from adjacent pinch points. Pinch points are to be used at the discretion of the City Engineer.
- D. The Clear Pedestrian Zone shall be free of all obstructions, permanent and temporary. This includes objects such as posts, signs, street lights, fire hydrants, bicycle racks, bicycles utilizing bicycle racks, vegetation, trees, tree-wells, planters,

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literature and news racks, parking meters, bus shelters, benches, tables, chairs, umbrellas, heaters, and waste receptacles.

- E.** Obstructions controlled by the café or property owner that extend into the Clear Pedestrian Zone shall be at least 7 feet above the sidewalk surface within the Clear Pedestrian Zone.
- F.** Curbside seating may be allowed, subject to approval, and must allow a 2 foot buffer from the curb closest to the property line. Loading zones, bus stops, adjacent travel lanes or other conditions may prohibit curbside seating. The 2 foot buffer may be waived at the Bureau of Transportation's discretion when seating is adjacent to bike corrals or no-parking zones.
- G.** Within the Clear Pedestrian Zone there shall also be a continuous, straight passage at least 2 feet in width, known as the clear visual zone, to provide pedestrians with a clear visual indication of the direction and location of the Clear Pedestrian Zone. The Clear Pedestrian Zone is allowed to meander to navigate obstructions, but its ability to do so is limited by the clear visual zone.
- H.** To ensure compliance with the Americans with Disabilities Act, there shall be a continuous passage at least 4 feet in width with a maximum 2 percent pavement cross slope within the Clear Pedestrian Zone.
- I.** All sidewalk café furniture must be placed on hard surfaces, consistent with Section 17.28.060. In addition, no sidewalk café furniture is allowed to be placed within a driveway approach, or within any area between the driveway approach and the property line.
- J.** The approved Area of Operation shall be established by the City Engineer.
- K.** Within the Transit Mall, additional criteria regarding Clear Pedestrian Zone minimum widths may be applied per the City Engineer's discretion.

**17.25.070 Liability and Insurance.**

(Replaced by Ordinance No. 182870; Amended by Ordinance No. 188850, effective April 6, 2018.) Insurance is required pursuant to TRN-10.21 Insurance Requirements for Permits Issued by Street Systems Management.

**17.25.080 Form and Conditions of Permit.**

(Amended by Ordinance Nos. 182870, 184957, 188850 and 189078, effective July 18, 2018.) The permit issued shall be in a form deemed suitable by the City Engineer. In addition to naming the name of the business and other information deemed appropriate by the City Engineer, the permit shall contain the following conditions:

- A.** Each permit issued shall terminate December 31st of the year in which issued.

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- B.** The permit issued shall be personal to the Permittee only and is not transferable in any manner.
- C.** The permit may be suspended by the City Engineer when a separate Community/Special Event permit has been issued.
- D.** The permit is specifically limited to the approved Area of Operation.
- E.** The Responsible Party shall use positive action to assure that its use of the sidewalk in no way interferes with or embarrasses sidewalk users or limits their free and unobstructed passage.
- F.** The sidewalk and all things placed thereon shall at all times be maintained in a clean and attractive condition. Trash containers may be provided for use by the cafe patrons.
- G.** The Permit shall be posted in a conspicuous place near the main entrance visible from the sidewalk at all times.
- H.** All furniture and equipment used in the operation of a sidewalk café shall be removed within a period of 10 days from the right-of-way when not available for use by patrons. Removal of furniture and equipment may be required, on a case by case basis, outside of the business' hours of operation if determined necessary for safety or other reasons at the discretion of the Director of the Bureau of Transportation. The Portland Police Bureau or the Office of Community & Civic Life may provide recommendations for the consideration by the Director of the Bureau of Transportation.
- I.** Responsible Party shall notify the Bureau of Transportation of any changes to the contact information provided in the City /Responsible Party Agreement.
- J.** Outdoor cooking shall be prohibited.
- K.** A sidewalk café event extension permit may be issued to extend Area of Operation on a temporary basis, during a community event street closure.

**17.25.090 Denial, Revocation or Suspension of Permit.**

(Amended by Ordinance No. 182870, effective June 3, 2009.)

- A.** The City Engineer may deny, revoke, or suspend the permit for any sidewalk cafe authorized in the City of Portland if it is found:
  - 1.** That the provisions of this Chapter have been violated.
  - 2.** The Permittee does not have insurance which is correct and effective in the minimum amount prescribed in Section 17.25.070.

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- B.** Upon denial or revocation, the City Engineer shall give notice of such action to the Responsible Party and Permittee in writing stating the action which has been taken and the reason therefor. The action shall be effective upon giving such notice to the Responsible Party. Any denial or revocation may be appealed to the City Engineer by filing within 10 days.

**17.25.100 Appeal.**

(Replaced by Ordinance No. 182870, effective June 3, 2009.) Any Applicant aggrieved by an Administrator's determination may appeal that determination to the Code Hearings Officer as provided in Chapter 22.10 of this Code. Notwithstanding any other provisions of this Code, there shall be a non-refundable fee of \$250 for any appeal pursuant to this subsection. Such fee must accompany any such appeal and no such appeal shall be considered filed or received until such fee is paid in full.

**17.25.110 Enforcement.**

(Added by Ordinance No. 188850, effective April 6, 2018.) The Director of the Bureau of Transportation, or designee, shall retain the right to inspect and enforce permit compliance related to rules and regulations. Enforcement of rules and regulations shall be in accordance with TRN-8.14 (Right-Of-Way Use Enforcement Program).



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designated in Section 17.60.010 or parts thereof. The Director of the Bureau of Transportation shall maintain a record thereof.

**17.60.110 Exemptions.**

(Amended by Ordinance Nos. 155775, 173627, 182389, 184957 and 189629, effective August 30, 2019.) The provisions of this Chapter with respect to underground construction or installation shall not apply to the following:

- A.** Wires, poles, and appliances for lighting the streets of the City under contract with the City, or under private contract, connected with wires or cables in underground conduits or subways of a public utility; but all wires for street lighting above the surface of the streets shall be placed inside or on the outside of poles used in connection with such street lighting as directed by the City and shall be connected underground from the foot or base of the respective poles directly with the nearest wires or cables placed in such conduits or subways; provided that wires for street lighting if put on the outside of poles shall be placed in proper enclosures so as not to be dangerous to life or property, excepting, however, wires above the ground connecting the poles and the wires thereof with the light fixture on the pole.
- B.** Traffic signal installations made and maintained by the City. When deemed appropriate by the City Traffic Engineer agreements may be made with private property owners permitting attachment of traffic signal installations to privately owned buildings, and the Commissioner In Charge of the Bureau of Transportation is authorized to enter into or to approve agreements relating thereto, such agreements having first been approved as to form by the City Attorney. The agreements made prior to passage hereof are hereby ratified and confirmed.
- C.** Wires, cables, and appliances for electric signs, advertisements, and decorative lighting, connected with wires or cables in underground conduits or subways of a public utility; provided that all such wires for electric signs, advertisements, and decorative lighting shall be carried from or connected with the building, and if such wires are placed on the sides or front of any such building, they shall be placed in proper enclosures so as not to be dangerous to life or property, and the wires shall be connected underground from the foundations or basement of the respective buildings directly with the nearest wires or cables placed in such conduits or subways. No wire for electric signs, advertisements, or decorative lighting shall cross any street above ground.
- D.** Wires, cables, and appliances for telegraph, telephone, district telegraph, and fire alarm systems connected with wires or cables in underground conduits or subways of a public utility or a City system; provided that all wires for telegraph, telephone, district telegraph, and fire alarm systems above the surface of streets shall be placed on the sides or front of buildings in proper enclosures as the Director of the Bureau of Transportation may find necessary to prevent danger to life or property, and these wires shall be connected underground from the foundations or basement of the buildings directly with the nearest wires or cables in conduits or subways.

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- E. Wires, poles and attachment hardware for transit electrification systems; provided that all wires or hardware for transit electrification systems above the surface streets shall be placed as the Director of the Bureau of Transportation may find necessary to prevent danger to life or property within the requirements of the National Electrical Safety Code (ANSI C 2), and that if required, these wires shall be connected to underground wires from the foot or base of the respective poles.
- F. Appliances or appurtenances on, through or by means of which telecommunications data is wirelessly collected or transmitted, as defined by City of Portland Transportation Administrative Rules. Attachments to infrastructure not owned and maintained by the City must adhere to 3rd party attachment rules as laid out in City of Portland Transportation Administrative Rules.

**17.60.120 Joint Use of Conduits.**

Nothing in this Chapter shall be construed to prevent or impair any agreement between or among persons affected by this Chapter designed to provide for joint ownership, control, or use of conduits or subways.

**17.60.130 Special Control Districts.**

(Repealed by Ordinance No. 184957, effective November 25, 2011.)

**17.60.140 Conversion to Underground Wiring Within Control Districts.**

(Repealed by Ordinance No. 184957, effective November 25, 2011.)

**17.60.150 Service Entrance Requirements in Control Districts.**

(Repealed by Ordinance No. 184957, effective November 25, 2011.)

**CHAPTER 17.88 - STREET ACCESS**

**Sections:**

- 17.88.001 Purpose.
- 17.88.010 Definitions.
- 17.88.020 For Building and Planning Actions.
- 17.88.030 Location of Multiple Dwellings.
- 17.88.040 Through Streets.
- 17.88.050 Transportation Impact Study.
- 17.88.060 Dedication Prior to Permit Approval.
- 17.88.070 Routes of Travel in Park Areas.
- 17.88.090 Local Transportation Infrastructure Charge Required.

**17.88.001 Purpose.**

(Added by Ordinance No. 177028; amended by Ordinance No. 182760, effective June 5, 2009.) The purpose of this chapter is to describe the requirements for a transportation impact study, to ensure an adequate level of street connections to serve land uses, and to ensure that improvements to these streets are made in conjunction with development consistent with fire, life safety, and access needs.

**17.88.010 Definitions.**

(Replaced by Ordinance No. 177028; amended by Ordinance No. 187681, effective May 13, 2016.) As used in this Chapter, the following terms shall have the following definitions:

**A. "Exceptional Habitat Quality" for connectivity purposes:**

1. Riparian-associated wetlands protected with environmental zones;
2. Locally or regionally rare or sensitive plant communities;
3. Important forest stands contributing multiple functions and values to the adjacent water feature habitats of sensitive, threatened or endangered wildlife species; or
4. Habitats that provide unusually important wildlife functions, such as (but not limited to) a major wildlife crossing/runway or a key migratory pathway.

**B. "Mixed-Use Area" is compact development that allows a mix of uses, either within buildings or among buildings, and includes residential development as one of the potential components. Mixed-use areas include all commercial zones (CN1 and 2, CO1 and 2, CM, CS, CG, and CX), the EX, Central Employment Zone, and the IR, Institutional Residential Zone. All other employment zones, industrial zones, and the Open Space Zone are not included.**

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- C.** **"Significant alterations"** are changes to property that are 35 percent or greater than the assessed value of all improvements on the site. Mandatory improvements for fire, life safety and accessibility do not count toward the threshold.
- D.** **"Single-family residential zone"** means any of the Single-Dwelling Zones identified in Title 33 of the City Code.
- E.** **"Frontage"** means the length of public right-of-way adjacent to a property, measured in feet, but does not apply to collectors, arterials, or alleyways.
- F.** **"Unimproved street"** means any local street without a curb other than a local street that has been formally accepted by the Bureau of Transportation as having been fully built to an adopted Residential Shared or Residential Separated City street standard that does not require a curb.
- G.** **"Local street"** means any street classified as a Local Service Street in the City's adopted Transportation System Plan.
- H.** **"Subdivision"** means a division of land into four or more lots.
- I.** **"Local Transportation Infrastructure Charge"** is a charge collected to fund improvements to the City's network of unimproved local streets and adjacent or related transportation facilities.

**17.88.020 For Buildings and Planning Actions.**

(Replaced by Ordinance No. 177028; amended by Ordinance Nos. 182760, 184957 and 187681, effective May 13, 2016.) All building permits and planning actions are subject to the following:

- A.** No single family, multiple dwelling, industrial or commercial building shall be constructed, or altered so as to increase its number of occupants, or make significant alterations to a building without resulting in increased occupancy, on property that does not have direct access by frontage or recorded easement with not less than 10 feet width of right of way to a street used for vehicular traffic.
- B.** If a street adjacent to a property described in Subsection A. above does not have a standard full-width improvement, including sidewalks, the owner, as a condition of obtaining a building permit, conditional use, zone change, land partition or adjustment, shall provide for such an improvement or a portion thereof as designated by the Director of the Bureau of Transportation in accordance with provisions elsewhere in this Title. The payment of a Local Transportation Infrastructure Charge will satisfy the requirements of this Subsection.
- C.** Based on findings that a standard improvement is not feasible, the Director of the Bureau of Transportation may allow a temporary improvement appropriate for the circumstances, on the condition that the City will not maintain said temporary improvement and the owner will provide the City with a notarized document,

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approved as to form by the City Attorney, to be filed with the County in which property is located, stating that the present and future owners will be counted in favor of any proposed standard improvement of said street. Fee for said filing and any other expense of the City incidental to accomplishing the temporary improvement shall be paid by the owner.

**17.88.030 Location of Multiple Dwellings.**

(Replaced by Ordinance No. 177028; amended by Ordinance No. 182760, effective June 5, 2009.) Unless permitted as part of an approved Planned Development the Council permits by ordinance, no multiple dwellings or accessory building shall be so located on any lot, block, tract or area within the City that any portion of the dwelling or building will be more than 250 feet from a dedicated street abutting the lot or block or that portion of a tract or area on which the multiple dwelling or accessory building shall have direct access to such street by way of an approved roadway.

**17.88.040 Through Streets.**

(Replaced by Ordinance No. 177028; amended by Ordinance No. 184957, effective November 25, 2011.) Street connectivity provides access to adjacent properties and reduces out-of-direction travel. New or expanding development must include the following:

- A. Through streets as required by the Director of the Bureau of Transportation connecting existing dedicated streets, or at such locations as designated by the Director of the Bureau of Transportation, shall be provided for any development or redevelopment.
- B. Partial-width streets as required by the Director of the Bureau of Transportation where full-width streets could reasonably be provided in the future with the development or redevelopment of abutting property.
- C. New residential development or development in existing or future mixed-use areas that will require construction of new street(s) must:
  - 1. Respond to and expand on the adopted street plans, applicable to the site or area, or in the absence of such plan, as directed by the Director of the Bureau of Transportation;
  - 2. Provide for street connections no further apart than 530 feet, except where prevented by barriers such as topography, railroads, freeways, pre-existing development, or natural features where regulations do not allow construction of or prescribe different standards for streets;
  - 3. Provide bicycle and/or pedestrian connections when full street connections are not possible, no further apart than 330 feet except where prevented by barriers as noted above;

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4. Limit the use of cul-de-sac or closed street systems; and
  5. Include street cross section(s), as directed by the Director of the Bureau of Transportation.
- D.** Street and pedestrian/bicycle spacing standards may be modified in areas of exceptional habitat quality to the following standards:
1. Where streets must cross over protected water features, provide crossings at an average spacing of 800 to 1,200 feet, unless exceptional habitat quality or length of crossing prevents a full street connection.
  2. Pedestrian and bicycle connections that cross protected water features should have an average spacing of no more than 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.

**17.88.050 Transportation Impact Study.**

(Replaced by Ordinance No. 177028, effective December 14, 2002.) The traffic impacts of dividing or developing land may warrant a transportation impact study. The purpose of a transportation impact study is to assess the effects of development in the vicinity of a site on traffic conditions and operations; transit, pedestrians, and bicycle movement; and neighborhood livability. A transportation impact study may be required under the following situations:

- A.** Where approval criteria for a land use review include a requirement of adequacy of transportation services and the development proposed through the review meets or exceeds the following thresholds:
1. Trip generation threshold. More than 100 new vehicle trips will be generated in the peak direction (inbound or outbound) during the site's peak traffic hour; or
  2. Neighborhood traffic threshold. More than 250 new trips will be generated per day that are likely to use predominately residential Local Service Traffic Streets.
- B.** Safety or operational impacts. Where the City Engineer has identified potential safety or operational concerns that may be impacted by the layout of a site or the location or size of driveways for a proposed development.

**17.88.060 Dedication Prior to Permit Approval.**

(Added by Ordinance No. 177028; amended by Ordinance No. 182760, effective June 5, 2009.) No permit shall be issued for the construction of any dwellings or buildings upon any lot, block, tract or area within the City until required dedications, as outlined in this Chapter, are complete.

**17.88.070 Routes of Travel in Park Areas.**

(Added by Ordinance No. 177028; amended by Ordinance No. 182760, effective June 5, 2009.) The Bureau of Transportation, may, upon the request of the Commissioner In Charge of the Bureau of Parks and Recreation, take over and perform the construction, reconstruction, maintenance and repair of any boulevards, roadways, drives, paths, trails, walks or other routes of travel in park areas of the City. The transfer of such responsibility to the Bureau of Transportation shall not operate to remove the routes of travel from the jurisdiction and control of the Bureau of Parks and Recreation, and the planning and location of new routes shall remain the responsibility of, and in the jurisdiction of the Bureau of Parks and Recreation.

**17.88.080 Special Requirements for East Corridor Plan District.**

(Repealed by Ordinance No. 189651, effective September 6, 2019.)

**17.88.090 Local Transportation Infrastructure Charge Required.**

(Added by Ordinance No. 187681; amended by Ordinance Nos. 188891 and 189651, effective September 6, 2019.)

- A.** An applicant for a new, single-family, residential, building permit for a project of one or two units or for approval to create multiple lots other than as part of a subdivision on real property within a single-family residential zone must pay a Local Transportation Infrastructure Charge, except as exempted by this Code or associated administrative rule.
- B.** The Bureau of Transportation will assess a Local Transportation Infrastructure Charge according to the total number of linear feet of unimproved street frontage. The charge will be based on the average, location-specific, actual cost to the City to build local street improvements to City standards at the time of application. The City may establish zone-specific, per-lot maximum numbers of linear feet of unimproved street frontage subject to the Local Transportation Infrastructure Charge.
- C.** Payment of a Local Transportation Infrastructure Charge will exempt the property subject to the application from future Local Transportation Infrastructure Charges.
- D.** Local Transportation Infrastructure Charges will be collected and administered by the Bureau of Transportation. The Director of the Bureau of Transportation may establish rules and procedures for the Local Transportation Infrastructure Charge.
- E.** An applicant may not appeal under Chapter 17.06 of this Code the City's assessment of a Local Transportation Infrastructure Charge except as provided by administrative rule.
- F.** Affordable housing is exempt from Local Transportation Infrastructure Charges to the same extent and in the same manner that it is exempt from system development charges under this Code.





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- B.** “Grocery store” means any business in the City with gross annual receipts of \$2,000,000 or greater, offering for sale items of food and perishable items as well as other household goods and supplies.
- C.** “Recycled paper bag” means a paper checkout bag provided by a retail establishment or food provider to customers, meeting the following requirements:
1. Contains a minimum of 40 percent recycled content; and
  2. Is accepted for recycling in the City of Portland recycling program regulations under Chapter 17.102 of the City Code.
- D.** “Reusable bag” means a bag with handles that is specifically designed and manufactured for long-term multiple reuse and is:
1. Made of cloth or other machine washable fabric; or
  2. Made of durable plastic that is at least 4.0 mils thick.
- E.** “Retail establishment” means any sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization located within the City that sells or offers for sale goods to a customer.
- F.** “Single-use plastic checkout bag” means a plastic bag that is provided by a retail establishment or food provider to a customer and is not a reusable bag. A single-use checkout bag does not include the following:
1. A bag provided by a pharmacist to contain prescription medication purchased by customers of the pharmacy;
  2. A non-handled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or reusable bag; or,
  3. A plastic cover designed and used for protecting garments on a hanger.

**17.103.220 Checkout Bag Regulation.**

- A.** As of March 1, 2013, the following shall provide only recycled paper bags or reusable bags as checkout bags to customers:
1. Grocery stores; or
  2. Retail establishments or food providers with greater than 10,000 square feet in specific store size.

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- B.** As of October 1, 2013, all retail establishments and food providers shall provide only recycled paper bags or reusable bags as checkout bags to customers.

**17.103.300 Definitions for Restrictions on Single-Use Plastic Serviceware.**

(Amended by Ordinance No. 189537, effective July 5, 2019.) As used in Sections 17.103.300 through 17.103.320, the following terms have the following meanings:

- A.** “Condiment Packaging” means plastic packaging used to deliver single-serving condiments to customers. This includes but is not limited to single-serving plastic packaging for ketchup, mustard, relish, mayonnaise, hot sauce, coffee creamer, salad dressing, jelly and jam and soy sauce.
- B.** “Counter Service” is when food with ordered by the customer at a counter and is either picked up at the counter by the customer or delivered to the table by restaurant staff.
- C.** “Customer” means every person who purchases food or beverage that is intended to be consumed using single-use Plastic Serviceware.
- D.** “Dine-in” means food and beverage that are intended to be consumed inside the place of business where the food and beverage were purchased, including without limitation cafeterias and food halls.
- E.** “Electronic Orders” are food purchases conducted by smart phone, email or the website of a Retail Food and Beverage Establishment. This includes electronic ordering services that are independent of the retail food and beverage establishment.
- F.** “Fast Food” is food that can be prepared quickly and easily and is sold in Retail Food and Beverage Establishments as a quick meal or to be taken out for consumption. Fast food includes drive through, take-out and delivery orders and applies to orders transacted in person, by phone or electronically.
- G.** “Cafeterias” are dine-in areas within corporations, government, education and medical institutions. Cafeterias include ones managed by the institution or contracted food services.
- H.** “Plastic Serviceware” means single-use plastic straws, stirrers, Utensils and Condiment Packaging. This includes compostable and biodegradable plastic (petroleum or biologically based polymer) serviceware, but does not include serviceware that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.
- I.** “Retail Food and Beverage Establishments” means any retail business that provides single-use Plastic Serviceware as a component of the product delivery. This includes but is not limited to full service and limited service (or fast food)

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restaurants, food carts, bars, coffee and tea shops, grocery stores, convenience stores, hotels, motels, caterers and food service contractors.

- J.** “Utensils” are single-use plastic utensils intended for consumption of food which include but are not limited to spoons, forks, knives, sporks and chopsticks.

**17.103.310 Restrictions on Single-Use Plastic Serviceware.**

(Amended by Ordinance No. 189537, effective July 5, 2019.)

- A.** As of October 1, 2019, all Retail Food and Beverage Establishments and Cafeterias, where beverages may be consumed at Dine-in areas, shall provide Plastic Serviceware only after Customer request.
- B.** As of October 1, 2019, all Retail Food and Beverage Establishments and Cafeterias, where Customers order Fast Food, take-out or delivery, shall provide Plastic Serviceware to Customers only after asking if the Customer needs Plastic Serviceware and the Customer responds affirmatively. For Electronic Ordering, the Retail Food and Beverage Establishments are responsible for coordinating with any outside ordering service to prompt the Customer to select Plastic Serviceware.
- C.** Exemptions. The following situations are considered exempt from the restriction on single-use Plastic Serviceware:
- 1.** Cafeterias and Retail Food and Beverage Establishments designed for counter service may allow Customers to access a self-service station for plastic Utensils.
  - 2.** When the Plastic Serviceware is attached to or packaged by the manufacturer with a beverage container before the beverage container is offered for retail sale. For example, juice boxes.
  - 3.** When the product includes an ingredient packaged with single-use Plastic Serviceware. For example, a separate plastic container of dressing included within a larger salad container.
  - 4.** When free or reduced-price meals are provided as part of a social service to vulnerable populations, including without limitation, free or reduced-price meals provided by school systems, homeless shelters and programs that deliver meals to the elderly.

**17.103.400 Authority of Director to Adopt Rules.**

- A.** The Director is hereby authorized to administer and enforce the provisions of this Chapter.
- B.** The Director is authorized to adopt rules, procedures, and forms to implement the provisions of this Chapter.

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1. Any rule adopted pursuant to this Section shall require a public review process. Not less than 10 nor more than 30 days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time, and purpose of the public review process and the location at which copies of the full set of the proposed rules may be obtained.
2. During the public review, the Director shall hear testimony or receive written comment concerning the proposed rules. The Director shall review the recommendations, taking into consideration the comments received during the public review process, and shall either adopt the proposed rules, modify or reject them. If a substantial modification is made, the Director shall conduct additional public review, but no additional notice shall be required if such additional review is announced at the meeting at which the modification is made. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed with the City Auditor's Portland Policy Documents repository.
3. An interim rule may be adopted by the Director without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than one year (365 days). Within 5 business days of the adoption of an interim rule, the Director shall send notice of the rule to all of the following, giving the language of the rule change, describing the purpose of the rule, and inviting the submission of comments:
  - a. Neighborhood Associations recognized by the City Office of Community & Civic Life;
  - b. District Coalitions recognized by the City Office of Community & Civic Life;
  - c. Business District Associations identified by the City Office of Community & Civic Life; and
  - d. Persons on the Bureau of Planning and Sustainability list of parties interested in administrative rules.

**17.103.410 Enforcement and Penalties.**

- A. Violations of Chapter 17.103 shall be subject to:
  1. Upon the first violation, the Director shall issue a written warning notice to the violator that a violation has occurred.

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2. Upon subsequent violations, the following penalties shall apply:
    - a. \$100 for the first violation after the written warning in a calendar year;
    - b. \$200 for the second violation in the same calendar year; and
    - c. \$500 for any subsequent violation within the same calendar year.
  3. No more than one penalty shall be imposed upon any single location within a 7-day period.
- B.** Upon making a determination that a violation of this code or regulations duly adopted pursuant to this Chapter 17.103 has occurred, the Director will send a written notice of the violation by mail to the violator specifying the violation and the applicable penalty as set forth in Subsection A.
- C.** Any violator receiving a notice of violation must pay to the City the stated penalty or appeal the finding of a violation to the Code Hearings Officer in accordance with the procedures set forth in Section 22.10.030.

**17.103.420 Severability.**

If any Section, Subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter. The Council declares that it would have passed this Chapter, 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 Chapter should be declared invalid or unconstitutional, then the remaining Section, Subsection, sentence, clause or phrases shall be in full force and effect.



**CHAPTER 17.107 - TRANSPORTATION AND  
PARKING DEMAND MANAGEMENT**

(Chapter added by Ordinance No. 188177; amended  
by Ordinance No. 188695, effective May 24, 2018.)

**Sections:**

- 17.107.010 Purpose.
- 17.107.020 Required Elements of a Transportation and Parking Demand Management Plan.
- 17.107.030 Transportation and Parking Demand Management Requirements and Procedures.
- 17.107.035 Pre-Approved Multimodal Incentives for Residential and Mixed Use Development.
- 17.107.045 Required Reporting.
- 17.107.050 Enforcement and Penalties.
- 17.107.060 Administrative Rule Authority.
- 17.107.070 Fees.

**17.107.010 Purpose.**

(Amended by Ordinance No. 188957, effective June 23, 2018.) The purpose of this Chapter is to describe the required elements of a Transportation and Parking Demand Management (TDM) Plan, and the circumstances under which a pre-approved TDM plan may be submitted. Requiring TDM is intended to prevent, reduce, and mitigate the impacts of development on the transportation system, neighborhood livability, safety, and the environment while reducing transportation system costs.

TDM plans provide residents, employees, and visitors with information and incentives to use transportation methods other than single occupancy vehicles in order to achieve the City's transportation goals, including reduced reliance on single occupancy vehicles, and reduced vehicle miles travelled.

**17.107.020 Required Elements of a Transportation and Parking Demand Management Plan.**

(Amended by Ordinance No. 189651, effective September 6, 2019.) A TDM Plan shall include, at a minimum, the following elements:

- A. Description of proposed development, including trip generation estimates and proposed auto and bicycle parking. The description may include development anticipated to occur for a period of up to 10 years;
- B. Description of existing land uses, traffic conditions, and multimodal facilities in the area within  $\frac{1}{4}$  mile of the site, including (if applicable) any current employee mode split data from the most recent Employee Commute Options (ECO) report submitted to the Oregon Department of Environmental Quality;
- C. Performance Targets:

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1. Mode split goals shall be based on the performance targets from Policy 9.49.3 in the Transportation System Plan;
  2. An ECO survey submitted in Subsection B. shall serve as the baseline mode split, when available. If an ECO survey is not available, census data may be used, or the applicant may submit an independent survey from a professional traffic engineer;
  3. Interim performance targets may be determined as a straight line projection from the base year to 2035;
  4. Alternate performance targets may be proposed based on the following factors:
    - a. The relative availability of bicycle, transit, bike share, and car share infrastructure and services;
    - b. Current TDM strategies that have been implemented by the applicant;
    - c. Travel characteristics, including schedules, of employees, residents, and visitors;
    - d. Best practices and performance of comparable sites in Portland and comparable cities;
- D.** If a site has a TDM Plan approved through a previous land use review, and the applicant is in compliance with the provisions of that Plan, then the TDM Plan may serve as the basis of any subsequent updates. The submittal for a TDM Plan update should include:
1. Demonstration of compliance with neighborhood engagement obligations;
  2. Demonstration of compliance with mode split reporting obligations;
  3. Evaluation of mode split trends based relative to the performance target;
- E.** Strategies likely to achieve the identified mode split and parking management performance targets. Strategies may include but are not limited to:
1. Supply, management, and pricing of on-site employee, resident, and student parking;
  2. Dissemination of information about alternatives to single-occupant vehicle commuting;
  3. Identification of a site or campus TDM coordinator;



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4. Financial incentives offered to employees for carpool, car-sharing, transit, bicycling, and walking;
  5. For nonresidential uses, strategies to reduce total trips such as telework and/or compressed work week scheduling or on-site housing;
  6. For nonresidential uses, the availability of end-of-trip facilities, such as bicycle lockers, showers, and secured bicycle parking.
- F. For colleges and hospitals in the Campus Institutional Zone, a neighborhood engagement plan;
- G. Reporting as required by Section 17.107.045, including any Performance Monitoring plans proposed by the applicant that exceed the ECO reporting requirements detailed in Section 17.107.045;
- H. Ongoing Participation and Adaptive Management plan, specifying what additional actions not detailed in Subsection 17.107.020 D. may be utilized to achieve the 2035 performance targets specified in Subsection 17.107.020 C.

**17.107.030 Transportation and Parking Demand Management Requirements and Procedures.**

- A. **Requirement for Colleges and Medical Centers.** Title 33 requires College and Medical Center uses in the campus institutional zones to conform to an approved Transportation Impact review. The application requirements for the Transportation Impact review require the applicant to provide a Transportation and Parking Demand Management Plan that has all the elements required by this Chapter. Approval of the TDM plan is subject to the criteria described in Chapter 33.852.
- B. **Requirement for Residential Uses.** Title 33 requires development in a commercial/mixed use zone that includes more than 10 new dwelling units to have a TDM Plan at the time of development permit issuance. Development subject to this requirement may utilize the pre-approved multimodal incentive described in Section 17.107.035, or develop a custom plan approved through Transportation Impact Review, as described in Chapter 33.852.

**17.107.035 Pre-Approved Multimodal Incentives for Residential and Mixed Use Development.**

(Amended by Ordinance No. 188957, effective June 23, 2018.) As an alternative to preparing a custom TDM plan subject to Sections 17.107.020 through 17.107.030, and Chapter 33.852, an applicant of a mixed use and residential development may agree to provide a multimodal incentive plan, preapproved by the City, including, but not limited to, the following:

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- A. Distribution of transportation options information approved or provided by the Portland Bureau of Transportation for the first 4 years of building occupancy, offered to residents, employees, and visitors;
- B. Multimodal financial incentives equal to the value of a 1-year adult TriMet pass per residential unit, for the first year of building occupancy. This obligation will pay for a menu of incentives that will be offered to residents of the site to increase the use of transit, bicycling, walking, and other alternatives to driving alone. Specific rates for affordable dwelling units and market-rate dwelling units are found in the annual fee schedule;
- C. Participation in an annual travel survey of residents and employees for the first 4 years of building occupancy;
- D. A written acknowledgment by the applicant of the enforcement provisions in Code Section 17.107.050.

**17.107.045 Required Reporting.**

Employers on sites subject to an approved TDM Plan shall submit Employee Commute Options surveys to the Portland Bureau of Transportation a minimum of every 2 years after initial approval. On residential properties subject to a pre-approved TDM Plan under Section 17.107.035, the building owner or manager is required to actively participate in an annual City travel survey of residents and employees for the first 4 years of building occupancy.

**17.107.050 Enforcement and Penalties.**

It shall be a violation of this Chapter for any entity or person to fail to comply with the requirements of this Chapter or to misrepresent any material fact in a document required to be prepared or disclosed by this Chapter. Any building owner, employer, tenant, property manager, or person who fails, omits, neglects, or refuses to comply with the provisions of this Chapter shall be subject to a civil penalty of up to \$1,000 for every 7-day period during which the violation continues. If an entity or person is fully implementing all other elements of this Chapter, failing to meet performance targets alone shall not be an enforcement violation. The Bureau of Transportation shall seek voluntary compliance for a period of at least 1 month before resorting to penalties.

**17.107.060 Administrative Rule Authority.**

The Director of Transportation shall adopt administrative rules necessary to achieve the purpose of this Chapter.

**17.107.070 Fees.**

The City may charge fees for Transportation and Parking Demand Management goods and services provided, including but not limited to application review, incentives and education, performance monitoring, adaptive management, and compliance and enforcement.

**CHAPTER 17.109 - RELOCATION BENEFITS  
APPEALS**

(Chapter added by Ordinance No. 189651, effective  
September 6, 2019.)

**Sections:**

- 17.109.010 Purpose.
- 17.109.020 Reconsideration Conference.
- 17.109.030 Appeal to Code Hearings Officer.
- 17.109.040 Further Appeals.

**17.109.010 Purpose.**

The purpose of this Chapter is to provide an appeal process for any displacee who is dissatisfied with any ruling on their eligibility or claim for any relocation benefit payment when the City acquires private property for public use.

**17.109.020 Reconsideration Conference.**

A displacee wanting to appeal must first request a reconsideration conference to afford the displacee an opportunity to present additional information that may not have been considered by the City or to correct factual errors, and for the City to reconsider the claim with the new or corrected information. The request will be submitted to the bureau director of the displacing bureau on an “Appeal of Relocation Assistance” form which is available from the Right of Way Agent assigned to the file.

**17.109.030 Appeal to Code Hearings Officer.**

A determination issued pursuant to Portland City Code 17.109.020 may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of Portland City Code.

**17.109.040 Further Appeals.**

All appeals from the Code Hearings Officer’s determination in accordance with Section 17.109.030 will be by writ of review as authorized by Section 22.04.010 of the City Code and ORS 34.010 - 34.100.



**FIGURE 6 - CHAPTER 17.102**

(Figure replaced by Ordinance No. 189534,  
effective July 1, 2019.)

**Residential Solid Waste and Recycling Rates**

As used in Figure 6 the following terms have the meanings described below:

"Excess distance" is applicable to any collection beyond seventy-five (75) feet from the curb. This charge is in addition to the "non-curb surcharge."

"Clean up containers" include hauler-provided containers which are provided as requested by the customer for occasional or temporary use.

"Small multiplex" refers to any multidwelling building or a combination of buildings on a single tax lot in the residential franchise territory that contains 2-4 dwelling units.

"Non-curb surcharge" is the charge for collection service provided at a location more distant than curbside.

"Terrain differential" is applicable to services within the territory designated on Figure 6-1.

<b>Residential Curbside Collection Service Rates and Charges</b>				
<b>Single Family Service Level</b>	<b>Monthly Rate Curbside Pickup</b>	<b>Per Unit or Per Pickup</b>	<b>Non-Curb Surcharge</b>	<b>Excess Distance</b>
<b>Standard Service - Service includes weekly collection of composting &amp; recycling, every-other-week garbage</b>				
20-gallon Can*	27.90		2.10	0.70
32-gallon Can*	32.55		2.10	0.70
20-gallon Rollcart	27.90			
35-gallon Rollcart	32.55			
60-gallon Rollcart	37.85			
90-gallon Rollcart	43.15			
1.0 Cubic Yard Container	88.45			
1.5 Cubic Yard Container	120.30			
2.0 Cubic Yard Container	152.05			
<b>Every-four-weeks Service - Service includes weekly collection of composting &amp; recycling, every-four-weeks garbage</b>				
32-gallon Can*	25.00		1.05	0.35
35-gallon Rollcart	25.00			

\*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

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Single Family Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
<b>Special Services</b>				
Recycling Only, Weekly Collection	11.40			
Composting & Recycling Only, Weekly Collection	21.10			
On Call Yard Debris Collection (32 gallon Can, Bag or Bundle--Yard Debris Only)		7.45		
On Call Garbage (32-Gallon Can or Bag)		9.90	1.05	0.35
Yard Debris, Extra Can, Bag or Bundle-Yard Debris Only		3.75		
Garbage, Extra Can or Bag		5.00	1.05	0.35
Courtesy Callback (Garbage or Composting)		9.70		
Rollcart Delivery**		13.75		
Extra Composting Rollcart	14.10			
Extra Recycling Rollcart	6.00			
Holiday Tree Removal		5.00		
<b>Multiple Cans/Rollcarts- Service includes weekly collection of composting &amp; recycling, every-other-week garbage</b>				
32-Gallon Cans, Two*	42.40		4.20	1.40
32-Gallon Cans, Three*	48.55		6.30	2.10
32-Gallon Cans, Four*	53.10		8.40	2.80
35-Gallon Rollcart, Two	41.65			
35-Gallon Rollcart, Three	49.20			
35-Gallon Rollcart, Four	56.75			
60-Gallon Rollcart, Two	48.75			
60-Gallon Rollcart, Three	59.05			
60-Gallon Rollcart, Four	69.35			
90-Gallon Rollcart, Two	56.95			
90-Gallon Rollcart, Three	68.95			
90-Gallon Rollcart, Four	80.90			

\*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

\*\*Rollcart delivery fees may be charged in the following scenarios:

1. For composting and recycling, if it is the customer's second (or greater) rollcart delivery.
2. For garbage, if it is the customer's second (or greater) rollcart delivery within a one year period.
3. Any time the customer requests a clean rollcart.

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Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
<b>Clean-Up Containers</b>				
One 1.0 Cubic Yard		93.30		
One 1.5 Cubic Yard		102.00		
One 2.0 Cubic Yard		110.60		
<b>Terrain Differential</b>				
Every-Other-Week Garbage (Single Can / Rollcart)	4.35			
Every-Other-Week Garbage (Multiple Cans / Rollcarts)	4.50			
Every-Four-Weeks Garbage	3.00			
Recycling Only	1.50			
Compost & Recycling Only	2.85			
32-Gallon Can On-Call	0.80			
On Call Yard Debris Collection (32 gallon Can, Bag, or Bundle –Yard Debris Only	0.50			

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**Curbside Collection Service Rates and Charges  
for Small Multiplexes**

<b>Weekly composting &amp; recycling, every-other-week garbage</b>			
<b>Collection for:</b>	<b>Duplex</b>	<b>Tri-Plex</b>	<b>Four-Plex</b>
<b>Single Container Service, where rollcart / container is shared by residents of 2, 3 or 4 units</b>			
One shared 60-Gallon Rollcart	44.45	53.35	N / A
One shared 90-Gallon Rollcart	47.95	56.85	65.75
One shared 1.0 Cubic Yard Container	74.15	83.05	91.95
One shared 1.5 Cubic Yard Container	92.05	100.95	109.85
One shared 2.0 Cubic Yard Container	109.85	118.75	127.65
<b>Multiple Containers, where all cans / rollcarts are placed together in a single location at curbside for pickup. Where unshared cans / rollcarts are located separately at curbside for pickup then each is considered a separate account, charged at single-family rate.</b>			
Two 32-Gallon Cans*	45.00	53.90	N / A
Three 32-Gallon Cans*	49.30	58.20	67.10
Four 32-Gallon Cans*	53.55	62.45	71.35
Two 20-Gallon Rollcarts	42.85	N / A	N / A
Three 20-Gallon Rollcarts	46.05	54.95	N / A
Four 20-Gallon Rollcarts	49.25	58.15	67.05
Two 35-Gallon Rollcarts	45.95	54.85	N / A
Three 35-Gallon Rollcarts	50.70	59.60	68.50
Four 35-Gallon Rollcarts	55.50	64.40	73.30
Two 60-Gallon Rollcarts	52.40	61.30	70.20
Three 60-Gallon Rollcarts	60.40	69.30	78.20
Four 60-Gallon Rollcarts	68.35	77.25	86.15
Two 90-Gallon Rollcarts	59.45	68.35	77.25
Three 90-Gallon Rollcarts	70.95	79.85	88.75
Four 90 Gallon Rollcarts	82.50	91.40	100.30

--N/A services are not available.

--Non-curbside service is available at small multiplexes for garbage cans and rollcarts at an additional monthly charge of \$2.10 per can and \$4.30 per rollcart. Excess distance charge for a can is \$0.70. Excess distance charge for a rollcart is \$1.40.

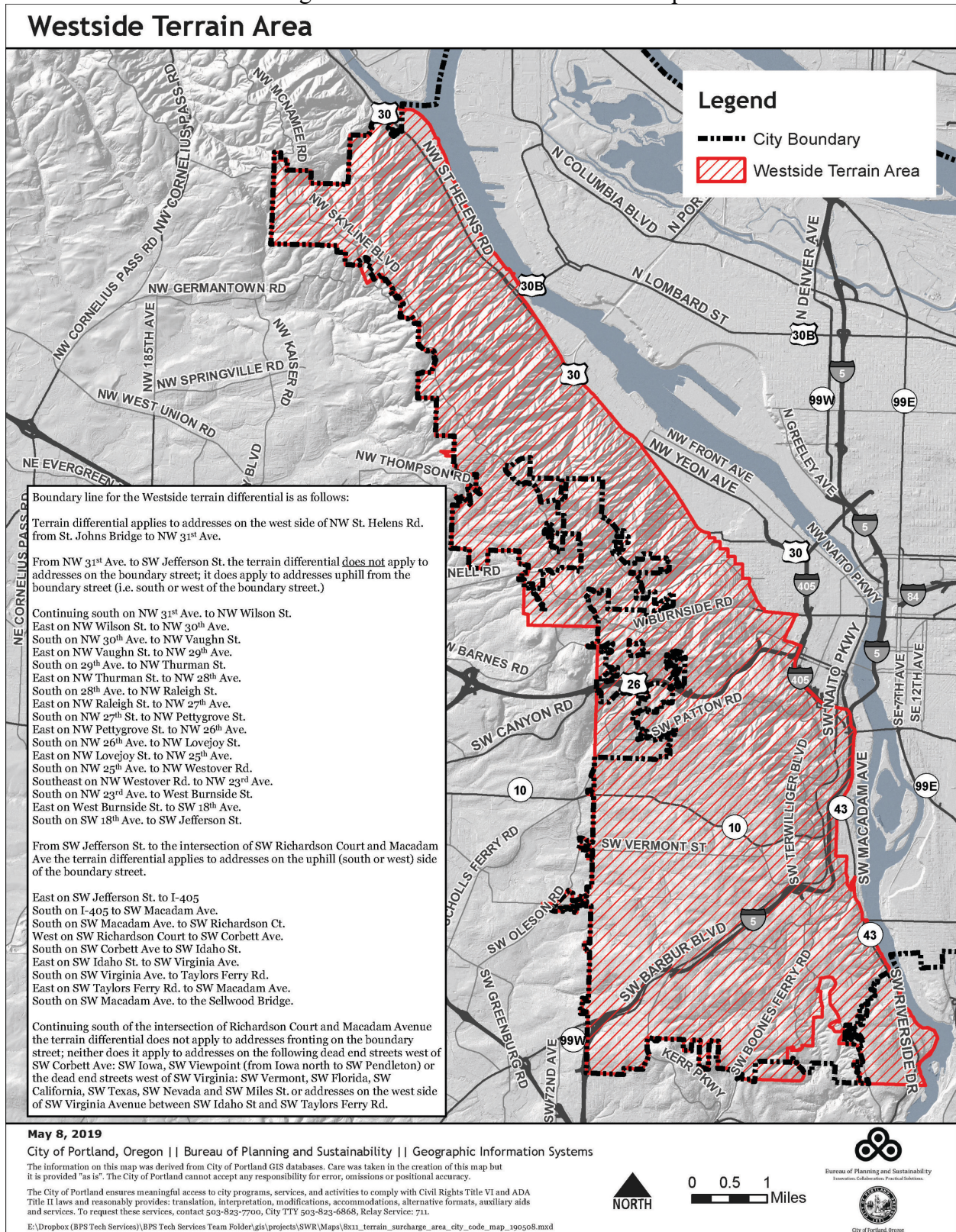
--For composting services, extra cans, bags, or bundles of yard debris only are \$3.75 each and accrue on a per account, rather than per unit, basis.

--Recycling labor surcharge is \$8.90 per additional dwelling unit.

\*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.



Figure 6-1 Terrain Differential Area Map





CHAPTER 22.10 - APPEALS TO THE CODE  
HEARINGS OFFICER

**Sections:**

- 22.10.010 Definitions.
- 22.10.020 Jurisdiction.
- 22.10.025 Notification of Right to Appeal; Enforcement; Remedies.
- 22.10.030 Initiation of Appeal.
- 22.10.040 Hearings.
- 22.10.050 Hearings Procedure.
- 22.10.060 Nature of Determination.

**22.10.010 Definitions.**

(Amended by Ordinance Nos. 187151 and 189614, effective August 23, 2019.) 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 that is subject to the review procedures set forth in 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.

**TITLE 22  
HEARINGS OFFICER**

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

# TITLE 29 - PROPERTY MAINTENANCE REGULATIONS

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**TITLE 29 - PROPERTY MAINTENANCE**  
**REGULATIONS**

(Title substituted by Ordinance No. 171455, effective August 29, 1997.)

**TITLE 29  
PROPERTY MAINTENANCE REGULATIONS**

**CHAPTER 29.05 - TITLE, PURPOSE, AND  
SCOPE**

**Sections:**

- 29.05.010 Title.  
29.05.020 Purpose.  
29.05.030 Scope.  
29.05.040 Application of Titles 24, 25, 26, 27, 28, and 33.

**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.**

(Amended by Ordinance No. 189711, effective September 25, 2019.) Any alterations to buildings or properties 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 and other applicable regulations.

**29.05.050 Use of Summary Headings.**

(Repealed by Ordinance No. 180330, effective August 18, 2006.)

**TITLE 29**  
**PROPERTY MAINTENANCE REGULATIONS**

**CHAPTER 29.10 - DEFINITIONS**

**Sections:**

- 29.10.010     General.  
29.10.020     Definitions.

**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, 183534 and 189711, effective September 25, 2019.) 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.

**TITLE 29**  
**PROPERTY MAINTENANCE REGULATIONS**

- 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.”

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**PROPERTY MAINTENANCE REGULATIONS**

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

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PROPERTY MAINTENANCE REGULATIONS**

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 control and elimination of insects, rodents, vermin or other pests by eliminating their harborage places; by removing or making inaccessible those materials that serve as a source of food or water; or by other approved pest elimination methods.
- 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 structure of insects, rodents, vermin or other pests to a degree that is harmful to the dwelling or its occupants.

**TITLE 29**  
**PROPERTY MAINTENANCE REGULATIONS**

- 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,

**TITLE 29**  
**PROPERTY MAINTENANCE REGULATIONS**

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



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**PROPERTY MAINTENANCE REGULATIONS**

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 or Must.** 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.

**TITLE 29**  
**PROPERTY MAINTENANCE REGULATIONS**

- 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.

**TITLE 29**  
**PROPERTY MAINTENANCE REGULATIONS**

**CHAPTER 29.20 - PROPERTY NUISANCES**

**Sections:**

- 29.20.010 Outdoor Maintenance Requirements.
- 29.20.020 Other Endangering Conditions.
- 29.20.030 Nuisance Defined, Summary Abatement Authorized

**29.20.010 Outdoor Maintenance Requirements.**

(Amended by Ordinance Nos. 176381, 180330, 183534, 184522, 185448, 186053 and 189711, effective September 25, 2019.) 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 5 feet of a structure or within 5 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.

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- 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.

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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

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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, 183397 and 189711, effective September 25, 2019.) 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, rain drain system, or non-conforming sewers, 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.

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**CHAPTER 29.30 - HOUSING MAINTENANCE  
REQUIREMENTS**

**Sections:**

- 29.30.005 General.
- 29.30.010 Display of Address Number.
- 29.30.020 Accessory Structures.
- 29.30.030 Roofs.
- 29.30.040 Chimneys.
- 29.30.050 Foundations and Structural Members.
- 29.30.060 Exterior Walls and Exposed Surfaces.
- 29.30.070 Stairs and Porches.
- 29.30.080 Handrails and Guardrails.
- 29.30.090 Windows.
- 29.30.100 Doors.
- 29.30.110 Interior Walls, Floors, and Ceilings.
- 29.30.120 Interior Dampness.
- 29.30.130 Insect and Rodent Harborage.
- 29.30.140 Cleanliness and Sanitation.
- 29.30.150 Bathroom Facilities.
- 29.30.160 Kitchen Facilities.
- 29.30.170 Plumbing Facilities.
- 29.30.180 Heating and Ventilation Equipment and Facilities.
- 29.30.190 Electric System, Outlets, and Lighting.
- 29.30.200 Ceiling Heights.
- 29.30.210 Sleeping Room Requirements.
- 29.30.220 Overcrowding.
- 29.30.230 Emergency Exits.
- 29.30.240 Smoke Alarms or Detectors.
- 29.30.245 Carbon Monoxide Alarms/Detectors.
- 29.30.250 Fire Safety Conditions for Apartment Houses and Hotels of More than Two Stories.
- 29.30.260 Hazardous Materials.
- 29.30.270 Maintenance of Facilities and Equipment.
- 29.30.280 Swimming Pool Enclosures.
- 29.30.290 Special Standards for Single-Room Occupancy Housing Units.

**29.30.005 General.**

(Amended by Ordinance Nos. 180330, 181699 and 189711, effective September 25, 2019.)

- A.** An owner may not maintain or permit to be maintained, in violation of this Chapter, any residential property.

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- 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 Section 29.30.250 only apply to residential hotels and apartment houses that were constructed, altered or repaired before January 1, 1973.

**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.



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- 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.

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- 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.

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- 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.

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- 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.**

(Amended by Ordinance No. 189711, effective September 25, 2019.)

- 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, peeling 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.**

(Amended by Ordinance No. 189711, effective September 25, 2019.) The Director will adopt administrative rules detailing implementation and enforcement of this provision.

- A. To prevent conditions conducive to decay, deterioration, or mold growth within a structure, every dwelling, including basements, attics, and crawl spaces, must be maintained reasonably free from dampness such that:
  - 1. There are no sources of moisture intrusion from either exterior or interior sources; and
  - 2. There is no visible or otherwise demonstrable growth of mold or mildew in the interior of any building.
- B. When visible or otherwise demonstrable growth of mold or mildew is found to exist within a residential unit, the property owner must remediate and treat the affected and identified areas in accordance with the requirements set forth in the administrative rules.
- C. When visible or otherwise demonstrable growth of mold or mildew exceeding a total of one square foot is present within a residential unit, an approved ventilation system for reducing moisture may be required for each bathroom with bathing facilities that does not have an approved mechanical ventilation system. The new mechanical ventilation system must be installed and be sized to provide ventilation per the requirements of the Oregon Residential Specialty Code for one and two-family dwellings or the Oregon Mechanical Specialty Code for commercial structures.

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- D.** When visible or otherwise demonstrable growth of mold or mildew exceeding a total of one square foot is present within a residential unit, any existing, approved mechanical ventilation systems in bathrooms with bathing facilities must meet the requirements set forth in the administrative rules. Any existing ventilation system that fails to meet these criteria and cannot be repaired or retrofitted must be replaced according to the specifications for new ventilation systems listed in Subsection 29.30.120 C.

**29.30.130 Insect and Rodent Harborage.**

(Amended by Ordinance No. 189711, effective September 25, 2019.) The Director will adopt administrative rules detailing implementation and enforcement of this provision. Every structure shall be kept free from insect, rodent, vermin or other pest infestation, and where found, infestations shall be promptly exterminated as set forth in the administrative rules. After extermination, proper precautions must be taken to prevent reinfestation.

**29.30.140 Cleanliness and Sanitation.**

(Amended by Ordinance Nos. 176381, 177254, 181699, 184885 and 189711, effective September 25, 2019.)

- A.** All exterior property areas must be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. All household garbage must be stored in receptacles which are free from holes and covered with tight fitting lids. Receptacles must be of sufficient capacity to prevent the overflow of garbage and rubbish from occurring.
- B.** The interior of every dwelling must 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, or produce dangerous or offensive gases, odors and bacteria, or any other unsanitary conditions, or create a fire hazard.
- C.** The owner of a residential rental property of four or fewer dwelling units must provide for each dwelling unit, or subscribe to and pay for weekly recycling and composting service and every-other-week garbage removal service by a franchisee as defined in Chapter 17.102 of the Code of the City of Portland, where each dwelling unit is provided with at least one 20 gallon receptacle into which garbage and rubbish may be emptied for storage and collection. Receptacles and lids shall be watertight and provided with handles.
- D.** The owner of a residential rental property of five or greater dwelling units must subscribe to and pay for recycling and garbage removal service by a refuse collection permittee or franchisee as defined in Chapter 17.102 of the Code of the City of Portland. Collection must occur at least weekly.
- E.** The owner of any owner occupied residential property must subscribe to and pay for weekly recycling and composting service and every-other-week garbage

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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:

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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).

**29.30.190 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

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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



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- 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.

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- 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 Alarms or Detectors.**

(Amended by Ordinance Nos. 176381, 180330 and 189711, effective September 25, 2019.)  
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.

**29.30.245 Carbon Monoxide Alarms.**

(Added by Ordinance No. 189711, effective September 25, 2019.)

- A.** Existing rental dwelling units must have one or more carbon monoxide (CO) alarm(s) installed in compliance with state Fire Marshal rules and the state building code and maintained per the Oregon Revised Statutes 90.317, if the rental dwelling unit:
1. Contains a carbon monoxide source; or
  2. Is located within a structure that contains a carbon monoxide source and the dwelling unit is connected to the room in which the carbon monoxide source is located by a door, ductwork, or a ventilation shaft.

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- B.** All existing dwelling units, including rental dwelling units, will be required to have a carbon monoxide (CO) alarm(s) installed in compliance with the current Oregon Residential Specialty Code Section R315, only:
  - 1. At such time as a carbon monoxide source is introduced; or
  - 2. When interior work requiring a structural permit occurs.
- C.** All detectors or alarms installed must be approved, properly functioning, and installed in accordance with the manufacturer's instructions.
- D.** In accordance with state building code, all carbon monoxide detectors or alarm(s) required to be installed per this section must be located as follows:
  - 1. In each bedroom or within 15 feet outside of each bedroom door;
  - 2. For bedrooms on separate floor levels in a structure with two or more stories, each story must have separate carbon monoxide alarms; and
  - 3. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be install within the bedroom.

**29.30.250 Fire Safety Conditions for Apartment Houses and Hotels of More than Two Stories.**

(Amended by Ordinance Nos. 178745 and 189711, effective September 25, 2019.) 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.** For structures built prior to January 1, 1973, minimum fire safety standards shall be as provided per Appendix Chapter 13, Section 1313, of the 1973 edition of the Uniform Building Code. (As previously adopted by Ordinance No. 135236 effective September 7, 1972 & Ordinance No. 139124 effective November 20, 1974.)
- 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 Nos. 180330 and 189711, effective September 25, 2019.)

- A.** Any paint(s), veneers, varnishes, or similar pigmented sealers or finishes applied to any surface of a residential structure must be lead free, in compliance with the

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Federal Consumer Product Safety Commission's 1978 ban on the use of paint containing lead in residential properties.

The Director will adopt administrative rules detailing requirements and enforcement of this provision.

- B.** Residential property must be free of dangerous levels of hazardous materials, contamination by toxic chemicals, or other hazardous conditions 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 and occupancy as a result of hazardous materials or conditions on the property, the property must also be deemed to be in violation of this Title. Any such property must remain in violation of this Title until such time as the authorizing agency has approved the remediation of the hazardous materials or conditions. The Director may order such property vacated pursuant to Section 29.60.070 of this Title.
- C.** No residential property may 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 may 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 must be kept free of friable asbestos.

**29.30.270 Maintenance of Facilities and Equipment.**

(Amended by Ordinance No. 189711, effective September 25, 2019.) In addition to other requirements for the maintenance of facilities and equipment described in this Chapter:

- A.** All required facilities in every dwelling must be constructed and maintained to properly and safely perform their intended function.
- B.** All facilities or equipment present in a dwelling and supplied by the landlord must be maintained and able to perform their intended function 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, 181699 and 189711, effective September 25, 2019.) Swimming pool enclosures must comply with the provisions of the applicable building code in effect at the time of the pool installation.

**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:

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- 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.

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**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.
- 29.35.020 Accessory Structures.
- 29.35.030 Roofs.
- 29.35.040 Chimneys.
- 29.35.050 Foundations and Structural Members.
- 29.35.060 Exterior Walls and Exposed Surfaces.
- 29.35.070 Stairs and Porches.
- 29.35.080 Handrails and Guardrails.
- 29.35.090 Windows.
- 29.35.100 Doors.
- 29.35.110 Cleanliness and Sanitation.
- 29.35.120 Enforcement.

**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

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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:

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- 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.



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**CHAPTER 29.40 - DANGEROUS AND  
DERELICT STRUCTURES**

**Sections:**

- 29.40.005 Generally.
- 29.40.010 Derelict Buildings.
- 29.40.020 Dangerous Structures
- 29.40.030 Abatement of Dangerous Structures.

**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.

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**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

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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

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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.

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- 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.

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**CHAPTER 29.50 - OTHER REQUIREMENTS**

**Sections:**

- 29.50.010 Permits Required.
- 29.50.020 Inspections Required.
- 29.50.030 Requested Inspections for Residential Structures.
- 29.50.040 Occupancy of Property After Notice of Violation.
- 29.50.050 Illegal Residential Occupancy.
- 29.50.060 Interference with Repair, Demolition, or Abatement Prohibited.
- 29.50.070 Warehousing of Structures.

**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 Nos. 180330 and 189711, effective September 25, 2019.) All buildings, structures, dwelling units, or other improvements within the scope of this Title, or within the requirements of code enforcement programs created under the authority of this Title or Title 3, as set forth by the Director in the administrative rules, and all construction work for which a permit is required will 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.

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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.

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- 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.



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**CHAPTER 29.60 - ADMINISTRATION AND ENFORCEMENT**

**Sections:**

- 29.60.010 Administration Authority and Responsibility.
- 29.60.020 Authorization to Inspect.
- 29.60.030 Enforcing Compliance.
- 29.60.040 Right of Entry; Inspection Warrants.
- 29.60.050 Notice and Order.
- 29.60.060 Nuisance Abatement; Warrants.
- 29.60.070 Vacating Structures in the Event of Immediate Danger.
- 29.60.080 Referral to the Hearings Officer for Repair or Demolition of Dangerous Structures.
- 29.60.085 Demolition; Warrants
- 29.60.090 Contracts to Repair or Demolish.
- 29.60.100 Exceptions.

**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.

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**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

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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

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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

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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;

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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 a 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

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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.

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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.



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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

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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 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 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.

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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;

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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.

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**CHAPTER 29.70 - COSTS AND PENALTIES**

**Sections:**

- 29.70.005 Generally.
- 29.70.010 Enforcement Fees or Penalties for Nuisance, Housing and Dangerous and Derelict Buildings.
- 29.70.020 Costs and Penalties for Abatement of Nuisances, Disable Vehicles, and Re-occupancy in Violation.
- 29.70.030 Building Demolition Costs and Penalties.
- 29.70.040 Chronic Offender.

**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, 183793 and 189413, effective March 6, 2019.)

- 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.

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- 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 Revenue Division that identifies the property, the amount of the monthly fee or penalty, and the date from which the charges are to begin. The Revenue Division shall then:
  - 1. Notify the property owner(s) of the assessment of enforcement fees or penalties and the 10 percent Revenue Division 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 Revenue Division; 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, 183793 and 189413, effective March 6, 2019.)

- 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

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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 Revenue Division. Upon receipt of the statement, the Revenue Division shall mail an assessment notice to

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the property owner. The notice shall include the amount due plus 10 percent charges to cover the administrative costs of the Revenue Division. At the same time the notice is mailed by the Revenue Division, the Revenue Division shall enter the amount due or the amount of the unpaid balance, plus charges to cover the administrative cost of the Revenue Division, 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, 183793 and 189413, effective March 6, 2019.)

- 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 Revenue Division 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; amended by Ordinance No. 189711, effective September 25, 2019.)

- 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.



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- C. The Director may pursue any or all 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 penalties, sanctions, and the authority to abate unresolved nuisance violations on properties owned by the Chronic Offender; 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.

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**CHAPTER 29.80 - APPEALS**

**Sections:**

- 29.80.010 Administrative Review.
- 29.80.020 Appeals to the Code Hearings Officer.
- 29.80.030 Further Appeals

**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.
- 29.90.020 Authority.
- 29.90.030 Selection of Properties.
- 29.90.040 Notice to Interested Parties and Application.
- 29.90.050 Selection of Receivers.
- 29.90.060 Powers of a Receiver.
- 29.90.070 Plan and Estimate.
- 29.90.080 Record Keeping.
- 29.90.090 Purchasing.
- 29.90.100 Liens.
- 29.90.110 Foreclosure.
- 29.90.120 Termination of Receivership.

**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.

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**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.

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**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.

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**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.