



# Title 8 Health and Sanitation

## Chapter 8.04 Definitions

### 8.04.010 Health Officer.

"Health Officer" as used in this Title means the Health Officer of the City or any duly or lawfully appointed deputy of the Health Officer acting in his capacity as such deputy or under orders of the Health Officer.

## Chapter 8.08 Administration

### 8.08.010 County Health Officer to Act as City Health Officer.

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

### 8.08.020 Powers of the Council Rules and Regulations.

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

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

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

### 8.08.030 Duties of the Bureau of Health.

The Bureau of Health shall enforce all ordinances, rules and regulations which may be adopted for the carrying out and enforcement of a good sanitary condition in the City; for the protection of the public health; for determining the nature and character of nuisances and for their abatement by the Bureau of

Nuisance Abatement; and when acting as a local registrar under the authority of ORS 432.035, for securing the proper registration of births, deaths and other statistical information.

#### **8.08.040 Enforcement of State Law.**

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

#### **8.08.050 Copies of Records.**

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

## **Chapter 8.12 Permits**

#### **8.12.010 Permit Must Be Obtained.**

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

#### **8.12.020 Information Required on Application.**

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

#### **8.12.030 Permit to Be Specific.**

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

### **8.12.040 Life of Permit.**

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

### **8.12.050 Posting.**

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

## **Chapter 8.20 Housing and School Sanitation**

### **8.20.010 Right of Entry.**

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

### **8.20.020 Dwelling as Unlawful Structure.**

If any dwelling or part thereof is occupied by more persons or families than provided for in this Code, or is erected, altered or occupied contrary to law, such dwelling shall be deemed an unlawful structure. The Health Officer shall give due notice to the owner or his agent and the occupant requiring him, within a reasonable time, to comply with the law. Upon failure to comply with the law as required, the Health Officer shall institute appropriate legal action. Any dwelling vacant or thereafter vacated shall not again be occupied until it or its occupancy shall have been made to conform to the law.

### **8.20.030 Service of Notices and Orders.**

Every notice or order in relation to a dwelling shall be served upon the owner or his agent, and the occupant, allowing a specified reasonable time for the doing of the thing required in the notice. However, the posting of a copy of such notice or order in a conspicuous place in or upon the

dwelling, and mailing a copy thereof to such owner or agent at his last known address, shall constitute service of any notice required by this Code, unless otherwise provided.

#### **8.20.040 Person in Charge of Multiple Dwelling.**

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

#### **8.20.050 Toilets for Workmen on Construction of Buildings.**

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

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

#### **8.20.060 Street Contractors to Provide Toilets.**

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

#### **8.20.070 Public Bathhouses and Swimming Pools.**

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

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

The Health Officer shall from time to time inspect all public and semi-public swimming pools and make sanitary tests of the water. In case he finds a condition existing which is a menace to the public health,

he shall proceed to give notice and cause discontinuance thereof in the manner provided in the preceding paragraph.

## **8.20.080 Tourist and Traveler Facilities.**

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

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

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

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

**E. Bedding.** All mattresses shall be provided with conventional mattress covers or pads. All mattresses shall be provided with waterproof coverings whenever required by the Health Officer. All beds, bed clothing, mattresses and pillows shall be kept clean and free from vermin. Clean sheets and pillowcases shall be furnished for each bed at least once a week; provided, however, that they must be furnished each time a new lodger occupies the bed.

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

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

### **8.20.090 Lighting Public Halls in the Daytime.**

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

### **8.20.100 Lighting Public Halls and Stairs at Night.**

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

### **8.20.110 Water Closet and Sink Maintenance.**

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

### **8.20.120 Repairs and Maintenance.**

- A.** Every dwelling and all parts thereof shall be kept in good repair, the roof free from leaks, and all rain water shall be drained and conveyed away so that the same shall not cause dampness in the walls or ceilings.
- B.** Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight, and rodent proof, shall be capable of affording privacy and kept in good repair.
- C.** Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight and rodentproof and shall be kept in sound working condition and in good repair.
- D.** Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and in good repair.
- E.** Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
- F.** Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

- G.** Every supplied facility, piece of equipment or utility which is required under this Code, shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- H.** No owner, operator or occupant shall cause any service facility equipment or utility which is required under this Code, to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Health Officer.
- I.** No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.
- J.** All electric wiring shall be installed according to the requirements of the City electrical Code and every dwelling shall conform to the requirements of the City Fire Code. All plumbing and plumbing fixtures shall be installed according to the requirements of the City Plumbing Code.

### **8.20.130 Responsibilities of Owner and Occupants for Cleanliness.**

- A.** Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- B.** Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies or controls.
- C.** Every occupant of a dwelling or dwelling unit shall dispose of all of his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner by placing it in the garbage facilities or garbage storage containers required by this Chapter. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.
- D.** Every occupant of a dwelling containing a single unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this Subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- E.** Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

**8.20.140 Walls of Courts.**

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

**8.20.150 Walls and Ceilings of Rooms.**

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

**8.20.160 Wallpaper.**

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

**8.20.170 Receptacles for Ashes, Rubbish and Garbage.**

Suitable tight metal cans with metal covers, for holding ashes, garbage, refuse or other waste, shall be provided and maintained for every dwelling and for every apartment in apartment houses for family unit in multiple dwellings. It shall be the duty of the occupant of every dwelling to keep the cans used by him in good condition at all times.

**8.20.180 Prohibited Uses.**

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

**8.20.190 Storage of Dangerous Materials.**

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

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

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



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

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

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

### **8.20.210 Maintenance of Health Hazard not Permitted.**

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

### **8.20.220 Sinks, Water Closets and Bathing Facilities.**

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

- C.** Every dwelling unit, except as otherwise permitted in Subsection D of this Section, shall contain, within a room which affords privacy to a person within the room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Health Officer.
- D.** In every dwelling erected prior to the effective date of the housing Code passed January 22, 1919, the occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower, in good condition and properly connected to a water and sewer system approved by the Health Officer.
- E.** Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this ordinance shall be properly connected with both hot and cold water lines.
- F.** Every dwelling unit shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Subsection (e), and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit.
- G.** Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, whose type and location are approved by the Health Officer.
- H.** Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.

### **8.20.230 Basements and Cellars.**

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

### **8.20.240 Courts, Areas and Yards Concreted.**

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

### **8.20.250 Minimum Heat Requirements.**

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

### **8.20.260 School Sanitation.**

In all schools in the City:

**A.** Toilet rooms shall be properly equipped, clean, free from marks, and well ventilated. All toilet facilities shall be separate for each sex. The floors thereof shall be constructed of cement, tile or other waterproof material free from cracks or other conditions which would prevent thorough and proper cleaning. The walls and ceilings shall be constructed of smooth surface, washable materials and kept free from obscene writings and markings. In toilet rooms each toilet shall occupy a separate compartment. The walls of compartments or partitions between fixtures may be less than the height of the room walls but the top shall not be less than 6 feet from the floor and the bottom not less than 1 foot from the floor. The door to every toilet room shall be fitted with an effective self-closing device and screened so that the interior of the room is not visible from the outside.

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

-	<b>Girls</b>
<b>Elementary Schools</b>	1-20
<b>Secondary Schools</b>	1-45

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

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

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

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

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

## Chapter 8.24 Hospitals and Institutional Homes

### 8.24.010 Definitions.

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

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

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

### 8.24.020 Hospital Types Classified.

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

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

1. An organized staff of qualified professional, technical and administrative personnel, with a chief or chairman of the attending staff, and appropriate hospital department heads;
2. An approved laboratory with standardized equipment necessary for the performance of biochemical, bacteriological, serological and parasitological tests, and the services of a consulting clinical pathologist. Necessary equipment should be available for the preparation of pathological specimens. Housing and lighting facilities for the laboratory must be adequate for the accurate performance of all the required tests;
3. X-ray facilities with the services of a consulting radiologist. These facilities shall include, as a minimum, a complete radiographic unit, consisting of a transformer, tube stand, table with a stereoscopic attachment, fluoroscopic equipment adjustable to horizontal and vertical positions, a viewing box, a stereoscope, and a dark room equipped for the development of films;
4. A separate surgical unit, with the following as minimum facilities: An operating room, a sterilizing room, a work room, a scrub room and a dressing room;
5. A separate isolation unit, consisting of sufficient number of rooms, according to the size and needs of the hospital, located either in a separate building or in a location that may be isolated as a separate Section, with separate lavatory and toilet facilities;

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

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

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

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

**1.** A staff of qualified personnel;

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

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

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

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

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

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

**D.** Convalescent hospital. To operate as a convalescent hospital, an institution must have at least 20 beds for patients, provide medical and nursing care for persons afflicted with a chronic illness, or a chronic disability resulting from injury, or are convalescing from illness or injury, and exclude the acutely

ill, the acutely injured, and persons who are surgical or maternity patients. Persons with tuberculosis shall not be admitted unless they are in a noninfectious stage, and are admitted primarily for the care of another chronic disease, or will be cared for in an isolation unit under strict isolation procedures, conforming to Section B of Regulations VII in the booklet "Rules and Regulations of the State Board of Health for the Control of Communicable Diseases." The institution shall have:

1. A staff of qualified personnel, including a dietitian on a consultative basis;
2. The services of an approved laboratory readily available;
3. The X-ray facilities conveniently available, with portable X-ray facilities within the institution;
4. Isolation facilities, with adequate and proper procedures, for the care and control of infectious, contagious and communicable diseases, and for the prevention of cross infections, sufficient to care for such illnesses as may occur in persons being cared for within the institution until such persons can be transferred to an institution equipped to care for acute illness. If persons suffering from infectious, contagious or communicable disease are to be admitted, a separate isolation unit as required for a general hospital must be provided;
5. Mental unit. If mentally disturbed patients are to be admitted to the institution, provision must be made for a mental unit as required for a general hospital. A convalescent hospital shall have at least one room equipped as a psychiatric unit in which patients who may become mentally disturbed may be cared for until such time as they may be transferred to a mental disease hospital
6. Physical therapy facilities. Reasonable physical therapy facilities and equipment adequate to meet the needs of those patients requiring physical therapy are to be provided, including as a minimum wheel chairs, walkers, crutches, walking bars, suspended bar over beds and heat therapy equipment and are to be under the supervision of a physician and qualified physical therapist on a consultative basis;
7. The building shall have adequate space to use the physical therapy equipment and room or rooms in which the physical therapist may carry out procedures and direct the recreational activities of patients;
8. Adequate provision shall be made for immediate removal of acutely ill patients to a general hospital or intermediate general hospital.

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

**F. Medical hospital.** To operate as a medical hospital, an institution must provide special facilities for diagnosis and drug therapy; meet all minimum requirements for an intermediate general hospital

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

**G. Mental hospital.** To operate as a mental hospital, an institution must be devoted exclusively to the care of mental patients, have on the staff professional personnel especially qualified in the diagnosis and treatment of mental illness, have adequate facilities for the protection of the patients and staff against physical injury by patients becoming violent, and meet the requirements for an intermediate general hospital, except that maternity facilities need not be provided as part of the mental hospital service if provision is made for adequate prenatal care at the institution and for the delivery and postpartum care of the mother and infant at some readily available licensed hospital that does provide the service.

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

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

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

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

**L. Community health facility.** To operate as a community health facility, an institution must have not more than 15 beds for patients, provide medical and surgical care to the sick and injured, and maternity

care, and meet the requirements for an intermediate general hospital, including minimum laboratory equipment for urinalyses and blood counts.

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

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

### **8.24.030 Institutional Homes Classified.**

(Amended by Ordinance 137869, effective March 23, 1974.)

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

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

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

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

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

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

**F. "Child caring institution"** means any institution, establishment or place in which are commonly received at one time six or more children not of common parentage, under the age of 14 years, for a



period or periods exceeding 12 hours, for the purpose of being given board, care or training apart from their parents or guardians.

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

#### **8.24.040 Definitions Generally.**

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

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

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

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

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

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

#### **8.24.050 Changes in Classification.**

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

#### **8.24.060 Local Health Officer Defined.**

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

#### **8.24.070 Records.**

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

### **8.24.080 Licensing.**

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

### **8.24.090 Expiration of Permits.**

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

### **8.24.100 Permits Required.**

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

### **8.24.110 Application to be Made.**

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

### **8.24.120 Time of Granting Permit.**

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

### **8.24.130 Information on Permit.**

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

### **8.24.140 Permits not Transferable.**

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

#### **8.24.150 Limitations on Number of Patients.**

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

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

#### **8.24.160 Revocation of Permit.**

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

- A.** When it is evident that any of the conditions set forth herein as prerequisites for the issuance of such permit no longer obtain;
- B.** When the permit was issued under fraudulent or untrue representation;
- C.** When the owner or operator has failed to observe the rules and regulations duly and properly required for the safe operation of such hospital or institutional home;
- D.** When he or she has been convicted in the municipal or other competent court for a violation of any of the provisions of the Code, or any state or federal law by which moral turpitude is disclosed.

#### **8.24.170 Hospitals - Operation and Maintenance.**

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

#### **8.24.180 Maternity Hospitals and Maternity Units in General Hospitals.**

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

#### **8.24.190 Nursing Homes - Operation and Maintenance.**

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

#### **8.24.200 Homes for the Aged - Operation and Maintenance.**

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

#### **8.24.210 Day Nurseries - Operation and Maintenance.**

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

#### **8.24.220 Kindergartens - Operation and Maintenance.**

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

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

Operation and maintenance of group care homes for physically handicapped or mentally handicapped children under the age of eighteen years shall be in accordance with Section 3, Physical Plant; Section 4, Operational Policies; and Section 5, Admittance and Discharge Records, of the Oregon State Board of Health Rules and Regulations Relating to Sanitation and Safety in Group Care Homes, dated April 1, 1955, and filed with the Secretary of State April 1, 1955, a copy of which pamphlet shall be filed with the Auditor, and which Sections 3, 4, and 5, and which Sections entitled Sanitation and Food Sanitation, as contained therein, and as filed, hereby are made a part of this Chapter.

#### **8.24.240 Building and Equipment of Child Caring Institutions.**

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

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

- C.** All institution buildings including school buildings which are more than one story in height shall be fitted with easily accessible fire escapes to provide for the rapid emptying of buildings in case of fire.
- D.** The minimum requirements for rooms for a child caring institution are:
- 1.** Playground. The playground should be well equipped. Sufficient outdoor space shall be provided so that each child shall have at least 15 square feet of space. Provision shall be made for a part of the playground to be covered and protected from rain, and this area must contain a minimum of 5 square feet of space per child.
  - 2.** Playroom. The playroom shall provide at least 15 square feet of floor space for each child. The walls and floors must be finished so as to be washable, and the rooms shall be cleaned daily. The furniture and toys shall be constructed of material that is washable and easily cleaned. The use of lead base paint in such rooms is prohibited.
  - 3.** Rest or sleeping room. The rest or sleeping room shall be used exclusively for sleeping purposes and shall furnish at least 500 cubic feet of air space for each child. Separate beds or cots shall be provided for each child. The beds shall have satisfactory springs in good repair and they shall be kept clean. All the sleeping rooms shall provide at least 50 square feet of floor space for each bed. When beds are placed side by side, there shall be a minimum space of 5 feet between the beds so that the face of the occupants may be at least 6 feet apart. Adequate ventilation shall be provided for these rooms;
  - 4.** Dining room. The dining room shall have walls and floor finished so as to be washable. The tables, chairs and eating utensils shall be kept clean;
  - 5.** Kitchen equipment. Kitchen equipment shall be adequate for the service of good meals. Kitchen utensils shall be kept in good repair and so designed as to be easily cleaned. Utensils contained or plated with cadmium or lead shall not be used;
  - 6.** Isolation room. An isolation room shall be provided for the treatment and care of children who are suspected of having communicable disease, and be available at all times;
  - 7.** Lavatories and bathrooms. The lavatories and bathrooms shall be equipped with washbasins and toilets of such a size that they may be used by the children without assistance. Every toilet shall be scrubbed daily with soap and water. Each ward or corridor shall be provided with at least one bath and toilet for every 15 children. Each child shall be given an individual towel, toothbrush and comb;
  - 8.** Receiving ward. A receiving ward shall be provided where new children are received and isolated for the required time to prevent the introduction of communicable disease into the institution.
- E.** Floors shall be of such construction as to be easily cleaned and maintained. Walls shall be of smooth and washable material.
- F.** There must be a heating plant capable of maintaining a temperature of approximately 70 degrees Fahrenheit at a point 24 inches above the floor in all rooms occupied by the children.

- G.** All living and sleeping rooms shall have window space of at least twenty percent of the floor area and shall be constructed to give sufficient light and ventilation.
- H.** A water supply under pressure from the City water mains shall be provided in ample quantity for the needs of the institution.
- I.** The sewage of the institution shall be disposed of in a manner approved by the Bureau of Health, and in accordance with applicable ordinances of the City.

#### **8.24.250 Policies of Child Caring Institutions.**

(Amended by Ordinance 138428, effective July 27, 1974.)

- A.** The kitchen, dining room, toilets and rooms where patients are confined, shall be screened and measures installed for the prevention and destruction of flies, vermin or rodents.
- B.** All institutions shall furnish wholesome food which shall be stored, prepared, cooked and served under sanitary conditions and shall at all times be protected from dust, flies, vermin and other contamination.
- C.** The serving of raw milk is prohibited.
- D.** Covered metal garbage containers must be provided in sufficient number to care for the daily needs of the institution. Garbage cans shall be kept covered and thoroughly cleaned after they are emptied. The garbage shall be disposed of in such a manner that there will be no nuisance condition created.
- E.** All children shall be treated kindly and in no instance shall a child be subject to corporal punishment.
- F.** There shall be attached to the staff, a physician of good professional standing, duly licensed to practice medicine and surgery in the State, and who shall be responsible for health supervision and medical care, including health examinations on admission and at subsequent intervals, and control of communicable disease. At the time of admission, an effort should be made to obtain a list of communicable diseases, immunizations, and other significant information concerning the child's health.
- G.** Each child shall have a health record showing growth and development, accidents, illness and other pertinent information. Dental care should be provided.
- H.** In the event of a communicable disease occurring in the institution, the Bureau of Health, or the City Health Officer must be notified immediately by telephone.

#### **8.24.260 Reports and Records of Child Caring Institutions.**

- A.** The following information regarding each child received for care shall be recorded at the time of admission and kept on file:

Name

Address

Sex

Date of birth

Date of entering

Names, work addresses and telephone numbers of parents or guardians

Name, address and telephone number of the person to be notified in case of emergency

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

### **8.24.270 Restraint of Inmates Restricted.**

**A.** No patient, inmate or ward of any hospital or institutional home who is bedridden, crippled, or for any reason deprived of his ability to walk or escape from his place of confinement in case of fire or other emergency, shall be permitted to occupy space on any floor other than the ground or first floor unless such hospital or institutional home shall have first obtained a permit so to do from the fire marshal. This shall not apply to hospitals and institutional homes where an attendant or special police guard shall be constantly on duty in or near the room where such patient, inmate, or ward is confined.

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

**C.** No lock or bar shall be permitted on any door of any room where patients, inmates or wards are confined or housed unless such lock or bar shall be of a type approved by the fire marshal which can be readily and easily opened from the corridor side without the use of key and that does not require any special knowledge to operate.

### **8.24.280 Inflammable Material Not to be Stored.**

The storage of paints, oils, thinners, lacquers or any volatile flammable liquids or gases not otherwise specifically provided for in any hospital or institutional home is strictly prohibited. This shall not be construed to prevent the storage and use of anesthetics in accordance with ordinances and regulations applicable thereto.

### **8.24.290 Fire Protection Required.**

Every building occupied in whole or in part as a hospital or institutional home shall have such fire protection and shall be provided with such fire gongs, fire extinguishers, sprinklers, fire escapes, means of egress or ingress, and other equipment and facilities for the protection of the patients or inmates against fire as shall be required by the Fire Marshal.

### **8.24.300 Electric Appliances to be Approved.**

Electric heating pads and blankets must be of a type approved by the Health Officer, who may consider the recommendations of the National Board of Fire Underwriters. They shall not be used by or applied to a patient, inmate or ward unless attendant shall be present during the time of such use or application.

### **8.24.310 Heating and Cooking Devices and X-Ray Installations.**

All boilers, furnaces, stoves, ranges, or other cooking or heating devices or appliances and all X-Ray and high frequency apparatus requiring special circuit or using high voltage must be installed or placed in hospitals and institutional homes in accordance with the provisions of the building, fire and electrical codes of the City.

### **8.24.320 Curtains in Doorways.**

Doorways of rooms or compartments used by any patients or inmates in any hospital or institutional home shall not be hung with draperies or other textile fabrics in lieu of a door.

### **8.24.330 Inspection Required.**

To the full extent permitted by law, the Health Officer or his representative shall have full authority to enter and to inspect the permit, license, register, and the sanitary conditions, and to question the patients, inmates or wards of any hospital or institutional home.

### **8.24.340 Reports to the Bureau of Police.**

Every person conducting, maintaining or having charge of any hospital or institutional home, on receiving any person at such hospital or institutional home who cannot be identified or who is suffering from poisoning, administered by himself or another, or from any bullet wound or knife wound, or from any other physical injury, or traumatism inflicted with probable criminal intent, shall report the same immediately to the Bureau of Police. Any authorized representative of the Bureau of Police or the Bureau of Health may visit such person and seek such information as may appear necessary in determining the cause of poisoning, wound or other injury. In the event of the death of any such person the same shall be reported to the Bureau of Police immediately following such death.

### **8.24.350 General Safety Requirements.**

- A.** All hospitals and institutional homes shall be required to familiarize themselves with and particularly enforce all applicable provisions of the fire, housing, building, plumbing and electrical codes.
- B.** All hospitals and institutional homes shall have at least one telephone (not including pay telephones) on each floor of the building, so located as to be easily accessible to anyone on the floor for the purpose of summoning help in case of fire or other emergency.

## **Chapter 8.32 Automobile Trailer Courts**

(Chapter repealed by Ordinance 190381, effective April 30, 2021.)

## **Chapter 8.36 Disposal of Carcasses and Refuse**

### **8.36.010 Disposal of Dead Animals.**



(Amended by Ordinance 132188, effective April 1, 1971.)

It is unlawful for any person to bury the carcass of any dead horse, cattle, or other large animal within the corporate limits of the City, and it is unlawful for any owner or person in possession or control of the carcass of any dead animal to allow the carcass to remain upon or in any public street, alley, public highway, or other public place or premises, or in or upon any yard, lot, or private premises. Removal of the carcass shall be at the expense of the owner. If the owner or person responsible for the removal of such carcass is not found, such carcass shall nevertheless be removed by City personnel. Nothing in this Section shall excuse the City from performance of any existing contract regarding the disposal of dead animals with the Oregon Humane Society or other organization.

### **8.36.020 Spreading of Nonprocessed Organic Manure.**

(Amended by Ordinance 167943, effective July 27, 1994.)

It is unlawful for any person to create a nuisance in any park, street, alley, lot building, dock, or any other place by depositing human or animal excreta, except manure as provided for in this Section. It is unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within the City any nonprocessed manure, for fertilizing purposes, composed in whole or in part of organic excreta, during the months of June, July, August, September, and October, or at other times of the year when weather conditions are such as to permit the breeding of flies.

### **8.36.030 Hides, Curing and keeping.**

(Amended by Ordinance 167943, effective July 27, 1994.)

No person shall to keep or store uncured or green hides of any animal in any house, store building, or other place where the same shall cause or create a noisome or offensive smell or atmosphere, to persons traveling along the public streets or to the owners or occupants of premises adjacent thereto.

### **8.36.040 Noisome Odors or Vapors.**

(Amended by Ordinance 167943, effective July 27, 1994.)

The rendering, heating, processing, or steaming of any animal or vegetable product or substance generating noisome or offensive odors shall be conducted using methods to entirely condense, decompose, deodorize or destroy the odors, vapors, or gaseous products. Such methods may include airtight cooking or rendering kettles, tanks or boilers, fitted with proper escapes or vents for steam used in rendering or cooking. Escaping steam shall be released through traps or other means so as to not cause unnecessary annoyance or create a nuisance by generating noisome or offensive odors in its disposal. No person shall burn upon any premises or in any street, alley or other place, any animal or vegetable substance which shall create an offensive or noxious odor.

### **8.36.050 Disposal of Refuse.**

(Amended by Ordinance 167943, effective July 27, 1994.)

No person shall allow any sawdust, oil, rags, brush, cans, old metal, butchers' offal, garbage, any animal or vegetable matter to accumulate which is or might become putrid or cause or create any noisome or offensive odor.

### **8.36.060 Stagnant Water.**

(Amended by Ordinance 167943, effective July 27, 1994)

It is unlawful for any person to permit or suffer water to flow onto or be cast upon any yard, lot, block, place or premises, or into or upon any street, gutter, or place adjacent to or abutting upon any yard, lot, block, or premises so that the same may become stagnant or impure and create or cause a noisome or offensive smell.

### **8.36.070 Regulations for Transporting of Waste.**

(Amended by Ordinances 132188, 167943 and 169817, effective March 22, 1996.)

**A.** Each vehicle used for the collection and transportation of wastes from food processing or food wastes intended for use as animal feed or to be further processed at a rendering plant shall be so constructed that the load therein will not spill or leak therefrom. All such vehicles shall be kept in a sanitary condition and shall be tightly covered in such a manner as to prevent the emanation of noxious or offensive odors. Metal containers may be used on such vehicles provided the same are at all times kept covered with tight-fitting covers to prevent leaking and/or spilling of the contents. The body and containers on all such vehicles shall be thoroughly washed and disinfected each day. No vehicle used for hauling food processing wastes or food wastes for animal feed shall at any time be used for the collection and transportation of solid wastes as defined by ORS.459.005 but not including the following materials which the ORS definition includes:

1. Sewerage sludge, septic tank and cesspool pumpings or other sludge;
2. Discarded or abandoned vehicles;
3. Recyclable materials or yard debris which is source separated and set out for recycling purposes.

### **8.36.075 Enforcement and Appeal.**

(Added by Ordinance 167943, effective July 27, 1994).

**A.** The City Health Officer is authorized to administer and enforce the provisions within Sections 8.36.030 through 8.36.070, and to investigate any violations of these provisions.

**B.** In the event of a violation of any provisions within Sections 8.36.030 through 8.36.070, the City Health Officer may:

1. Order the violation abated as a public nuisance; or,

**2.** Assess civil penalties for each violation. It shall be considered a separate violation for each and every day during any portion of which any violation of these sections are committed, continued or permitted to occur. In determining the amount of the civil penalties to assess, the City Health Officer shall consider the extent the nature of the violation, the benefits (economic or otherwise) accruing or likely to accrue as a result of the violation; whether the violations were repeated and continuous, or isolated the temporary; the magnitude and seriousness or the violation; the costs of City Health Officer's enforcement, investigating and abatement of the violation; whether the facts underlying the violation have been considered in a separate criminal proceeding; and such other factors as the City Health Officer deems relevant; or

**3.** Take such other action as the Health Officer may deem appropriate, in the exercise of the Health Officer's discretion.

**C.** Any person adversely affected by a decision of the City Health Officer may file an appeal within 10 days the decision, to the Code Hearings Officer of the City of Portland, as set forth is Chapter 22.10 of the Portland City Code. The notice of appeal shall be in writing, stating the name and address of the appellant to which required notices may be mailed. The notice shall identify the reasons why the Health Officer's decision was in error, and what the correct decision should be. The appellant shall deliver a copy of the appeal to the Health Officer.

**1.** The filing of a notice of appeal shall stay the effective date of the decision until the appeal if determined by the Code Hearings Officer.

### **8.36.080 Spitting in Public Places.**

(Amended by Ordinance 197943, effective July 27, 1994.)

It is unlawful for any person to expectorate on the floor or any other part of any public conveyance, or on the floor or walls of any public hall, building or office, or upon any sidewalk within the limits of the City, or on the floor or walls of any room where foodstuffs are prepared or kept for sale.

### **8.36.090 Time for Removal of Refuse.**

(Amended by Ordinance 176585, effective July 5, 2002.)

It is unlawful for any person to remove, transfer, or transport, any swill or garbage through the public streets at any time prohibited by Section 17.102.130, or by Title 16, Vehicles and Traffic.

### **8.36.100 Dumping of Garbage, Refuse and Other Solid Wastes.**

(Repealed by Ordinance 169817, effective March 22, 1996.)

### **8.36.110 Permits for Searching Dumps.**

(Repealed by Ordinance 169817, effective March 22, 1996.)

### **8.36.120 Disposal of Refuse from Outside the City.**

(Repealed by Ordinance 169817, effective March 22, 1996.)

### **8.36.150 Burning Clothes.**

It is unlawful to burn any clothes, bedding, wearing apparel, or personal property in any burial ground in the City, except in a stove within a building.

### **8.36.160 Cleaning Skeletons.**

It is unlawful to scrape or clean the skeleton of any dead body in any burial ground within the City, except in a suitable building erected thereon. It is unlawful to deposit any scrapings or dead matter from any skeleton or dead body in any burial ground in said City in such manner as to expose the scrapings or dead matter to public view.

### **8.36.170 Construction of Vehicles to Convey Garbage, Refuse and Other Solid Waste.**

(Amended by Ordinance 132188, effective April 1, 1971.)

**A.** No person shall use, suffer, or permit to be used any vehicle to convey garbage unless such vehicle is tightly constructed and equipped with a closely fitting cover, and unless such vehicle is tightly covered at all times, except when the same is being loaded or unloaded. No person shall load or drive or cause to be loaded or driven, on any thoroughfare, any such vehicle containing garbage so as to suffer or permit any part of the contents of such vehicle to fall, spill or leak therefrom.

**B.** No person shall load or drive, or cause to be loaded or driven on any thoroughfare, any vehicle transporting rubbish, refuse or other solid waste so as to suffer or permit any part of the contents of such vehicle to fall, spill, sift or be blown from such vehicle.

### **8.36.180 Vehicles Containing Manure to be Covered.**

No person shall use, suffer, or permit to be used any vehicle to convey manure unless such vehicle is equipped with a canvas cover securely fastened to such vehicle so as to completely cover all of the manure contained therein at all times except when the contents thereof are being loaded or unloaded. No person shall load, drive, or suffer or permit to be loaded or driven on any thoroughfare any such vehicle containing manure so as to suffer or permit any part of the contents of such vehicle containing manure to fall, spill, or leak therefrom.

## **Chapter 8.40 Rodent Control**

### **8.40.010 Definitions.**

(Amended by Ordinances 176955 and 191736, effective July 1, 2024.)

**A. "Approved"** as used in this Chapter where it applies to articles, materials, and methods means such articles as are approved by the Health Officer, who must approve each article, material, or method used in the exclusion of rodents.

**B. "Impervious material"** includes glass, wood, noncorrosive steel or iron and noncorrosive metal screen. The mesh of such screen shall not be larger than 1/4 inch and the thickness of the wire not less than No. 20, Brown and Sharpe gauge. Concrete masonry or other material which upon investigation by the Portland Permitting & Development of this City shall be found to be of such hardness and texture as to effectively prevent penetration by rats. If any such material be found by the Health Officer to be insufficient to exclude rats by reason of decay, rot, breakage or other local or special condition, it shall no longer be termed impervious.

#### **8.40.020 Regulations.**

It is unlawful for any person to keep, store, or expose for sale any food, food product, or other thing which rats might eat, or to occupy any building, storeroom, grain elevator, warehouse, or residence within the corporate limits of the City without complying with the regulations herein provided for protection against, and elimination of rodents.

#### **8.40.030 New Buildings to be Made Ratproof.**

It is unlawful for any person to construct any building or structure or to repair or remodel any building or structure to the extent of 50 percent of the cost new unless the same shall be made ratproof by the use of impervious material as herein provided.

#### **8.40.040 Additional Restrictions.**

It is unlawful for any person to own, keep or use any storeroom, warehouse, grain elevator, residence or other building within this City where food or other things which rodents might eat, or where any animal or fowl is kept or any person resides or stays, without using impervious material in construction to effectively prevent rodents and especially rats from gaining entrance or being harbored underneath the floor or within the walls.

#### **8.40.050 Docks and Wharves to be Protected.**

It is unlawful for any person to own or keep any dock or wharf, public or private, unless it is protected so far as practicable by impervious materials installed to prevent rats from gaining entrance to or upon such dock or wharf from any vessel anchored or moored at or near such dock or wharf, or from other sources. All food on such dock or wharf, when remaining overnight, shall be effectively protected or guarded from rats. The owner or person in charge of any dock or wharf where food or other material which rats might eat is stored, when required by the Health Officer, shall provide bait and set traps as approved by the Health Officer. The Health Officer shall require such traps when conditions are such that rats are likely to gain access to any food product or other thing which rats might eat. The traps shall be set and baited in an effective and safe manner.

#### **8.40.060 Requirements for Watercraft.**

All docks and wharves shall be equipped with fender logs not less than 24 inches in diameter at the smallest part. It is unlawful for any vessel, steamboat, or other watercraft, except boats or watercraft operating exclusively on the Willamette or Columbia rivers, to lie alongside of any wharf or dock in the City, unless such vessel, steamboat or other watercraft shall be fended off from said wharf or dock so that no part of such vessel, steamboat, or other watercraft shall be nearer than 2 feet from the nearest point of the wharf or dock by a floating fender, log or spar of sufficient strength to maintain the distance of 2 feet. Each spar and each chain, Hawser, rope or line of any kind, extending from any vessel, steamboat, or watercraft, to the wharf or dock, shall be equipped with and have properly and securely attached thereto a rat shield or guard of such design, and in such manner, as shall be approved by the Health Officer.

#### **8.40.070 Packing Houses.**

It is unlawful for any person to own or use any packing house or cold storage plant where articles are kept which rats might eat unless such house or plant shall be so protected by impervious material as to prevent rats from gaining access thereto. All vents, windows, doors, holes, or openings thereto shall be so covered and protected by impervious material that rodents and especially rats may not gain access thereto. The doors shall be equipped with self-closing devices, which shall at all times be maintained in good operating condition.

#### **8.40.080 Sanitary Maintenance of Buildings.**

All buildings, places and premises in the City shall be kept and maintained by the owner, or occupant thereof, in a clean and sanitary condition, free from rats.

#### **8.40.090 Unsanitary Accumulations.**

The accumulation of any litter, filth, garbage, decaying animal or vegetable matter, or any animal or human excrement which may or does offer harborage or a source of food for rats is hereby declared to be a nuisance.

#### **8.40.100 Nuisance Abatement.**

It shall be the duty of the Health Officer, or those whom he may direct, to cause any person to abolish, remove or abate any nuisance defined in Section 8.40.090. In case such person shall fail, neglect or refuse to abolish, remove or abate such nuisance within 24 hours after being directed so to do or such further time as said Health Officer may reasonably allow, such nuisance shall be abated in the manner provided by City ordinance for the abatement of nuisances. The cost of abating such nuisance shall be assessed against the property and collected in the same manner as that provided by ordinance in case of abatement of any other nuisance. Any person against whose property such costs are assessed shall be subject to other penalties provided by this Code.

#### **8.40.110 Metal Garbage Cans Required.**

No person whether owner, lessee or occupant or agent of any premises improved or unimproved shall keep or permit to be kept in any building, areaway, or upon any premises or in any alley, street, or public place adjacent to any premises, any waste animal or vegetable matter, dead animals, butcher's offal, fish

or parts of fish, swill, garbage, or any refuse matter from any public eating place, place of business, residence or other building, whereon or wherein garbage shall be created unless the same be collected and kept in an a tight covered metal can or vessel.

#### **8.40.120 Accumulation of Waste Matters Attractive to Rats.**

No rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building, place, or premises in the City in such a manner that the same shall or may afford a harborage or breeding place or food for rats.

#### **8.40.130 Demolition of Rat Infested Buildings.**

(Amended by Ordinances 176955 and 191736, effective July 1, 2024.)

It is unlawful to demolish, wreck or raze any building in the City used for commercial purposes or as a warehouse, barn, or stable, under order of a department of the City, until the Bureau of Health shall have certified that it is free from rodents. The certificate shall state that the premises have been baited with rat poison in a manner approved by or under the direction of the bureau. When such a building is vacated for the purpose of its being demolished, wrecked, or razed, the owner or person having control of such premises shall report such vacation to the Bureau of Health within 3 days. The Bureau of Health shall immediately cause an inspection to be made of the premises, and if the premises are found to be infested with, or to be a breeding place for rodents, they shall be baited or treated under the direction of the Bureau for a period not to exceed 30 days, at the expense of the owner or person having control of the premises.

Upon receipt of an application for a permit to demolish, wreck, or raze a building in the City, it shall be the duty of the Portland Permitting & Development to report such an application to the Bureau of Health. No permit for demolition, wrecking, or razing shall be issued until the Bureau of Health certifies to the Portland Permitting & Development that the building for which the application is made has been found free of rodents or has been treated or baited in the manner herein stated.

In the case of demolition, wrecking, or razing by the City under authority of an ordinance, the City shall be entitled to recover the cost for baiting or treating such premises in the same manner as it recovers other expenses incident to such demolition, wrecking or razing.

#### **8.40.140 Additional Regulations.**

The Health Officer may require any building used for storing food, food products, or other goods, wares, and merchandise, or in which foods, or food products, foods, wares, merchandise, or other material which rats might eat shall be stored to be provided with rat traps. The traps shall be baited and inspected, smoked, rebaited and set in an approved manner. Any person who shall have caught a rat shall inform the sanitary division of the Bureau of Health and keep such rat until disposed of under direction of the Health Officer, if he shall have been instructed by the officer so to do.

## **Chapter 8.44 Insect Control**

#### **8.44.010 Created Duties and Powers.**

The Bureau of Insect Control and the position of Insect Abatement Supervisor are hereby recreated and reaffirmed. The Bureau shall have in its charge the controlling of all nuisances created by earwigs, elm leaf beetles, mosquitoes and all other injurious insects affecting premises, buildings, trees, or shrubs within the corporate limits of the City. Earwigs, elm tree beetles, mosquitoes and other injurious and harmful insects are hereby declared to be a nuisance.

The Bureau of Insect Control shall be administered by and be under the direct supervision of the Insect Abatement Supervisor, subject to the overall supervision of the City Health Officer. The duties of the Insect Abatement Supervisor shall be to supervise the eradication of earwigs, elm leaf beetles, mosquitoes, and other injurious insects affecting premises, buildings, trees or shrubs within the City. To that end the Insect Abatement Supervisor or his assistants or employees in the Bureau of Insect Control shall to the full extent permitted by law, have power and authority to enter into and upon any premises in the City for the purpose of inspecting the same to determine the presence of earwigs, elm leaf beetles, mosquitoes, and all other injurious insects, whether they are on the premises or in the buildings, trees, or shrubs thereon. If it shall be determined from inspection that any nuisances exist on any such premises in any buildings, on any trees or shrubs, or in any other places within the City, such Insect Abatement Supervisor shall, either directly or through his assistants or employees in the Bureau of Insect Control, take immediate action to abate the same in such manner as may be deemed proper to accomplish such purpose. The Insect Abatement Supervisor shall have power and authority to confer with and receive gratuitous service and advice from persons trained in eradicating injurious insects. The Bureau of Insect Control shall have power and authority to use such means, methods, materials, liquids, or poisons as shall be determined necessary to carry out the eradication of the said nuisances, or to use any other scientific and lawful means of eradication or control of such nuisance.

#### **8.44.020 Interference with Officers.**

It is unlawful for any person to hinder or interfere with or prevent the Insect Abatement Supervisor or his assistants, or any employees in the Bureau of Insect Control, from performing their duties as herein defined, or knowingly to do or perform any act or thing which will destroy or impair the efficiency of any device or means used by the Bureau of Insect Control for the destruction, prevention, or control of nuisances.

#### **8.44.030 Brush to be Removed Nuisance - Abatement - Lien.**

(Amended by Ordinances 184522, 185448 and 186053, effective January 1, 2015.)

The owner, his agent, or the person in possession of any lot, tract or parcel of land so situated that it lies within 19 feet elevation above sea level, or which is flooded by the overflow from the Willamette River when at an 18 foot river level or stage, or so situated that during certain periods of the year water accumulates thereon, which facilitates the breeding of mosquitoes or other noxious insects, shall cut and remove, and keep cut and removed therefrom, all brush and undergrowth which may hamper or prevent the free spread of oil on such water. Any pruning or removal of trees shall be subject to the applicable requirements of Title 11. Nothing herein contained shall be considered to apply to bushes, trees, shrubbery and/or other vegetation grown for food, fuel, ornament or commercial purpose, or for the production of food, fuel, ornament or commerce, provided that the health and convenience of the



public is not endangered by the maintenance of such growth or vegetation. Upon failure to keep such brush cut and removed, the owner, his agent, or the person in possession of such land, shall be subject to the penalties provided by this Code.

The existence of such brush or undergrowth upon such land is hereby declared to be a public nuisance. If such nuisance be found to exist a notice shall be posted as provided in Title 29, Property Maintenance Regulations. If such nuisance is not abated within the time provided by the notice so posted the Bureau of Insect Control shall abate such nuisance and charges for such abatement shall be made against the property and entered in the lien docket as there provided. The owner of any lot, tract, or parcel of land may notify the Bureau of Insect Control in writing that he desires the City to remove such nuisance and agrees to pay the reasonable and necessary expense thereof including 10 percent for overhead and with such notice deposit \$5 as a guaranty for such payment.

## **Chapter 8.48 General Public and Employee Facilities**

### **8.48.010 Common Drinking Cups and Towels.**

It is unlawful for any person in the control or charge of any railroad station, public or private school, public building, office building, hotel, saloon, restaurant, theater, armory or any public place of amusement, or any establishment in which human food is handled, or in any library maintained for or used by the general public, to place, furnish or keep any common drinking cup or common towel for public use or to permit such public use.

“Common drinking cup” as used in this Section means any vessel or utensil used in conveying water to the mouth and available to the common use of the public guests, patrons, or inmates in the places mentioned herein. “Common towel” as used herein means a roller towel or towel intended or available for common use by more than one person without being thoroughly cleansed and sterilized after such use.

### **8.48.020 Public Drinking Fountain.**

All schools shall be supplied with sanitary drinking fountains having bubbling cups and jets. All public drinking fountains shall be constructed and supplied with bubbling cups and jets and maintained in a clean and sanitary manner. This Section shall not apply to any fountains used exclusively by animals.

### **8.48.030 Seats for Employees.**

Every employer in any manufacturing or mercantile establishment, store, department store, laundry, hotel or restaurant or other establishments shall provide for all employees a sufficient number of suitable seats, which in no case shall be less than one seat for each three employees, and shall permit them to use such seats when such employees are not engaged in active duties of their employment.

### **8.48.040 Seats in Elevators.**

Any person owning or maintaining any elevator for the convenience of the public or tenants of any building who shall employ any person to operate such elevator shall furnish and keep in use in such

elevator one comfortable and convenient stool or seat for the use and accommodation of the operator of such elevator during the time when such person shall be employed in operating the same. Stools shall also be provided for employees generally known as elevator starters, and shall be placed in the lobby of such building where such starters have their stand, while on duty.

### **8.48.050 Toilet Facilities for Industrial Employees.**

Every place of industrial employment shall be provided with adequate toilet facilities which are separate for each sex, except as hereinafter provided. Separate accommodations shall be apart from each other and have their own separate approaches. The one for men shall be clearly marked "MEN" and the one for women shall be clearly marked "WOMEN."

**A.** Toilet rooms. Toilet rooms shall be readily accessible to employees using them. No toilet facilities shall be more than one floor above or below the regular place of work of the persons using them, unless passenger elevators are available for employee's use in going to and from toilet rooms. Toilet facilities shall be located within 200 feet of all locations at which workers are regularly employed.

The door to every toilet room shall be fitted with an effective self-closing device and screened so that the compartments are not visible from the working room.

All compartment doors shall be supplied with latch. No toilet room shall open directly into a room where food is prepared, stored, served, manufactured or processed.

**B.** Water closets and urinals. One water closet shall be deemed adequate when not more than five males and females are required to use the same accommodations. When there are more than a total of five persons, males and females, employed or engaged, separate accommodations for each sex shall be provided according to the following table:

<b>Minimum Number of Persons</b>	<b>Number of Water Closets</b>
<b>6 to 9</b>	1
<b>10 to 24</b>	2
<b>25 to 49</b>	3
<b>50 to 74</b>	4
<b>75 to 100</b>	5
<b>Over 100</b>	1 for each additional 30 persons

When three or more water closets are required for men, one urinal may be substituted for one water closet, up to a maximum of one-third of the total water closets required. Whenever urinals are used they shall be of the wall type or pedestal type urinals equipped with an integral trap. Urinals shall be flushed by a flush-meter valve equipped with a vacuum breaker or by an elevated urinal flush tank. An adequate supply of toilet paper shall be provided for every water closet. Dry, covered depositories for refuse shall be kept in all toilet rooms used by females.

**C. Washing facilities.** Adequate facilities for maintaining personal cleanliness shall be provided. The same shall be conveniently located for the employees for whom they are provided and shall be maintained in a clean and sanitary manner.

Individual towels of cloth or paper shall be provided and proper receptacles maintained for disposing of used towels. Other apparatus for drying the hands may be substituted for towels only after approval by the Health Officer. Unless the general washing facilities are on the same floor and in close proximity to the toilet rooms, adequate washing facilities shall be provided in every toilet room or adjacent thereto.

A suitable cleansing agent shall be provided at each wash basin.

At least one wash basin with an adequate supply of hot and cold water shall be provided for every 20 employees or portion thereof, up to 100 persons; and one wash basin for each additional 25 persons or portion thereof. Twenty-four inches of the circumference of a wash fountain shall be considered equal to one basin.

A wash basin supplied with hot and cold water from one facet shall be provided near the place of work for every five employees exposed to skin contamination by any poisonous, infectious or irritating material.

### **8.48.060 Drinking Fountains for Employees.**

There shall be provided in all places of employment an adequate supply of clean, cool, wholesome and safe drinking water which is readily accessible to all employees. All water furnished for drinking purposes shall be from the City water supply.

The common drinking cup is prohibited. When individual disposable drinking cups are supplied, there shall be provided a suitable container for the unused cups and also a receptacle for disposing of the used cups.

All drinking fountains shall be of an approved sanitary type. The water supply shall be provided with an adjustable valve fitted with a loose key or an automatic self-closing valve permitting regulation of the rate of flow of water. The water issuing from the orifice shall be of sufficient volume and height so that persons using the fountain need not come in direct contact with the orifice guard.

Combination faucets and drinking fountain appliances shall not be used. Drinking fountains shall not be installed on wash basins. Drinking fountains shall not be installed in toilet rooms. Expectorating upon the walls, floors, workplaces, stairs or other parts of any establishment is prohibited. Cuspidors, if used, shall be of such construction that they can be kept clean and disinfected, and they shall be cleaned often enough, and at least daily, to prevent them from becoming in any way a menace to health.

## Chapter 8.52 Tattoo Parlors

### 8.52.010 Premises.

Any person maintaining, conducting, operating or managing any tattooing establishment must comply with the following regulations:

- A.** Premises and equipment must be maintained in a sanitary manner including physical cleanliness as well as antiseptic precautions;
- B.** All establishments shall be equipped with hot and cold running water, and adequate toilet facilities properly installed in compliance with the Building Code as well as the health and sanitation regulations shall be provided;
- C.** The premises and all equipment shall at all times be kept in a clean and sanitary condition.

### 8.52.020 Equipment.

- A.** Sterilization of equipment may be either by:

- 1.** Dry heat at a temperature of 320 degrees Fahrenheit (160 degrees Centigrade) for at least 1 hour and preferably 2 hours;
- 2.** Steam pressure sterilization (autoclave), approved by the City Health Officer;
- 3.** Needles must be thoroughly cleaned with soap and water after each use. To prepare for sterilization each needle shall be flushed with freshly distilled water and left distinctly moist, just before being placed in the sterilizer. The tubes containing the needles shall rest on their sides in the sterilizer to facilitate air removal and steam intake to each tube and needle. Under these conditions the exposure period is 30 minutes at 250 degrees Fahrenheit, followed by drying for not less than 15 minutes.

- B.** All needles and other instruments shall be kept in a closed glass case while not in use.

### 8.52.030 Skin Preparation.

- A.** Antiseptic techniques must be used. Each operator is required to scrub his hands thoroughly before beginning operations on the customer's skin. The skin area to be tattooed shall be thoroughly cleaned with liquid green soap or detergent and water.
- B.** Only dyes containing an antiseptic may be used. Dyes shall be kept in individual containers.
- C.** After tattooing, a sterile dressing shall be applied to the tattooed area.
- D.** Tattooing shall not be performed on any person with any skin lesions or any communicable diseases.

### 8.52.040 General Supplies.

All establishments shall be provided with clean, laundered cloth or fresh paper towels in sufficient quantities. A clean towel must be used on each customer. Unused towels must be kept in a closed, dustproof container. All operators shall wear clean, washable garments. Operating tables preferably will be constructed of metal with a white enamel or porcelain finish or stainless steel.

### **8.52.050 Tattooing Minors - Infections - Medical Tests.**

It is unlawful to tattoo any person under the age of 21 years.

All infections resulting from the practice of tattooing shall be reported to the City Health Officer by the person owning or operating the tattooing establishment. Any person engaged in the practice of tattooing shall submit to an annual chest X-ray and serological blood test for syphilis.

## **Chapter 8.65 Smoking**

(Chapter replaced by Ordinance 165468, effective May 27, 1992.)

### **8.65.010 Smoking Instrument Defined.**

"Smoking instrument" means any cigar, cigarette, pipe or other smoking equipment.

### **8.65.020 Smoking Prohibited Buildings.**

(Amended by Ordinances 180917 and 181436, effective December 21, 2007.)

No person shall smoke or carry any lighted smoking instrument in the interior portion or within 50 feet of the exterior of any building if

- A.** The building is owned by the City; and,
- B.** The building is occupied by City employees as their work site, except for certain areas of Portland Fire & Rescue that are or can be fully opened to the out of doors as designated by the Fire Chief.

The exterior no-smoking zone shall be measured from the building footprint including any exterior structural elements such as portico and loggia. The exterior no-smoking zone shall not extend into any property adjacent to the building or onto the roadway, but does include driveways, planting strips, sidewalks and pedestrian ways within 50 feet of the building.

### **8.65.030 Smoking Prohibited Vehicles.**

No person shall smoke or carry any lighted smoking instrument in any City owned or leased motor pool vehicle.

## **Chapter 8.68 Enforcement**

### **8.68.010 Right of Entry.**

To the full extent permitted by the law, the Health Officer has authority to enter in and upon all private and public premises at any reasonable time for the purpose of inspecting said premises or doing any other lawful act required or authorized to be done by him under this Code or ordinances of the City, the Charter or pursuant to state or federal law. It is unlawful for any person owning or controlling any premises used for any occupancy or business requiring a permit under this Code or used for any business licensed by the City, to refuse or neglect to obey any order of the Bureau of Health authorized by this Code or other ordinance or Charter provision, or to obstruct the Health Officer in the performance of his lawful duties.

### **8.68.020 Notice of Unhealthful Condition of Premises.**

When upon investigation or inspection by the Health Officer, it is found that any building, property, or place where foodstuff of any kind or description is manufactured, processed, stored, handled, kept, or exposed for sale, or any such building, property, or place in which any person or persons dwell, or engage in any occupation, or assemble, is kept or permitted to be or remain in an unsanitary or filthy condition, or is not lighted or ventilated as required by Code, or in which the drainage and/or plumbing is so defective or unsanitary as to constitute a danger to health, or where the construction or condition of a building or part thereof is such as to endanger health, it shall be the duty of the Health Officer to notify in writing the owner or agent of the owner or person occupying such building or property, stating therein the condition or thing to be corrected and requiring that the same be corrected within a reasonable time to be specified in such notice. If, within such time, the condition is not remedied, it shall be the duty of the Health Officer to post or cause to be posted in a conspicuous place on such building or property a notice stating that such building or property has been found to be dangerous to health and that notice for correction has been given. The posted notice shall be continued until the dangerous condition has been corrected and the premises again inspected and found to be in healthful condition, whereupon the Health Officer shall remove the notice so posted. It is unlawful for any person other than the Health Officer, or those acting under him, to remove, destroy, deface, cover up, or conceal any notice posted as herein provided except by written permission of the Health Officer.

### **8.68.030 Use of Premises Found to be Unhealthful.**

It is unlawful for any owner, lessee, or person representing the owner or lessee to rent or sublet or allow to be occupied any property after a notice, as prescribed in Section 8.68.020, shall have been given, and before a correction of the condition in such notice has been made. It is unlawful for any person to occupy any premises after having knowledge of such a notice and before the correction of conditions mentioned in said notice has been made. In any case, however, the Health Officer may set such a time, as may be reasonable under the circumstances, in which either to obtain a correction of the conditions which cause the issuance of said notice or to discontinue completely the use of the premises.

### **8.68.040 Powers of Inspection.**

All meat, milk, and sanitary inspectors shall, by nature of their position, be special policemen. They shall have full powers of police officers to enforce all laws or ordinances appertaining to the duties for which they are employed.

## **Chapter 8.70 Annexations**

(Chapter added by Ordinance 131609, effective October 1, 1970.)

### **8.70.010 Annexation to Remove Danger to Public Health.**

When the State Board of Health finds that a danger to public health exists because of conditions within a territory contiguous to the City and otherwise eligible for annexation in accordance with Section 222.111, Oregon Revised Statutes, and that such conditions can be removed or alleviated by sanitary, water or other facilities ordinarily provided by the City, then the City shall follow the procedure authorized under Sections 222.850 to 222.915, Oregon Revised Statutes, to annex that territory.

## **Chapter 8.80 Leaf Blowers**

(Chapter added by Ordinance 191653, effective April 12, 2024.)

### **8.80.010 Purpose.**

The purpose of this Chapter is to reduce the health impacts of using gasoline leaf blowers.

### **8.80.020 Definitions.**

**A. Code Enforcement Officer** means any individual authorized to enforce this Chapter.

**B. Director** means the Director of the Bureau of Planning and Sustainability, or any successor bureau, or the Director's designee.

**C. Electric leaf blower** means any leaf blower powered by only electric means, including but not limited to battery-powered leaf blowers, cordless rechargeable leaf blowers and corded leaf blowers.

**D. Gasoline leaf blower** means any leaf blower powered by an internal combustion engine using gasoline, alcohol or other liquid or gaseous fluid.

**E. Inclement weather** means extreme weather conditions resulting from rain, snow, ice, flood, or other storm that pose a significant risk of injury to persons or property.

**F. Leaf blower** means any hand-held or backpack device designed or intended to blow, vacuum, or move leaves or any other type of debris or material by generating a concentrated stream of air. Leaf blower includes any device or machine that accepts vacuum attachments.

**G. Owner** means any of the following:

1. One or more individuals or entities, jointly or severally, in whom is vested: all or part of the legal title to real property; or all or part of the beneficial ownership and right to present use and enjoyment of real property.
2. A mortgagee of real property who is in possession of that property.

3. In the case of a condominium, the board of the association of condominium unit owners responsible for overall management.

### **8.80.030 Authority of Director.**

**A.** The Director is authorized to administer the provisions of this Chapter.

**B.** The Director may, upon request, issue written interpretations of how this Chapter applies in general or to specific circumstances.

**C.** The Director is authorized to adopt, amend, and repeal rules, procedures, and forms to implement the provisions of this Chapter.

1. Before adopting, amending, or repealing a rule, the Director will notify interested parties and hold a public comment period. Such notice, which may be provided by mail or electronic means, such as posting on the Bureau of Planning and Sustainability's website, will be published at least four weeks before the close of the public comment period. The notice will include instructions on how an interested party may comment on the proposed rule, a brief description of the subjects covered by the proposed rule and how to access the full text of the proposed rule.

2. During the public comment period, the Director will receive written comments concerning the proposed rule. At the conclusion of the public comment period, the Director will either adopt the proposed rule, modify it, or reject it, taking into consideration the comments received. If a substantial modification is made, an additional public comment period will be held, as determined in the Director's sole discretion. Unless otherwise stated, all rules are effective upon adoption by the Director. Copies of all current rules will be posted on the Bureau of Planning and Sustainability's website.

3. Notwithstanding Subsections 1. and 2., the Director may adopt an interim rule to temporarily suspend or modify the requirements of this Chapter based on the determination that such requirements are temporarily infeasible due to economic or technical circumstances. An interim rule may be adopted without prior public notice upon the Director 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 365 calendar days. The Director may extend the interim rule past the 365 calendar days for good cause, as determined in the Director's sole discretion.

### **8.80.040 Requirements.**

**A.** Effective January 1, 2026, no owner will allow the operation of a gasoline leaf blower on the owner's property from January 1 to September 30, except in cases of inclement weather as determined:

1. on a citywide basis, by the Director;

2. for park facilities managed by the City, by the Director of the Bureau of Parks or any successor bureau; or



**3.** for an individual property, by the Code Enforcement Officer.

**B.** Effective January 1, 2028, no owner will allow the operation of a gasoline leaf blower on the owner's property.

**C.** No leaf blower will be operated in a manner that deposits dust and debris onto any neighboring parcel, storm drain, public property, or public street except for the purpose of scheduled debris collection by the City.

### **8.80.050 Extensions.**

The Director may grant an extension of time to comply with Section 8.80.040 to an owner who submits documentation that compliance will require the owner to upgrade electric infrastructure. The owner must provide the Director any documentation requested to substantiate the extension or otherwise assist the Director in the extension determination. If the Director learns that an extension was granted based on materially inaccurate submissions, the Director may revoke or modify the extension.

### **8.80.060 Penalties for Violations.**

It is a violation for any owner to fail to comply with this Chapter or to misrepresent any material fact.

**A.** Violations may result in a written notice of violation. The notice will state the date, address and violation and specify any corrective action required to comply with this Chapter.

**B.** A first violation will result in a warning. A second violation may result in a civil penalty of \$250. A third violation may result in a civil penalty of \$500. A fourth or subsequent violation may result in a civil penalty of \$1,000. Each day an owner is in violation is deemed a separate violation.

**C.** Education and outreach on the requirements of Section 8.80.040 will begin in July 2024.

### **8.80.070 Right of Appeal.**

An owner who receives a civil penalty may, within ten business days of the date of the decision or determination, either pay the penalty amount or request an appeal hearing before the Code Hearings Officer in accordance with procedures set forth in Chapter 22.10 of the Portland City Code. The filing of an appeal request will stay the effective date of the penalty until the appeal is determined by the Code Hearings Officer. If payment of the penalty is ordered, such payment must be received by the Director or postmarked within 15 calendar days after the order becomes final.

## **Chapter 8.95 Adult Care Homes**

(Chapter added by Ordinance 155196, effective October 12, 1983.)

### **8.95.010 Scope.**

**A.** The provisions of Multnomah County Adult Care Home Registration Ordinance No. 392, three copies of which are on file in the Office of the City Auditor, hereby are adopted by reference and made a part of

this Title. Such provisions shall apply within the City of Portland and shall be administered and enforced by the Director of Human Services of Multnomah County, or his or her designee.

**B.** Nothing in the provisions of this Section shall be construed to create a cause or right of action against the City of Portland, its agents or employees, for the enforcement or failure to enforce any provisions of this Section.