



Strikethrough Underline Version

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Amend Code to align with the amended City Charter approved by voters in Portland Measure 26-228 (replace City Code Titles 14, 18, 19, 24, 25, 31)

Ordinance

[Submit written testimony](#)

The City of Portland ordains:

Section 1. The Council finds:

1. On November 8, 2022, voters approved Portland Measure 26-228 (the Measure).
2. The Measure significantly amended Portland's City Charter. The Measure generally established a Mayor-Council form of government with a City Administrator, created four new geographic districts with three councilors representing each district, and called for a new system of electing City officials using ranked-choice voting.
3. City Code currently reflects the Commission form of government and must be updated to conform to the changes adopted by the voters in Measure 26-228, including reflecting the new responsibilities of the legislation-focused City Council, the executive Mayor, and the City Administrator.
4. Additionally, grammatical corrections and removal of gendered language need to be made.

NOW, THEREFORE, the Council directs:

- A. ~~Repeal and replace City Code Title 14 as shown in Exhibit A.~~
- B. Repeal and replace City Code Title 18 as shown in Exhibit B.
- C. Repeal and replace City Code Title 19 as shown in Exhibit C.
- D. Repeal and replace City Code Title 24 as shown in Exhibit D.
- E. Repeal and replace City Code Title 25 as shown in Exhibit E.
- F. Repeal and replace City Code Title 31 as shown in Exhibit F.
- G. This ordinance takes effect on January 1, 2025.

Introduced by

[Mayor Ted Wheeler](#)

City department

[City Government and Leadership](#)

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date





October 23, 2024

Time Requested

1 hour

Changes City Code

Exhibits and Attachments

-  [Exhibit A - Title 14 Public Order and Police](#) 843.2 KB
-  [Exhibit B - Title 18 Noise Control](#) 234.42 KB
-  [Exhibit C - Title 19 Harbors](#) 280.9 KB
-  [Exhibit D - Title 24 Building Regulations](#) 588.83 KB
-  [Exhibit E - Title 25 Plumbing Regulations](#) 159.13 KB
-  [Exhibit F - Title 31 Fire Regulations](#) 182.84 KB
-  [Title 14 - Strikethrough/Underline Version](#) 763.81 KB
-  [Title 18 - Strikethrough/Underline Version](#) 227.21 KB
-  [Title 19 - Strikethrough/Underline Version](#) 239.34 KB
-  [Title 24 - Strikethrough/Underline Version](#) 1.41 MB
-  [Title 25 - Strikethrough/Underline Version](#) 140.84 KB
-  [Title 31 - Strikethrough/Underline Version](#) 296.2 KB

Impact Statement

Purpose of Proposed Legislation and Background Information

In November 2022, voters approved amendments to Portland's City Charter that included establishment of a mayor-council government, creation of four new geographic districts with three councilors representing each district, and election of City officials using Ranked Choice Voting.

This ordinance amends Portland City Code Title 14 Public Order and Police, Title 18 Noise Control, Title 19 Harbors, Title 24 Building Regulations, Title 25 Plumbing Regulations, and Title 31 Fire Regulations, to ensure the code reflects the amended city charter including recognizing that the City Administrator has the authority to adopt administrative rules, direct the work of city bureaus and offices, and approve contracts or agreements. Grammatical corrections and removal of gendered language were additionally made.

Financial and Budgetary Impacts

There is no direct fiscal impact to this ordinance.

Economic and Real Estate Development Impacts

Not applicable.

Community Impacts and Community Involvement

Not applicable.

100% Renewable Goal

This legislation updates City Codes to align them with the recently amended City Charter and has no direct impact on the City's energy use. This legislation neither contributes to, nor detracts from, the City's goal of meeting 100% of community-wide energy needs with renewable energy by 2050.

Financial and Budget Analysis

This ordinance updates City Code in several places. There is no expected fiscal impact from increased enforcement at this time.

Document History

Item 908 Regular Agenda in [October 23, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/10/23)
(<https://www.portland.gov/council/agenda/2024/10/23>)

City Council

Title 18 Noise Control

(Title replaced by Ordinance _____, effective January 1, 2025.)

Chapter 18.02 Title

18.02.010 Title.

(Amended by Ordinance No. 171455, effective August 29, 1997.) This Title ~~shall be~~ known as "Noise Control."

18.02.020 Policy Statement.

(Added by Ordinance No. 175772, effective August 1, 2001.) It is the intent of the City Council to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and protect, promote and preserve the public health, safety and welfare. It is the intent of the City Council to control the level of noise in a manner that promotes the use, value, and enjoyment of property, conduct of business, sleep and repose and reduces unnecessary and excessive sound in the environment.

~~Chapter 18.03 (Repealed)~~

(Chapter repealed by Ordinance 171455, effective August 29, 1997.)

Chapter 18.04 Standards and Definitions ~~Chapter 18.03 (Repealed)~~

(Chapter repealed by Ordinance No. 171455, effective August 29, 1997.)

Chapter 18.04 Standards And Definitions

18.04.010 Terminology and Standards.

All terminology used in this Title not defined below ~~shall be~~ in accordance with applicable publications of the American National Standards Institute (ANSI) in effect on the effective date of this Title.

18.04.020 Measurement of Sound.

~~(Amended by Ordinance Nos. 159276 and 175772, effective August 1, 2001.)~~

- A. If measurements are made with a sound level meter, the meter ~~shall~~must be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified by ANSI Standard 1.4-1971. For purposes of this Title, a sound level meter ~~must~~shall contain at least an A-weighted scale, and both fast and slow meter response capacity.
- B. If measurements are made with other instruments, the procedure ~~must~~shall be carried out in such a manner that the overall accuracy ~~must~~shall be at least that called for ANSI standard 1.4-1971 for Type II instruments.
- C. When the location or distance prescribed in this Title for measurement of sound is impractical or would provide misleading or inaccurate results, measurements may be taken at other locations or distances using appropriate correction factors specified in this Title or in other rules promulgated by the ~~Noise Control Officer~~City Administrator.
- D. Procedures and tests required by this Title and not specified herein ~~, shall~~will be placed on file with the City Auditor.
- E. For purposes of determining compliance with the measurable sound level requirements found in ~~this~~the Portland City Code, approved sound level meters ~~must~~shall utilize a ~~F~~fast meter response setting. Slow sound level meter settings ~~shall~~may not be used for the purpose of determining compliance with ~~this~~the Portland City Code, unless directed by the Noise Control Officer.

18.04.040 Definitions.

~~(Amended by Ordinance Nos. 159276, 164010, 175772, 184101, 188959, 189137 and 189805, effective March 1, 2020.)~~ The following words ~~shall~~ have the meanings ascribed to them in this Section:

- A. A-scale (dBA).~~:-~~ The sound level in decibels measured using the A-weighting network as specified in ANSI S 1.4-1971 for sound level meters.
- B. Ambient noise.~~:-~~ The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.
- C. City.~~:-~~ The municipal government of the City of Portland, Oregon, or the area within the territorial City limits of the City of Portland, Oregon, and ~~such the~~ territory outside of ~~this City~~Portland over which the City has jurisdiction or control by virtue of ownership or any constitutional or Charter provisions, or ~~any~~law.

- D. Construction**:- Any and all activity necessary or incidental to the erection, demolition, assembling, altering, installing, repair or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling.
- E. Decibel (dB)**:- A unit of measure of sound (See sound pressure level).
- F. Dwelling unit**:- A building or portion thereof intended for and regularly used for residential occupancy.
- G. Dynamic braking device**:- A device, used primarily on trucks and buses to convert the motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.
- H. Emergency work**:- Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger.
- I. Frequency**:- The time of repetition of a periodic phenomenon, measured in Hertz (Hz) (formerly cps or cycles per second).
- J. High noise impact events**:- Events or activities ~~which that~~ are attended by at least 250 people, and ~~thatwhich~~ may reasonably be assumed to cause increases of 15 dBA or more in the ambient noise level of a residential or commercial use area.
- K. Impulse sound**:- A single pressure peak or a single burst (multiple pressure peaks) for a duration of not more than one second as measured on a peak unweighted sound pressure measuring instrument, as specified in ANSI S1.4-1971.
- L. Legal holidays**:- The days on which New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas day are fixed by State law.
- M. Lot**:- Any area, tract or parcel of land owned by or under the lawful control of one distinct ownership. Abutting "platted lots" under the same ownership ~~shall beare~~ considered a "lot." The lot line or boundary is an imaginary line at ground level ~~thatwhich~~ separates a lot and its vertical extension owned by one person from that owned by another.
- N. Motor vehicle**:- Any land vehicle ~~thatwhich~~ is, or is designed to be, self-propelled or is designed or used for transporting persons or property.
- O. Motor vehicle racing**:- Any motor vehicular activity conducted at a recognized auto racing facility, involving motor vehicles participating in, but not limited to practice, qualifying and racing sessions, tests, training, and all other competitive

and non-competitive displays, whether by individual vehicles, or by groups of vehicles.

P. Narrow band sound. A sound whose frequencies occupy an octave band or less.

Q. Noise disturbance. Any sound ~~that~~which: a) injures or endangers the safety or health of humans; or b) annoys or disturbs a reasonable person of normal sensitivities.

R. Noise sSensitive rReceiver. A person receiving noise at any residential use or dwelling place, schools, churches, hospitals and libraries.

S. Nonconforming use. A use of structure, building or land ~~that~~which was established as a permitted use and ~~that~~which has been lawfully continued pursuant to Title 33 of this Code, but ~~that~~which is not a permitted use in the zone in which it is now located.

T. Octave band. An interval in Hertz between two frequencies having a ratio of 2:1. For purposes of this Title, octave band sound pressure levels ~~must~~shall be measured at any of the following center frequencies: 31.5, 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 Hz.

U. Offroad vehicle. Any motor vehicle operated off a public right-of-way.

V. Person. Any individual, association, partnership, or corporation including any officer, department, bureau, agency or instrumentality of the United States, a state or any political subdivision of that state, including the City ~~of Portland~~.

W. Physical characteristics of sound. A descriptive term, encompassing the steady, impulsive or narrow band property of the sound, the level of the sound, and the extent to which it exceeds the background sound level.

X. Plainly audible (sound). Any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

Y. Public right-of-way. Any street, avenue, highway, boulevard, alley, easement or public space ~~that~~which is owned by or controlled by a public governmental entity.

Z. Sound level. In dBA, the frequency weighted sound pressure level measured on the A-scale of a sound level meter.

AA. _____ Sound level meter. A sound level measuring device, either Type I or Type II, as defined by ANSI specification S 1.4-1971. A sound level meter for the purpose of this Title ~~must~~ **shall** contain at least an A-scale and both fast and slow meter response.

BB. _____ Sound pressure level. In decibels (dB), is 20 times the logarithm to the base 10 of the ratio of the pressure of a given sound to the reference pressure. The reference pressure is 20 micropascals per square meter.

CC. _____ Steady sound. A sound ~~that~~ **which** remains essentially constant (± 2 dB) during a two-minute period of observation when measured with the fast response of the sound level meter. "Steady sound" ~~applies~~ **shall apply** only to sound sources ~~which~~ **that** operate or can reasonably be expected to operate for at least 15 minutes out of any one-hour period.

DD. _____ Use. The purpose for which land or a building is arranged, designed, or occupied.

EE. _____ Watercraft. Any vehicle operated upon or immediately above the surface of the water.

FF. _____ Zone. A classification of area of the City ~~of Portland~~ as described in Title 33 of the City Code, relating to the use to which property may be put. For the purposes of this ~~title~~ **title**, the zones are based upon the Land Use Zones, as defined in Title 33 as follows:

Category	Zones
Open Space	Open Space
Residential	Residential Farm/Forest
-	Residential 20,000
-	Residential 10,000
-	Residential 7,000
-	Residential 5,000
-	Residential 2,500
-	Residential Multi-Dwelling 1
-	Residential Multi-Dwelling 2
-	Residential Multi-Dwelling 3
-	Residential Multi-Dwelling 4
-	Central Residential
-	Residential Manufactured Dwelling Park
-	Commercial Residential
-	Institutional Residential
-	Campus Institutional 1
Commercial/ Mixed Use	Commercial/Mixed Use 1

-	Commercial/Mixed Use 2
-	Commercial/Mixed Use 3
-	Commercial Employment
-	Central Commercial
-	Campus Institutional 2
Industrial	General Employment 1
-	General Employment 2
-	Central Employment
-	General Industrial 1
-	General Industrial 2
-	Heavy Industrial

Chapter 18.06 Responsibilities **A** and Authority

18.06.010 Noise Control Officer.

~~(Amended by Ordinance No. 159276, effective January 24, 1987.)~~

The Noise Control Officer ~~shall be~~ designated by the ~~Commissioner In Charge~~ City Administrator. The ~~City Administrator~~ Commissioner may also designate persons to be deputy noise control officers, and the Noise Control Officer and the deputies ~~shall bear~~ special police officers of the City and ~~shall~~ have authority to issue citations for the violations of this Title and to this extent ~~shall may~~ exercise full police power and authority.

18.06.020 Noise Review Board.

~~(Amended by Ordinance Nos. 159276 and 184101, effective October 8, 2010.)~~

The Noise Review Board is ~~hereby~~ established, consisting of five members, each appointed by the Mayor, ~~and approved by the Council~~. Among the members there ~~shall will~~ be, one professional in acoustics, one representative of the construction industry, and three citizens at large. Appointments ~~shall are~~ be for a ~~three~~ 3-year term. Noise Review Board members may serve no more than two complete ~~three~~ 3-year terms, unless authorized by the ~~City Administrator~~ Director. Members ~~must shall~~ serve without remuneration. The Board ~~must shall~~ elect its own chairperson at its first meeting of each fiscal year, and ~~must shall~~ determine its own schedule of meetings. The Noise Control Officer ~~shall~~ serves as a nonvoting member of the Board. All decisions made by the Noise Review Board ~~shall bear~~ by simple majority vote of a quorum.

18.06.030 Responsibilities.

~~(Amended by Ordinance No. 159276, effective January 24, 1987.)~~

A. The responsibilities of the ~~City Administrator~~ Noise Control Officer ~~shall~~ include:

- 1.** Investigating citizen complaints of violations of this Title, making all necessary inspections and observations upon reasonable cause, with presentation of proper credentials, and enforcing the provisions of this Title.

2. Promulgating rules and procedures to be used in the measurement of sound.
3. Reviewing all applications for variances and the rendering decisions within the time specified by and in accordance with ~~Section~~ Chapter 18.14.

B. The responsibilities of the Noise Control Officer include:

1. Conducting or participating in studies, research and monitoring relating to sound and noise, including joint cooperative investigation with public or private agencies; and the application for, and acceptance of, grants and contracts, with the approval of the City ~~Council~~Administrator.
2. Advising, consulting, and cooperating with any public or private agency, including City bureaus, to implement the provisions of this Title.
3. Supplying ~~The supplying of~~ such technical assistance as the Board ~~shall~~may direct or require.

~~1. C.~~ ~~The reviewing of all applications for variances and the rendering of decisions within the time specified, according to Section 18.14.~~

The responsibilities of the Noise Review Board ~~shall~~ include:

1. Instituting a public education program regarding sound and noise, including the collection, publication and dissemination of appropriate literature and information, and the enlisting of cooperation by public, civic, scientific, and educational groups.
2. Reviewing~~The r~~ ~~eviewing of~~ applications for variances, and ~~the~~ rendering of decisions within the time specified, by and in accordance ~~withing to~~ Section Chapter 18.14.
3. Evaluating the effectiveness of this Title, and the developing of recommendations for amendments, additions, or deletions to this Title.
4. Developing long-term objectives for achieving reduction of sound levels in the community, and developing a means for implementing these objectives into the long-range planning process.
5. Developing ~~The developing of~~ rules relative to the conduct of its meetings and to other matters the Board considers appropriate to noise control.

18.06.040 Authority.

~~(Amended by Ordinance Nos. 159276 and 165594, effective July 8, 1992.)~~

A. The authority of the ~~Noise Control Officer~~City Administrator ~~shall~~ includes:

1. The issuance of citations for violation of this Title and Portland City Code Subsection 16.20.120 A.
 2. Acting on variances, according to procedures specified in Chapter 18.14 of this Title.
 3. Requiring the cooperation of the owner or operator of any noise source in the reasonable operation, manipulation or shutdown of various equipment or operations as needed to ascertain the source of sound and measure its emission.
- B. The authority of the Noise Review Board ~~shall~~ includes:
1. Acting on variances according to the procedures specified in Chapter 18.14 of this Title.
 2. Holding hearings to obtain information relative to its responsibilities.
 3. Recommending amendments, additions, or deletions to this Title.

Chapter 18.08 City Bureaus

18.08.010 Bureau Actions.

All City bureaus ~~shall~~will, to the fullest extent consistent with their authorities under other Titles administered by them, carry out their programs in such a manner as to further the provisions of this Title, and ~~shall~~will cooperate to the fullest extent in enforcing the provisions of this Title.

18.08.020 Compliance with Other Laws.

All bureaus engaged in any activities ~~which~~that result, or may result in the emission of sound, ~~shall~~will comply with federal and state regulations and the provisions of this Title, respecting the control and abatement of sound to the same extent that any person is subject to such laws and regulations.

18.08.030 Product Selection.

When two or more products, including supplies, materials and equipment, are being considered for purchase by a City bureau, and excessive sound levels are a factor, the product ~~which~~that has the lowest sound level ~~shall~~will be selected for purchase, provided that:

- A. Fitness and quality are judged to be equal, and

- B.** The procurement cost of such product not exceed the total cost required to purchase a competing product and to reduce the sound emission level of that competing product to the lowest level of the product being considered, and
- C.** The total cost of the purchase being considered not exceed 110 percent of the cost, prior to silencing, of the most advantageous product of the types being considered.

Chapter 18.10 Maximum Permissible Sound Levels

18.10.010 Land Use Zones.

~~(Amended by Ordinance Nos. 159276, 163608, 164010, 175775, 184101 and 188959, effective May 24, 2018.)~~ Except as specifically provided for elsewhere in this Title, no person ~~shall~~may cause or permit sound to intrude into the property of another person ~~which that~~ exceeds the limits set forth below in this Section. For purposes of this Section, “day hours” ~~shall beare~~ between 7:00 a.m. and 10:00 p.m., and “night hours” ~~shall beare~~ between 10:00 p.m. and 7:00 a.m.

- A.** The sound levels established are as set forth in Figure 1 before any adjustments are applied:

FIGURE 1

PERMISSIBLE SOUND LEVELS

(7:00 a.m. ~~am~~-10:00 p.m. ~~pm~~, otherwise minus ~~five~~5 dBA)

Zone Categories of Source	Zone Categories of Receiver (measured at property line)			
	Residential	Open Space	Commercial/ Mixed Use	Industrial
Residential	55	55	60	65
Open Space	55	55	60	65
Commercial/ Mixed Use	60	60	70	70
Industrial	65	65	70	75

- B.** Adjustments to Figure 1.

- 1.** During ~~the~~ night hours, the sound levels of Figure 1 ~~shall~~must be reduced ~~five~~5 dBA.
- 2.** During all hours, the sound levels of Figure 1 ~~shall~~must be decreased ~~5~~five dBA for narrow band or steady sound (apply 1 only).
- 3.** The adjustments provided herein are cumulative.

- C.** If a dwelling unit or noise sensitive receiver is in a nonresidential zone of the City, the nonresidential standard ~~shall~~ normally appliiesy, unless:

1. a complaint is received, and
2. the dwelling unit or noise sensitive receiver type use predates that of the noise source. -In that case, the permissible sound level, as measured at the lot line of the dwelling unit or other noise sensitive receiver, ~~shall be~~ 65 dBA in a commercial/mixed use zone, and 70 dBA in an employment or industrial zone, each subject to the adjustments of Subsections 18.10.010 B., F., and G.

D. Nonconforming use: The maximum permissible sound level that may be emitted from any lot containing a nonconforming use ~~shall be~~ the same as that permitted for the most restrictive zone in which the use would be conforming.

E. When a sound source can be identified and its sound measured in more than one zone, each of the appropriate ~~Sections applies~~~~sections shall apply~~ at the boundaries between zones.

F. Impulse sound: Notwithstanding the sound levels of this Section, no person ~~shall~~ ~~may~~ cause or permit the operation of an impulsive noise source ~~that~~~~which~~ has a peak sound pressure level in excess of 100 dB during day hours or 80 dB during night hours.

G. Octave band measurements: When the Noise Control Officer makes a finding that the frequency characteristics of the sound are such that the A-scale levels specified in Section 18.10.010 are inadequate to protect the public health, welfare, or safety, octave-band sound pressure level measurements ~~must~~~~shall~~ be performed.

1. Octave-band measurements ~~must~~~~shall~~ be compared to the appropriate values indicated in Figure 2 for equivalent permissible dBA land use values; octave-band sound pressure in excess of these standards ~~shall~~~~will~~ be considered evidence of a violation of this Title.

FIGURE 2
 PERMITTED OCTAVE BAND SOUND PRESSURE LEVELS
 FOR GIVEN PERMISSIBLE dBA SOUND LEVELS

When the permissible dBA level is:	The Maximum Octave Band Sound Pressure Levels Shall May Not Exceed:								
	Octave Band Center Frequency, in Hz								
-	31.5	63	125	250	500	1000	2000	4000	8000
45	64	58	51	46	42	39	36	33	30
50	65	62	56	50	46	43	40	37	34
55	68	65	61	55	52	49	46	43	40
60	72	68	64	60	56	54	51	48	45

65	76	72	68	64	61	59	56	53	50
70	79	76	72	69	66	64	61	58	55
75	82	79	76	73	71	69	66	63	60

H. When property of the receiver is unoccupied, as in the case of any undeveloped lot, sound levels in excess of those specified herein ~~, shall will~~ be considered only as a technical violation of the standard. ~~No citation shall will~~ be issued in such instances, nor is corrective action required by the noise source.

18.10.020 Motor Vehicles.

~~(Amended by Ordinance Nos. 159276, 164010 and 184101, effective October 8, 2010.)~~

A. No person ~~shall may~~ operate any motor vehicle registered for use on public roads at any time, or under any condition of grade, load, acceleration or deceleration in such a manner as to violate the maximum permissible sound levels or equipment standards for the category of vehicle as indicated in this Subsection.

1. Vehicles of 10,000 pounds GCWR (Gross Combination Weight Rating) or more, engaged in interstate commerce as regulated by 40 C.F.R., part 202, (1986), the provisions of which are ~~hereby~~ incorporated by reference and three copies of which are on file in the Office of the City Auditor.

2. All other vehicles ~~shall may~~ not exceed the vehicular noise emission levels or equipment standards permitted by OAR 340-35-030 (1) (a) and (c), three copies of which are on file in the Office of the City Auditor and which are ~~hereby~~ adopted by reference.

3. No person ~~shall may~~ drive a motor vehicle on a public highway unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

B. No person ~~shall may~~ operate, and no owner of any motor vehicle ~~shall may~~ permit to be operated upon any public road, street, or highway, any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of such motor vehicle.

1. No person ~~shall may~~ operate a motor vehicle on a street or highway with an exhaust system utilizing a cutout, bypass or similar device.

2. No person ~~shall may~~ operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching, or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency action to avoid imminent danger ~~shall be is~~ exempt from this provision.

3. No person ~~shall~~ may operate any motor vehicle in excess of 10,000 pounds GCWR, in any residential zone of the City or within 200 feet of any dwelling unit, school, hospital or library, with a dynamic braking device engaged except to avoid imminent danger.

C. No person ~~shall~~ may operate and no owner of property ~~shall~~ may permit the operation of an off-road recreational vehicle so as to exceed the noise emission standards of:

- 1.** OAR 340-35-030 (1)(b) and (d) three copies of which are on file with the Office of the City Auditor, and which are ~~hereby~~ adopted by reference.
- 2.** ~~2.~~ Section 18.10.020 of this Title.

D. No person ~~may~~ shall operate an off-road recreational vehicle on private or public property unless the property has been designated for off-road recreational vehicle use pursuant to Title 33, Planning and Zoning of this Code.

E. A police officer, or noise control officer, who finds a vehicle or operator to be in violation of Subsection A of this Section ~~shall~~ will issue a citation to the operator. ~~The citation shall~~ will be accompanied by a written notice to the operator specifying the particular ~~subsections~~ Subsections found to be in violation.

- 1.** The citation ~~shall~~ will require the violator to appear at court to answer for the violation and present evidence that the violation has been corrected. ~~The date for court appearance on the face of the citation shall~~ will not be less than 28 days after the citation was issued.
- 2.** The accompanying written notice ~~shall~~ will specify that if the violator presents proof to the clerk of the district court that the vehicle complies with the standards described in OAR 340-35-030 (1), (a) and (c) (1983), for the control of motor vehicle noise emissions, three copies of which are on file with the Office of the City Auditor and ~~which that~~ are ~~hereby~~ adopted by reference, the citation ~~shall~~ will be dismissed.
- 3.** Proof for the purpose of this Section ~~shall~~ will be a certificate of compliance issued or approved by the Department of Environmental Quality. If said certificate is received by the clerk of the district court not less than 5 days prior to the date set for the violator's appearance before the court, the citation will be dismissed without the necessity of the violator personally appearing before the court.

18.10.030 Home Equipment and Powered Tools.

~~(Amended by Ordinance Nos. 159276, 164010, and 175772, effective August 1, 2001.)~~

- A.** This Section ~~applies~~~~shall apply~~ to powered tools and equipment for home use or lawn and garden maintenance, except leaf blowers (see [Section 18.10.035](#)) or such tools and equipment used as part of a home occupation (see [Subsection 18.10.030 E. below](#)).~~.)~~
- B.** When used inside a dwelling unit, between the hours of 7:00 a.m. and 10:00 p.m., the sound levels generated by such equipment ~~may~~~~shall~~ not exceed 60 dBA, when measured at the lot line.
- C.** When used outside a dwelling unit, between the hours of 7:00 a.m. and 10:00 p.m., the sound levels generated by such equipment ~~may~~~~shall~~ not exceed the following levels, for equipment of the appropriate class, when measured at a distance of 25 feet (7.6 meters) or at the lot line, whichever is further from the source:
- 1.** Five HP or less, such as, but not limited to, lawnmowers, riding tractors and small garden tools: 80 dBA;
 - 2.** More than ~~5~~~~five~~ HP, such as, but not limited to, powered hand tools and snow removal equipment: 85 dBA.
- D.** When used inside or outside a dwelling between the hours of 10:00 p.m. and 7:00 a.m., the sound levels generated by all such equipment ~~may~~~~shall~~ not exceed those specified in [Section 18.10.010](#).
- E.** Sound levels generated by tools and equipment as part of a home occupation ~~may~~~~shall~~ not exceed 50 dBA, as measured at the lot line.

18.10.035 Leaf Blowers.

~~(Replaced by Ordinance No. 177767; amended by Ordinance No. 188959, effective May 24, 2018.)~~

- A.** For purposes of [this](#) ~~Section 18.10.035~~, “**leaf blower**” means any portable 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” ~~shall~~ includes ~~s~~ any devices or machines that accept vacuum attachments.
- B.** General operating restrictions.
- 1.** Commercial/Mixed Use and other zones. No person ~~shall~~~~may~~ operate a leaf blower in commercial/mixed use, industrial, and open space zones, or in the adjoining public right-of-way, between the hours of 9:00 ~~p.m.~~~~pm~~ and 7:00 ~~a.m.~~~~am~~ the following morning, seven days a week, unless the leaf blower meets the requirements of [Subsections](#) [18.10.010 A. - F. and H.](#)

2. Residential zones. No person ~~may~~shall operate a leaf blower in residential zones, or in the adjoining public right-of-way, between the hours of 7:00 ~~p.m.~~a.m. to 7:00 ~~a.m.~~am the following morning, seven days a week.
3. For purposes of Subsection 18.10.035-B. above, right-of-way adjoining residential zones and any other zone ~~shall be~~is considered as being within residential zones.

C. Noise restrictions.

1. ~~By August 1, 2006,~~ the Noise Control Officer ~~shall establish~~will maintain a list of the leaf blowers not exceeding a 65 dBA sound level at 50 feet. The Noise Control Officer's list ~~shall~~must include only leaf blowers certified by a third-party testing laboratory, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000. ~~Thereafter,~~ the Noise Control Officer ~~shall~~will update the certified list at least annually, or as ~~the~~the Noise Control Officer is informed of other certified leaf blowers.
2. ~~The~~ By August 1, 2006, ~~the~~ Noise Control Officer ~~shall establish~~will maintain a list of the leaf blowers not exceeding a 70 dBA sound level at 50 feet. The Noise Control Officer's list ~~shall~~must include only leaf blowers certified by a third-party testing laboratory, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000. ~~Thereafter,~~ the Noise Control Officer ~~shall~~will update the certified list at least annually, or as ~~the~~the Noise Control Officer is informed of other certified leaf blowers.
3. From March 1 through October 31~~st~~ of each year, operation of any leaf blower within ~~Portland the City of Portland, which~~ that is not on the certified list of 65 dba ~~, or quieter,~~ leaf blowers as developed by the Noise Control Officer ~~, shall~~will constitute a violation of Title 18.
4. From November 1 through February 28~~th~~ of each year, operation of any leaf blower within ~~Portland the City of Portland, which~~ Portland that is not on the certified list of 70 dba ~~, or quieter,~~ leaf blowers as developed by the Noise Control Officer ~~, shall~~will constitute a violation of Title 18.

D. Leaf ~~B~~Blower Use on ~~Large Open Spaces~~Large Open Spaces

1. Leaf blowers operated on Open Space land use zones at a distance of 200 feet or greater from the property line ~~shall~~must not exceed a 75 dBA sound level, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000.

18.10.040 Watercraft.

~~(Amended by Ordinance No. 164010, effective March 27, 1991.)~~

- A.** No person ~~may~~ shall operate a watercraft between the hours of 7:00 a.m. and 10:00 p.m. ~~that~~ which exceeds 75 dBA as measured on shore. Between 10:00 p.m. and 7:00 a.m., this sound level ~~shall~~ may ~~be~~ not exceed 65 dBA.
- B.** Exemptions: normal docking and undocking operations of all vessels, and operations of vessels licensed by the federal government for purposes of commerce on interstate waters are exempted from the provisions of this Section.
- C.** Motorboats ~~may~~ shall not be operated on public waterways within the City limits, unless equipped with a functioning underwater exhaust or muffler, or, unless such motorboat has the discharge water continuously piped into the exhaust line.

18.10.050 Motor Vehicle Racing Events.

~~(Amended by Ordinance Nos. 159276, 164010, and 175772, effective August 1, 2001.)~~

- A.** No person ~~may~~ shall operate or permit to be operated any motor vehicle racing within the City except at an area approved by the City.
- B.** All motor vehicle racing ~~shall~~ must be conducted in a manner approved by the Noise Control Officer and/or the Noise Review Board, or the City ~~Administrator~~ Council.
- C.** For purposes of determining permissible sound levels of motor vehicle racing only, the Portland International Raceway ~~shall~~ be is deemed an industrial land use zone of source, which use was in operation before January 1, 1977. Sound levels generated by any other use of the Portland International Raceway ~~shall~~ must meet the standards defined in Subsection 18.10.010 A., Figure 1.

18.10.060 Construction Activities and Equipment.

~~(Amended by Ordinance Nos. 159276 and 187272, effective July 29, 2015.)~~

- A.** Maximum sound levels: No person ~~shall~~ may operate any equipment or appurtenances ~~thereto~~ in commercial construction activities ~~that~~ which exceeds 85 dBA, when measured at 50 feet (15.2 meters) from the source. This standard ~~shall~~ does not apply to trucks (see Section 18.10.020), pile drivers, pavement breakers, scrapers, concrete saws and rock drills.
- B.** Night, weekend, and legal holidays limitation: From 6:00 p.m. to 7:00 a.m. the following morning, and 6:00 p.m. Saturday to 7:00 a.m. the following Monday, and on legal holidays, the permissible sound levels of Section 18.10.010 ~~shall~~ apply to all construction activities except by variance or for reasons of emergency. The exempted equipment of Subsection 18.10.060-A. ~~above~~ is not exempted during these hours. For purposes of this Subsection, construction activities on a public road within a zone ~~shall~~ will be considered as taking place on private property within that zone.

- C.** The adjustments to permissible sound levels established in Subsection 18.10.010 B apply to Subsections A and B above.
- D.** All equipment used in commercial activities ~~shall~~must have sound control devices no less effective than those provided on the original equipment, and no equipment ~~may~~shall have an unmuffled exhaust.
- E.** All equipment used in commercial construction activities ~~shall~~must comply with pertinent standards of the U.S. Environmental Protection Agency.
- F.** Pile ~~D~~divers:
- 1.** Notwithstanding Subsection B above, the permissible sound levels of Section 18.10.010 ~~shall~~ apply to pile drivers from 6:00 p.m. to 8:00 a.m. the following morning, and 6:00 p.m. Friday to 8:00 a.m. the following Monday, and on legal holidays.
 - 2.** The owner of a site on which pile driving will occur ~~shall~~must cause a notice to be mailed to all residences within 500 feet of the site. Mailing will occur no fewer than 30 days prior to the commencement of pile driving. The notice ~~shall~~must list the expected starting and ending dates for pile driving and give a telephone number for further information.

18.10.070 Parking Lot Sweepers.

~~(Added by Ordinance No. 175772, effective August 1, 2001.)~~

From 10:00 p.m. to 7:00 a.m., operation of commercial parking lot sweepers ~~may~~shall not exceed the sound levels for day hours set forth in 18.10.010. After July 1, 2004, operation of commercial parking lot sweepers ~~may~~shall not exceed the sound levels for night hours set forth in Subsections 18.10.010 A and ~~18.10.010 B~~.

Chapter 18.12 Noises Prohibited

18.12.010 Noise Disturbance Prohibited.

It ~~shall be~~is unlawful for any person to willfully make, continue, cause or permit to be made or continued any noise disturbance within the City ~~of Portland~~.

18.12.020 Specific Prohibitions.

~~(Amended by Ordinances 159276, 166951, 181539, 184101, 186216, 189078 and 191208, effective April 1, 2023.)~~

The following acts are declared to be violations of this Title, but this enumeration ~~shall~~may not be deemed to be exclusive, namely:

- A.** Noisy animals.

1. It ~~shall be~~ is a violation for any animal to unreasonably cause annoyance, alarm, noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying or other like sounds ~~that which~~ may be heard beyond the boundary of the owner's property or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. This provision is not applicable to any animals located in a ~~s~~pecified ~~Animal~~ ~~animal~~ ~~f~~Facility or to livestock owner or keeper, kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land-use and zoning laws and regulations. Enforcement of this Subsection ~~shall be~~ is the responsibility of Multnomah County Animal Control.

2. Animals located in an ~~A~~uthorized ~~Authorized~~ or ~~P~~ermitted ~~A~~animal ~~F~~acility, ~~Permitted Animal Facility~~. It ~~shall be~~ is a violation for any animal located in a ~~facility subject to a~~ ~~S~~pecified ~~A~~animal ~~F~~acility ~~permit~~ ~~Specified Animal Facility~~, as defined in ~~Subsection~~ ~~Portland City Code~~ 13.1005.020005 ~~JG. of this Code~~, or to any lawful livestock owner or keeper, kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land-use and zoning laws and regulations to unreasonably cause annoyance, alarm, noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying or other like sounds ~~that which~~ may be heard beyond the boundary of the owner's or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. Enforcement of this Subsection ~~shall be~~ is the responsibility of ~~the~~ ~~Portland Permitting & Development~~ or another City entity designated by ~~the~~ ~~City Administrator~~ ~~Council~~.

B. Sound producing or reproducing equipment. Operating or permitting the use or operation of any device designed for sound production or reproduction in such a manner as to cause a noise disturbance; or operating or permitting the operating or use of any such device between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible within any dwelling unit ~~that which~~ is not the source of sound; or operating any such device on public property or on a public right of way so as to be plainly audible 100 feet or more from such device provided that a person operating any such device in a City park pursuant to a permit granted by the ~~City Administrator~~ ~~Commissioner In Charge of the Park Bureau~~ ~~shall will~~ be in violation only if the device is plainly audible at any point along the park boundary.

C. Parked motor vehicles. The parking of any motor vehicle of 10,000 pounds GCWR, or more, with the motor or attached auxiliary equipment in operation:

1. On a public right-of-way, except for reasons of an emergency nature, or
2. On private property in such a manner as to be plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m.
3. This Subsection C ~~shall~~ does not apply to: commercial construction equipment, the normal operation of vehicles designed and used for commercial transportation of passengers, and vehicles being loaded or unloaded.

18.12.030 Provisions if Measurement is Made.

If measurement is taken of a sound source, the provisions of Chapter 18.10 ~~shall~~ supersede this Section and ~~shall~~ will be used to determine if a violation of this Title exists.

Chapter 18.14 Exemptions Aand Variances

18.14.010 Exemptions.

~~(Amended by Ordinance No. 159276, effective January 24, 1987.)~~

The following sounds are exempted from the provisions of this Title.

- A. Sounds caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment.
- B. Sounds caused by sources regulated as to sound production by federal law.
- C. Sounds not electronically amplified, created by athletic and entertainment events other than motor vehicle racing events.
- D. Sounds caused by agricultural and forestry operations within an FF zone of the City.
- E. Blasting, under permit.
- F. Sounds made by warning devices operated continuously for ~~3~~ three minutes or less.

18.14.020 Variances.

~~(Amended by Ordinances 159276, 162098, 164010, 174718, 175772, 184101, 186216, 189078 and 191208, effective April 1, 2023.)~~

Any person who owns, controls, or operates any sound source ~~which~~ that does not comply with provisions or standards of this Title may apply for a variance from such standard(s) or provision(s).

- A.** Application. The application ~~shall~~must be in a form acceptable to the Noise Review Board or the Noise Control Officer, and ~~must~~shall state the date, time, and location of the event or activity and the reasons for which the variance is being sought. The applicant may be required to supply additional information. The application ~~shall~~will not be considered received until all information has been supplied. It is the responsibility of the applicant to submit the application in proper form, and to allow sufficient time for review, as specified in Subsection ~~18.14.020~~ F. below.
- B.** The application ~~shall~~will not be considered until the application fee is received. All required fees are stated in the Fee Schedule adopted by City Council. ~~_-~~ Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at ~~the~~ Portland Permitting & Development.
- C.** All applications will be first sent to the Noise Control Officer who, with the Chair of the Noise Review Board, ~~shall~~will determine the appropriate reviewing body. ~~The~~ criterion for this determination ~~shall~~will be: whether the noise impact is deemed significant in level or in numbers of persons or property affected. If the potential noise impact is judged not to be significant, the application will be reviewed by the Noise Control Officer. If the potential noise impact is judged to be significant, the review will be made by the Noise Review Board. The Chair of the Noise Review Board may delegate Board review and action to the Noise Control Officer if, in the exercise of his or her discretion, such delegation is in the City's interest.
- D.** Review of the application on its merit ~~shall~~will include consideration of at least the following:
- 1.** The physical characteristics, times and durations of the emitted sound;;
 - 2.** The geography, zone, and population density of the affected area;;
 - 3.** Whether the public health, safety or welfare is impacted;;
 - 4.** Whether the sound source predates the receiver(s);; ~~and~~
 - 5.** Whether compliance with the standard(s) or provision(s) from which the variance is sought would produce hardship without equal or greater benefit to the public;; ~~and~~
 - 6.** Applicant's previous history, if any, of compliance or noncompliance.
- E.** Public notification. Notice of receipt of all applications to be reviewed by the Noise Review Board ~~shall~~will promptly be published in a newspaper of general circulation within the City. Notice ~~shall~~will also be given to affected neighborhood association(s), or owners and residents of property likely to be

affected by the application, and to any person who has in writing requested notice of such application.

F. Time for review and decision. Applications to be reviewed by the Noise Control Officer ~~shall will~~ be decided within 10 business days of receipt of the completed application. -Applications to be reviewed by the Noise Review Board ~~shall will~~ be decided within 45 business days of receipt of the completed application. Should the applicant require more accelerated review than that provided above, the process may be shortened to no more than ~~3three~~ business days for review by the Noise Control Officer or ~~7seven~~ business days for review by the Noise Review Board, upon payment of an additional surcharge in the amount of the original application fee, and provided the Chair of the Noise Review Board and the Noise Control Officer conclude that such accelerated review is sufficient for evaluation, and in the City's interest.

1. Failure to reach decision within the times specified ~~shall will~~ constitute automatic approval of the application, unless specifically waived by the applicant. If not waived, such approval ~~shall will~~ expire within 180 days following such failure.

G. Applications reviewed by the Noise Control Officer, or the Noise Review Board may be granted, denied, or granted with conditions.

H. All decisions ~~shall will~~ be in writing, and those made by the Noise Review Board ~~shall will~~ state the facts and reasons leading to the decision and ~~shall will~~ be made available to the applicant, and any other person who has requested such decision.

I. Appeals to City Council. A variance decision of the Noise Control Officer or the Noise Review Board may be appealed to the City Council as follows:

1. Eligibility to appeal. A variance decision may be appealed by the applicant, ~~his-their~~ legal representative, any affected neighborhood association, or any person who has submitted oral or written testimony on the application.

2. Appeal acceptance criteria. Notice of intent to appeal ~~mustshall~~ be in writing to the City Auditor's Office within 10 days of the effective date of the decision. -The notice ~~mustshall~~ identify the decision that is being appealed, and include the appellant's name, address, and signature, phone number, relationship to the variance decision action, and a clear statement of the specific reason(s) for the appeal including any alleged misapplication of City Codes.

3. Upon receipt of such appeal, the Auditor ~~shall will~~ then place the matter upon the ~~C~~alendar of the City Council.

4. At the time of the hearing, the City Council may consider such new matter as it deems appropriate, as well as the record developed before the Noise Control Officer or the Noise Review Board, and thereafter may affirm, reverse, modify or remand the decision.

J. All variances are subject to review upon complaint. Notice of review ~~shall~~ will be provided to the variance holder, and ~~shall~~ will state the date, time, and place of the review. The permittee ~~shall~~ will have the opportunity of hearing prior to any revocation. Decisions relative to the review of a variance ~~shall~~ will follow the procedures specified in Subsections 18.14.020 H., and I.

K. Violation of the terms of the variance ~~will~~ shall be grounds for the revocation of the variance. The Noise Control Officer or any ~~Police Officer~~ Police Officer of the City ~~of Portland~~ may summarily revoke or alter conditions of any variance. A request for an applicant or responsible parties to cease activities ~~will~~ shall be considered an immediate request and does not allow the permittee or ~~his/her~~ their agent to complete any additional work or activity. Activities in violation of ~~this Portland City~~ Code or an approved Noise Variance must cease immediately upon notification of the Noise Variance revocation.

Chapter 18.16 Ordinance Additional ~~To~~ Other Law

18.16.010 Ordinance Additional to Other Law.

The provisions of this Title ~~shall be~~ are cumulative and non-exclusive and ~~shall do~~ not affect any other claim, cause of action, or remedy; nor, unless specifically provided, ~~shall~~ will it be deemed to repeal, amend, or modify any law, ordinance, or regulation relating to noise or sound; but ~~shall~~ will instead be deemed additional to existing legislation and common law on such subject.

Chapter 18.17 Rulemaking

~~(Chapter added by Ordinance No. 175772, effective August 1, 2001.)~~

18.17.010 Rulemaking.

~~(Amended by Ordinances 176955, 186216, 189078 and 191208, effective April 1, 2023.)~~

A. ~~The City Administrator~~ Director has the authority ~~to may~~ adopt administrative rules ~~as authorized by Charter and supplemental regulations related to the provisions of this Title. The rules and regulations must be in conformance with the intent and purpose of this Title. The Director has the authority to administer such rules and regulations. Rules will be adopted according to the procedures in this section.~~

B. ~~Permanent rules.~~

1. ~~Prior to the adoption of a permanent rule, the Director will:~~

~~a. — Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than thirty days before the hearing. The notice must identify the place, time and purpose for the hearing; a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments and the location where copies of the full set of the proposed rules may be obtained.~~

~~b. — At the hearing, a designee of the Director will hear testimony and receive written comments regarding the proposed rules. The designee will provide a recommendation to the Director. The recommendation will take into consideration the comments received.~~

~~c. — The Director will review the recommendation of the designee and may either adopt the proposed rule, modify or reject it.~~

~~d. — If a substantial modification is made to the proposed rule, the Director may adopt the modification as an Interim Rule or provide additional public review prior to adoption.~~

~~2. — Unless otherwise stated, all rules will be effective two weeks after adoption by the Director.~~

~~C. — Interim rules.~~

~~1. — An interim rule may be adopted by the Director without prior notice upon a finding that a failure to act promptly will result in a serious threat of injury or hazard to the public health or public or private property. The rule will include specific reasons for the finding.~~

~~2. — Interim rules will be effective for a period of not longer than 180 days.~~

~~3. — Not more than 30 days after adoption of an interim rule, public notice of interim rules must be given by publication in a newspaper of general circulation. Such notice must also identify the location at which copies of the full set of the interim rules may be obtained.~~

~~D. — All final and interim rules must be filed in the office of the Director. All final and interim rules will be available to the public at the Portland Permitting & Development.~~

~~For the purposes of this Section, "Director" shall mean the Director of the Portland Permitting & Development, or any duly authorized representative of the Director.~~

Chapter 18.18 Enforcement Aand Penalties

18.18.010 Authority for Enforcement.

~~(Amended by Ordinances 159276, 175772, 176955, 186216, 189078 and 191208, effective April 1, 2023.)~~

~~This Title shall be is enforced by the Portland Permitting & Development and by the Bureau of Police. Duly authorized agents of either of these bureaus shall have citation authority for purposes of enforcing this Title the City Administrator.~~

18.18.020 Violations.

~~(Replaced by Ordinance No. 175772, effective August 1, 2001.)~~

A. The following constitute violations of this Title:

1. Any failure, refusal or neglect to comply with any provision of this Title;
2. Allowing or causing a condition that threatens to injure the public health or safety, or threatens to damage public or private property; or
3. Any failure, refusal or neglect to correct or cease any noise that does not comply with the provisions of this Title, after being required to do so by the ~~Director~~City Administrator or any ~~P~~Police Officer.

B. Each specific incident and each day of non-compliance will be considered a separate violation of this Title.

18.18.030 Civil Penalties and Fees.

~~(Replaced by Ordinance No. 175772; amended by Ordinance No. 189413, effective March 6, 2019.)~~

A violation of this Title may result in assessment of civil penalties or enforcement fees, as provided below:

A. Civil penalties.

1. For each separate violation, a civil penalty of up to \$5,000 may be assessed.
2. In determining the amount of any civil penalty to be assessed, the ~~Director~~City Administrator will consider the following:
 - a. The nature and extent of the responsible party's involvement in the violation;
 - b. The benefits, economic, financial or otherwise, accruing or likely to accrue as a result of the violation;
 - c. Whether the violation was isolated and temporary, or repeated and continuing;
 - d. The magnitude and seriousness of the violation;
 - e. The City's cost of investigation and remedying the violation; and
 - f. Any other applicable facts bearing on the nature and seriousness of the violation.

B. Administrative enforcement fees.

1. The ~~City Administrator Director~~ may charge a penalty in the form of a monthly enforcement fee as established by the Council for any violation that meets the following conditions:
 - a. A citation, as described in Section 18.18.040, has been issued;
 - b. A response period of at least 30 days has passed since the citation or stop work order became final; and
 - c. The violation, as described in the initial citation of violation or any subsequent citation, has not been corrected, inspected and approved.
2. If the responsible party does not have all violations corrected, inspected and approved within six months from the date of the initial citation, then monthly enforcement fees will double.
3. Once the monthly enforcement fees begin, they will continue until all violations identified in the initial citation, or any subsequent citations, have been corrected, inspected and approved.
4. The responsible party must notify the ~~City Administrator Director~~ when the responsible party believes that all violations listed in the initial citation or any subsequent citations, have been corrected. Upon confirmed receipt of such notice, the ~~City Administrator Director~~ will promptly schedule an inspection of the violation and will notify the responsible party if any violations remain uncorrected.
5. When a violation meets the conditions for charging an enforcement fee as described in this Section, the ~~City Administrator Director~~ will file a statement with the Revenue Division that identifies the property, the amount of the monthly fee, and the date from which the charges are to begin. -The Revenue Division will then:
 - a. Notify the responsible party of enforcement fees;
 - b. Record a property lien in the Docket of City Liens;
 - c. Bill the responsible party monthly for the full amount of the enforcement fee owing, plus additional charges to cover the administrative costs of the Revenue Division; and
 - d. Maintain lien records until:
 - (1) The lien and all associated interest, penalties and costs are paid in full; and

(2) The ~~City Administrator~~ ~~Director~~ certifies that all violations listed in the initial and any subsequent citations or stop work orders have been corrected, inspected and approved.

18.18.040 Citations.

~~(Added by Ordinance Nos. 175772 and 184101, effective October 8, 2010.)~~

A. If the ~~City Administrator~~ ~~Director~~ has reasonable belief that a violation has occurred, the ~~City Administrator~~ ~~Director~~ may issue a citation. The citation may be personally delivered to the responsible party, or may be served by Registered or Certified Mail to the responsible party. For purposes of this Subsection, service by registered or certified mail is complete and effective when a correctly addressed notice is deposited with the postal service after being either certified or registered by the postal service. The citation will include:

- 1.** A reference to the particular ~~S~~section or ~~S~~sections of this Title that have been or are being violated;
- 2.** A short and plain statement of the matters asserted or charged;
- 3.** A statement of the amount of the applicable penalties; and
- 4.** A reference to the process by which the responsible party may request review by the ~~City Administrator~~ ~~Director~~.

B. The responsible party cited as violating this Title must, within 15 days of receiving the citation, pay to the City the stated penalty or request review by the ~~City Administrator~~ ~~Director~~. If, after review by the ~~City Administrator~~ ~~Director~~, the ~~City Administrator~~ ~~Director~~ upholds the civil penalty, payment of the penalty must be received by the City or postmarked no later than 15 days after the review determination becomes final.

18.18.050 Review by the ~~Director~~ City Administrator.

~~(Added by Ordinance No. 175772, effective August 1, 2001.)~~

A. If a responsible party has received a written citation as described in this Chapter and the responsible party believes the citation has been issued in error, the responsible party may request that the citation be reviewed by the ~~City Administrator~~ ~~Director~~. The responsible party must submit a written request to the ~~City Administrator~~ ~~Director~~ within 15 days of the date of the citation. The written request ~~shall~~ must be submitted together with all evidence that supports the responsible party's request. The ~~City Administrator~~ ~~Director~~'s determination will be served on the responsible party by regular mail.

B. A responsible party may appeal the ~~City Administrator~~Director's written determination to the Code Hearings Officer in accordance with Chapter 22.10 of ~~Portland City~~this Code.

C. Nothing in this Chapter limits the authority of the ~~City Administrator~~Director to initiate a code enforcement proceeding under Portland City Code Title 22, Hearings Officer for any violations of this Title.

18.18.060 Institution of Legal Proceedings.

~~(Added by Ordinance No. 175772, effective August 1, 2001.)~~ The City Attorney, acting in the name of the City, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Title as additional remedy.

Chapter 18.20 Severability Provision

18.20.010 Severability Provision.

If any provision of this Title, or its application to any person, or circumstances, is held to be invalid, the remainder of this Ordinance, or the application of the provision to other persons or circumstances, ~~shall~~will not be affected.

Title 19 Harbors

(Title replaced by Ordinance No. _____, ~~166293~~, effective ~~January 1, 2025~~ ~~March 3, 1993~~.)

Chapter 19.04 Definitions ~~Chapter 19.04 Definitions~~

19.04.010 Anchorage. ~~19.04.010 Anchorage.~~

"Anchorage" means any designated location where vessels or watercraft may anchor or moor.

19.04.020 Aquatic Event. ~~19.04.020 Aquatic Event.~~

"Aquatic event" means an organized water event conducted pursuant to a predetermined schedule or plan ~~which shall have~~ that has been approved by an appropriate governmental unit(s) prior to a commencement of such event.

19.04.030 Authorized Emergency Vessel. ~~19.04.030 Authorized Emergency Vessel.~~

~~(Amended by Ordinance No. 180917, effective May 26, 2007.)~~ **"Authorized emergency vessel"** means any patrol vessel or watercraft owned and operated by the Bureau of Police and Portland Fire & Rescue of the City, the Sheriff of Multnomah County, the State of Oregon the government of the United States of America, or any other unit having jurisdictions.

19.04.035 Berth. ~~19.04.035 Berth.~~

A place where a ship lies at anchor or at a wharf.

19.04.040 City. ~~19.04.040 City.~~

"City" means Portland.

19.04.050 Dead Ship. ~~19.04.050 Dead Ship.~~

"Dead ship" means any vessel or watercraft, the present movement of which is dependent entirely upon other vessels or watercraft.

19.04.060 Dock. ~~19.04.060 Dock.~~

"Dock" means any building or structure used to load cargo onto or unload cargo from vessels, barges, and rafts.

19.04.065 Harbor Line. ~~19.04.065 Harbor Line.~~

A Line usually established by the Corps of Engineers or Port of Portland to define the limit within which development may occur.

19.04.070 Harbor Master.19.04.070 Harbor Master.

~~(Amended by Ordinance No. 180917, effective May 26, 2007.)~~ **“Harbor Master”** means that person assigned by the Chief of Portland Fire & Rescue to carry out the duties of Harbor Master. The Chief of Portland Fire & Rescue may assign as many officers as necessary to act as assistants to the Harbor Master in the discharge of ~~his/her~~their duties or to act as Harbor Master during the absence of the appointed Harbor Master.

19.04.080 Master.19.04.080 Master.

“Master” means the captain, skipper, pilot, operator, or any person having charge of any vessel.

19.04.100 Motorboat.19.04.100 Motorboat.

“Motorboat” means any watercraft 65 feet in length or less ~~which~~that is subject to the ORS 830.005 regulations set out herein. Motorboat classification OAR 250-10-140. All motorboats ~~shall be~~are classified according to their length, as follows:

- A. Motorboats under 16’ in length - Class “A”
- B. Motorboats 16’ in length, but less than 26’ -Class “1”
- C. Motorboats 26’ in length, but less than 40’ - Class “2”
- D. Motorboats 40’ in length, but less than 65’ - Class “3”

19.04.110 Obstruction.19.04.110 Obstruction.

“Obstruction” means any vessel, watercraft, or any floating matter of any description ~~that which~~ cannot comply with the pilot rules and ~~that which~~ may in any way blockade, interfere with or endanger any vessel or impede navigation or ~~that which~~ cannot comply with the United States Coast Guard “Rules of the Road: International - Inland” Commandant Instruction M16672.2 series. These rules are ~~hereby~~ made a part of this Title. Copies are available at Group Portland, United States Coast Guard. “Obstruction” also includes cribs or piles, shingle bolts, ties, booms of logs or lumber, rafts of logs or lumber, when they are floating loose and not under control, or when they are under control but obstructing any navigable channel.

19.04.120 Oil.19.04.120 Oil.

“Oil” means any substance in liquid or other form, of animal, mineral, or vegetable origin or any compound, distillation or mixture ~~of thereof it~~ that which may prove hazardous or detrimental in any way.

19.04.130 Owner.19.04.130 Owner.

“Owner” means the legal or equitable owner of a vessel or watercraft, or the agent or employee of such owner or any other person lawfully in actual physical possession of a vessel or watercraft.

19.04.150 Person.19.04.150 Person.

“Person” means any natural person, firm, copartnership, association, or corporation, whether he/she or it is acting for him/herself or itself or as the clerk, servant, employee, or agent of another; and the singular number includes the plural, and the plural the singular.

19.04.155 Slip.~~19.04.155 Slip.~~

A ship’s or boat’s berth between two piers.

19.04.160 Special Area.~~19.04.160 Special Area.~~

“Special area” means that water space designated by special marker buoys or other such indicators for the conduct of activities in accordance with official approval by any appropriate governmental unit or agency, other than normal navigation of vessels and watercraft.

19.04.170 Towboat.~~19.04.170 Towboat.~~

“Towboat” means a vessel or watercraft normally and regularly engaged in pushing or towing other vessels, watercraft, log and lumber rafts and booms, and like objects.

19.04.180 Vessel.~~19.04.180 Vessel.~~

“Vessel” means any contrivance at least 110 feet or more in length overall, used or capable of being used as a means of transportation on water.

19.04.190 Watercraft.~~19.04.190 Watercraft.~~

“Watercraft” means any contrivance less than 110 feet in length overall, used or capable of being used as a means of transportation on water.

Chapter 19.08 Enforcement~~Chapter 19.08 Enforcement~~

19.08.010 Enforcement.~~19.08.010 Enforcement.~~

~~(Amended by Ordinance No. 180917, effective May 26, 2007.)~~ All sworn personnel of Portland Fire & Rescue are empowered to arrest or issue citations to any person for violation of any of the provisions of Title 19 and Chapter 830, Oregon Revised Statutes, pertaining to small watercraft.

Chapter 19.10 Penalties And Right Of Appeal~~Chapter 19.10 Penalties And Right Of Appeal~~

19.10.010 Penalties.~~19.10.010 Penalties.~~

Any person violating any provision or failing to comply with any requirement of this Code, unless provision is otherwise made herein, shall will upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. However, no greater penalty shall will be imposed than the penalty prescribed by Oregon statute for the same act or omission.

19.10.020 Right of Appeal.~~19.10.020 Right of Appeal.~~

Any person, company, or corporation, who feels any order of the Harbor Master, pertaining to the manner of erection, maintaining or operating of any building, mill, warehouse, shipyard, dock, plant, boat, vessel, watercraft, or structure fixed or floating is unreasonable or arbitrary, ~~shall have the right of~~ may appeal to the Fire Code Board of Appeals, as provided for by Title 31, of the City Code ~~of the City of Portland.~~

Chapter 19.12 Harbor Master~~Chapter 19.12 Harbor Master~~

19.12.010 Duties.~~19.12.010 Duties.~~

A. It ~~shall be~~ is the duty of the Harbor Master to inspect the harbor frequently and report any violation of this Title or any other title or any law respecting the use of wharves, docks, landings, vessels, watercraft, or harbor to the proper authorities of the City, County of Multnomah, the United States, or the State of Oregon, as the case may be to be acted upon as provided by law in cases where he/she is not empowered by this Title to act.

B. The Harbor Master, to assure good coordination and develop cooperation, good management and control in the administration of his/her/their office, ~~shall will~~ develop a working liaison with the Captain of the Port United States Coast Guard, Director Port of Portland, Chief Navigation Branch Portland Dist., US Army Corps of Engineers, Director of the Oregon State Marine Board, Director of the Oregon Division of State Lands, and the Sheriff of Multnomah County.

19.12.020 Powers.~~19.12.020 Powers.~~

Whenever the Harbor Master finds it necessary for safe navigation or safety of the Port or harbor, ~~he the Harbor Master~~ may order the Master or other person in charge of any vessel or watercraft to change its position or to change the position of the rigging, cargo, booms, or other equipment, or to do any other act necessary to remove obstruction to safe navigation. If the Master or other person in charge of the vessel fails or refuses to comply with the order of the Harbor Master, then the Harbor Master or his/her/their authorized representatives may remove the obstruction to navigation; and any expense resulting therefrom may be recovered by an action by law, if necessary.

19.12.030 Right to Inspect.~~19.12.030 Right to Inspect.~~

To the full extent permitted by law, the Harbor Master or any duly authorized assistants, when engaged in fire prevention, and/or harbor inspection work, is authorized and directed, at any and all reasonable times, to enter and examine any building, mill warehouse, shipyard, dock, plant, boat, vessel, watercraft, or structure, either fixed or floating, in the performance of their duties.

19.12.040 Aid.~~19.12.040 Aid.~~

~~(Amended by Ordinance No. 180917, effective May 26, 2007.)~~ The Harbor Master ~~shall have full power to~~ may arrest any person or persons who violate any of the provisions of this Title, and ~~he/she shall have the right to~~ the Harbor Master may call on the Chief of

the Bureau of Police and/or the Chief of Portland Fire & Rescue who ~~shall will~~ aid ~~him/her~~ the Harbor Master in the execution of ~~his/her~~ their duties.

Chapter 19.16 Rules Aand Regulations ~~Chapter 19.16 Rules And Regulations~~

19.16.005 Navigation Rules. ~~19.16.005 Navigation Rules.~~

Except as otherwise specified, vessels ~~shall be~~ are subject to United States "Navigation Rules" Commandant Instruction M16672.2 Series Rules available at United States Coast Guard and are ~~hereby~~ made part of this Title.

19.16.010 Wharves to be Inspected - Signs Erected. ~~19.16.010 Wharves to be Inspected - Signs Erected.~~

~~(Amended by Ordinance Nos. 176955 and 190448, effective July 16, 2021.)~~

- A. The Harbor Master, in coordination with the Director of ~~the~~ Portland Permitting & Development, ~~shall will~~ cause to be inspected, not less than every ~~5~~ five years, all docks, sheds, warehouses, or other structures within the harbor limits, ~~which shall that~~ extend out over water or unfilled land. After the inspection, a safe loading limit, in pounds, ~~must shall~~ be posted at the entrance to the building, and no loading ~~shall may~~ be over this limit at any time.
- B. Whenever the Director of ~~the~~ Portland Permitting & Development ~~and/or the~~ Harbor Master, as officers of the City, finds that any such structure is becoming dangerous due to decay, rot, faulty design, or any other condition, they may limit the load, and the load limit ~~must shall~~ be posted at the entrance to the structure; and if found unsafe, they may order the structure closed until repaired or removed. The Harbor Master or their assistants ~~shall will~~ enforce these orders when so notified by the Director of ~~the~~ Portland Permitting & Development.
- C. They do not assume the responsibility for the safe manner and use of any structure, or damages from any loading, except where the structures are owned in whole or in part by the City.

19.16.015 Unsafe Docks or Waterfront Structures. ~~19.16.015 Unsafe Docks or Waterfront Structures.~~

~~(Amended by Ordinance Nos. 176955 and 190448, effective July 16, 2021.)~~ Whenever the Harbor Master, in their judgement, finds that any dock or waterfront structure has become unsafe or dangerous so as to render the same or any portion thereof unsafe to life or property, they ~~shall may~~ ask the Director of ~~the~~ Portland Permitting & Development to make a survey of the property. ~~;~~ if Director of Portland Permitting & Development they declares the ~~dock or waterfront structures~~ same to be unsafe to life or property, the Harbor Master ~~shall may~~ order ~~the same~~ that it be barricaded with proper fencing, and danger signs posted by day and red lights by night, ~~which that shall must~~ remain intact until necessary repairs ~~to thereto it~~ as the engineers report are practicable

~~shall have~~ been made. If the repairs are not practicable, the Harbor Master ~~shall may~~ order the removal of the dock or waterfront structure. If the owner, agent, or lessee of the property ~~shall fails~~ to comply promptly with the order of the Director of ~~the~~ Portland Permitting & Development, the Harbor Master ~~shall may~~ prohibit the use of the unsafe portion of the dock or waterfront structure for any purpose whatsoever, and ~~shall may~~ erect or cause to be erected the necessary barricade, signs, and lights. ~~;~~ ~~and if~~ the dock or waterfront structure is to be removed or razed, the Director of ~~the~~ Portland Permitting & Development ~~shall may~~, with the Harbor Master, remove or have removed any and all of the unsafe portions of the dock or waterfront structure, and all of the ~~associated~~ expense ~~therefrom must shall~~ be paid by and recoverable from the owner, agent, or lessee of ~~any such the~~ dock or waterfront structure. Nothing ~~contained herein in this Title shall prevents~~ a condemnation as otherwise provided, nor ~~shall will its the provisions herein contained~~ relieve the owner, agent, or lessee from the duty of periodically inspecting the property and promptly proceeding ~~thereafter~~ to make all repairs that are practicable.

19.16.020 Decayed Docks Breaking Loose.

19.16.020 Decayed Docks Breaking Loose.

It is unlawful for the owner, agent, or lessee in charge of any dock or waterfront structure to allow the whole or any part thereof to fall into or remain adrift in the waters of the City or to float away from the dock. All fender piling or other portions ~~of thereof it~~ that ~~shall~~ break loose ~~must shall~~ be removed at once by the owner, agent, or lessee of any dock; and upon failure to do so, the same ~~shall may~~ be removed by the Harbor Master and the expense thereof ~~must shall~~ be paid by and recoverable from the owner, agent, or lessee of the property by the City. In the event that any part of a dock or waterfront structure caves in, collapses, or is damaged in any way in excess of \$1,000, the owner, agent, or lessee in charge ~~must shall~~ notify the Harbor Master within 72 hours.

19.16.025 Notification of Arrival of Ocean-Going Vessels. 19.16.025 **Notification of Arrival of Ocean-Going Vessels.**

- A.** The local agent, owner or person in charge of any facility where an ocean-going vessel ties up ~~must shall~~ immediately report to the Harbor Master the name and local agent for the vessel.
- B.** It is unlawful for any such person to neglect or refuse to give this report.
- C.** The foregoing ~~shall does~~ not apply to any vessel whose movements are limited to the inland waters of the Willamette and Columbia Rivers or any of their tributaries.
- D.** Reports to the Merchant Exchange may be allowed in place of the above requirement by the Harbor Master.

19.16.035 Vessels Changing Docks.~~19.16.035 Vessels Changing Docks.~~

Every vessel, unless propelled by its engine, moving from one dock to another or from one place to another when necessary to pass through the draw of any bridge or when moving from a dock or wharf to a dock or wharf within the City ~~must~~shall, in order to prevent the obstruction of travel, have the services of a tug or tugs.

19.16.040 Notice of Change of Berth of Ocean-Going Vessel.~~19.16.040 Notice of Change of Berth of Ocean-Going Vessel.~~

- A.** The local agent, owner, or person in charge of any place where any ocean-going vessel is tied up in the Portland Harbor ~~must~~shall notify the Harbor Master when ~~such the~~ vessel leaves the place where it is tied up and ~~must~~shall state the destination to which the vessel is moving.
- B.** The notice ~~must~~shall be given no later than four hours after making the move.
- C.** It is unlawful for any such person to neglect or refuse to give this report.
- D.** Reports to the Merchant Exchange may be allowed in place of the above requirement by the Harbor Master.

19.16.045 Berthing Ships.~~19.16.045 Berthing Ships.~~
(Amended by Ordinance No. 190448, effective July 16, 2021.)

- A.** No vessel may moor or berth next to City property without the Harbor Master's prior approval.
- B.** The Harbor Master may assign space for mooring and berthing of any vessel next to any City property.
- C.** The person or owner in control of any vessel berthed pursuant to this Section ~~shall~~will be liable for all charges and expenses including water charges by the Portland Water Bureau and other special costs incurred or provided in connection with berthing, ~~shall~~will be liable for any other expenses connected with the ship during the period of being berthed at the seawall, and also ~~shall~~will be liable for any damages resulting from the berthing or continuance of mooring of the vessel.

19.16.055 Permits for Construction Work.~~19.16.055 Permits for Construction Work.~~

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

- A.** No person ~~shall~~may construct or repair or wreck any old work or drive or remove any piling within the harbor zone within the City ~~of Portland~~ or remove any earth or other material from the river banks or bed shoreward of or adjacent

to the harbor line without first securing a permit from ~~the~~ Portland Permitting & Development. After the permit has been issued and before such work has been started, the permit holder must notify the Harbor Master. It ~~shall be~~ the duty of the Harbor Master to stop any such work until a permit ~~shall be~~ secured, if so requested by the Director of ~~the~~ Portland Permitting & Development.

B. Nothing in ~~this~~ ~~the above~~ Section ~~shall relieve~~ any person, company, or corporation from securing such other permits as may be required by any other agency such as, ~~the~~ U.S. Army Corps of Engineers, ~~or~~ the Port of Portland, ~~the~~ State Marine Board, ~~and~~ ~~or~~ ~~the~~ Division of State Lands.

19.16.060 Municipal Boat Landings. ~~19.16.060 Municipal Boat Landings.~~
(~~Amended by Ordinances 169986, 188312, 190448, 188312, 190448 and~~
~~191018, 191018, effective November 4, 2022.~~)

A. As used in this Section, the following words and terms have the meanings indicated unless the context clearly requires otherwise:

1. **"PP&R"** ~~shall mean~~ the ~~City of Portland,~~ Bureau of Parks and Recreation. Where appropriate, the term "PP&R" also refers to the staff and employees of Portland Parks and Recreation.

2. **"Facility"** ~~shall mean~~ PP&R floats, piers, mooring buoys, and boat landings.

3. **"Commercial vessel"** ~~shall mean~~ a vessel ~~which that~~ is used, rigged, or licensed for any commercial use or purpose, and ~~shall include~~ watercraft operated within the terms of a concession lease or agreement with PP&R.

4. **"Length"** ~~shall mean~~ the overall length of a watercraft.

5. **"Night"** ~~shall mean~~ any period of time between 3 :00 p.m.~~PM~~ and 9 :00 a.m.~~AM~~.

6. **"Docking Season"** ~~Season~~ ~~shall mean~~ the period of time between May 1 and September 30.

7. **"Director"** refers to the Director of PP&R also known as the Superintendent of Parks.

B. The operator of recreational watercraft may use a municipal boat landing for recreational purposes only. It is unlawful to use a municipal boat landing for any purpose other than recreation without prior written permission of the Director of Parks.

C. No person ~~shall~~may moor or berth a watercraft of any type in a PP&R~~–~~owned or ~~–~~operated park or marine area except in designated marine park areas and at designated facilities.

D. It is unlawful to moor a watercraft at a municipal boat landing for a period exceeding 24 hours or while the parks is closed, without prior written permission of the Director. The Harbor Master may permit a craft to be moored at a municipal boat landing for more than 24 hours only when the craft is inoperable and reasonable additional time is needed to repair it.

E. Use of any PP&R marine facility ~~shall~~will be on a first come, first served basis unless otherwise permitted by PP&R. Reserving or retaining space to moor or berth a watercraft at any facility, by means of a dinghy or any method other than occupying the space by the watercraft to be moored or obtaining a permit through the PP&R Reservation Center, ~~shall~~is not ~~be~~ permitted.

F. Open flames, ~~or~~ live coals, or devices containing or using open flames, live coals, or combustible materials, including but not limited to barbecues, hibachis, stoves, and heaters, ~~shall~~are not ~~be~~ permitted on PP&R marine facilities.

G. No swimming, diving, or sunbathing is permitted on or within 50 feet of PP&R marine facilities and municipal boat landings.

1. Exceptions

a. The Kevin Duckworth Dock Moorage.

H. The mooring of any craft in violation of this Ssection may result in eviction from moorage, in addition to any other penalty prescribed by law.

I. The City Administrator may adopt administrative rules as authorized by Charter. The ~~Director Council may~~ is authorized to issue any rules and establish fees ~~any fees with the Director deems necessary~~ to operate and maintain all municipal Boat Landings and Marine Facilities.

J. ~~Enforcement of the provisions in t~~This Section shall be conducted by either the Director of Parks, the Harbor Master, the Chief of Police, may be enforced by the City Administrator, the Multnomah County Sheriff, or their appointed designees. Subject to the provisions of ORS 830.908 to 830.948, any person authorized to enforce the provisions of this Section may seize any abandoned or derelict vessel in any Park or at any municipal dock and order the vessel be towed, stored and disposed of at the vessel owner's expense. Any person whose vessel has been posted with a notice of potential seizure, or whose vessel has been seized, may request a hearing before the Code Hearings Officer, subject to the rules and conditions for such hearings provided under ORS 830.908 to 830.940.

K. Use of docks governed by this Section is also subject to all applicable provisions of law, including, without limitation, the provisions of Chapters 20.08, Parks & Recreation - Permits and 20.12 Parks & Recreation - Prohibited Conduct, of this Code.

—**L.** ~~The City of Portland~~

~~and~~ its officers, and employees are not liable for any personal injury or property damage resulting from maintenance or use of a municipal boat landing.

19.16.070 Vessels Aare Not Tto Bbe Blocked.~~19.16.070 Vessels Are Not To Be Blocked.~~

No master, owner, or person in charge of any vessels, or watercraft ~~shall~~may block or hinder in any way the entrance or exit to any Fire Boat station on either the land or water side.

19.16.075 Rafts Not to Block Slips or Channels.~~19.16.075 Rafts Not to Block Slips or Channels.~~

Rafts or barges must not be more than one deep when moored alongside of any vessel while at any berth. No rafts, barges, or other floating objects ~~shall~~may be moored in such a way that the navigation of any vessel or watercraft ~~shall~~could be endangered or hindered. All barges, rafts, or other floating objects while so moored ~~must~~shall have a white light displayed on the offshore side.

19.16.080 River Obstructions.~~19.16.080 River Obstructions.~~

A. By certified mail, return receipt requested, the Harbor Master ~~shall~~will notify the owner, agent, or person in charge of any wreck, uncontrolled vessel, obstructing material or structure that is in violation of this chapter. In the Harbor Master's discretion, this notice may be posted on the wreck, vessel, material or structure.

B. The notice ~~shall~~will state the time within which the violation is to cease.

C. If the violation is not terminated within the time specified, the Harbor Master may remove the wreck, vessel, obstruction or material together with its tackle and cargo.

D. After removal, the Harbor Master ~~shall~~will notify the owner, agent, consignee or person in charge of the wreck, vessel or material of the cost of removing it and specify a date on which the cost ~~must~~shall be paid to the City.

E. If the cost of removal is not paid within the time specified, the wreck, vessel or material ~~shall~~may be sold and the proceeds disposed of in accordance with City Code Section 5.36.015.

19.16.085 Removal of Refuse.~~19.16.085 Removal of Refuse.~~

- A. No refuse ~~shall~~may remain on the deck of a vessel overnight or after the cargo has been worked. All refuse must be removed daily onto the dock or a barge. Under no circumstances ~~shall~~may combustible materials be allowed to accumulate at any loading terminal, dock or yard.
- B. All barges or lighters must be with sideboards, bins and covers to prevent the escape of noxious odors.

19.16.090 Buoys Required on Wrecks.~~19.16.090 Buoys Required on Wrecks.~~

- A. If any vessel, watercraft or barge is wrecked or sinks or loses any part of its cargo in the waters of the port, the owner, agent or person in charge of the vessel, watercraft or barge ~~must~~shall immediately notify the Harbor Master of the nature of the obstruction, the location and the cause of the obstruction.
- B. The owner, agent, or person in charge of the vessel, watercraft or barge ~~must~~shall immediately place a marker or buoy on the obstruction. The marker or buoy ~~must~~shall display two red flags by day and two red lights by night. The flags ~~must~~shall be one above the other, and not less than three feet apart. Each flag ~~shall may be~~ not be less than 18" by 18" in size.
- C. If an obstruction constitutes a navigational hazard in any way, the owner, agent, or person in charge ~~must~~shall notify the United States Coast Guard Captain of the Port and the owner, agent or person in charge ~~must~~shall mark the obstruction as ordered by the Captain of the Port.

19.16.095 Menace to Navigation.~~19.16.095 Menace to Navigation.~~

- A. All refuse and debris in the waters of the port are declared to be public nuisances and menaces to navigation.
- B. It is unlawful for any person to throw or place or permit to be thrown or placed any such refuse or debris in the waters of the port or at a location where the refuse or debris may get into the waters of the port by high water or other means.
- C. Any such menace to navigation is subject to seizure by the Harbor Master without warrant or notice and is subject to summary destruction and abatement if this can be done without a breach of the peace or doing any unnecessary injury to other property.

19.16.100 Hot Work on Vessels.~~19.16.100 Hot Work on Vessels.~~

~~(Amended by Ordinance Nos. 180917 and 190448, effective July 16, 2021.)~~ A Hot Work permit ~~must~~shall be obtained before beginning any welding or burning operations in or on any vessel, in or abutting the Portland harbor.

A. Scope: This regulation applies to all operations involving the use of oxygen/fuel gas mixtures, electric arc welding, or other spark or fire producing operations on marine vessels regardless of the size of the vessel and regardless of whether or not the vessel is at anchor, moored, in drydock, or ashore.

B. General **D**efinition for this Section: For the purpose of this regulation the following words have the meanings set forth below:

- 1. Adjacent **S**paces** - Those spaces in all directions from the subject space, including all points of contact, corners, diagonals, decks, tank tops, and bulkheads.
- 2. Bureau** - The City's Portland Fire & Rescue.
- 3. Competent **P**erson** - The holder of a valid **C**ertificate issued by the National Fire Protection Association, or other recognized source attesting that the holder has successfully completed a course of training as a Competent Person and has been officially registered with the U.S. Department of Labor (OSHA) as a designated **C**ompetent **P**erson ~~Competent Person~~ by their respective employer.
- 4. Confined **S**pace** - A compartment of small size and limited access such as a double bottom tank, cofferdam, or other such similar type **of space which that,** by its small size and confined nature, can readily create or aggravate a hazardous exposure.
- 5. Fire **W**atch** - A person designated by the supervisor of the welding operation to watch for signs of fire. ~~Such persons shall~~ **A fire watch must** be familiar with Fire Department Permit Conditions, the area where the hot work is to take place, and procedures for sounding an alarm in the event of fire. In addition, ~~this person shall~~ **a fire watch must** be trained in the proper use of the extinguishing equipment provided and instructed in the specific hazards anticipated.
- 6. Designated **P**iers** - Those piers or berths designated by the Portland Harbor Master and by virtue of their construction, location, fire protection and fire hydrant availability, are suitable to permit certain repairs to vessels alongside.
- 7. Enclosed **S**pace** - Any space other than a confined space, ~~which that~~ is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.
- 8. Gangway** - A ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders,

gangplanks, and brows. A gangway ~~must~~ shall have a walking surface not less than 20 inches wide, be of adequate strength, maintained in good repair, and safely secured. Each side of such gangway, and turntable if used, ~~must~~ shall have a railing with a minimum height of 33 inches, with a mid rail. Rails, if constructed with rope or chain, ~~must~~ shall be kept taut at all times.

9. Hazardous Materials - Any material ~~which~~ that, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant or otherwise harmful, is like to cause injury.

10. Hot Work - Per NFPA 306, paragraph 1-05; any construction alteration, repair, or shipbreaking operation involving riveting operation welding, burning, or similar fire-producing operations. Grinding, drilling, abrasive blasting, or similar spark producing operations ~~shall~~ are be considered hot work unless deemed otherwise by a ~~Certified Marine Chemist~~ Certified Marine Chemist.

11. Marine Chemist - The holder of a valid Certificate issued by the National Fire Protection Association in accordance with the "Rules for the Certification of Marine Chemist."

12. Powder Actuated Fastening Tool ~~Actuated Fastening Tool~~ - A tool or machine ~~that~~ which drives a stud, pin, bolt or any type of fastener by means of an explosive charge.

13. Ship Repair - The repair of any vessel including, but not limited to, alterations, modifications, conversions, installations, cleaning, painting, and maintenance work, and for the purposes of this code includes shipbuilding and shipbreaking.

14. Shipyard - An operating facility, engaged in ship repair, doing business in the City of Portland or adjacent Columbia/Willamette River Port facilities, meeting the requirements of the Building and Fire Codes.

15. Vessel - Every description of watercraft or other artificial contrivance used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

C. Hot Work Permits ~~Works Permits~~: Hot Works Permits ~~Works Permits~~ for Hot Work on Marine Vessels ~~Marine Vessels shall be~~ is divided into three categories.

1. Level I - Those permits for hot work operations ~~that~~ which are minor in nature. (See below for further definitions.)

2. Level II - Those permits for hot work operations ~~that~~which are moderate in nature. (See below for further definition.)

3. Level III - Those permits ~~that~~which involve major hot work operations. (See below for further definition.)

D. Level I ~~H~~Hot W~~ork~~Hot Work:

1. Definition: Level I hot work is work ~~that~~which involves repairs or modifications ~~that~~which by nature do not involve any cutting or welding on or near hazardous areas of the vessels.

2. Level I hot work must:

- a. Not involve work on hazardous areas or compartments of the vessel. Such hazardous areas include, but are not limited to: Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping). Compartments ~~that~~which are insulated with combustible or flammable insulation, including insulation ~~that~~which has a fire resistive barrier installed over the surface: Engine rooms, fire rooms and boiler rooms, auxiliary machinery rooms. Cargo or storage areas ~~that~~which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids). Work on surfaces directly adjacent to those compartments listed above (i.e.: Those opposite sides of an insulated space ~~that~~which might expose the insulation to heat).

3. Violation of ~~C~~condition:

- a. No welding or cutting ~~shall~~may be done on a dock or ship within the City's harbor without first obtaining a hot work permit authorized by Portland Fire & Rescue.
- b. If welding or cutting is done on a dock or ship within the City's harbor without first obtaining the permit or permits required by this Chapter, the welding or cutting ~~must~~shall cease immediately and not begin again until the Fire Marshal or Harbor Master has inspected the worksite, the inspection fee has been paid and the Fire Marshal or Harbor Master has issued a permit for welding or cutting. The person(s) must also obtain any Coast Guard or other required permits for the hot work, prior to the commencement of such work.

4. Examples of Level I hot work include work on:

- a. Standing rigging
- b. Replacement of cleats and pad eyes

c. Work involving deck machinery

d. Similar repairs or modifications

5. Requirements:

a. Permits Required:

(1) A U.S. Coast Guard Hot Work Permit.

(2) A “Hot Work Permit for Vessels” authorized by Portland Fire & Rescue ~~must~~ shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.

b. Violation of Conditions:

(1) Violation of any of the following permit conditions ~~shall be~~ cause for immediate revocation of the “Hot Work Permit ~~F~~or Vessels.” Permits ~~that~~ which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit. In the event that a fire occurs as a result of violation of these permit conditions, the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder ~~must~~ shall pay such costs.

c. Authorized ~~L~~locations: Level I hot work may be performed at the vessel’s normal berth. Exception: Level I hot work ~~shall~~ may not be performed at fuel terminals, passenger terminals, grain terminals, or terminals or piers at which the use is primarily residential or recreational in nature, unless authorized by the U.S. Coast Guard, Harbor Master, and a NFPA certified Marine Chemist.

d. Vessel’s ~~F~~fire ~~P~~rotection ~~S~~ystems ~~Fire Protection Systems~~: During hot work operations all of the vessel’s fire protection systems ~~must~~ shall remain in service.

e. Gangways ~~R~~required: At least one gangway ~~must~~ shall be provided for access to the vessel.

f. Prohibited ~~A~~activity: The following activities are prohibited during hot work operations, unless specifically approved by a ~~M~~marine ~~C~~hemist ~~Marine Chemist~~.

(1) All hot work operations ~~must~~ be discontinued during discharge, loading, or transfer of fuel oils or other flammable or combustible substance.

(2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. Monitoring of such areas ~~must~~ be carried out by a Competent Person.

g. Inspection ~~r~~Required:

(1) Prior to the commencement of hot work operations, an inspection ~~must~~ be made of the area in which the work is to occur to assure that:

(a) The work to be performed does not involve an area of the vessel prohibited for Level I hot work.

(b) Prohibited activity is not taking place elsewhere on the vessel.

(c) The area is safe for the hot work to take place. Such inspection ~~must~~ be made by the Competent Person and the person in charge of the repairs or modifications. Such inspections ~~must~~ include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.

h. Fire ~~W~~atches:

(1) Whenever hot work operations are taking place, a responsible individual ~~must~~ be appointed as fire watch and ~~must~~ be on duty continuously during such operations.

(2) Such persons ~~must~~ have no other duties other than to watch for fire. Fire watches ~~must~~ be equipped with, or have immediate access to, emergency fire protection equipment (charged fire extinguishers and/or fire hoses). Fire watches ~~must~~ remain on duty for not less than 30 minutes after hot work operations are completed.

(3) Persons performing hot work may not serve as their own fire watch.

(4) Persons appointed as fire watch may be a member of the vessel's crew or other person designated by the individual in charge of the work.

(5) As determined by a responsible, trained supervisor, the number and location of fire watch personnel ~~must~~ shall be based on all existing conditions and potential fire hazards.

(6) Fire watches are to be readily identifiable.

(7) Fire ~~W~~atches ~~must~~ shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire ~~W~~atch is in a remote or confined area or tank.

i. ~~Fire Extinguishing Devices Required~~ Extinguishing Devices Required:

(1) Portable fire extinguisher of sufficient size and number, as identified on Hot Work Permit, ~~must~~ shall be kept in readiness at the location where the hot work is being done. Extinguishers may be 4A, 60BC, Dry Chemical; 1A 10/12 BC CO² or, 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting may not be used for this purpose.

(2) A fire hose of not less than 1-1/2 inch diameter, with nozzle attached, ~~must~~ shall be laid out and suitably charged in the vicinity of hot work operations. Such hose ~~must~~ shall be of sufficient length to reach the compartment or space being worked on or protected.

j. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor ~~must~~ shall be installed prior to performing any work below deck or inside a confined or enclosed space.

k. Other precautions ~~Against Fire~~ Against Fire:

(1) Flammable or combustible liquids may not be stored within 50 feet of hot work operations.

(2) Combustible materials ~~shall~~ may not be located within 25 feet of hot work operations. (Including the opposite side of surfaces on which welding or cutting is being performed.)

(3) Hot work ~~shall~~ may not be done in or near compartments or spaces where flammable liquids or vapors, lints, or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.

E. Level II ~~H~~hot ~~W~~work~~Hot Work~~

1. Definition: Level II hot work includes that work ~~that~~which is moderate in nature or any hot work on or near areas of the vessel ~~that~~which are hazardous in nature.
2. Such hazardous areas include:
 - a. Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping).
 - b. Compartments ~~that~~which are insulated with combustible or flammable insulation.
 - c. Engine rooms, fire rooms, boiler rooms, and auxiliary machinery rooms.
 - d. Cargo or storage areas ~~that~~which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids).
 - e. Work on surfaces directly adjacent to those compartments listed above (i.e., the opposite side of an insulated space, ~~that~~which might expose the insulation to heat). Level II hot work must be completed within 30 calendar days.
3. Examples of Level II hot work include:
 - a. Removal or replacement of major components of the vessel's propulsion system.
 - b. Removal or replacement of major components or sections of any shipboard piping systems.
 - c. Replacement of deck houses or other major structural components.
 - d. Replacement of hull or deck plating.
 - e. Work is less than 30 days in duration.
4. Requirements:
 - a. Permits ~~R~~required:
 - (1) A U.S. Coast Guard Hot Work Permit.

(2) A “Hot Work Permit for Vessels,” authorized by the Harbor Master ~~must~~ shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.

b. Violation of ~~C~~conditions:

(1) Violation of any of the following permit conditions ~~shall be~~ cause for immediate revocation of the “Hot Work Permit For Vessels.” Permits ~~that~~ which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit.

(2) In the event that a fire occurs as result of a violation of these permit conditions, the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder ~~must~~ shall pay such costs.

c. Authorized ~~L~~locations:

(1) Level II hot work may only be performed at designated Port facility piers or at shipyards.

(2) Crane service must be immediately available whenever work is being performed. Such cranes must be capable of lifting not less than 10,000 pounds with a boom of sufficient length to reach the middle of the ship on the largest vessel at the pier.

d. Vessel’s ~~F~~ire ~~P~~rotection ~~S~~ystem~~Fire Protection System~~: During hot work operations, all of the vessel’s fire protection systems ~~must~~ shall remain in service.

e. Gangways ~~R~~required: Two gangways ~~must~~ shall be provided for access to the vessel, unless physical limitations dictate otherwise.

f. Prohibited ~~A~~activity: Unless approved by a ~~C~~ertified ~~M~~arine ~~C~~hemist~~Certified Marine Chemist~~, the following activities are prohibited during hot work operations:

(1) All hot work operations ~~must~~ shall be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.

(2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere of less than 10 percent of the lower explosive limit for the particular material being applied as determined by a ~~M~~arine

~~C~~chemist. ~~Marine Chemist.~~ Monitoring of such areas ~~must~~shall be carried out by a ~~C~~ompetent ~~P~~erson. ~~Competent Person.~~

g. Shipyard ~~P~~ersonnel ~~R~~equired. ~~Personnel Required:~~ Depending on the exact nature of the work, Level II hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both prior to commencement. Full-time safety persons ~~must~~shall meet the requirements for ~~C~~ompetent ~~P~~ersons. ~~Competent Persons.~~

h. Marine ~~C~~hemist ~~C~~ertificate ~~R~~equired. ~~Chemist Certificate Required:~~

(1) No person ~~shall~~may engage in hot work or the use of powder actuated fastening tools in or on the spaces listed below until a certificate setting forth that such work can be done safely is issued. Such certificates ~~shall~~bear valid only if they are issued by a ~~M~~arine ~~C~~hemist. ~~Marine Chemist~~ certified by the National Fire Protection Association (NFPA).

(2) A ~~M~~arine ~~C~~hemist ~~C~~ertificate. ~~Marine Chemist Certificate~~ ~~must~~shall be required prior to ~~H~~ot ~~W~~ork. ~~Hot Work~~ operations on any vessel:

(a) Within or on the boundaries of cargo tanks ~~that~~which have been used to carry combustible or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.

(b) Within or on the boundaries of fuel tanks.

(c) On pipe lines, heating coils, pumps, fittings or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.

(d) Within the boundaries of engine rooms, fire rooms and boiler rooms.

(e) Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.

(f) Marine Chemist Certificate ~~shall~~will be issued in strict accordance with the requirements of NFPA 306 Standard for the "Control of Gas Hazards on Vessels."

i. Inspection ~~R~~equired:

(1) Prior to the commencement of hot work operations, an inspection ~~must~~shall be made of the area in which the work is to occur to assure that:

(a) The work to be performed is not prohibited for Level II hot work.

(b) Prohibited activity is not taking place elsewhere on the vessel, unless approved by a ~~Certified Marine Chemist~~Certified Marine Chemist. (See ~~Section~~Section entitled "Prohibited Activity" above.)

(c) The area is safe for the hot work to take place and ~~Hot Work Permit Conditions~~Hot Work Permit Conditions are being complied with:

(i) Regular inspections ~~must~~shall be made by a ~~Competent Person~~Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.

(ii) The types and amounts of fuel oils and other flammable or combustible liquid in all cargo, bunker, deep, settler and double bottom tanks ~~must~~shall be determined. Such determination ~~must~~shall include associated piping systems. Such information ~~must~~shall be readily available to Portland Fire & Rescue in the event of a fire or inspection by the Harbor Master.

(iii) Such inspection ~~must~~shall be made by the ~~Competent Person~~Competent Person or ~~Certified Marine Chemist~~Certified Marine Chemist. Such inspection ~~must~~shall include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.

j. Fire ~~W~~watches: Whenever hot work operations are taking place, a responsible individual ~~must~~shall be appointed as fire watch and ~~must~~shall be on duty continuously during hot work operations.

(1) Such persons ~~shall~~must have no other duties other than to watch for fire.

(2) Fire watches ~~must~~shall be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).

- (3) Fire watches ~~must~~ remain on duty for not less than 30 minutes after hot work operations are completed or breaks taken.
- (4) Persons engaged in Hot Work operations may not serve as their own fire watch.
- (5) Persons appointed as fire watch may be a member of the vessel's crew or other person designated by the individual in charge of the work.
- (6) As determined by a responsible, trained supervisor, the number and location of fire watch personnel ~~must~~ be based on all existing conditions and potential fire hazards.
- (7) Fire watches are to be readily identifiable.
- (8) If during any ~~Hot Work~~ operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch ~~must~~ be maintained on all sides of the bulkhead or deck.
- (9) Fire ~~w~~atches ~~must~~ be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.

k. Fire ~~E~~xtinguishing ~~D~~evices ~~R~~equired~~E~~xtinguishing Devices Required:

- (1) Portable fire extinguishers of sufficient size and number as identified on the ~~H~~ot ~~W~~orks ~~P~~ermit~~H~~ot Works Permit ~~must~~ be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC Dry Chemical; 1A 10/12 BC CO², or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.
- (2) Fire hose(s) of not less than 1-1/2 inch in diameter, with nozzle attached, ~~must~~ be stretched out and suitably charged prior to the commencement of ~~H~~ot ~~W~~ork~~H~~ot Work operations. One such hose ~~must~~ be stretched to the area where the ~~H~~ot ~~W~~ork~~H~~ot Work is to occur. Hose(s) ~~must~~ be tested prior to commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed or breaks taken.

(3) In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the ~~Ccompany Ssafety Mmanager~~Company Safety Manager, or the Harbor Master or their designated representative.

(4) Designated emergency “~~Rred Hhead~~Red Head” fire boxes ~~mustshall~~ be supplied and available. Each fire box ~~mustshall~~ be equipped with two (2) 100 feet lengths of 1-1/2 inch fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (~~Rred Hhead~~Red Head) fire boxes ~~mustshall~~ be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel’s charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on ~~mustshall~~ be readily available immediately adjacent to the ~~Rred Hhead~~Red Head boxes. Red ~~Hhead~~ fire boxes ~~mustshall~~ be ~~used reserved~~ for emergency use only.

(5) In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches ~~mustshall~~ be equipped with CO², other acceptable portable extinguisher(s). Fire hose(s) strung out ~~mustshall~~ remain dry, but in a state of readiness in the event portable extinguishers are not effective.

l. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor ~~mustshall~~ be installed prior to performing any work below deck or inside a confined space.

m. Removal of ~~M~~materials:

(1) Unless approved by a ~~Ccertified Mmarine Cchemist~~Certified Marine Chemist, the following materials must be removed from the vessel or decks if hot work operations are to be performed at any location aboard the vessel during the repair process:

(a) Refrigerant gases (including gases within the system).

(b) Compressed gas cylinders except those needed for hot work.

(c) Drums of flammable and combustible liquids.

(d) Explosives.

n. Other ~~P~~Precautions Against Fire~~Precautions Against Fire~~:

- (1) Unless approved by a ~~C~~Certified Marine Chemist~~Certified Marine Chemist~~, solid combustible materials ~~shall~~may not be located within 25 feet of hot work operations (including the opposite of surfaces on which welding or cutting is being performed).
- (2) Hot ~~W~~Work~~Work~~ ~~shall~~may not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.
- (3) Where floor (deck) openings or cracks cannot be closed, precautions ~~must~~shall be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions ~~must~~shall be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.)

F. Level III ~~H~~Hot Work~~Hot Work~~:

1. Definition: Level III hot work is that work ~~that~~which is major in nature or work ~~that~~which is moderate in nature and ~~that~~which will require more than 30 days to complete or work ~~that~~which will place the vessel's fire protection systems out of service.

2. Requirements:

a. Permits ~~R~~required:

- (1) A U.S. Coast Guard ~~H~~Hot Work~~P~~Permit~~Hot Work Permit~~.
- (2) A "Hot Work Permit for Vessels," authorized by the Harbor Master ~~must~~shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.

b. Violation of Conditions:

- (1) Violation of any of the following permit conditions ~~shall be~~is cause for immediate revocation of the "Hot Work Permit for Vessels." Permits ~~that~~which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit.

(2) In the event that a fire occurs as result of a violation of these permit conditions the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder mustshall pay such costs.

c. Authorized Locations: Level III repairs may only be performed in a shipyard.

d. Vessel's ~~F~~ire ~~P~~rotection ~~S~~ystem~~Fire Protection System~~: Whenever hot work operations are to occur, the vessel's fire protection systems mustshall remain in service or other steps mustshall be taken to provide a level of fire protection equivalent to the protection provided by the vessel's system. Before beginning the work, the ship's superintendent or designated person mustshall obtain the Harbor Master's approval of alternate measures.

e. Gangways ~~R~~required: Not less than two gangways mustshall be provided for access to the vessel.

f. Prohibited ~~a~~Activity: Unless approved by a ~~C~~ertified ~~M~~arine ~~C~~hemist~~Certified Marine Chemist~~, the following activities are prohibited during hot work operations:

(1) All hot work operations mustshall be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.

(2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the explosive limit for the particular material being applied as determined by a marine chemist. Monitoring of such areas mustshall be carried out by a Competent Person.

g. Special ~~P~~ersonnel ~~R~~equired~~Personnel Required~~: Level III hot work must be reviewed by a NFPA ~~C~~ertified ~~M~~arine ~~C~~hemist~~Certified Marine Chemist~~ or a full-time safety person, or both prior to commencement. Full-time safety persons mustshall meet the requirements for ~~C~~ompetent ~~P~~erson~~Competent Person~~.

h. Marine ~~C~~hemist ~~C~~ertificate ~~R~~equired~~Chemist Certificate Required~~:

(1) No person ~~shall~~may engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries, or pipe lines until a certificate is issued setting forth that such work can be done safely. Such certificates ~~shall~~beare valid only if they

are issued by a ~~M~~marine ~~C~~chemist ~~C~~ertificate Marine Chemist certified by the National Fire Protection Association (NFPA).

(2) A ~~M~~marine ~~C~~chemist ~~C~~ertificate ~~M~~arine Chemist Certificate shall ~~be~~is required prior to ~~H~~hot ~~W~~work ~~H~~ot Work operations on any vessel:

(a) Within or on the boundaries of cargo tanks ~~that~~which have been used to carry combustibles or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.

(b) Within or on the boundaries of fuel tanks.

(c) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.

(d) Within the boundaries of engine rooms, fire rooms and boiler rooms.

(e) Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.

(3) Marine ~~C~~chemist ~~C~~ertificates ~~C~~hemist Certificates shall ~~shall~~will be issued in strict accordance with the requirements of NFPA 306, "Control of Gas Hazards on Vessels."

i. Inspection ~~R~~required:

(1) Prior to the commencement of hot work operations, an inspection ~~must~~shall be made of the area in which the work is to occur to assure that:

(a) Prohibited activity is not taking place elsewhere on the vessel.

(b) The area is safe for the hot work to take place and ~~H~~hot ~~W~~work ~~P~~ermit ~~H~~ot Work ~~P~~ermit conditions are being complied with.

(2) Regular inspections ~~must~~shall be made by a ~~C~~ompetent ~~P~~erson ~~C~~ompetent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.

(3) The types and amounts of fuel oils and other flammable or combustible liquids in all cargo, bunker, deep, settler and double

bottom tanks ~~must~~ shall be determined. Such determination ~~must~~ shall include associated piping systems. Such information ~~must~~ shall be readily available to Portland Fire & Rescue in the event of a fire or inspection by the Harbor Master.

(4) Such inspection ~~must~~ shall be made by the ~~C~~competent ~~P~~erson ~~Competent Person~~ or a ~~C~~ertified ~~M~~arine ~~C~~hemist ~~Certified Marine Chemist~~.

(5) Such inspections ~~shall~~ must include the opposite sides of bulkheads and decks on which welding or cutting operations are to be performed.

j. Fire ~~W~~atches:

(1) Whenever ~~H~~ot ~~W~~ork ~~Hot Work~~ operations are taking place, a responsible individual ~~must~~ shall be appointed as fire watch and ~~must~~ shall be on duty continuously during hot work operations.

(2) Such persons ~~must~~ shall have no other duties other than to watch for fire.

(3) Fire watches ~~must~~ shall be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).

(4) Fire watches ~~must~~ shall remain on duty for not less than 30 minutes after hot work operations are completed or breaks or lunch taken.

(5) Persons engaged in ~~H~~ot ~~W~~ork ~~Hot Work~~ operations may not serve as their own fire watch.

(6) Persons appointed as fire watch may be a member of the vessel's crew or other persons designated by the individual in charge of the work.

(7) As determined by a responsible, trained supervisor, the number and location of fire watch personnel ~~must~~ shall be based on all existing conditions and potential fire hazards.

(8) If during any ~~h~~ot ~~W~~ork operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch ~~must~~ shall be maintained on all sides of the bulkhead or deck exposed to heat.

(9) All ~~Fire Watches~~ Fire Watches ~~must~~ shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if ~~Fire Watch~~ Fire Watch is in a remote or confined area or tank.

k. Fire Extinguishing Devices Required ~~Extinguishing Devices Required~~:

(1) Portable fire extinguishers of sufficient size and number as identified on the ~~Hot Work Permit~~ Hot Work Permit ~~must~~ shall be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC dry chemical; 1A 10/12 BC CO² or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.

(2) Hose(s) ~~must~~ shall be tested prior to commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed or lunch or breaks taken.

(3) In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the ~~Company~~ Safety Manager ~~Safety Manager~~, or the Harbor Master or their designated representative.

(4) Designated emergency "Red Head" fire boxes ~~must~~ shall be supplied and available. Each fire box ~~must~~ shall be equipped with two (2) 100 feet lengths of 1-1/2 inch fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (~~Red Head~~ Red Head) fire boxes ~~must~~ shall be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel's charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which ~~Hot Work~~ Hot Work operations are taking place and each compartment adjacent to the compartment being worked on ~~must~~ shall be readily available immediately adjacent to the ~~Red Head~~ Red Head boxes. Red ~~Head~~ Head fire boxes ~~shall~~ must be ~~used~~ reserved for emergency use only.

(5) In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches ~~must~~ shall be equipped with CO², or other acceptable portable extinguisher(s). Fire hose(s) strung out ~~must~~ shall remain dry, but in a state of readiness in the event portable extinguishers are not effective.

l. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor ~~must~~shall be installed prior to performing any work below deck or inside an enclosed space.

m. Removal of ~~M~~materials:

(1) Unless approved by a ~~Ccertified Mmarine Cchemist~~Certified Marine Chemist, the following materials must be removed from the vessel and/or dock if hot work operations are to be performed at any location aboard the vessel during the repair process:

(a) Refrigerant gases (including gases within the system).

(b) Compressed gas cylinders except those needed for hot work.

(c) Drums of flammable and combustible liquids.

(d) Explosives and pyrotechnics.

n. Other ~~Pprecautions Aagainst Ffire~~Precautions Against Fire:

(1) Unless approved by a ~~Ccertified Mmarine Cchemist~~Certified Marine Chemist, combustible materials ~~shall~~may not be located within 25 feet of hot work operations, including all sides of surfaces on which welding or cutting is performed.

(2) Hot work ~~shall~~may not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.

(3) Where floor (deck) openings or cracks cannot be closed, precautions ~~must~~shall be taken ~~such~~ that no combustible materials on the floor below will be exposed to sparks. The same precautions ~~must~~shall be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.).

19.16.105 Length of Tows ~~19.16.105 Length of Tows~~

No towboat ~~shall~~may tow any raft or boom of logs or piling ~~which shall~~that exceeds 1,500 feet in length from bow of towboat to stern of tow. No such tow ~~shall~~may exceed 120 feet in width. When freshet stage of water in the Willamette River exceeds 10 feet, no tow ~~shall~~may exceed 60 feet in width. The Harbor Master may allow larger tows

than ~~hereby~~ specified here if it is necessary and cannot be made smaller, but a patrol boat or some other craft must accompany the tow.

19.16.110 Property Found or Salvaged within the Port.~~19.16.110~~

Property Found or Salvaged within the Port.

~~(Amended by Ordinance No. 190448, effective July 16, 2021.)~~

- A.** All articles found floating in the Columbia or Willamette River within Oregon jurisdiction or on any of their sloughs within the Harbor Master's jurisdiction ~~shall~~ must be reported in writing to the Harbor Master within 72 hours after the article is found. The Harbor Master ~~shall~~ will investigate the report, and, if possible, notify the owner, in writing, that the article has been found and request the owner to submit proof of their claim to the article.

- B.** If no claim is made to the article within 90 days after notice to the owner, the Harbor Master ~~shall~~ may destroy the article, if it has an estimated value of less than \$100, or is a menace to life or property. If the article has an estimated value of \$100 or more, and is not a menace to life or property, the Harbor Master ~~shall~~ may sell the article by bid or public auction, after giving notice of the finding and sale once each week for two consecutive weeks in the Daily Journal of Commerce. The notice ~~shall~~ will state the general description of the article found and the date, time, and place of sale.

- C.** If no person appears and establishes ownership of the article prior to the sale, the City ~~shall~~ will be owner of the proceeds of the sale.

- D.** Upon the sale, in accordance with this Ssection, the interest in the article of the owner and any other person or corporation ~~shall~~ will terminate.

19.16.115 Permits for Aquatic Events.~~19.16.115 Permits for Aquatic Events.~~

~~(Amended by Ordinance No. 190448, effective July 16, 2021.)~~ Any person, firm, corporation, or organization intending to sponsor or otherwise conduct an aquatic event ~~must~~ shall make application for a permit therefor to the United States Coast Guard, not less than 30 days prior to the opening of the aquatic event. A copy of any approved permit ~~must~~ shall be given to the Harbor Master. They may add any other conditions as they may deem appropriate.

19.16.120 Dead Animals and Refuse.~~19.16.120 Dead Animals and Refuse.~~

It is unlawful to throw, place, or leave any dead animal or putrefying matter into or on any part of the harbor or to place or deposit any rubbish, refuse matter, or article of any offensive character likely to create a nuisance upon any wharf, of any wharf road, or street leading to a wharf, except at the places and in the manner determined by the Office of the Harbor Master.

19.16.130 Check To Be Kept of Employees Handling Bulk or Dangerous Cargo.~~19.16.130 Check To Be Kept of Employees Handling Bulk or Dangerous Cargo.~~

Whenever any bulk or dangerous cargo is being worked in the hold of any vessel or other floating craft, the foreman or person in charge of any such work ~~must~~ shall keep an accurate check or count of all persons at all times while so engaged or employed, and a count must be made of all persons entering and leaving the holds of any vessel or watercraft while such cargo is being worked.

19.16.135 Flammable and/or Combustible Liquid Storage on Docks.~~19.16.135 Flammable and/or Combustible Liquid Storage on Docks.~~

- A.** Storage of flammable or combustible liquids in excess of Uniform Fire Code exempt amounts ~~shall is~~ not ~~be~~ permitted on docks, without prior approval of the Harbor Master.
- B.** Storage of flammable ~~and/or~~ combustible liquids on docks in quantities requiring placarding by DOT ~~must~~ shall be stored by designated areas.
Exception: Locations approved by the Harbor Master, prior to storage.
- C.** Exempt amounts of flammable or combustible liquids may be stored on docks if stored in approved safety cans, flammable liquid cabinets, or in unopened Department of Transportation (DOT) containers.
- D.** Flammable liquids or gases and combustible liquids ~~shall~~ may not be dispensed in the hold of ships. Exchanging of fuel cylinders or tanks for equipment ~~shall is~~ not ~~be~~ permitted in the holds of ships. When fueling of lift trucks or other equipment used in the holds of ships becomes necessary, the lift truck or equipment ~~must~~ shall be lifted out of the ship to the dock and fueling ~~must~~ shall be done on the dock. The fueling area on the dock ~~must~~ shall be approved prior to fueling, by the Harbor Master. Any additional fire safety equipment deemed necessary by the Harbor Master ~~must~~ shall be in place before any fueling or refueling is started. After fueling or refueling and before the lift truck or equipment is lifted back into the ship, the equipment ~~must~~ shall be started and checked for leaks in the fuel system. The equipment ~~must~~ shall then be shut down, lifted back into the hold of the ship and then restarted and work resumed. Except for emergency fueling of cars of 5 gallons or less.
- E.** The transfer of flammable liquids in moorages for water craft is prohibited except at duly authorized fuel docks.

19.16.140 Oil Vessel Transfer Equipment.~~19.16.140 Oil Vessel Transfer Equipment.~~

When transferring oil or other hazardous materials cargoes, all vessels, transfer facilities, barges and other watercraft ~~must~~shall do so in complete compliance with procedures set forth in approved Codes of Federal Regulations.

19.16.145 Oil on Waters of the Harbor.~~19.16.145 Oil on Waters of the Harbor.~~

~~(Amended by Ordinance No. 190448, effective July 16, 2021.)~~

- A.** No person ~~shall~~may pump, cast, discharge, or allow any petroleum or other oil of whatever nature to flow into or upon any tributary, sewer, drain, ditch, or waters ~~that~~which flow into any navigable water within and abutting the corporate limits of the City ~~of Portland~~ or water ~~that~~which flows into the river.
- B.** No vessel or watercraft of any nature whatsoever ~~shall~~may pump bilges containing any oil matter into the waters of the harbor, but they must pump the same into barges or lighters equipped for handling such oil cargo, or with a siphon discharge, and any such pumping ~~shall~~will be a violation of this Chapter if any oil matter ~~shall~~gets into the waters of the harbor. Notice ~~must~~shall be given to the Harbor Master by the owners, agent, or employees of the lighters or barges prior to the pumping or siphoning, and immediately upon completion of the operations.
- C.** No industrial plant garage, service station, oil station, or other oil using plant ~~shall~~may have any direct lead from any oily drain into any sewer, drain, ditch, or other discharge without first running through a sump; and the sump ~~must~~shall be kept skimmed at all times and in case any sump overflows the responsible party ~~shall~~will be held the guilty person.
- D.** Whenever any vessel or other watercraft is drydocked, beached, or hauled out on any ship way, and oil of any kind is leaking, all due precautions must be taken to keep such oil from flowing out into the waters of the harbor; and oils must be skimmed into barrels or other containers or absorbed by quantities of hay, straw, dry shavings, or other approved buoyant absorbent. No chemical cleaner can be used for oil on the water. Oil must be removed to some place other than where it may again enter the waters of the harbor.
- E.** Any person, contractor, firm, or corporation who ~~shall~~allows any petroleum product or other oil substance to get into such waters in any way must take immediate means to recover as much of the oil substance as possible by absorbing same into hay, straw, dry shavings, or approved buoyant absorbent ~~that~~which can be removed from the water and disposed of. Sinking same with sand, gravel, or chemical compounds will not be allowed and the use of same will subject the party doing so to arrest.

19.16.150 Mooring Hazardous Vessels.~~19.16.150 Mooring Hazardous Vessels.~~

No vessel or watercraft classed as an oil carrier or tanker, or constructed to carry a part cargo of oil, or carrying explosives or other dangerous or flammable cargo ~~must~~shall be made fast in any manner that cannot easily be cast off or cut without unnecessary delay, and there ~~must~~shall be sufficient water under the keel of any such vessel to float it at all times.

19.16.155 Hazardous Materials~~19.16.155 Hazardous Materials~~

~~(Amended by Ordinance No. 190448, effective July 16, 2021.)~~

- A.** No vessel or watercraft may transport, load, unload, or use on board any hazardous material as cargo within the jurisdiction of the Harbor Master, except in accordance with the regulations of the U.S. Department of Transportation (DOT) and U.S. Coast Guard.
- B.** No hazardous materials ~~shall~~may be received, handled, or stored at any dock or other facility within the Harbor Master's jurisdiction not previously approved by the Harbor Master, and the U.S. Coast Guard. All hazardous materials at these facilities ~~must~~shall be handled, stored, loaded, and unloaded in compliance with requirements of the Portland Fire Code, National Fire Protection Association, and the U.S. Coast Guard.
- C.** All hazardous materials ~~must~~shall be properly packaged, marked, labeled, and containers placarded in accordance with DOT specifications, or International Maritime Dangerous Goods Code specifications as permitted by the DOT.
- D.** The Harbor Master may limit the scope of activity, and/or specify fire safety provisions, in addition to this Code, should they deem such conditions are necessary to provide reasonable public safety in the handling or storage of hazardous materials.
- E.** Permission from the Harbor Master to handle the following hazardous materials must be requested at least one week prior to the cargo arriving into the harbor. (These are identified by the DOT classification.)
 - 1.** Explosives 1.1, 1.2, 1.3, 1.4.
 - 2.** Blasting agents 1.5.
 - 3.** Poison gases 2.3
 - 4.** Poison liquids with inhalation hazards 6.1
 - 5.** Cryogenics 2.1, 2.2
 - 6.** Pyrophoric 4.2

7. Dangerous when wet 4.3

8. Ammonium nitrate and ammonium nitrate mixtures 5.1

9. Oxidizers 5.1 and organic peroxides 5.2

10. Etiological materials 6.2

11. Radioactive 7.

12. Flammable solids 5.2

F. The Harbor Master must be notified at least 72 hours prior to arrival into the harbor of any other hazardous materials, except for the following:

1. Motor vehicles.

2. Hay/straw.

3. New wet batteries.

4. ORM/D (consumer commodities).

19.16.170 Precautions in Mooring.

All vessels when making fast to any dock or sea wall ~~must~~ shall do so in a safe way with suitable lines and fastenings to be furnished by the vessel. Whenever any vessel, by reason of the manner in which the same is made fast to any dock or sea wall, ~~shall be~~ unsafe or dangerous or a menace to itself or to any other adjoining dock, it ~~shall be~~ the duty of the master of such vessel or other person in charge to make such change as may be necessary to correct such condition. ~~;~~ and if the master or other person ~~shall~~ fails in such duty, the change ~~shall will~~ be made by the Harbor Master and all expenses ~~thereby~~ incurred ~~must~~ shall be paid by and recoverable from such vessel or the master thereof to the City.

19.16.175 Vessels at Berth.

Except when fastened parallel to the channel, any vessel lying at berth allowing a portion to extend beyond the line of the dock, does so at its own risk and may be held responsible for any damage that may result by reason of the projection into the stream.

19.16.180 Watchmen on Ocean-Going Vessels.

It is unlawful for the owner, agent or master of any ocean-going vessel to allow the same to remain anchored or moored or made fast to or lie at any pier, unless there is adequate security provided, as approved by the Harbor Master.

19.16.185 Mooring of Vessels.

~~(Amended by Ordinance No. 190448, effective July 16, 2021.)~~

A. It is unlawful for any person or corporation to moor, tie up, secure or anchor more than two abreast any vessels or watercraft more than 35 feet in breadth along any dock or shoreline running parallel to the Willamette River, without first securing written permission from the Harbor Master.

B. It is unlawful for any person or corporation to moor tie-up or anchor any vessel or watercraft, except at an approved moorage or site approved by the Harbor Master. This ~~S~~section is not meant to regulate normal recreational or commercial water craft or vessels for short periods of time, of less than 30 days duration. The Harbor Master may extend this time, as necessary, for unusual circumstances, at their discretion.

19.16.190 Street Ends.~~19.16.190 Street Ends.~~

A. No goods, lumber, logs, boats, vehicles, or other articles ~~shall~~may be placed, piled, moored, tied, dumped, deposited, or allowed to remain on, or to obstruct any street end in any manner; and all such articles ~~must~~shall be removed at once when so ordered by any member of the police or fire department.

B. No sign ~~shall~~may be placed across or on any street end without written permission of the Harbor Master. No shack or other small building ~~shall~~beis allowed along the harbor unless of standard construction and unless a permit ~~has~~hasve been secured from the Harbor Master. The area from the property line to the curb line ~~must~~shall be kept clear for pedestrian traffic at all times unless closed by the City Council or City Administrator. No combustible building or other fire hazard ~~shall~~beis allowed under bridge approaches.

19.16.195 Equipment and Use of Docks.~~19.16.195 Equipment and Use of Docks.~~

A. All docks where seagoing vessels are to be secured must be equipped with proper cleats, kevels, bollards, mooring posts, or similar devices for the ready and safe securing of such vessels as may be moored alongside; and all such fastenings must be kept clear at all times. No cargo or goods or articles of any kind ~~shall~~may be unloaded, loaded, or piled near such fastenings ~~that~~which might preclude quick access to them and no fastenings ~~shall~~may be made to any other part of any structure at any time ~~that~~which may endanger such structure in any way. All dock openings must have fences or barricades when not in use.

B. It is unlawful for any ocean-going vessel, while made fast to any dock or wharf within the confined limits of the City to turn its propeller over in excess of 15 turns per minute (approximately one quarter full speed) without first having obtained permission from the Office of the Harbor Master and owner of the dock or wharf.

19.16.200 Passenger Docks To be Fenced.~~19.16.200 Passenger Docks To be Fenced.~~

No passenger carrying vessel ~~shall be~~ allowed to load or discharge any passengers at any dock within the City unless the proper gangways, manropes, and life nets are in place and an adequate fence or rope rail is in place at the edge of the dock. Exception: Life nets may be removed at the Harbor Master's discretion.

19.16.205 Respiration Protection Required.~~19.16.205 Respiration Protection Required.~~

Any stevedoring company or any person engaged in working sulfur or any cargo of poisonous compounds or other commodity where ~~by~~ any person working in or around such cargo may be overcome by dust or fumes or gases from such cargo, ~~must~~ ~~shall~~ have at hand for immediate use suitable respiration protection equipment approved by NIOSH.

19.16.210 Drinking Water and Toilets To Be Provided.~~19.16.210 Drinking Water and Toilets To Be Provided.~~

- A.** All docks or other places where vessels are moored and cargo is worked or repairs are made ~~must~~ ~~shall~~ have at least one toilet and at least one drinking fountain for the accommodation of all employees and other persons having business at such dock or other place.
- B.** If any vessel ~~shall be~~ working any persons or gangs at any dock or other location within the port for any purpose whatsoever, and if there are not proper toilet facilities available, or if the facilities become out of order for any cause, ~~said the~~ vessel ~~must~~ ~~shall~~ have at least one toilet on board that ~~shall be~~ conveniently accessible and available at all times for the use of the persons so engaged in the ship's operations. All toilets ~~must~~ ~~shall~~ be kept clean, sanitary, and in good working order.

19.16.215 Making Unnecessary Noise Prohibited.~~19.16.215 Making Unnecessary Noise Prohibited.~~

It is unlawful for the master or any person in charge of any vessel of any kind lying at any dock or while navigating in the harbor, to cause any whistle, siren, foghorn, bell, or any other kind of sound producing apparatus to be blown or sounded for any purpose other than required by law or by the U.S. Coast Guard "Rules of the Road: International - Inland" Commandant Instruction M16672.2 series. These rules are ~~hereby~~ made a part of this Title. Copies are available at Group Portland, United States Coast Guard. No such apparatus ~~shall~~ ~~may~~ be tested or adjusted within the port without written permission of the Harbor Master. However, boilers and tanks may be blown out through an underwater exhaust between the hours of 7 a.m. and 10 p.m. of any day. This ~~Section~~ ~~shall~~ ~~does~~ not prevent the routine testing of any sound producing apparatus in connection with actual getting under way.

19.16.220 Garbage Not To Be Dumped.~~19.16.220 Garbage Not To Be Dumped.~~

- A.** No vessel or other watercraft ~~shall~~may dump garbage, dunnage, refuse, straw, or other packing material into the waters or upon the banks of any stream, tributary, or waters within or abutting the corporate limits of the City ~~of Portland~~, but they ~~must~~shall keep them on board until after leaving the harbor or dispose of same on shore through an approved garbage disposal service.
- B.** If at any time any communicable disease peculiar to animals is found to exist in any country or state from which cargo was received, no waste material in any manner whatsoever ~~shall~~may be discharged.
- C.** All garbage while onboard ship ~~must~~shall be stored in covered leak-proof containers. Any garbage discharged while in port must be to an approved facility.

19.16.225 Handling Loose Materials.~~19.16.225 Handling Loose Materials.~~

- A.** It is unlawful for any person, firm, or corporation to throw, dump, deposit, unload, load, wash, flush, or by any other means allow any coal, clean water ballast, ashes, sand, gravel, rock, sawdust, ground fuel, dirt, earth, dust, chaff, vegetable, animal, or fish parts, slabs, planks, timbers, dunnage, paper, metal, or loose products, or dredgings of any kind, or any other unauthorized material into or upon the banks of any stream, tributary, or waters within or abutting the corporate limits of the City ~~of Portland~~, by high water or other means.
- B.** When such materials are being handled from ship, barge, or other floating object to shore, or from one floating object to another, a sufficient tarpaulin, plate, platform, or other kind of jumper ~~must~~shall be placed, stretched, or spread so as to prevent effectually any such material from falling into the waters of the port, except where the loose materials are being handled by a pipe, hose, tube, tight bucket, or other object, so that no part thereof is allowed to get into the waters of the port.
- C.** No plant along the banks of the navigable waters within or abutting the corporate limits of the City ~~of Portland~~ ~~shall~~may allow any washing, screenings, or plant refuse of any kind whatsoever to get into the river if any such material will prove obnoxious or tend to fill in or obstruct the free flow of the river.
- D.** All concerns engaged in the removal of refuse of any kind on the river ~~must~~shall have suitable barges or boats with fixed bins, barricades, or fences so that no part of any such refuse ~~shall~~will fall overboard while handling or mooring same. In the event any such material gets into the waters of the port, the materials must be removed at once.

19.16.235 Care and Use of Boats.~~19.16.235 Care and Use of Boats.~~

It is unlawful for any person to operate any vessel in the harbor in such a manner as to jeopardize the same or to endanger life or property. When any power craft of less than 15 tons net burden is proceeding in such a manner that it is endangering any canoe, rowboat, skiff, or other watercraft, it ~~shall be~~ the duty of the person in charge of such power craft to reduce the speed, stop, or reverse as the case may be, to remove the danger to such watercraft or to refrain from willfully frightening the occupants thereof.

19.16.240 Safety Measures To Be Observed.~~19.16.240 Safety Measures To Be Observed.~~

All contractors doing any construction work along the waterfront ~~must~~ take all necessary precautions for the safety of their workers.

19.16.245 Vending Prohibited.~~19.16.245 Vending Prohibited.~~

It is unlawful for any vendors of any kind to go upon any ship or dock face while a ship is working cargo or while the winches or any of the gear is being operated for any purpose. No vending of any kind ~~shall be~~ allowed at any dock where the owners thereof ~~shall~~ have posted suitable signs prohibiting such vending.

19.16.250 Floating Dwellings.~~19.16.250 Floating Dwellings.~~

~~(Amended by Ordinance Nos. 176955 and 190448, effective July 16, 2021.)~~

- A.** It is unlawful for ~~A~~any person to place or maintain any houseboat, scow, dwelling, boathouse, or any other kind of a floating dwelling on the river except at such places as ~~shall~~ may be designated by the Harbor Master as proper moorages.
- B.** All such dwellings ~~must~~ be connected with running water from the City's mains and ~~must~~ have at least one toilet of the flush type on board, and if the dwelling ~~shall~~ goes on ground, a proper closed drain ~~must~~ be established to running water.
- C.** No such dwelling ~~shall~~ may be maintained at any location without permission first having been obtained from the property owner.
- D.** All persons so occupying any floating dwelling ~~must~~ have written permission from the Harbor Master and the permission ~~must~~ designate the location of the dwelling. The Harbor Master ~~shall~~ may grant written permission if, after investigation, they ~~shall~~ find that all of the above provisions have been compiled with and finds that any floating dwelling will not be a menace to the surrounding property or the public health of the community.
- E.** ~~He shall have the power to~~ The Harbor Master may move any such dwelling at any time it ~~shall~~ becomes necessary, or at the request of the property owner, or for the safety of the dwelling or the public at large.

F. ~~Also, there shall be n~~No dwelling may be established along the waterfront or any property in the City limits from the shore line of the river to the nearest paralleling street curb ~~which that~~ will not meet the building specifications and have the permission of ~~the~~Portland Permitting & Development for any such buildings, and they must have running City water connected into the building and have at least one flush type toilet connected to an approved sewer.

G. The owner of every floating dwelling shall must at all times have at least one 50-foot length of garden hose and a spray nozzle connected to City water service.

H. All such dwellings and buildings must be constructed so as to meet all the requirements of the building, plumbing, Portland City Code Title 28 Floating Structures, electrical, and fire regulations and shall will be subject to inspection by proper authority at any time.

19.16.253 Canoe Houses and Small Boat Storage.19.16.253 Canoe Houses and Small Boat Storage

A. No club association, person, firm, or corporation shall may operate or maintain any canoe houses or small boat storage without first having obtained from the Harbor Master a permit for moorage. The permit ~~shall will~~ be required if moorage space is rented to more than three individuals per year by any person, firm, corporation, club, or association. The permit may be revoked at any time if the Harbor Master finds conditions at any moorage are unsafe or a menace to the public health [or morals of the community], or where existence of the moorage in any location creates conditions adversely affecting navigation or maneuvering of vessels, or where navigation or maneuvering may create a hazard to life and property at the moorage.

B. All moorages must have running water piped to them with a service line of sufficient size as to supply adequately all houses in the moorage.

C. All walks, steps, gangways, and ramps shall must be maintained in good condition at all times, equipped with at least one handrail or safety rail and have sufficient lights distributed as to make them safe at all times at night with lights turned on and burning during the hours of darkness every night. Electric power lines must be strung so that they will in no way endanger persons passing in and out of any such moorage.

D. All moorages must shall maintain sufficient covered standard garbage cans to take proper care of all garbage for such moorage and garbage shall must not be allowed to accumulate for over 7seven calendar days without being disposed of as provided by law. No garbage, waste, or other surplus materials shall may be dumped or thrown into any of the waters within or abutting the corporate limits of the City ~~ofPortland~~, by any person at any moorage.

19.16.255 Ballast Logs.~~19.16.255 Ballast Logs.~~

All ballast logs, fending-off floats, or camels, when used by vessels at docks, ~~must~~shall be properly fastened by chains, wire cable, or ropes in such a manner that they cannot float through their fastenings if disturbed by the displacement of water caused by any passing vessel or other cause,~~;~~ and all such floats ~~must~~shall have at least one preventer cable attached to it on end with the other end securely fastened to the ship or dock.

19.16.265 Heating Combustible Matter.~~19.16.265 Heating Combustible Matter.~~

It is unlawful to heat any combustible matter, such as pitch, tar, resin, oil, or other flammable compounds on board any vessel lying at a dock or in the stream in the port, except in places as ~~shall~~may be designated by the Harbor Master.

19.16.270 Lines Not To Cross Channel.~~19.16.270 Lines Not To Cross Channel.~~

~~(Amended by Ordinance No. 190448, effective July 16, 2021.)~~ No person ~~shall~~may run any rope, cable, or any other obstruction across any channel or fairway within the harbor without first obtaining permission from the Harbor Master. If so ordered by the Harbor Master, they ~~must~~shall maintain a proper patrol during such time to warn all approaching watercraft of such danger and also ~~must~~shall place red flags out by day and red lanterns by night, or other signals as ordered.

19.16.275 Restrictions of Towage.~~19.16.275 Restrictions of Towage.~~

~~(Amended by Ordinance No. 190448, effective July 16, 2021.)~~

- A.** The Harbor Master is authorized to stipulate the number and size and arrangement of any barges, rafts, or other objects ~~which shall~~that may be allowed to be towed through the harbor by any certain power boat or towboat; and no master, owner, agent, or person in charge of any towboat ~~shall~~may tow in the Portland harbor unless the towboat has sufficient power to safely handle the object in tow and to keep it from obstructing any channel or fairway. If, at any time, ~~such the~~tow ~~shall~~obstructs navigation, or if the Harbor Master finds that ~~said the~~towboat does not have sufficient power to safely handle the tow, the Harbor Master ~~shall~~may order same promptly removed or secured, and the expense thereof ~~shall~~will be recoverable by the City.
- B.** It is unlawful for any person, firm, or corporation to enter the City limits with any vessel, barge, boat, scow, or other floating object that has been wrecked, damaged, or that may be in any unsafe and liable to sink due to such condition, or cause any above-named dangerous object to be towed into the harbor, where it may become submerged and an unsafe object to navigation, life, and property of the community, without first obtaining permission in writing from the Harbor Master.

C. Any uncommissioned vessel or other large tow ~~that~~which is difficult to control or ~~that~~which in any way endangers the bridges crossing the Willamette River, will not be allowed to pass through any of the drawbridges crossing the Willamette River, unless it is equipped with an anchor of sufficient size, ready to drop, to hold the vessel or tow in any stage of water, and sufficient number of capable workers to handle ~~such the~~ vessel ~~must~~shall be on board. Any such vessel or other large tow not so equipped may be ordered tied up by the Harbor Master until the requirements of this Section have been complied with.

D. In the event the object being towed gets out of control and damages public or private property or sinks and becomes a menace to navigation, the agent or responsible party making this tow ~~must~~shall remove the sunken object at the earliest possible time.

E. Any uncommissioned vessel passing through the bridges crossing the Willamette River within the City limits must have the services of a local pilot, provided, however, that if the Harbor Master ~~shall~~may, in their discretion, determine that the services of a local pilot are not necessary under prevailing conditions, this requirement may be waived.

19.16.280 Speed of Vessels.~~19.16.280 Speed of Vessels.~~

A. All vessels and other watercraft during foggy or smoky weather, mist, falling snow, heavy rain, or other obscuring weather, ~~must~~shall proceed at a moderate speed, having due regard to the existing conditions and circumstances.

B. All vessels and watercraft must keep clear of seaplanes while they are taking off or landing within any district set aside for that purpose.

C. All motorboats ~~must~~shall proceed with caution while in the harbor and not try out for speed if other small boats are in the vicinity in numbers, except during permitted regattas, races, or demonstrations.

D. All vessels when passing dredges, drydocks, vessels under repair, diving, or grappling operations, or other submarine work, ~~must~~shall slow down to not more than ~~6~~six statute miles per hour. While passing over the mooring lines of any such activity, the propellers or other propelling machinery ~~must~~shall be stopped; and if their draft permits, the vessel ~~must~~shall keep on the outside of the buoys marking the ends of the mooring lines of floating plant that may be working within the channel area.

E. No vessel ~~shall~~may be operated in the port at any speed ~~whereby~~at which any damage may be done to the property of another or life may be endangered ~~thereby~~ by the suction of waves, swells, or wake caused by such speed.

19.16.290 Obstructing Public Docks.~~19.16.290 Obstructing Public Docks.~~

It is unlawful for any person to moor, tie up, or dock any vessel or other watercraft so that any portion of such vessel or watercraft ~~shall overlap~~ or ~~obstruct~~ in any manner the free and easy entrance to or departure from any public dock or fireboat slip at any time.

19.16.295 Connections for Potable Water.~~19.16.295 Connections for Potable Water.~~

All docks or other such places, moorings, and dolphins where ocean-going vessels will be moored for working cargo or repairs ~~must shall~~ have connections for potable water installed in accordance with Title 25 of the Administration Code of the City ~~of Portland~~.

19.16.300 Signal Lights.~~19.16.300 Signal Lights.~~

All ocean-going vessels and other watercraft ~~must shall~~ comply with the applicable rules and regulations prescribed by the federal government, and in addition all vessels under 150 feet registered length, barges, scows, or other watercraft, when at anchor within the port, ~~must shall~~ carry forward where it can best be seen, but at a height not exceed 20 feet nor less than ~~eight~~ 8 feet above the deck, a white light showing a clear, uniform, and unbroken light visible all around the horizon at a distance of at least ~~one~~ 1 mile. When at a dock, all vessels, log rafts, booms, or other floating craft that may have been made fast anywhere in the harbor, and any part thereof extending out past the harbor line, ~~must shall~~ display from sunset to sunrise at the extreme corners on the upstream and downstream ends, or within 25 feet thereof, a white, and no other colored, light that may be seen at least a distance of ~~one~~ 1 mile, except on tankers or other vessels that may be carrying any hazardous cargo on which the federal law requires an unbroken red light, provided that regular fixed deck lights in proper placement may be used in place of portable lights on cargo vessels, and preferred on tankers and vessels carrying hazardous cargo. No vessel or other watercraft ~~shall may~~ display at any place within the City limits any colored lights that may be confused as navigation lights, signal lights, etc., except when actually under way or during a parade, or for a temporary display for a short time only. Whenever any such lights are to be displayed, notice must be given the Office of the Harbor Master, which ~~Office shall will~~ notify the local pilot's office. All signal or navigation lights must be maintained from sunset to sunrise.

19.16.305 Closing and Lighting Docks and Wharves.~~19.16.305 Closing and Lighting Docks and Wharves.~~

Every owner, lessee, or occupant of a dock or wharf within the City ~~must shall~~ close and keep closed by sufficient gates barricades, or hatches all slips and runways used as passageways between a dock or wharf and a ship, when such slips and runways are not in actual service, and ~~must shall~~ keep every dock and wharf sufficiently lighted at night when a vessel is made fast ~~to thereto~~ it.

19.16.310 Lights and Gangways on Vessels at Wharves.~~19.16.310 Lights and Gangways on Vessels at Wharves.~~

Every vessel lying alongside a wharf, or vessel lying alongside a vessel berthed at a wharf ~~must shall~~, from sunset until sunrise, be provided with the proper lights, and ~~must shall~~ be provided continuously with the appliances in the way of gangways and

manropes as may, in the opinion of the Harbor Master or in fact, be necessary for the convenience and safety of person passing to and from the vessel. Every gangway fixed for the purpose of giving the crew or other persons access to the ship after dark, ~~must~~ be brightly illuminated by the best available means as long as such gangway is in use.

19.16.315 Safety Nets on Vessels.~~19.16.315 Safety Nets on Vessels.~~

Every ocean-going vessel lying at a berth and secured, except river boats, ~~must~~ have safety nets suspended below any landing stage or gangplank as will prevent any person from falling into the water in the event any person slips off the landing. The nets must extend at least ~~5~~ feet past each side of all gangways. Safety nets may be regular cargo nets, tarpaulins, sailcloth, canvas, or any other material that is pliable and of sufficient strength to hold the body of an adult person who may fall from the gangway. EXCEPTION: This regulation may be waived by the Harbor Master.

19.16.320 Safeguarding Hawsers or Ropes from Rats.~~19.16.320 Safeguarding Hawsers or Ropes from Rats.~~

Every hawser or rope by which any ocean-going vessel is made fast to any dock, dolphin, or shore ~~must~~ be equipped with at least one metal disc or rat guard of size or position as ~~shall~~ be approved by the Harbor Master and in no instance ~~shall~~ a guard be allowed with less than 18 inches of metal from the center of the guard to the outside rim. Every metal disc ~~must~~, if not affixed to the hawser or rope to the satisfaction of the Harbor Master, be removed to a position on the hawser or rope as pointed out by the Harbor Master. Vessels while berthed at a dock must be fended off from the dock a sufficient distance so that rats cannot jump from the vessel to the dock; provided that, when river conditions ~~may~~ prevent the loading or discharging of any vessel when fended off the proper distance, the Harbor Master may grant permission for the removal of the fending off floats to facilitate the loading or discharging of ~~such the~~ vessel. ~~;~~ but ~~w~~hen the vessel is not loading or discharging cargo, the ~~same vessel~~ ~~must~~ be immediately fended off the required distance if conditions so permit.

19.16.325 Precautions on Vessels at Night.~~19.16.325 Precautions on Vessels at Night.~~

All openings in the ship's sides ~~must~~ be closed at sundown, and all cargo skids and nets ~~must~~ be unrigged at sundown, except during times as they are actually in use, when they ~~must~~ be brightly illuminated. In case gangways are not lifted from the ship or dock at night, both ends of the gangway ~~must~~ be lighted and a person constantly on watch at the head of the gangway on the vessel.

19.16.330 Conditions of Vessels at Docks and Wharves.~~19.16.330 Conditions of Vessels at Docks and Wharves.~~

The master or person having the charge or command of any vessel coming to or laying alongside any wharf or vessel berthed at a wharf ~~must~~, both before and during the time a vessel is moored or stationed at the wharf, or alongside any vessel berthed at a wharf, have the anchors stowed, and all other projections stowed within the rail of the vessel.

19.16.335 Removal of Vessels from Docks or Wharves.~~19.16.335
Removal of Vessels from Docks or Wharves.~~

In order to facilitate the removal of vessels from their berths at any wharf or place of mooring or for other reasons, the Harbor Master may direct the master or person in charge of any vessel to slack away hawsers, cables, or other fastenings of any ship and to stow booms or other rigging. Every vessel while backing out of any slip ~~must~~shall have at least one member of the crew on the lookout astern on the upper deck, such person to be in full view of the pilothouse to warn the master, or the person in charge of such vessel, of the proximity of any obstruction to navigation or the approach of another vessel. Every vessel ~~must~~shall continue to back a sufficient distance beyond the face of any pier to avoid any danger of accident or collision with any other vessel backing out from the same or any other slip. Every vessel backing out from a slip ~~must~~shall proceed slowly, using extreme care for the prevention of accidents.

19.16.345 Rules Governing Operation of Canoes, Sailboats, and Motorboats.~~19.16.345 Rules Governing Operation of Canoes, Sailboats, and Motorboats.~~

It is unlawful for any person operating any motorboat to tow any canoe while such canoe is occupied by any person, and it is unlawful for any person operating or occupying any canoe, sailboat, motorboat, or rowboat to make fast to any log raft being towed through the harbor. No person operating any canoe, rowboat, or motorboat ~~shall~~may pass between the stern of any towboat and the raft in tow thereof.

19.16.355 Protection of Water Mains.~~19.16.355 Protection of Water Mains.~~

~~(Amended by Ordinance No. 190448, effective July 16, 2021.)~~

A. It is unlawful for any person to drive any piling or to dredge or dig within 200 feet of the submerged water mains of the City ~~of Portland~~ in the Willamette River, without first obtaining written permission to do so from the Harbor Master. Before giving any such permission, the Harbor Master ~~shall~~will consult with the Engineering staff of the Portland Bureau of Water Works. The existing City water mains are located as follows:

A 30-inch water main from the foot of SW Spokane Street to the foot of SE Spokane Street.

A 36-inch water main from the foot of SW Caruthers Street to the foot of SE Stephens Street.

A 24-inch water main from the foot of SW Mill Street to the projected foot of SE Stephens Street.

A 30-inch water main from the foot of SW Clay Street to the foot of SE Clay Street.

A 60-inch water main from the foot of SW Miles Place to the foot of SE Lambert Street.

A 36-inch water main from the foot of St. Johns Bridge to the foot of N. Pittsburgh Street —(approx. 500 feet upstream of the center line of the St. Johns Bridge).

The location of the City's water mains are indicated by large targets on which there is printed "Pipe Crossing City of Portland."

- B.** Nothing in the above Section ~~shall~~relieves any person, company, or corporation from securing such other permits as may be required by any other agency such as, U.S. Army Corps of Engineers or the Port of Portland, and Division of State Lands.

19.16.360 Derrick Booms Near Bridges.19.16.360 Derrick Booms Near Bridges.

~~(Amended by Ordinance No. 180917, effective May 26, 2007.)~~

- A.** Any person operating or having control upon the navigable waters within the City limits any watercraft having moveable derrick booms or other adjustable contrivances ~~must~~shall, before passing through or under any bridge, lower the boom or other adjustable contrivance sufficiently so that the draw or lift of any bridge ~~shall~~will not have to be opened or raised on account of such derrick boom or other adjustable contrivance. It is unlawful for any person having control of any watercraft equipped with moveable derrick boom or other adjustable contrivance to signal for the opening of any draw or the raising of any bridge lift, where, by lowering the derrick boom or other adjustable contrivance, the craft would be able to pass under the bridge without opening the draw or raising the lift.
- B.** No watercraft ~~shall~~may be anchored or moored within 50 feet of any such bridge or bridge approach without obtaining a permit therefor as provided by ordinance; provided, however, that this Section ~~shall~~does not apply to cargo carrying vessels ~~that~~which comply with the regulations of the United States Government for protection against fire while taking on or discharging cargo. All watercraft to which this Section applies ~~must~~shall be kept free from oily rags, oily wood, wastepaper, and all other things ~~that~~which constitute a fire hazard. Every such watercraft ~~must~~shall be equipped with approved fire extinguishers in good working condition as required by ORS 488.090.
- C.** All machinery, apparatus, devices, and instruments for furnishing power, light, heat, or protection against fire or for extinguishing fire, ~~must~~shall comply with all of the regulations of the Government of the United States of America, the State, and the City. To the full extent permitted by law, authorized personnel of Portland Fire & Rescue, Bureau of Police, or other City bureaus or departments ~~shall~~have the right at all reasonable hours to inspect watercraft to determine conformity with the provisions of this Section.

19.16.365 Interfering with Dumping Snow.~~19.16.365 Interfering with Dumping Snow.~~

It is unlawful for any person to moor or maintain any vessel or other watercraft at any street end or along or adjacent to any bridge in such position as to interfere with the dumping of snow into the harbor from a bridge or street end when snow is being removed from streets.

19.16.370 Recovery of Bodies or Evidence from River.~~19.16.370 Recovery of Bodies or Evidence from River.~~

~~(Amended by Ordinance No. 190448, effective July 16, 2021.)~~

A. Whenever it appears to the Harbor Master that any automobile, boat, or other thing has sunk within the Portland harbor, and has reason to believe that a human body may be contained therein, ~~they~~ the Harbor Master hereby are authorized to ~~may~~ use such means for the removal or recovery of same as may appear reasonable and necessary.

B. Whenever any gun or other thing has been thrown into or has entered the waters within the City and the same appears to be necessary evidence in any investigation, criminal or civil, ~~they hereby are authorized to~~ the Harbor Master may use such means as may be needed to recover same.

19.16.375 Protection of Bridges.~~19.16.375 Protection of Bridges.~~

It is unlawful to fasten any watercraft or floating timber to any bridge, or part thereof, or to moor any watercraft or floating timber underneath any bridge or bridge approach within or abutting the corporate limits of the City ~~of Portland.~~

19.16.380 Damage of City Property.~~19.16.380 Damage of City Property.~~

Any person causing any damage to or injuring any dock, pier, gangway, float, barge, trestle, roadway, building, fence, or other structure ~~that~~ which is the property of or under the supervision of the City, the damage being caused by the use thereof, by accident or otherwise, ~~shall~~ will be liable to the City for the full amount of the damage. The Harbor Master ~~must~~ shall be notified of any such damages with 48 hours of such occurrence.

19.16.385 Dead Ships Moored Permit Required.~~19.16.385 Dead Ships Moored Permit Required.~~

No dead ship ~~shall~~ may be moored or anchored within the harbor except upon written approval of the Harbor Master who ~~shall~~ must have been given at least ~~five~~ 5 days prior notice of the entry of the dead ship or ships into the harbor.

19.16.400 Boats and Boating.~~19.16.400 Boats and Boating.~~

ORS Chapter 830 is adopted herein, incorporated by reference, and made a part of this Title. Except as otherwise specified, all boats on any navigable waters within or abutting the corporate limits of the City ~~of Portland shall~~ are ~~be~~ subject to the provisions of Chapter 830, Oregon Revised Statutes (Boats and Boating).

19.16.435 Standard Whistle Signal for Fire in Port.

In the event of fire occurring on board any vessel or watercraft in the Portland harbor, except those under way, it may sound five prolonged blasts of whistle or siren as an alarm indicating fire on board or at the dock to which it is moored. The signal may be repeated at intervals to attract attention and is not a substitute for, but may be used in addition to, other means of reporting a fire. The words “prolonged blast” used in this Section ~~shall~~ mean a blast of 4 to 6 seconds duration.

19.16.500 Duckworth Dock Moorage.

~~(Added by Ordinance No. 186748; amended by Ordinance No. 190448, effective July 16, 2021.)~~

- A.** As used in this Section and Section 19.16.515 the following words and terms have the meanings indicated unless the context clearly requires otherwise:
- 1.** **“PBOT”** means the City of Portland Bureau of Transportation. Where appropriate, the term “PBOT” also refers to the staff and employees of the Portland Bureau of Transportation.
 - 2.** **“Dock”** means the PBOT float, piers, and gangway that are part of the Kevin J. Duckworth Memorial Dock installed on the east bank of the Willamette River and attached to the Eastbank Esplanade near and upriver (south) of the Steel Bridge.
 - 3.** **“Commercial vessel”** means a vessel ~~which that~~ is used, rigged, or licensed for any commercial use or purpose, and ~~shall~~ includes watercraft operated within the terms of a concession lease or agreement with the City ~~of Portland~~.
 - 4.** **“Night”** means any period of time between one hour after sunset until one hour before sunrise.
 - 5.** **“Director”** means the Director of the Portland Bureau of Transportation.
- B.** The operator of recreational watercraft may use the Dock for recreational purposes only. It is permissible to swim, fish and operate non-motorized craft from the dock. Recreational motorized boats are only permitted to pick up and drop off passengers from the designated zone. It is unlawful to use the Dock for any purpose other than recreation without prior written permission of the Director.
- C.** It is unlawful to moor a watercraft at the Duckworth Dock, except as described in this Section, without prior written permission of the Director. The Harbor Master may permit a craft to be moored at the Duckworth Dock for more than 24 hours only when the craft is inoperable and reasonable additional time is needed to

repair it. A designated 50 foot drop off/pickup zone has been established for motorized boats at the northern most outside edge of the dock. This is the only area of the dock recreational vehicles are permitted for the purpose of dropping off and picking up passengers. No recreational motorized boat mooring is permitted.

- D.** Non-motorized recreational boats may moor on both sides of the dock, with the exception of the 50 foot recreational motorized drop off/pick up zone ~~that~~which is also designated for commercial vessels (tour boats, water taxis, etc.). Commercial vessels must obtain a permit through the Portland Parks & Recreation Reservation Center, which is allowed to issue commercial permits on PBOT's behalf.
- E.** Use of the Dock ~~shall be~~is on a first come, first served basis unless otherwise permitted by the Director.
- F.** The mooring of any craft in violation of this Section may result in eviction from moorage, in addition to any other penalty prescribed by law.
- G.** The ~~Director City Administrator is authorized to~~may issue administrative rules as authorized by charter and the City Council ~~establishes~~establishes moorage fees that which the Director deemsare necessary to operate and maintain the Dock.
- H.** The provisions of this Section may be enforced by the Director or their appointed designees, the Portland Park Bureau Rangers, the Harbor Master, the Portland Police Bureau and its officers, and, the Multnomah County Sheriff's Office and its deputies.
- I.** The Director is authorized to designate persons in charge of the Dock. The designation ~~shall~~will be in writing, and any person and law enforcement agency so designated ~~shall~~will be a "person in charge" as that term is defined in ORS 164.205(5) until the designation is removed by the Director. The Director ~~shall~~will maintain a list of all persons who have been designated as a "person in charge" of the Dock. Upon request, the Director ~~shall~~will provide a copy of the list to the District Attorney of Multnomah County.
- J.** The City ~~of Portland, and~~and its officers, employees, and agents are not liable for any personal injury or property damage resulting from maintenance or use of the Dock.

19.16.515 Exclusions.~~19.16.515 Exclusions.~~
(Added by Ordinance No. 186748, effective August 6, 2014.)

- A.** In addition to other remedies provided for violation of this Code, or of any of the laws of the State of Oregon, any Peace Officer as that term is defined under ORS 133.005 may exclude any person who violates any applicable provision of

law at the Duckworth Dock from the Dock in accordance with the provisions of this Section. Nothing in this Section ~~shall may~~ be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law, ~~shall beis~~ subject to exclusion as provided by this Section.

B. For purposes of this Section, "applicable provision of law" includes any applicable provision of this Code, of any City ordinance, or of any rule or regulation promulgated by the Director, ~~or the Council,~~ or the City Administrator under this Title, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, any applicable County ordinance or regulation. For purposes of this Section, "applicable" means relating to the person's conduct at the Dock.

C. An exclusion issued under the provisions of this Section ~~shall will~~ be for 30 days. If the person to be excluded has been excluded from the Dock at any time within two years before the date of the present exclusion, the exclusion ~~shall will~~ be for 90 days. If the person to be excluded has been excluded from the Dock on two or more occasions within two years before the date of the present exclusion, the exclusion ~~shall will~~ be for 180 days.

D. Before issuing exclusion under this Section, a Peace Officer ~~shall will~~ first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion ~~shall will~~ not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no warning ~~shall beis~~ required if the person is to be excluded for engaging in conduct that:

1. Is classified as a felony or as a misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:

a. Chapter 162 - Offenses Against the State and Public Justice;

b. Chapter 163 - Offenses Against Persons;

c. Chapter 164 - Offenses Against Property, except for ORS 164.805, Offensive Littering;

d. Chapter 165 - Offenses Involving Fraud or Deception;

e. Chapter 166 - Offenses Against Public Order; Firearms and Other Weapons; Racketeering;

- f. Chapter 167 - Offenses Against Public Health, Decency and Animals; Chapter 475 - Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or
2. Has resulted in injury to any person or damage to any property; or
3. Constitutes a violation of any of the following provisions of this Code:
- a. Section 14A.40.030 - Indecent Exposure;
 - b. Section 14A.40.040 - Loitering to Solicit Prostitution;
 - c. Section 14A.40.050 - Unlawful Prostitution Procurement Activities;
 - d. Section 14A.60.010 - Possession of a Loaded Firearm in a Public Place;
 - e. Section 14A.60.020 - Discharge of a Firearm;
 - f. Section 14A.60.030 - Tear Gas and Stun Guns;
 - g. Section 14A.60.040 - Explosives and Bottle Bombs; or
4. Is conduct for which the person previously has been warned or excluded for committing on the Dock.
- E. Written notice ~~must~~shall be given to any person excluded from the Dock under this Section. The notice ~~must~~shall specify the date, length and place of the exclusion, ~~must~~shall identify the provision of law the person has violated and ~~must~~shall contain a brief description of the offending conduct. The notice ~~must~~shall inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal. It ~~must~~shall be signed by the issuing party. Warnings of consequences for failure to comply ~~must~~shall be prominently displayed on the notice.
- F. A person receiving such notice of exclusion may appeal to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code. The Code Hearings Officer ~~shall~~will uphold the exclusion if, upon the Code Hearings Officer's de novo review, the preponderance of evidence admissible under the provisions of Title 22 of this Code convinces the Code Hearings Officer that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law.
- G. At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the Director for a waiver of some or all of the effects of the exclusion for good reason. If the Director grants a waiver under this Subsection, the Director ~~shall~~will promptly notify the Portland Police Bureau's

Records Division and the designated Person in Charge of such action. In exercising discretion under this Subsection, the Director ~~shall~~will consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be on the Dock during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criterion the Director determines to be relevant to the determination of whether or not to grant a waiver. Notwithstanding the granting of a waiver under this Subsection, the exclusion will be included for purposes of calculating the appropriate length of exclusions under Subsection 19.16.515 C. The decision of the Director to grant or deny, in whole or in part, a waiver under this Subsection is committed to the sole discretion of the Director, and is not subject to appeal or review.

- H.** If an appeal of the exclusion is timely filed under Subsection 19.16.515 F., the effectiveness of the exclusion ~~shall~~will be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion ~~shall~~will be effective immediately upon the issuance of the Hearings Officer's decision, unless the Hearings Officer specifies a later effective date.
- I.** If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion ~~shall~~will be counted in determining the appropriate length of the subsequent exclusion under Subsection 19.16.515 C. If the predicate exclusion is set aside, the term of the subsequent exclusion ~~shall~~may be reduced, as if the predicate exclusion had not been issued. If multiple exclusions issued to a single person for the Dock are simultaneously stayed pending appeal, the effective periods of those ~~that~~which are affirmed ~~shall~~will run consecutively.
- J.** No person ~~shall~~may enter or remain on the Dock at any time during which there is in effect a notice of exclusion issued under this Section excluding that person from the Dock.

Exhibit J - Redline

Title 24 Building Regulations

~~(Title replaced by Ordinance _____, effective January 1, 2025.)~~

Chapter 24.10 Administration and Enforcement

24.10.010 Title.

This Title ~~shall be~~ known as the "Building Regulations," and may be so cited and pleaded and is referred to ~~here in this Title~~ as "this Title."

24.10.020 Purpose.

~~(Amended by Ordinances 163908 and 187432, effective December 4, 2015.)~~

The purpose of this Title is to provide minimum performance standards to safeguard the health, safety, welfare, comfort, and security of occupants and users of buildings and structures within the City, and will provide for the use of modern methods, devices, materials, techniques, and practicable maximum energy conservation by regulating and controlling the design, construction, quality of materials, use, and occupancy, location and maintenance of all buildings, structures and land within this jurisdiction.

24.10.030 Scope.

~~(Amended by Ordinances 163237, 163908, 165678 and 176783, effective August 30, 2002.)~~

The provisions of this Title ~~shall~~ apply to the construction, alteration, moving, demolition, repair, and use of any building, structure or land, and to any land clearing or grading within the City. Exceptions are work in the public right-of-way ~~as approved by the City Engineer~~; publicly constructed sanitary and storm sewer systems and facilities ~~approved by the BES Chief Engineer~~; and public utility towers and poles, mechanical equipment not specifically regulated in this Code.

24.10.040 Codes.

~~(Amended by Ordinances 158651, 162695, 163908, 164950, 166111, 166436, 169312, 169905, 172737, 174891, 177414, 177433, 178745, 179125, 181359, 182370, 184140, 185545, 185798, 186932, 188781, 189806, 190548, 191148, 191581 and 191582, effective February 9, 2024.)~~

A. Structural Specialty Code. The provisions of the State of Oregon Structural Specialty Code 2022 Edition, as published by the International Code Council and known as the International Building Code 2021 Edition and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, including the appendices and standards adopted by the State of Oregon and Chapter 1, as amended by the Building Codes Division of the Oregon Department of Consumer and Business Services effective April 1, 2021, are ~~hereby~~ adopted by ~~this~~ reference. The Structural Specialty Code is on file in the Development Services Center ~~of the City of Portland~~.

B. Compliance with recognized standards. Where requirements of this Title do not provide necessary regulation or are not fully detailed with regard to processes, methods, specifications, equipment testing, and maintenance, standards of design, performance, and installation, and other pertinent criteria, the applicable standards and recommendation of the National Fire Protection Association, as set forth in its National Fire Code ~~shall~~ apply, a copy of which is on file in the City Auditor's Office. Said volumes and all subsequent editions are ~~hereby~~ incorporated in this Title by ~~this~~ reference.

C. Application of other titles. Nothing in this Title is intended to permit the establishment or conversion of any structure or use of any land in any zone ~~which that~~ is not in accordance with the applicable sections of ~~Portland City Code~~ Title 25 (Plumbing Regulations), Title 26 (Electrical Regulations), Title 27 (Heating and Ventilating Regulations), Title 33 (Planning and Zoning Regulations).

D. Residential Code. The provisions of the State of Oregon Residential Specialty Code, 2023 Edition, as adopted effective October 1, 2023, and published by the International Code Council, and known as the International Residential Code, 2021 Edition, and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, including the appendices and standards adopted by the State of Oregon, are ~~hereby~~ adopted by ~~this~~ reference. The Residential Specialty Code is on file in the Development Services Center ~~of the City of Portland~~.

E. 2021 Oregon Energy Efficiency Specialty Code. The provisions of the 2021 Oregon Energy Efficiency Specialty Code, consisting of Chapter 13 of the Oregon Structural Specialty Code, 2019 Edition, ANSI/ASHRAE/IES Standard 90.1 – 2019, as amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, are hereby adopted by this reference. The 2021 Oregon Energy Efficiency Specialty Code is on file in the Development Services Center ~~of the City of Portland.~~

F. International Building Code. The International Building Code 2021 edition, as published by the International Code Council, Chapter 32 in entirety and Chapter 33, Sections 3301, 3306, 3307, 3308, are hereby adopted by this reference. The International Building Code is on file in the Development Services Center ~~of the City of Portland.~~

24.10.050 Organization.

~~(Amended by Ordinances 176955, 188647 and 191736, effective July 1, 2024.)~~

A. Portland Permitting & Development. ~~The~~ Portland Permitting & Development ~~shall be~~ under the jurisdiction of the ~~Director designated by the appointing authority~~ City Administrator.

B. ~~Director to e~~Enforcement of this Title. ~~General.~~ ~~The~~ Director ~~City Administrator is and Building Official is~~ are hereby authorized and directed to enforce all provisions of this Title except to the extent to which the Building Code empowers and requires the Building Official, as that term is defined in Section 24.15.055, to act. For such purpose the ~~Director~~ City Administrator and Building Official ~~shall~~ have the powers of a law enforcement officer.

C. Deputies. The ~~Director~~ City Administrator may appoint officers, inspectors, and assistants and other employees. The ~~City Administrator~~ Director may also deputize employees as may be necessary to carry out the duties of ~~the~~ Portland Permitting & Development.

D. Right of ~~Entry~~ entry. Whenever an inspection is necessary to enforce any of the provisions of this Title, or whenever the ~~City Administrator, the Building Official~~ Director or their ~~Director's duly authorized representative~~ has reasonable cause to believe that there exists in any building or upon any premises any condition ~~that~~ which makes such building or premises substandard as defined within this Title, or upon presentation of a lawfully issued warrant, the City

~~Administrator, the Building Official, or their duly authorized representative~~
~~Director~~ may enter such building or premises at all reasonable times to inspect or to perform any imposed duty and ~~shall will~~ have recourse to every remedy provided by law to secure entry.

24.10.060 Enforcement.

~~(Amended by Ordinances 168340, 176955, 187432, 188647 and 189806, effective December 18, 2019.)~~

~~Subject to Subsection 24.10.050 B.:~~

A. All permitted work ~~shall is~~ be subject to inspection by the ~~Building Official~~
~~City Administrator~~
~~City Administrator~~
~~Director~~, and certain work ~~shall may~~ have continuous inspection by special inspectors as specified in ~~Section~~ ~~Chapter~~ 24.20. Approval as a result of an inspection will not be construed to be an approval of a violation of the provisions of this Title or of any other laws or regulations ~~of the City~~. Inspections presuming to give authority to violate or cancel the provisions of this Title or of any other laws or regulations ~~of the City~~ ~~shall will~~ not be valid. The ~~City Administrator~~
~~Building Official~~
~~City Administrator~~
~~Director~~ ~~shall have the authority to may~~ make or require all inspections necessary to ascertain compliance with this Title and any other laws enforced by the ~~City pursuant to this Title~~
~~Administrator~~
~~Director~~.

B. The ~~City Administrator~~
~~Building Official~~
~~City Administrator~~
~~Director~~, upon notification from the permit holder or the permit holder's agent, ~~shall will~~ either approve of those portions of the construction requiring inspection or ~~shall will~~ notify the permit holder, or the permit holder's agent, in writing, wherein the same fails to comply with the provisions of this Title.

C. Stop ~~W~~work ~~O~~orders. When it is necessary to obtain compliance with this Title, the ~~City Administrator or the Building Official~~
~~Director~~ may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the ~~City Administrator or Building Official~~
~~Director~~ issues a stop work order, activity subject to the order may not be resumed until such time as the ~~City Administrator or Building Official~~
~~Director~~ gives specific approval in writing. The stop work order will be in writing, except when an emergency condition exists, the ~~City Administrator or the Building Official~~
~~Director~~ may issue a stop work order orally, followed by a written stop work order. All stop work orders will conform to the requirements

of [Portland](#) City Code Section 3.30.080. Any person subject to a stop work order may seek review of the order by the [City Administrator or Building Official Director](#) and may appeal the [City Administrator Director's](#) determination in accordance with [City Code](#) Section 3.30.080.

D. It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Title.

E. If an unoccupied structure or structure under construction is open or unattended, the [City Administrator or the Building Official Director](#) may enter to determine if a hazardous condition exists. If such a condition exists, the [City Administrator or the Building Official Director shall will](#) notify the owner of the condition and order the structure immediately secured against the entry of unauthorized persons.

F. In the event the property owner, permit holder or the owner's agent fails or neglects to carry out any requirement, or fails to correct any noted violation of this Title, the [City Administrator Director](#) may gain compliance by any of the remedies outlined in Chapter 3.30 of [this Code of the City of Portland](#) and is authorized to institute any appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Title or of the order or direction made pursuant [thereto it](#).

24.10.070 Application for Permits.

~~(Amended by Ordinances 162100, 163908, 165678, 169905, 171773, 174880, 176783, 176955, 180330, 187432, 188647, 188884, 189806, 190350, 190548 and 191736, effective July 1, 2024.)~~

A. Permits required. No person, firm, or corporation may erect, construct, enlarge, alter, repair, move, improve, remove, convert, change occupancy group of, or demolish any building or structure, or do any clearing or grading, or cause any of the same to be done without first obtaining the proper permit, or where appropriate a minor structural label as outlined in Section 24.10.095. The limitations of Oregon Revised Statutes 455.020 notwithstanding, permits are required to construct, alter, repair or move any structure as identified in this

Title or in the Oregon Structural Specialty Code or the Oregon Residential Specialty Code, as adopted in Chapter 24.10 of this Title. Building permits and fees for work on private property are waived whenever the work appears on plans and specifications, approved by the City ~~Engineer or BES Chief~~ ~~Engineer~~ Administrator. This work will be limited to the construction of streets, public sewers, public stormwater management facilities, driveways, retaining walls, fences, walkways, parking pads, steps, and tree, shrub, and brush removal.

B. Plans and specifications.

1. Plans, engineering diagrams, and other data must be submitted with each application, and must comply with the requirements of Chapter 1 of the Oregon Structural Specialty Code and this Title. If a structural design is required, computations, stress diagrams, computer data, and such additional data as required by the ~~City Administrator~~ ~~Building Official~~ ~~City Administrator~~ Director, sufficient to show the correctness of the plans and compliance with the structural provisions of this Title must be submitted. The above data must include a brief summary of all basic assumptions, design methods, structural systems, loading, lateral bracing systems, and a table of contents of the computations. Computer calculations submitted as substantiation of the design must include a copy of the program user manual for each program, definition, sketches, index of data runs, and properly identified input and output listings. For other than nationally recognized programs, the correctness of the program must be substantiated in a manner acceptable to the ~~City Administrator~~ ~~Building Official~~ ~~City Administrator~~ Director. When required by the ~~City Administrator~~ ~~Building Official~~ ~~City Administrator~~ Director, or when required under ORS 672 (State Engineering Law) or ORS 671 (State Architectural Law), plans must be prepared and certified by a registered design professional licensed to practice in the State of Oregon. If the ~~City Administrator~~ ~~Building Official~~ ~~City Administrator~~ Director determines that the proposed work is of a highly technical nature or there is an unreasonable potential risk to life and/or safety of the structure, the ~~City Administrator~~ ~~Building Official~~ ~~City Administrator~~ Director can require that the plans be prepared and designed by an engineer or architect licensed by the State to practice under ORS 672 or ORS 671.

2. Examination of documents. The ~~City Administrator~~ ~~Building Official~~ ~~City Administrator~~ Director will examine or cause to be examined

plans and specifications and will ascertain by such examination whether the construction indicated and described is in accordance with the requirements of this Title, the State Building Code, and other laws and regulations of the City.

C. Parking lots. Parking lots will not require a separate building permit when they are clearly shown on plans submitted and their valuation is included on the application for the principal building permit.

D. Compliance with Chapter 17.88 (Street Access) of this Code is required prior to issuance of a permit issued under this Chapter 24.10.

E. Plans for other than one- and two-family dwelling repairs, remodels, or additions must be approved by the Fire Marshal prior to approval by the City Administrator~~Building Official~~City Administrator~~Director~~.

F. Issuance of permits. Except as otherwise provided in this Title, permits will be issued in accordance with Chapter 1 of the Oregon Structural Specialty Code and the provisions of this Title, provided that plans for all commercial buildings and any off-street parking area where the parking of three or more cars is to be established must be approved by the City Engineer and the City Traffic Engineer before a building permit may be issued.

1. Action on application. The City Administrator~~Building Official~~City Administrator~~Director~~ will issue a permit if the City Administrator~~Building Official~~City Administrator~~Director~~ is satisfied that the proposed work conforms to the requirements of this Title, the State Building Code, and other laws and regulations of the City.

2. Validity of permit. The issuance or granting of a permit must not be construed to be a permit for, or an approval of, any violation of any provisions of this Title, the State Building Code, or of any other laws or regulations of the City. Permits presuming to give authority to violate or cancel the provisions of this Title, the State Building Code, or other laws or regulations of the City must not be valid. The City Administrator~~Building Official~~City Administrator~~Director~~ is authorized to may prevent occupancy or use of a structure where in violation of this Title, the State Building Code, or any other laws or regulations of the City.

3. Suspension or revocation. The ~~City Administrator~~~~Building Official~~~~City Administrator~~~~Director is authorized to~~ may suspend or revoke a permit issued under the provisions of this Title wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any provisions of this Title, ~~the State Building Code,~~ or any other laws or regulations of the City.

G. Charge for partial permits. When complete plans and specifications are not available, the ~~City Administrator~~~~Building Official~~~~City Administrator~~~~Director~~ may issue partial permits to assist in the commencement of the work, provided that a partial permit charge is paid to the bureau. The number of partial permits issued may not exceed six on any individual project, except that in special circumstances the ~~City Administrator~~~~Director~~ may allow this number to be exceeded.

H. Retention of plans.

1. Plans and specifications for all buildings, or their photographic image, must be retained permanently in the files of ~~the~~ Portland Permitting & Development, except as follows:

a. Plans and specifications for work ~~that~~~~which~~ does not concern or affect the structural stability of a building and ~~that~~~~which~~ does not affect a change of occupancy may be destroyed after 5 years from date of building permit for same;

b. Plans and specifications for one or two family dwellings, and/or buildings accessory ~~there~~to ~~them~~ may be destroyed after 5 years from date of building permit for same.

I. A separate permit will be required for site development, changes in use, or other work performed in compliance with Portland City Code Title 33, Chapter 33.700, Administration, ~~that~~~~which~~ is not otherwise included with the permit described in Subsection A. of this Section. Reviews and approval of site plans or other documents must be obtained from ~~the~~ Portland Permitting & Development prior to issuance of the permit.

J. Life of Permit Limited.

1. Permit applications.

a. Initial permit application. Except for Personal Wireless Service Facility permit applications, a permit application that is inactive for a period of 180 days will be deemed abandoned. If an abandoned permit application is not reactivated within 180 days of abandonment, the permit application will be void. If a permit application is void, a new permit application is required for the subject work. A Personal Wireless Service Facility permit application, for which a permit is not issued within 180 calendar days from the date the permit application is under review status will be deemed abandoned, unless the [City Administrator Building Official](#) has granted an extension. An abandoned Personal Wireless Service Facility permit application may not be reactivated.

b. Extensions. The [City Administrator Building Official](#) may extend a permit application with justifiable cause, as determined in the [City Administrator Building Official](#)'s sole discretion. A permit application may be extended for a period of up to 180 days. Extension requests must be in writing and received by ~~the~~ Portland Permitting & Development before the scheduled permit abandonment date.

c. Reactivations. Except for Personal Wireless Service Facility permits, the [City Administrator Building Official](#) may reactivate a permit application that has been abandoned for less than 180 days with justifiable cause, as determined in the [City Administrator Building Official](#)'s sole discretion. Reactivation requests must be in writing and received by ~~the~~ Portland Permitting & Development within 180 days after permit expiration. If no activity occurs within 180 days after a permit application is reactivated, the permit application will be deemed abandoned. A permit application may be reactivated only once.

2. Issued permits.

a. Initial issued permit. Except for Personal Wireless Service Facility permits, if no inspection is approved within 180 days after permit issuance, the permit will expire. If an expired permit is not reactivated within 180 days of expiration, the permit will be void. If a permit is void, a new permit is required for the subject work. A Personal Wireless Service Facility permit that has not received final

inspection approval within 180 days from the date the permit is issued will expire, unless the ~~City Administrator~~~~Building Official~~ has granted an extension.

b. Extensions. Except for Personal Wireless Service Facility permits, each time an inspection is approved, the permit will automatically be extended for 180 days. The ~~City Administrator~~~~Building Official~~ may also extend a permit for periods of up to 180 days with justifiable cause, as determined in the ~~City Administrator~~~~Building Official's~~ sole discretion. Extension requests must be in writing and received by ~~the~~ Portland Permitting & Development before the scheduled permit expiration date. If no inspection is approved or additional extension granted within the extended time period, the permit will expire.

c. Reactivations. The ~~City Administrator~~~~Building Official~~ may reactivate a permit that has been expired for less than 180 days, provided no changes have been made to the scope of work, and with justifiable cause as determined in the ~~City Administrator~~~~Building Official's~~ sole discretion. Except for Personal Wireless Service Facility Permits, a void permit may be reactivated provided there have been no changes to the scope of work and only the final inspection remains unapproved. A void Personal Wireless Service Facility permit may not be reactivated. Reactivation requests must be in writing and received by ~~the~~ Portland Permitting & Development within 180 days after permit expiration. If no inspection is approved within 180 days of reactivation, the permit will expire. A permit may be reactivated only once.

3. Fees. When a new permit is required, a new permit application must be submitted and new fees must be paid based on the current adopted Portland Permitting & Development fee schedule. ~~The~~ Portland Permitting & Development will adopt policies for fee refunds or credits of previously submitted permit applications. Fees for permit extensions and reactivations may also be charged as adopted in ~~the~~ Portland Permitting & Development fee schedule.

K. Maintenance ~~A~~agreements. If any building element, structure, or utility crosses a real property line, a maintenance agreement and access easement must be signed by all affected property owners and recorded in the County

Recorder's Office on all affected properties. The agreement and easement must address the repair, upkeep, and replacement of and access to all elements, structures, and utilities that cross a real property line. Prior to recording, the maintenance agreement and access easement must be reviewed and approved by the [bCity AdministratorBuilding oOfficial](#). The maintenance agreement and access easement may not be modified or suspended without the [bCity AdministratorBuilding oOfficial](#)'s prior written approval. The applicant must provide a copy of the recorded maintenance agreement and access easement to the [bCity AdministratorBuilding oOfficial](#) prior to issuance of the building permit.

24.10.072 Other Structures and Construction Activities.

~~(Added by Ordinance 189806; amended by Ordinance 190548, 191581 and 191478, effective March 1, 2024.)~~

A. Regulated structures and construction activities. The provisions of this Title apply to the following structures and construction activities regardless of when a permit was applied for or approved:

1. Fire safety during construction.
2. Protection of adjoining properties in accordance with [the](#) International Building Code.
3. Temporary use of streets, alleys and public property in accordance with [the](#) International Building Code.
4. Encroachment into the right-of-way in accordance with [the](#) International Building Code.
5. Mechanical equipment not specifically regulated in the Oregon Structural Specialty Code or Oregon Residential Specialty Code.
6. Retaining walls, unless exempt pursuant to Subsection 24.10.072 B.
7. Fences, unless exempt pursuant to Subsection 24.10.072 B.
8. Tanks that are located exterior to and not attached to or supported by a building, unless exempt pursuant to Subsection 24.10.072 B.

9. Cell phone, radio, television, and other telecommunication and broadcast towers that are not attached to or supported by a building.
 10. Ground mounted flagpoles, antennae, and similar structures over 25 feet in height that are not attached to or supported by a building.
 11. Signs not attached to or supported by a building.
 12. Ground-mounted photovoltaic arrays, unless exempt pursuant to Subsection 24.10.072 B.
 13. Fixed docks, piers or wharves with no superstructure.
 14. Equipment shelters not intended for human occupancy with a building area of 250 square feet or less, designated as Risk Category I or II.
 15. Transitional housing accommodations, as defined in ORS 197.746, as amended by House Bill 2916 (2019).
 16. Unoccupied grain elevators and silos not exempted by ORS 455.315.
 17. Rodentproofing, in accordance with Oregon Structural Specialty Code Appendix F.
 18. The design and construction of in-ground swimming pools accessory to not more than four dwelling units.
 19. Hydraulic flood control structures, including but not limited to dams and levees.
 20. Structures located within flood hazard areas as defined in Chapter 24.50, regardless of whether such structures are exempt under the State of Oregon Residential Specialty Code or Structural Specialty Code.
- B.** Exempt structures. Exemption from the requirements of this Title ~~shall~~may not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Title, ~~the State Building Code~~, or any other laws or regulations of the City. The following structures are exempt from the provisions of this Title:

1. Fences constructed of wood and similar materials not over 7 feet (2134 mm) high, fences constructed of masonry, concrete and similar materials not over 4 feet high, and typical field fencing not over 8 feet (2438 mm) high when constructed of woven wire or chain link. Exception: all barriers around swimming pools require a permit.
2. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, except where the retaining wall supports ascending slopes exceeding 3:1 or where the retaining wall supports a nonsoil surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
4. Swings and other playground equipment.
5. Ground mounted photovoltaic systems 10 feet (3038 mm) or less in height measured to the highest point of the installation when no public access is permitted beneath the structures.

24.10.075 Portland Permitting & Development Administrative Appeal Board.

~~(Added by Ordinance 187432; Amended by Ordinances 189806, 191582 and 191736, effective July 1, 2024.)~~

A. Appointment of Administrative Appeal Board. ~~The~~ Portland Permitting & Development Administrative Appeal Board consists of the Building Official and Bureau staff members appointed by the ~~City Administrator~~~~Director~~. In appointing staff members, the ~~City Administrator~~~~Director~~ will consider the issues presented by the appeal and what particular expertise will be helpful in addressing those issues. The staff will act in an advisory capacity to the ~~City Administrator~~~~Building Official~~. The Administrative Appeal Board may:

1. review appeals of the Bureau's application and interpretation of ~~this Title and~~ the State of Oregon specialty codes adopted in this Title (collectively referred to as the "Building Code");

2. review requests for modifications to the strict application of the Building Code; and
3. review requests to use alternative materials, design or methods of construction and equipment.

B. Appeals to the Administrative Appeal Board and ~~F~~final ~~D~~decisions. Any person aggrieved by a decision of the Bureau related to the application and interpretation of the Building Code ~~or this Title~~ or who wants to request a modification to the strict interpretation of the Building Code or consideration of an alternative material, design or method of construction or equipment may file an appeal with the Administrative Appeal Board. Such an appeal must be filed within 180 days of the Bureau decision being appealed; provided, however, the Building Code ~~and provisions of this Title~~ in effect at the time the Bureau decision was made ~~shall~~ will be applied to the administrative appeal. The Administrative Appeal Board may:

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

website within 10 calendar days of the hearing, provided the Bureau has received all required information from the applicant; and

4. grant requirements that are in addition to [the Building Code](#), this Title, or other laws or regulations of the City as part of an appeal.

C. Reconsideration of ~~F~~final ~~D~~decisions and ~~A~~appeals to the Building Code Board of Appeal. Any person aggrieved by a final decision of the ~~Building Official~~[Building Official](#) made under Subsection B. above may either file a reconsideration of that decision within 180 days of the decision based on new or revised information or appeal the decision to the Building Code Board of Appeal in accordance with Section 24.10.080 within 90 days of the final decision being appealed. The appeal package may not be altered from the administrative hearing. There is no additional fee for the first reconsideration of an Administrative Appeal Board decision or for an appeal to the Building Code Board of Appeal. The Building Code ~~and provisions of this Title~~ in effect at the time of the final decision being reconsidered or appealed will be applied to the reconsideration or subsequent appeal to the Building Code Board of Appeal.

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

24.10.080 Building Code Board of Appeal.

~~(Replaced by Ordinances 187432 and 191582, effective February 9, 2024.)~~

A. Appointment of Building Code Board of Appeal. In order to hear appeals of final decisions of the Building Official made under Section 24.10.075, there ~~has been created~~ is a Building Code Board of Appeal, consisting of three members and three alternates appointed by the Mayor and approved by the City Council.

1. Each member and alternate member must be qualified by experience and training to make decisions pertaining to the Building Code and building construction. At least one member and one alternate member must be competent builders who have engaged in the construction business in the City for at least ~~2~~two years immediately preceding their appointments, and at least one member and one alternate member ~~shall~~

must be competent architects who have practiced their profession for at least 3three years. The River Community Advisory Committee, see Section 28.03.015, may appoint a subject matter expert to advise on subjects specific to floating structures.

2. Building Code Board of Appeal appointments shall-will be for 3-year terms. Appeal Board members may serve no more than two 3-year terms. Board members may serve a third term if their board has not convened during the board member's first two terms, or the City Administrator~~Director~~ recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. Vacancies occurring prior to the end of a term for whatever cause may be filled by qualified persons through appointment by the Mayor for the remainder of the term. If a board member does not convene in one of their first two terms, they are automatically rolled into a third term. Board members may opt out of a third term at their discretion.

3. Any member may be removed by the Mayor for incompetence, dereliction of duty, incapacity or other sufficient cause.

4. Members of the Building Code ~~Appeal~~Board of Appeal mustshall comply with the State ethics laws applicable to public officials.

5. Members of the Building Code ~~Appeal~~Board of Appeal mustshall serve in a voluntary capacity and without pay.

B. Appeals to the Building Code ~~Appeal~~Board of Appeal. The Building Code Board of Appeal may review Administrative Appeal Board decisions or any other final decision of the Building Official ~~or Director~~ related to the application and interpretation of ~~this Title or~~ the Building Code. The Building Code appeal will be limited to the facts and record reviewed by the Administrative Appeal Board, and the Building Official ~~or Director~~ related to the decision being appealed. A hearing will be held within 45 days after an interested party submits a written appeal to the Building Code Board of Appeal. A panel of three Building Code ~~Appeal~~Board of Appeal members will hear each appeal. The Board may, by a majority vote, affirm, annul, or modify the decision.

C. Powers and ~~L~~limitations of ~~A~~authority of the Building Code ~~Appeal~~Board of Appeal. The Building Code Board of Appeal may provide reasonable

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

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

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

24.10.085 Structural Engineering Advisory Committee.

~~(Added by Ordinance 162056; amended by Ordinances 187432 and 188647, effective November 17, 2017.)~~

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

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

B. Any member of the board may be removed from office by the Mayor for malfeasance in office or neglect of duty at any time during the member's tenure.

C. The committee ~~shall~~will elect a chairperson, adopt rules of procedure, and set the time and place for regular meetings. A quorum consisting of at least three members of the committee is required to conduct committee business. Written minutes of all meetings ~~must~~shall be made and kept subject to the requirements and limitations of ORS 192.610 to ORS 192.690.

D. It ~~shall be~~is the duty of the board to advise the ~~City Administrator~~Director and ~~or~~ the Appeals Board in structural matters relative to reasonable interpretation and to alternate materials and methods of construction.

E. Any action of the board ~~shall~~will be in an advisory capacity to the City. Subsequent action taken by the City as a result of advice from the boards ~~shall~~will be the sole responsibility of the City.

24.10.087 Alternative Technology Reviews.

(Added by Ordinance 182217; amended by Ordinances 187432, 191582 and 191736, effective July 1, 2024.)

A. ~~The~~ Portland Permitting & Development will determine which of the following boards of appeal to consult with regarding new or innovative sustainable building technologies and products:

1. Building Code Board of Appeal
2. Mechanical Code Board of Appeal
3. Electrical Code Board of Appeal
4. Plumbing Code Board of Appeal.

B. The Alternative Technology Advisory Review serves only in an advisory capacity to the City. Subsequent action taken by the City as a result of the applicable board of appeal's review ~~shall~~will be the sole responsibility of the City.

24.10.090 Pre-application and Pre-construction Meetings.

~~(Amended by Ordinance 162100, effective August 1, 1989).~~

Where major construction projects involve coordination between City bureaus and the design/ construction teams, the ~~City Administrator~~Director may hold a pre-application or pre- construction meeting with representatives of the interested parties as an aid to the enforcement of this Title.

24.10.095 Commercial and Industrial Minor Structural Labels.

~~(Added by Ordinance 171773; amended by Ordinance 187432, effective December 4, 2015.)~~

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

24.10.100 Fees

(Amended by Ordinances 191148 and 191736, effective July 1, 2024.)

A. General. The following fees are required to be paid to the ~~Director of the Portland Permitting & Development City,~~ shall be as set forth in this Chapter.

B. Building ~~P~~permit and ~~P~~plan ~~C~~check/~~P~~process ~~F~~fee.

1. All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.
2. A plan checking fee is payable when the plans and application are accepted by the ~~City Administrator~~Director for examination and ~~shall are~~ not ~~be~~-refundable. A permit fee ~~must~~shall be paid to the ~~Director City~~ before a building permit is issued.

3. Permit and plan check fees will, as a general rule, be refunded when the services covered by the fee have not commenced, and the permit or plan review fees were paid incorrectly due to an error on the part of the City. When a permit applicant requests a refund, but the City was not at fault in accepting payment, fees ~~shall~~ may be retained to cover the cost of plan review or inspections actually performed and 20 percent of the amount remaining. State surcharge fees are only refundable when a permit was issued in error. Requests for refunds must be made within 6 months of payment or permit issuance, whichever is later. Refunds are to be made to the same person or firm who paid the fee within 3 months of the request. Exceptions to the above requirements may be made by the ~~City Administrator~~ Director or designee.

~~24.10.101 General.~~

~~(Repealed by Ordinance 191148, effective February 24, 2023.)~~

~~24.10.102 Building Permit and Plan Check/Process Fee.~~

~~(Repealed by Ordinance 191148, effective February 24, 2023.)~~

~~24.10.103 Requested Inspection Fees.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.104 Fee for Appeal.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.106 Home Occupation Permit.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.107 Appeal Fee for Historical Building Review Board.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.108 Street Use Fees.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.109 Grading Permit Fees.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.110 Excavation and Grading Plan Check Fees.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.111 Dangerous Building Abatement Processing Fee.~~

~~(Repealed by Ordinance 167088, effective December 3, 1993.)~~

~~24.10.112 Product Approval Fee.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.113 Circus Tent Fee.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.114 Welder Certification Fee.~~

~~(Repealed by Ordinance 165486, effective July 1, 1992.)~~

~~24.10.115 Reproduction Fees.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.116 Fee for Examination of Filed Plans.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.117 Approved Fabricators Certification Fee.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.118 Special Inspection Certification Fee.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~24.10.119 Approved Testing Agency Certification Fee.~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.122 Certificate of Occupancy.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.123 Temporary Certificate of Occupancy.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.124 Zoning Inspection Fee.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.125 Inspections Outside of Normal Business Hours.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.126 Reinspection Fee.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.127 Additional Plan Review Fee.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.128 Address Assignment Fee.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.130 Clearing Permit Fee.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.131 Clearing With Tree Cutting Permit Fee.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.132 Pre-Permit Site Inspection for Properties in Environmental Zones.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.133 Manufactured Dwelling Installation Fees.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.134 Manufactured Dwelling Park.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.135 Recreational Park.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.136 Park Trailer Installation Fees.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.137 Minor Structural Labels.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.138 Master Permit/Facilities Permit Program Fees.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.139 On-site Permanent Stormwater Control Facilities Inspection Fee.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

~~**24.10.140 Tree Preservation and Planting Plan Check and Inspection Fee.**~~

~~(Repealed by Ordinance 174719, effective August 21, 2000.)~~

24.10.150 Severability.

(Added by Ordinance 191581, effective February 9, 2024.)

If any provision of this Title, or its application to any person or circumstance, is held invalid by any court, the remainder of this Title and its application to other persons and circumstances, other than that which has been held invalid, ~~shall will~~ not be affected by such invalidity, and to that extent the provisions of this Title are declared to be severable.

Chapter 24.15 Definitions

24.15.010 General.

For the purpose of this Title, certain terms, phrases, words, and their derivatives ~~shall must~~ be construed as specified ~~herein~~ this Chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Terms, words, phrases, and their derivatives used, but not specifically defined in this Chapter, either ~~shall will~~ have the meaning defined in this Title, Chapter or, if not ~~herein~~ defined in this Chapter, ~~shall will~~ have the meanings commonly accepted in the community.

24.15.020 Abandoned Structure.

An **abandoned structure** is a structure that has been vacant for a period in excess of ~~6~~six months or any period less than 6 months when a vacant structure or portion thereof constitutes an attractive nuisance or hazard to the public.

24.15.030 Agreement/Contract to Repair/Work.

An **agreement or contract to repair/work** is a written agreement in which an owner of a structure agrees to carry out repair/work on any abandoned, unsafe, dangerous structure, or structure between a specified commencement and completion date.

24.15.040 Approved Testing Agency.

An **approved testing agency** is an established and recognized agency regularly engaged in conducting testing and furnishing inspection services.

24.15.045 Boarded.

~~(Added by Ordinance 162525; amended by 164318 and 168901, effective June 7, 1995.)~~

Secured against entry by apparatus ~~that~~which is visible off the premises and is not both lawful and customary to install on occupied structures.

24.15.050 Building.

A **building** is a structure used or intended for sheltering any use or occupancy.

24.15.055 Building Official.

The **building official** for the City or a duly authorized representative charged with the administration and enforcement of the ~~State~~ Building Code. The Building Official serves as the authority having jurisdiction over the Building Code.

24.15.060 Dangerous Structure.

~~(Amended by Ordinance 168626, effective April 22, 1995.)~~

Any structure ~~that~~which has any or all of the conditions or defects ~~hereinafter~~ described in this Section, to the extent that life, health, property, or safety of the public or its occupants are endangered, ~~shall~~will be deemed to be a dangerous structure and such condition or defects ~~must~~shall be abated pursuant to Sections 24.55.250 and 24.55.300 of this Chapter.

A. Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location.

B. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Oregon ~~State~~ Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location.

C. Whenever any portion or member of appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and ~~thereby~~ injure persons or damage property.

D. Whenever any portion of a building, or any member, appurtenance, or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structures, purpose, or location without exceeding the working stresses permitted in the Oregon ~~State~~ Structural Specialty Code and Fire and Life Safety Code for such buildings.

E. Whenever any portion thereof has wrecked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

F. Whenever the building or structure, or any portion thereof, because of

1. dilapidation, deterioration, or decay;
2. faulty construction;
3. the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;
4. the deterioration, decay, or inadequacy of its foundation; or
5. any other cause, is likely to partially or completely collapse.

G. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

H. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

I. Whenever the building or structure exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or

members, or 50 percent damage or deterioration of its non-supporting members, enclosing, or outside wall coverings.

J. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or any other cause, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance, or (ii) a harbor for vagrants or criminals.

K. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this City, as specified in the Oregon [State](#) Structural Specialty Code and Fire and Life Safety Code or any law or ordinance of this State or City relating to the condition, location, or structure or buildings.

L. Whenever any building or structure [thatwhich](#), whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion, less than 50 percent, or in any supporting part, member, or portion less than 66 percent of the

1. strength,

2. fire-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location. This [§](#) subsection does not apply to strength required to resist seismic loads. For application of seismic requirements see Chapter 24.85.

M. Whenever any building or structure, because of dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is a fire hazard.

N. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

O. Whenever any portion of a building or structure remains on a site for more than 30 days after the demolition or destruction of the building or structure.

24.15.065 Derelict Commercial Building.

~~(Added by Ordinance 162525; amended by 164318 and 168901, effective June 7, 1995.)~~

Any building or structure:

- A. In which there are no dwelling units, and
- B. ~~Which-That~~ is not an accessory building to a building in which there are dwelling units, and
- C. Which building, structure or a portion thereof is unoccupied; and
- D. ~~Which-That~~ meets any of the following criteria:
 1. Has been ordered vacated by the ~~City Administrator~~Director pursuant to Subsection 24.55.250 F; or
 2. Has been issued a correction notice by the ~~City Administrator~~Director pursuant to Subsection 24.55.250 A.; or
 3. Is unsecured; or
 4. Is boarded; or
 5. Has been posted for violation of Portland City Code Section 18.03.050 more than once in any two-year period; or
 6. Has, while vacant, had a nuisance abated by the City pursuant to Sections 18.03.010 or 18.03.030.

24.15.070 Director.

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

~~"Director"~~ shall mean the Director of ~~the~~Portland Permitting & Development or a duly authorized representative of the Director.

24.15.075 Dwelling Unit.

~~(Added by Ordinance 168901, effective June 7, 1995.)~~

One or more habitable rooms ~~which that~~ are occupied by or designed or intended to be occupied by one person, or by a family or group of housemates living together as a single housekeeping unit.

24.15.080 Exterior Property Area.

Exterior property area is the open space on the premises and on adjoining property under the control of the owner or operator of such premises.

24.15.090 Hearings Officer.

Hearings Officer is the office of the Code Enforcement Hearings Officer created pursuant to Section 22.02.010 of the City Code.

24.15.100 Imminently Dangerous.

Imminently dangerous means any condition posing a direct and immediate threat to human life, health, or safety.

24.15.110 Inspections Manager.

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

The **Inspections Manager** is the ~~Building Official~~~~City Administrator~~~~City Administrator~~~~Director~~'s duly authorized representative responsible for the administration of the Inspections Division of ~~the~~ Portland Permitting & Development.

24.15.115 Master Permit/Facilities Permit Program.

~~(Added by Ordinance 172431; amended by Ordinance 173973, effective January 1, 2000.)~~

The **Master Permit/Facilities Permit program** is a special alternative inspection program authorized under Oregon Revised Statute 455.190. This program is available to commercial/industrial building owners and building management companies to streamline the approval of maintenance/repair and tenant improvement work on their private facilities.

24.15.120 Owner.

Owner is any person, agent, firm, or corporation having a legal or equitable interest in a property.

24.15.125 Personal Wireless Service Facility.

~~(Added by Ordinance 190350, effective May 7, 2021.)~~

An antenna facility, including: (a) an antenna designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services; (b) antenna equipment, including equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna for personal wireless service; or (c) a structure that is primarily used or that will be primarily used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

24.15.130 Repair.

Repair is the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

24.15.140 Residential Structure.

Residential structure means any building or other improvements designed or intended to be used for residential purposes.

24.15.150 Requested Inspection.

Requested inspection means any additional inspection ~~that~~which is not part of the City's regular or mandated inspection program.

24.15.160 Service Station Site.

~~(Amended by Ordinance 169905, effective April 1, 1996.)~~

A **service station site** shall means premises improved as a Group S, Division 3, occupancy for use as automobile or truck service stations used for supplying

fuel, oil, minor accessories, and trailers, excluding body and fender repair for passenger automobiles, trucks, and truck trailers at retail direct to the customer.

24.15.170 Substandard.

Substandard means in violation of any of the minimum requirements as set out in this Title.

24.15.180 Special Inspector.

~~Definition to be added.~~ **Special Inspector** means ~~a~~ A qualified person approved by the City Administrator/Building Official as having the competence necessary to inspect the particular type of construction requiring a special inspection.

24.15.190 Subject Structure.

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

A **subject structure** is any abandoned, unsafe, or dangerous structure upon which ~~the~~ Portland Permitting & Development has commenced abatement proceedings.

24.15.200 Structure.

A **structure** is that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

~~**24.15.210 Swimming Pool.**~~

~~(Repealed by Ordinance 180330, effective August 18, 2006.)~~

24.15.215 Tree Removal.

~~(Added by Ordinance 168340; amended by Ordinances 184522, 185448 and 186053, effective January 1, 2015.)~~

Tree Removal ~~shall~~ have the same meaning as “removal” as defined in Portland City Code Title 11 Trees.

24.15.220 Unoccupied.

~~(Added by Ordinance 162525; amended by Ordinance 168901, effective June 6, 1970.)~~

Not being used for a lawful occupancy.

24.15.230 Unsafe.

Means:

A. Any structure ~~that~~~~which~~ is structurally unsafe or not provided with adequate egress, or ~~that~~~~which~~ constitutes a fire hazard or is otherwise dangerous to human life.

B. Unsafe use is any use of structures constituting a hazard to health, safety, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment.

C. Unsafe appendages are parapet walls, cornices, spires, towers, tanks, statuaries, or other appendages or structural members ~~that~~~~which~~ are supported by, attached to, or part of a building, and ~~that~~~~which~~ are in a deteriorated condition or otherwise unable to sustain the design loads ~~that~~~~which~~ are specified in the Oregon ~~State~~ Structural Specialty and Fire and Life Safety Code.

24.15.240 Unsecured.

~~(Added by Ordinance 162525; amended by Ordinance 168901, effective June 7, 1995.)~~

Any building or structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

24.15.250 Value/Valuation.

Value or **valuation** of a structure or building ~~shall be~~~~is~~ the estimated cost to replace the structure or building in kind, based on either the building valuation data reported in the latest issue of the ICBO Building Standards Journal or by any alternate method approved by the ~~City Administrator~~~~Director~~ to give an accurate assessment of building replacement costs.

24.15.260 Warehousing.

Warehousing means securing a structure against vandalism, deterioration, and unauthorized entry pending its return to active use or occupancy.

Chapter 24.20 Special Inspections

~~(Chapter replaced by Ordinance 187432, effective December 4, 2015.)~~

24.20.010 General.

A. In addition to the inspections required under Section 110 of the Oregon Structural Specialty Code, the owner or the owner's agent ~~must~~shall employ a Special Inspector during construction of the types of work specified in Chapter 17 of the Oregon Structural Specialty Code or for cases specifically required by the ~~City Administrator~~Building Official~~City Administrator~~Director.

B. The ~~Director shall have the authority to~~City Administrator may adopt and enforce written rules concerning the conduct and administration of special inspections in ~~the City of~~Portland.

24.20.020 Selection of the Special Inspectors and/or Agencies.

~~(Amended by Ordinance 191736, effective July 1, 2024.)~~

With the approval of the ~~City Administrator~~Building Official~~City Administrator~~Director, Special Inspectors and approved inspection and/or testing agencies ~~must~~shall be chosen and paid by the owner, and will report to the licensed architect or engineer whose signature and seal appear on the design drawings and to ~~the~~Portland Permitting & Development. No changes of Special Inspectors or inspection/testing agency approved by the ~~City Administrator~~Building Official~~City Administrator~~Director shall~~may~~ be made without obtaining approval of the responsible architect/engineer and the ~~City Administrator~~Building Official~~City Administrator~~Director.

24.20.030 General Duties of the Special Inspector.

~~(Amended by Ordinance 188647, effective November 17, 2017.)~~

A. The Special Inspector mustshall observe the work assigned for conformance with the approved construction documents.

B. The Special Inspector mustshall keep records of inspections and mustshall furnish inspection reports to the City Administrator~~Building Official~~City Administrator~~Director~~, the Registered Design Professional, as that term is defined in Chapter 2 of the Oregon Structural Code. All discrepancies mustshall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the City Administrator~~Building Official~~City Administrator~~Director~~.

C. The Special Inspector/Inspection Agency mustshall submit a final signed summary report stating whether the work requiring special inspection was, to the best of their knowledge, in conformance with the approved plans and specifications and the applicable workmanship provisions in the State-Building Code.

Chapter 24.25 Movings of Buildings

24.25.010 General.

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

24.25.020 Permit Information Required.

~~(Amended by Ordinance 188647, effective November 17, 2017.)~~

The applicant mustshall file with ~~the Director~~ City Administrator~~Portland Permitting & Development~~ an application for a permit to move the structure, it mustshall be signed by the owner or the owner's authorized agent, and mustshall contain a description of the building to be moved, the location where it is to be moved, and the use and occupancy proposed, in addition to the information required by Section 24.10.070 of this Title regarding foundation or other work at the final location.

24.25.030 Direction of City Engineer.

~~(Amended by Ordinances 169905 and 191582, effective February 9, 2024.)~~

No building ~~shall~~ may be moved across or along any street until the route to be followed and the time allowed for moving has been submitted to the City Engineer and approved by them. Moving ~~must~~ shall be under the direction of the City Engineer. For the regulations covering the use of public streets see Chapter 33 of the Structural Specialty Code.

24.25.040 Housing Code Inspection Report Required.

The ~~City Administrator~~ Building Official ~~Director~~ City Administrator ~~shall~~ may inspect any residential building that is proposed to be moved, to ensure its compliance with the provisions s of Title 29 of this Code ~~of the City of Portland~~.

Chapter 24.30 Home Occupations

24.30.010 Permits Required.

A permit ~~shall~~ be required to establish a home occupation. The permit ~~must~~ shall be renewed every two years to maintain said home occupation.

24.30.020 Compliance with Planning and Zoning Regulations.

All home occupations ~~must~~ shall comply with the provisions of Title 33 of this Code ~~of the City of Portland~~.

24.30.030 Fees for Home Occupations.

The fee for a home occupation permit ~~shall~~ be as provided in ~~Section~~ Chapter 24.10 of this Title.

~~Chapter 24.35 (Repealed)~~

~~(Chapter repealed by Ordinance 187432, effective December 4, 2015.)~~

Chapter 24.40 Use of and Projections Over Public Streets and Property

24.40.010 Street Use.

~~(Amended by Ordinance 169905, effective April 1, 1996.)~~

A person undertaking work covered by a building permit, may, on proof of necessity, be entitled to a permit for use of the street, sidewalks, and/or roadway. Applications ~~shall be~~ subject to the approval of the ~~Traffic Engineer and the Director~~[City Administrator](#). Material or equipment necessary for the work may be placed or stored on public property in the following locations:

A. On the roadway, adjacent to the curb in front of the site for which a building permit has been issued.

B. On the roadway in front of an adjoining site.

C. On the public sidewalk, in front of the construction site, except on those sidewalks required to be kept open. A street use permit ~~shall~~[may](#) be issued for a minimum period of ~~4~~ week and a maximum period of 90 days. The permit may be extended if, in the judgment of the ~~Director~~[City Administrator](#), an extension is warranted by existing conditions. The use of the street by persons holding a permit and/or the fencing-off of street space ~~shall~~[may](#) not be continued longer than is necessary. If the permit for street use is within the Special Traffic Control Districts outlined in [Portland City Code](#) Section 17.23.030, the prior approval of the City Engineer must be obtained if the street use extends beyond the curb line.

When work not requiring a building permit is undertaken for maintenance of buildings or structures in the congested areas where parking meters are located, the person undertaking such work ~~shall~~[may](#) not close off any portion of the sidewalk or roadway areas without first obtaining, subject to the approval of the ~~Traffic Engineer~~[City Administrator](#), a street use permit; the time limit for such permit ~~shall~~[will](#) be as specified above. If the street use permit is within the special Traffic Control Districts outlined in Section 17.23.030, the prior approval of the City Engineer must be obtained if the street use extends beyond the curb line. While work is in progress, a roped-off passageway not less than 4 feet in width ~~must~~[shall](#) be maintained for pedestrians. This passageway ~~shall~~[may](#) be no closer, than 6 feet horizontally from any scaffold, ladder, machinery, or equipment. The passageway ~~must~~[shall](#) be entirely contained within the existing sidewalk area. The ~~City Administrator~~[Building Official](#)~~City Administrator~~[Director](#) may also require pedestrian protection as outlined in Chapter 33 of the Structural Specialty Code. In order to ensure coordination of construction activity within the Street area and to provide that the private and public needs are met, the ~~City Administrator~~[Director](#) may also require a preconstruction meeting as outlined in Section 24.10.090 of this Title.

24.40.020 Dirt on Streets from Construction Projects.

If dirt or debris falls on any public right-of-way and such debris originates from a construction project for which a building, plumbing, or electrical permit has been issued, it is unlawful for the permit holder and/or owner not to remove it immediately. Failure of either the owner and/or permit holder to remove the spillage within 24 hours after notification given either orally or in writing may result in the [City Administrator/Director](#) gaining compliance by any of the methods outlined in Section 24.10.060 of this Title.

24.40.030 Fees.

Fees for street use ~~shall be~~ as indicated in ~~Section-Chapter~~ 24.10 of this Title.

Chapter 24.45 Parking and Driveway Surfaces

24.45.010 General.

All vehicular driveways, parking spaces, and areas utilized for the maneuvering of vehicles ~~must~~ be surfaced in accordance with this Chapter.

24.45.020 Minimum Surfacing Standards for Parking Areas and Garages for Passenger Cars and Trucks not Exceeding 1/2-Ton Capacity and Driveways Serving Structures 150 Feet or Less from an Improved Public Right-of-Way.

~~(Amended by Ordinance 173270, effective May 21, 1999.)~~

Surfaced areas ~~must~~ be constructed on properly drained, well-compacted subgrade, that is free of organic materials. Minimum pavement structure ~~must~~ be:

- A.** Three and one-quarter inches Portland cement concrete having a compressive strength of 2,000 psi after 28 days, or
- B.** One and one-half inches of asphalt concrete placed over a base of 4 inches of crushed stone or gravel, or

C. Grid paving blocks, paving stones or materials with adequate spacing for drainage infiltration, or other stormwater management control surfaces. Where such surfaces are provided in accessible parking and as part of an accessible pedestrian path, the surfaces mustshall meet accessibility standards of the [state Building Code](#).

24.45.030 Minimum Surfacing Standards for Driveways Serving Structures More than 150 Feet from an Improved Public Right-of-Way.

~~(Amended by Ordinance 173270, effective May 21, 1999.)~~

Surfaced areas mustshall be constructed on properly drained, well-compacted subgrade, that is free of organic materials. Minimum pavement structure mustshall be:

- A. Two inches of asphalt concrete on 4 inches of 1-inch minus, compacted crushed rock; or
- B. Five inches of Portland cement concrete having a compressive strength of 3,000 psi after 28 days, or
- C. A driveway surfaced as per Section 24.45.020 for the first 40 feet contiguous with the right-of-way paving and the remaining portion of 8 inches of 1-inch minus, compacted crushed gravel over filter fabric, or
- D. Grid paving blocks, paving stones or materials with adequate spacing for drainage infiltration, or other stormwater management control surfaces. Where such surfaces are provided in accessible parking and as part of an accessible pedestrian path, the surfaces mustshall meet accessibility standards of the [state Building Code](#).

24.45.040 Minimum Surfacing Standards for Trucks Over 1/2-Ton Capacity and Other Vehicles.

Surface of parking, storing, and maneuvering areas for vehicles and motorized equipment not regulated elsewhere in this Chapter mustshall be by a method approved by the [City Administrator/Director](#) that will effectively eliminate dust, mud, or other contaminating elements on surrounding street areas and/or abutting property and be constructed of materials capable of supporting the

maximum axle weight of the largest piece of equipment. At each street entrance, a concrete or asphalt driving apron ~~must~~ extend from the right-of-way paving at least 40 feet into the surface area.

24.45.050 Private Streets.

~~(Amended by Ordinance 169228, effective August 23, 1995.)~~

Private street improvements ~~must~~ consist of 1-1/2 inches of Class "C" asphalt concrete on 1-1/2 inches of Class "B" asphalt concrete on 6 inches of 1-1/2 inch minus compacted crushed gravel upon a compacted subgrade that has achieved 95 percent compaction.

No gates or other barriers ~~that~~ would restrict vehicles or pedestrians from using the private street may be located on a private street approved under this section.

Chapter 24.50 Flood Hazard Areas

~~(Chapter replaced by Ordinance 160413, effective January 14, 1988.)~~

24.50.010 Purpose.

~~(Amended by Ordinance 191478, effective March 1, 2024.)~~

The purpose of this Chapter is to promote the public health, safety, and general welfare and to minimize public and private losses due to flooding in flood hazard areas.

24.50.020 General.

~~(Amended by Ordinances 182370, 191478 and 191736, effective July 1, 2024.)~~

- A.** All development and construction within flood hazard areas, as defined in Section 24.50.030, are subject to the terms of this Chapter and all other applicable regulations.
- B.** If an inconsistency or conflict exists between Chapter 24.50 and other provisions of this Code, including Title 33, the more restrictive uses or requirements will apply.

C. A structure or use that was lawful when it was established or approved by the City, but that does not conform with the current provisions of this Chapter may be continued subject to the provisions of the ~~State~~ Building Code pertaining to existing structures.

D. The flood protection elevations and the floodway and flood fringe areas specified by this Chapter, based on the 100-year flood elevations and the February 1996 Flood Inundation Area, as described in the Composite February 1996 Flood Inundation Area Mapping described in Subsection 24.50.040 E. below, are considered reasonable for regulatory purposes. Greater flood heights and more extensive flood fringe areas associated with climate change and larger floods may occur or the flood height and extent of flooding may be increased by human or natural causes, such as log jams, bridge openings or culverts restricted by debris, or changes in basin conditions. Areas within designated drainage districts and those areas not covered by adequate topographic maps may contain unmapped watercourses subject to flooding. The identification of designated flood hazard areas does not imply that lands outside of such areas will be free from flooding or flood damage.

The ~~City of Portland~~, any officer or employee thereof, and the Federal Insurance Administration will not be liable for any flood damages that result from reliance on the provisions or designations of this Chapter or any administrative decision lawfully made ~~thereunder~~ it.

E. ~~The~~ Portland Permitting & Development administers and enforces the State of Oregon Specialty Codes, as adopted in Chapter 24.10, which contain certain provisions that apply to the design and construction of buildings and structures located in flood hazard areas, as defined in this Chapter. This Chapter will be administered and enforced in conjunction with such Specialty Codes.

F. The ~~Director of the Portland Permitting & Development~~ City Administrator will appoint a Floodplain Administrator who will be responsible for administering, implementing, and enforcing this Chapter, including granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

24.50.030 Flood Related Definitions.

~~(Amended by Ordinances 178741, 182370, 184235, 191478 and 191736, effective July 1, 2024.)~~

The definitions contained in this Section relate to flood hazard areas and considerations outlined in this Chapter.

A. "Appeal" means a request for a review of the City-of-Portland's interpretation of any provision of this Chapter or a request for a variance.

B. "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

C. "Areas of Special Flood Hazard" mean the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Designation on Flood Insurance Rate Maps always includes the letters A or V. "Special flood hazard area" is synonymous with the phrase "area of special flood hazard."

D. "Base Flood (100-year flood)" means the flood having 1 percent chance of being equaled or exceeded in any given year.

E. "Base flood elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

F. "Basement" means any area of the building having its floor, including crawlspace, below ground level on all sides.

G. "Building" – See Structure.

H. "City Datum" means the reference datum for the City-of-Portland's maps. The FIRM maps described in Section 24.50.050 are referenced to the North American Vertical Datum (NAVD) of 1988. To convert NAVD 1988 level to City datum, subtract 2.125 feet from the elevation referenced to NAVD 1988 level.

I. "Design Flood" means the greater of the base flood or the February 1996 Flood Inundation Area.

J. "Design Flood Elevation" means the greater of the base flood elevation or the February 1996 Flood Inundation Area elevation.

K. "Development" means any human-created change to improved or unimproved real estate, including but not limited to buildings, bridges, other structures, and mining, dredging, filling, grading, paving, excavation, fencing, landscaping, drainage facilities, drilling operations, or storage of equipment or material.

L. "Existing manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including as a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before October 18, 1979.

M. "Expansion to an existing manufactured home park or manufactured home Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets).

N. "FIA" means the Federal Insurance Administration.

O. "Flood Hazard Area" means any area that has been identified as subject to flooding.

P. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that contains information regarding flooding, discusses the engineering methods used to develop the Flood Insurance Rate Maps (FIRMs), and includes flood profiles, and the water surface elevation of the base flood.

Q. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated the areas of special flood hazards.

R. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

S. "Flood protection elevation" means the design flood elevation plus a freeboard allowance.

T. "Floodplain" means the channel of watercourse and adjacent land areas that are subject to inundation by the design flood.

U. "Floodplain Administrator" means the City of Portland official designated by the [City Administrator](#) [Director of the Portland Permitting & Development](#) to administer and enforce this Chapter.

V. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate the risk of flood damage to real estate or improved real property, sanitary, and water facilities, structures, and their contents. Floodproofed structures are those that have the structural integrity and design to be watertight with walls substantially impermeable to the passage of water.

W. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The actual floodway boundaries are computer generated and approximate. These boundaries are depicted on the FIRM. Boundaries for other watercourses may be subject to identification by the Sewage System Administrator. The width of the floodway for unidentified watercourses may not be less than 15 feet unless otherwise approved by the Sewage System Administrator.

X. "Flood fringe area" means any area lying outside the floodway that is subject to flooding by a base flood and for which water surface elevations and floodway and flood fringe boundaries have been determined by a Flood Insurance Study and are shown on the FIRMs. Boundaries for unidentified watercourses may be subject to identification by the Sewage System Administrator.

Y. "Freeboard" means an additional height above the design flood elevation to account for factors that may contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as filling in the flood fringe, wave action, effect of urbanization of the watershed, map inaccuracies, irregular watercourse cross sections, irregular constructions at bridges, and the uncertainties of flood discharge computations.

Z. "Functionally-dependent use" means a use that cannot fulfill its intended purpose unless it is located or carried out in close proximity to water. For purposes of this Chapter, this definition applies only to docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship-building and ship-repair facilities, and does not include long-term storage or related manufacturing facilities.

AA. "High Hazard Area" means the area comprised of and measured to the farthest landward extent of the floodway or the area inundated by a flood event having a 10 percent or greater chance of flooding in a given year as mapped or determined by FEMA.

BB. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Subsection 24.50.060 F.2.

CC. "Manufactured home" means a structure transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

DD. "New construction" means structures for which the start of construction commenced on or after October 18, 1979.

EE. "New manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lots on which the manufactured home is to be affixed (including as a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after October 18, 1979.

FF. "Reasonably safe from flooding" means floodwaters and subsurface waters related to the design flood or other sources identified by the Sewage System Administrator will not damage proposed or existing structures.

GG. "Sewage System Administrator" means the person designated by the Bureau of Environmental Services who is responsible for regulating the public sanitary and stormwater facilities. The Sewage System Administrator may delegate their authority for the purpose of implementing these provisions.

HH. "Start of construction" means the date the building permit was issued, provided the actual construction, repair, reconstruction, substantial improvement, placement, or other improvement was commenced within 180 days of the permit issuance date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a

manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; the installation of streets, walkways, sanitary sewers, storm sewers, or drainage facilities; excavation for a basement, footings, piers, or a foundation or the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

II. "Structure or accessory structure" means a walled and roofed building, including a gas or liquid storage tank, as well as a manufactured home.

JJ. "Substantial Ddamage" means damage of any origin sustained by a structure whereby when the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

KK. "Substantial Iimprovement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either:

1. Before the start of construction of the improvement or repair, or
2. If the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

LL. "Top of Bbank" means the largest decrease in slope that is 10 percent or greater between the ordinary high water mark of a water body and a point 50 feet landward from the ordinary high water mark. See Chapter 33.930, Measurements. If there is no decrease in slope that is 10 percent or greater within a distance of 50 feet from the ordinary high water mark, then the top of bank will be the default top of bank location described in Chapter 33.930.

MM. “**Variance**” means a grant of relief from the requirements of this Chapter that permits construction in a manner that would otherwise not be allowed under this Chapter.

NN. “**Water surface elevation**” means the height of the water surface of the design flood for any point along the longitudinal course of a watercourse.

OO. “**Watercourse**” means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter, with some degree of regularity. Watercourses may be either natural or artificial.

PP. “**Willamette River Central and South Reach**” means that portion of the Willamette River Flood Zone south of the Fremont Bridge on the west bank and the Broadway Bridge on the east bank.

QQ. “**Willamette River North Reach**” means that portion of the Willamette River Flood Zone north of the Fremont Bridge on the west bank and the Broadway Bridge on the east bank.

24.50.040 Flood Insurance Administration Study and Flood Hazard Maps.

~~(Amended by Ordinances 173979, 176955, 178741, 182671, 184235, 191478 and 191736, effective July 1, 2024.)~~

The following study and maps in this Section are ~~hereby~~ adopted and declared to be a part of this Chapter.

A. Flood Insurance Study is the official scientific and engineering report entitled “Flood Insurance Study for City of Portland, Oregon: Multnomah, Clackamas and Washington Counties,” dated November 26, 2010, prepared by the Federal Insurance Administration (FIA) under agency agreement with the Portland District Corps of Engineers. The latest edition of the report, along with accompanying FIRMs, are on file with ~~the~~ Portland Permitting & Development

B. Flood Insurance Rate Maps (FIRMs) are the official maps entitled “The Flood Insurance Rate Maps (FIRMs) for City of Portland, Oregon: Multnomah, Clackamas and Washington Counties,” dated either October 19, 2004, or November 26, 2010, whichever is more current, on which the Federal Insurance Administration has delineated the areas of flood hazards along with the 100-year (base flood) and 500-year flood boundaries, the floodway zone boundaries and the 100-year flood elevations.

C. Other Flood Insurance Studies and Flood Insurance Rate Maps for areas within jurisdictions subject to Chapter 24.50 under separate intergovernmental agreements.

D. When base flood elevation data has not been provided by the FIA study, the Sewage System Administrator may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source. This data will be utilized only after technical review and approval by the Sewage System Administrator.

E. The "Composite February 1996 Flood Inundation Area Mapping" published by the City. The identified areas are subject to the regulations of this Title.

24.50.050 Flood Hazard Areas and Flood Protection Elevations.

~~(Amended by Ordinances 173979, 178741, 182370 and 191478, effective March 1, 2024.)~~

Flood hazard areas contain all lands located within the floodway boundary, flood zones within the flood fringe areas, and other identified flood zones. Identified and unidentified flood hazard areas and flood protection elevations are described in this Section. When a structure is partially located in a flood hazard area, the entire structure is subject to the requirements for new construction, substantial improvements, and substantial damage. When a structure is located within multiple flood zones, the more restrictive flood zone elevations apply.

A. Columbia River FIRM Flood Zone AE. These flood zones represent areas for which base flood elevations are determined. The flood protection elevation is the base flood elevation plus 1 foot of freeboard. The nominal 1-foot increase for freeboard reflects the relatively wide floodplain of the Columbia River. In the vicinity of the confluence of the Columbia and Willamette Rivers, the Columbia River floodplain is considered to be east of the westerly flood fringe boundary of the Columbia Slough.

B. Multnomah Drainage District No. 1, Peninsula Drainage District No. 1, and Peninsula Drainage District No. 2 FIRM Flood Zones AH and A. FIRM Flood Zone AH represents isolated areas of shallow flooding (1 to 3 feet in depth, resulting from upslope runoff) for which base flood elevations are determined. FIRM Flood Zone A represents areas for which base flood elevations are not

determined. In the case of unidentified watercourses occurring within the boundaries of the Drainage Districts, the base flood elevation will be estimated by procedures described in Subsection I. below. The flood protection elevation is the base flood elevations plus 1 foot of freeboard.

C. Columbia River FIRM Flood Zone A. These flood zones represent areas for which base flood elevations are not determined. The flood protection elevation is either the grade at the adjacent flood fringe boundary or the crown of the nearest street, whichever is higher, plus 1 foot of freeboard.

D. Willamette River FIRM Flood Zone AE. These flood zones represent areas for which the base flood elevations are determined. The flood protection elevation is the base flood elevation plus 2 feet of freeboard.

E. Johnson Creek, Fanno Creek and Crystal Springs Creek FIRM Flood Zone AE. This flood zone represents areas for which the base flood elevations are determined. The flood protection elevation is the base flood elevation plus 2 feet of freeboard.

F. Johnson Creek FIRM Flood Zone AH. This flood zone represents areas of shallow flooding depth (1 to 3 feet) for which base flood elevations are determined. The flood protection elevation is the base flood elevation plus 2 feet of freeboard.

G. Johnson Creek FIRM Flood Zone AO. This flood zone represents areas of shallow flooding depth (1 to 3 feet) for which the depths of flooding are determined. The flood protection elevation is the depth of flooding shown on the FIRM map plus 2 feet of freeboard above the highest adjacent grade.

H. Johnson Creek, Fanno Creek, Tryon Creek, and Crystal Springs Creek FIRM Flood Zone A. These flood zones represent areas for which base flood elevations are not determined. The flood protection elevation is the base flood elevation plus 2 feet of freeboard. Base flood elevations will be calculated in accordance with Subsection I. below.

I. Unidentified Watercourse Flood Zones. These watercourses, generally draining one acre or more, are not identified in a Federal Insurance Study. The flood protection elevation is the base flood elevation plus 2 feet of freeboard. The width of the floodway may not be less than 15 feet, unless otherwise approved by the Sewage System Administrator. The floodway

boundary, flood fringe boundary, and flood protection elevation data will be based upon watercourse geometry, slope, channel roughness, effect of obstructions, backwater and other factors that affect flood flow. The requisite flood hazard data, maps, and sections must be obtained and developed by procedures approved by the Sewage System Administrator. When appropriate and necessary data are available, the flood protection elevation and floodway and flood fringe boundary data may be provided by the Sewage System Administrator. If pertinent hydrologic data and topographic data are not available, inaccurate, or outdated, and where substantial alterations or relocations of a watercourse are involved, the Sewage System Administrator may require the permit applicant to secure a registered engineer and surveyor to develop and supply the requisite flood hazard data, maps, and sections.

J. February 1996 Flood Inundation Areas must have a flood protection elevation that provides a minimum of 2 feet of freeboard above the February 1996 Flood Inundation Elevation. February 1996 Flood Inundation Areas adjacent to Columbia River FIRM Flood Zone AE, Multnomah Drainage District No. 1, Peninsula Drainage District No. 1, Peninsula Drainage District No. 2 Firm Zone AH, and Columbia River FIRM Flood Zone A must have a minimum freeboard of 1 foot. The February 1996 Flood Inundation Elevations must be determined using an approved method such as river gage data; high water marks recorded during the flood; data from state, local, or other authorities; inundation area elevation contour interpolation; or a technical analysis stamped by a professional engineer licensed in the State of Oregon and approved by the Sewage System Administrator.

24.50.060 Provisions for Flood Hazard Reduction.

~~(Amended by Ordinances 165678, 169905, 172209, 173979, 176955, 178741, 182370, 184235, 189338, 189806, 191478 and 191736, effective July 1, 2024.)~~

In all flood hazard areas defined in Section 24.50.050, the following requirements apply:

A. Permits. All permit applications will be reviewed to determine whether proposed development and building sites comply with the provisions of this Chapter and will be reasonably safe from flooding. A development or building permit must be obtained before construction or development begins within any flood hazard area. The development or building permit is required for all structures, including manufactured homes, and for all other

development, as defined in this Chapter, including fill. Such applications for permits must include the following information:

- 1.** Boundary of flood hazard areas.
 - 2.** Boundaries of the high hazard area, top of bank, and 50-foot setback as applicable.
 - 3.** The base flood elevation and design flood elevation.
 - 4.** Elevation of lowest floor, including basement, for all structures and floodproofed elevations for nonresidential structures.
 - 5.** When required by the Floodplain Administrator, documentation necessary to verify substantial improvement or substantial damage.
 - 6.** Elevation of lowest point of bridge structures.
 - 7.** Existing and proposed topography of the site taken at a contour interval (normally 1 foot) sufficiently detailed to define the topography over the entire site and adjacent watercourses subject to flooding. Ninety percent of the contours must be plotted within 1 contour interval of the true location.
 - 8.** All necessary permits obtained from the federal and state governmental agencies from which prior approval is required.
 - 9.** Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (see Subsection 24.50.050 I.), applications for building permits will be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of any available hydrological data, drainage basin hydrology, historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least 2 feet above grade in these zones may result in higher insurance rates.
- B.** Elevation reference. The survey reference datum for finished lowest floor including basement, floodproofed elevations, and finished site grades must be either the North American Vertical Datum of 1988 or City of Portland datum, whichever is appropriate. When approved by the City Engineer, a local onsite survey reference datum may be adopted for FIRM Zones A and Unidentified Watercourse Flood Zones. The survey reference datum must be indicated on all relevant plan and section drawings, calculations, and the certified FEMA Elevation Certificate.

C. Certification of elevations and floodproofing.

1. All elevations specified below must be certified on a FEMA (FIA) Elevation Certificate by a licensed surveyor or engineer secured by the permittee and made part of the permit records.

a. During construction elevations of the lowest floor, including basement, of all new or substantially improved structures upon placement of the lowest floor but prior to further vertical construction;

b. As-built finished elevation of lowest floor including basement of all new or substantially improved structures;

c. As-built finished floodproofed elevation of all new or substantially improved nonresidential structures;

d. As-graded finished elevation of lowest grade within 25 feet of structures; and

e. As-graded finished elevation of lowest crawl space grade, as applicable.

2. All floodproofing materials and methods for nonresidential structures must be certified by a licensed professional engineer or architect as meeting the criteria in Subsection 24.50.060 F.7.

D. Floodway. Encroachments into the floodway by development and structures defined in Section 24.50.030 are prohibited unless it is demonstrated by technical analysis from a registered engineer that the development will result in no increase in the base flood elevation. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement or other development (including fill) will be permitted within Zone AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the flood hazard areas regulated by the City. Technical analysis will be reviewed and approved by the Sewage System Administrator. However, the minimum width of the floodway ~~shall~~ may not be less than 15 feet, unless otherwise approved by the Sewage System Administrator.

E. New Technical Data and Notifications of Other Entities. ~~The~~ Portland Permitting & Development will:

- 1. City ~~B~~oundary ~~A~~alterations.** Notify the Federal Insurance Administration in writing whenever the boundaries of the City have been modified by annexation or the City has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the City's boundaries. The Bureau will include within such notification a copy of a map of the City suitable for reproduction, clearly delineating the new corporate limits or new area for which the City has assumed or relinquished floodplain management regulatory authority.
- 2. Watercourse ~~A~~alterations.** Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse as identified in the Flood Insurance Study and Flood Insurance Rate Map, and submit evidence of such notification to the Federal Insurance Administration. The applicant must provide this notification to the Federal Insurance Administration as a Conditional Letter of Map Revision (CLOMR) along with either:
 - a.** A proposed maintenance plan to ensure the flood-carrying capacity within the altered or relocated portion of the watercourse will be maintained; or
 - b.** Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.
- 3. New ~~T~~echnical ~~D~~ata.** Notify the Federal Insurance Administration of changes in the special flood hazard area based on new or improved scientific data that more accurately reflect the flood hazard boundaries and water surface elevations. The City will apply to FEMA for a CLOMR prior to permit issuance for:
 - a.** Proposed floodway encroachments that will increase the base flood elevation; and

b. Proposed development that will increase the base flood elevation by more than 1 foot in areas where FEMA has provided base flood elevations but no floodway (see Subsection 24.50.060 D.)

4. Letter of Map Revision. Require the applicant to notify FEMA within six months of project completion when FEMA has issued a CLOMR for the project. This notification to FEMA must be provided as a Letter of Map Revision (LOMR).

F. Flood hazard areas.

1. General. All new construction and substantial improvements must be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads and effects of buoyancy.

2. Residential construction.

a. New construction and substantial improvement of any residential structure must have the lowest floor, including basement, elevated to or above the flood protection elevation. Floodproofing of “lowest floor” space is not permitted.

b. Enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are used solely for parking of vehicles, building access or limited storage and are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria:

(1) There must be a minimum of two openings on different sides of each enclosed area;

(2) The total net area of all openings for each enclosed area must not be less than one square inch for every square foot of enclosed area subject to flooding or be certified by a registered design professional;

(3) The bottom of all openings may be no higher than 1 foot above grade;

(4) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; and

(5) An agreement approved by the Floodplain Administrator not to convert the use of the enclosed area must be recorded against the property deed when required by the Floodplain Administrator.

c. Fill required to elevate the lowest floor to the flood protection level must comply with Chapter 24.70. Fill selection and placement must recognize the effects of inundation from floodwaters on slope stability, fill settlement, and scour. The minimum elevation at the top of the fill slope must be at or above the design flood elevation. Minimum distance from any point of the building perimeter to the top of the fill slope must be at least 25 feet or twice the depth of fill at that point, whichever is the greater distance.

3. Subdivision proposals.

a. All subdivision proposals must be consistent with the need to minimize flood damage;

b. All subdivision proposals must have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

c. All subdivision proposals must have adequate drainage provided to reduce exposure to flood damage; and,

d. Where base flood elevation data have not been provided or are not available from another authoritative source, it must be generated for subdivision proposals and other proposed developments that contain at least 50 lots or 5 acres.

4. Nonresidential construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure must either have the lowest floor, including basement,

elevated to the level of the flood protection elevation, or, together with attendant utility and sanitary facilities, must:

- a.** Be floodproofed so that below the flood protection elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b.** Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c.** Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Subsection based on the professional engineer's or architect's development or review of the structural design, specifications and plans. Such certifications must be provided to ~~the~~ Portland Permitting & Development.
 - d.** Nonresidential structures that are elevated, but not floodproofed, must meet the same standards for space below the lowest floor as described for residential structures.
 - e.** Applicants floodproofing nonresidential buildings will be notified that flood insurance premiums will be based on rates as if the building is 1 foot below the floodproofed level (i.e., a building constructed to the base flood level will be rated as 1 foot below that level).
- 5.** Manufactured homes. All manufactured homes to be placed or substantially improved within the flood hazard area must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the flood protection elevation; securely anchored to prevent flotation, collapse or lateral movement; and installed using methods and practices that minimize flood damage. The construction must conform to the requirements of Subsection 24.50.060 F.2. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Refer to FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

- 6. Utilities.** All new and replacement water supply and sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the sanitary sewage systems into floodwaters. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.
- 7. Construction materials and methods.** All new construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage, using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities must be protected to or above the flood protection elevation.
- 8. Tanks.**

 - a.** Underground tanks must be anchored to prevent flotation, collapse, and lateral movement under conditions of the design flood.
 - b.** Above-ground tanks must be installed at or above the flood protection elevation or be anchored to prevent flotation, collapse, and lateral movement under conditions of the design flood.
- 9. Uncontained hazardous materials** as referred to in Section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S. Section 9601 et seq.) (CERCLA), Section 502 (13) of the Clean Water Act and any other substances so designated by the [City Administrator](#)~~Building Official~~[City Administrator](#)~~Director of the Portland Permitting & Development~~ are prohibited in flood hazard areas.
- 10. Johnson Creek Flood Risk Areas - Special Provisions.** In addition to other requirements of this Chapter, the following requirements apply within the Johnson Creek Flood Risk Area, as established in Chapter 33.537:

 - a.** Reduction in flooding capacity prohibited. Structures, fill or other development are only allowed in the Johnson Creek Flood Risk Area when they are designed so that there will be no significant reduction in the storage capacity of the floodway and

flood fringe and there will be no significant impediment to the passage of floodwaters.

b. Exceptions to the applicability of Subsection 24.50.060 F.10.a.:

(1) One-story, detached accessory buildings used as tool and storage sheds, playhouses or similar uses, provided the floor area does not exceed 120 square feet.

(2) Parking garages accessory to one- and two-family structures, provided the floor area does not exceed 300 square feet.

(3) Fences that do not prevent the flow of water.

c. Buildings designed to meet all of the following criteria will be presumed to comply with Subsection 24.50.060 F.10.:

(1) At least 50 percent of perimeter walls located at, or below, the base flood elevation will remain open and unenclosed;

(2) At least 25 percent of each perimeter wall located at, or below, the base flood elevation will remain open and unenclosed; and

(3) The footprint of all portions of the building located at, or below, the base flood elevation may not exceed 15 percent of the footprint of the building located above the base flood elevation.

11.AH/AO Zone Drainage. Adequate drainage paths must be provided around structures on slopes to guide floodwaters around and away from proposed structures.

G. Compensatory excavation or removal required.

1. The following compensatory excavation or removal regulations apply at the time of a building or development permit application.

The provisions of this Subsection apply exclusively to the compensatory excavation and removal requirements of Subsection 24.50.060 G.

- a.** Applications for building or development permits will be processed based on the compensatory excavation or removal regulations in effect on the date a complete permit application is filed with the City. For the purposes of this Section, a complete building or development permit application contains the information necessary to determine whether the proposal conforms with all applicable regulations and development standards.
- b.** Exceptions to the application of Subsection 24.50.060 G.1.a.:
 - (1)** Applications for building or development permits for development approved by an Environmental Review, Greenway Review, South Waterfront Greenway Review, Land Division, Conditional Use Master Plan, Planned Development Review, or River Review land use decision that has not expired may be processed based on the compensatory excavation or removal regulations in effect on the date the land use application was filed with the City, as specified in Chapter 33.700, provided a building or development permit is issued before expiration of the final land use decision.
 - (2)** Applications for building or development permits for development approved by a Central City Master Plan land use decision may be processed based on the compensatory excavation or removal regulations in effect on the date the complete land use application was filed with the City, as specified in Chapter 33.700, provided the building or development permits are issued no later than 10 years after the date of the final land use decision.
- c.** Revisions to building or development permit applications will be processed based on the compensatory excavation or removal regulations in effect when the original complete permit application was filed.

2. In all flood hazard areas regulated by the City: The application must provide for a compensatory volume, consisting of either the excavation of soil or rock or the removal of permanent structures that displace floodwater, or both, to compensate for the loss of flood storage volume as described in the subsections below. The compensatory volume must be located within the same flood hazard area, identified in SS subsections 24.50.050 A. through J., as the fill or structure causing the loss of flood storage, except for the Johnson Creek flood zones, where the compensatory volume must be on the same site.
 - a. Columbia River Flood Zones, Willamette River Central and South Reach Flood Zones, and Fanno Creek Flood Zones: The volume of floodwater displaced by fill and structures placed within the special flood hazard area at or below the base flood elevation requires a compensatory volume below the base flood elevation as follows:
 - (1) Within the high hazard area, the compensatory volume must be equal to or greater than twice the displaced volume (a ratio of 2 to 1) and must be located within the high hazard area.
 - (2) Within a 50-foot setback measured landward from top of bank, the compensatory volume must be equal to or greater than one and a half times the displaced volume (a ratio of 1.5 to 1) and must be located within the same setback, the high hazard area, or both.
 - (3) Landward of the 50-foot setback from top of bank, the compensatory volume must be equal to or greater than the displaced volume (a ratio of 1 to 1).
 - (4) Exceptions to the application of Subsections 24.50.060 G.2.a.(1) – (3):
 - (a) Subsections 24.50.060 G.2.a.(1) – (3) do not apply to areas with Heavy Industrial (IH), General Industrial 2 (IG2), or General Employment 2 (EG2) zoning.
 - (b) Subsections 24.50.060 G.2.a.(1) – (3) do not apply to the portion of the South Waterfront Subdistrict of

the Central City Plan District north of Willamette River mile 14.6 as described in the Flood Insurance Study.

- (c)** Subsections 24.50.060 G.2.a.(1) – (3) do not apply to the portion of the University District/South Downtown Subdistrict of the Central City Plan District south of Willamette River mile 13.4 as described in the Flood Insurance Study.
- b.** Crystal Springs Creek Flood Zones, Johnson Creek Flood Zones, Tryon Creek Flood Zones, Willamette River North Reach Flood Zones, Multnomah Drainage District No. 1, Peninsula Drainage District No. 1 and Peninsula Drainage District No. 2 Flood Zones, District No. 1 and Peninsula Drainage District No. 2 Flood Zones, areas with Heavy Industrial (IH), General Industrial 2 (IG2) or General Employment 2 (EG2) zoning, and Unidentified Watercourse Flood Zones: The volume of floodwater displaced by fill placed within the special flood hazard area at or below the base flood elevation requires a compensatory volume below the base flood elevation equal to or greater than the displaced volume (a ratio of 1 to 1).
- c.** February 1996 Flood Inundation Areas: The volume of floodwater displaced by fill placed within the February 1996 Flood Inundation Area requires a compensatory volume below the February 1996 Flood Inundation Elevation as follows:

 - (1)** In areas outside of the special flood hazard area, the compensatory volume must be equal to or greater than the displaced volume (a ratio of 1 to 1).
 - (2)** In areas within both the special flood hazard area and the February 1996 Flood Inundation Area, where the February 1996 Flood Inundation Elevation is greater than the base flood elevation, the compensatory volume must be equal to or greater than the displaced volume between the February 1996 Flood Inundation Elevation and the base flood elevation (a ratio of 1 to 1).
Compensatory excavation requirements at and below the

base flood elevation are described in Subsections 24.50.060 G.2.a. and b.

3. Excavation of soil or rock or the removal of permanent structures from an area may not be counted as compensatory volume if the area will be filled with water in non-storm winter or spring conditions.
4. Compensatory excavation areas must be designed to freely drain to the source of flooding to the extent practicable to avoid stranding fish.
5. Temporary fills permitted during construction must be removed prior to final inspection approval of the permit.
6. Mitigation bank credits may be substituted for compensatory excavation or removal of permanent structures, provided the mitigation bank has been approved by the City and the mitigation bank is located within the same flood hazard area as the development and satisfies the requirements of Subsections 24.50.060 G.2.a. through c.

24.50.065 Recreational Vehicles located in Areas of Special Flood Hazard or Base Flood Zones.

~~(Added by Ordinance 180330; amended by Ordinance 191478, effective March 1, 2024.)~~

A. Any recreational vehicle placed on a site located in either an area of special flood hazard or in the base flood zone must:

1. Meet the elevation and anchoring requirements for manufactured homes;
2. Be on the site for fewer than 180 consecutive days; or
3. Be fully licensed and ready for highway use. As used in this Section, **“ready for highway use”** means that the vehicle is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions.

B. For the purpose of this Section, “**recreational vehicle**” means any vehicle ~~that~~^{which} is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

24.50.070 Appeals and Variances.

~~(Amended by Ordinances 178741 and 191478, effective March 1, 2024.)~~

A. Appeals. Any person aggrieved by a requirement, decision, or determination made pursuant to the administration of this Chapter may appeal such requirement, decision, or determination to the ~~BDS~~ Administrative Appeal Board in accord with Chapter 24.10.

B. Variances. If variances from requirements of this Chapter are requested, all relevant factors and standards specified in this Chapter will be considered, as well as the following:

1. The danger that materials may be swept into other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the City;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage;

- 7.** The compatibility of the proposed use with existing anticipated development;
 - 8.** The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
 - 9.** The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10.** The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - 11.** The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
 - 12.** The potential impact on federally protected species.
- C.** Conditions for variances. Upon consideration of the factors listed above and the purposes of this Chapter, such conditions may be attached to the granting of variances as are deemed necessary.

- 1.** Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the items in Subsection 24.50.070 B. have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
- 2.** Variances will not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- 3.** Variances will only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 4.** Variances will only be issued upon:
 - a.** A showing of good and sufficient cause;
 - b.** A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- c. A determination that the granting of a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, creating a nuisance, causing fraud on or victimization of the public, or creating a conflict with existing local laws or ordinances.
5. Variances may be issued for new construction, substantial improvements, or other development necessary for the conduct of a functionally-dependent use, provided that the criteria of Subsection 24.50.070 C.2. through C.4. are satisfied.
6. Any applicant to whom a variance is granted will be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation as applicable.
7. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle in that they pertain to a physical piece of property. Variances are not personal in nature and do not pertain to the structure, its inhabitants, or economic or financial circumstances. As such, variances from the flood elevations should be quite rare.
8. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential; complies with all other variance criteria, except Subsection 24.50.070 C.1. and otherwise complies with Subsections 24.50.060 F.1. and 24.50.060 F.7.

Chapter 24.51 Wildfire Hazard Zones

~~(Chapter added by Ordinance 177433, effective May 30, 2003.)~~

24.51.010 Purpose.

The purpose of this Chapter is to adopt the criteria that will be used to specify areas of the City to be classified as Wildfire Hazard Zones, so that roof materials may be limited.

24.51.020 Definitions

~~(Amended by Ordinance 180917, effective May 26, 2007.)~~

The definitions contained in this Section relate to Wildfire Hazard zones and considerations outlined in this Chapter.

A. Chief means the Chief of Portland Fire & Rescue or the Chief's duly authorized representative.

B. Department of Forestry (DOF) means the State of Oregon Department of Forestry.

C. Wildfire Hazard Zone means those areas of the City as determined by the Chief that rate a minimum score of 5 or higher using the following criteria developed by DOF:

1. Topography hazard factor value
2. Natural vegetative fuel hazard factor value
3. Natural vegetative fuel distribution hazard factor value

D. Wildfire Hazard Zone Map means the WHZM attached to Ordinance No. 177433 and as it may be amended from time to time based on the criteria [herein this Chapter](#).

E. Hazard Ffactor. Hazard Factors are topography, certain natural vegetative fuels and natural, vegetative fuel distribution. Any of these factors, or a combination thereof, may cause an area of the City to be included within a Wildfire Hazard Zone.

F. Topography Hhazard Ffactor Vvalue means the hazard value as determined by DOF associated with site slope ~~that~~[which](#) effects the fire spread velocity.

G. Natural Vvegetative Hhazard Ffactor Vvalue means the numerical value assigned by DOF, extrapolated from the "Aids to Determining Fuel Models for Estimating Fire Behavior" published by the Forest Service, USDA Intermountain Forest and Range Experiment Station in 1982 as General Technical Report INT-122, for various common vegetation.

H. Natural ~~V~~vegetative ~~F~~fuel ~~D~~distribution ~~H~~hazard ~~F~~factor ~~V~~value means the numerical value assigned by DOF for the percentage of site that is covered by vegetation described in 24.51.020 G.

24.51.030 Wildfire Hazard Zone Map Adoption.

A. Wildfire Hazard Zone Map ~~A~~adoption.

1. A Wildfire Hazard Zone Map (WHZM) has been developed for the City of Portland through a review of topography, weather, type vegetation and fuel density. This map is dated October 11, 2002.
2. The WHZM dated October 11, 2002, is ~~hereby~~ adopted by ~~this~~ reference and incorporated into this ordinance.
3. The Chief ~~shall will~~ provide the ~~City Administrator~~Director with a copy of the official map adopted in Subsection one of this Section. Copies of the map ~~shall be~~ available for review in the Development Services Center, First Floor 1900 SW 4th Avenue, Portland Oregon.

B. Revisions to the Wildfire Hazard Zone Map.

1. The WHZM may be amended from time to time to either include or exclude properties as the facts may warrant.
2. The Chief ~~shall have the authority to~~may revise the Wildfire Hazard Zone Map.
3. All Wildfire Hazard Zone map revisions ~~shall will~~ be determined using the criteria set forth below. Any site having a cumulative hazard value of five (5) or more ~~shall will~~ be included in a wildfire hazard zone.
 - a. Topography Hazard Factor Value. The topography hazard value ~~shall will~~ be calculated as follows:

(1) Determine site slope using the appropriate 7.5 minute quadrangle map published by the U.S. Geological Survey, USDI.

(2) Select appropriate hazard value using Table 1.

TABLE 1**APPROPRIATE TOPOGRAPHY
HAZARD FACTOR VALUE**

Site Slope as determined by the 7.5 minute quadrangle map	Hazard Value
Slopes 00 to < 03%	0
Slopes 03 to < 12%	1
Slopes 12 to < 20%	2
Slopes 20% or greater	3

b. Natural Vegetative Fuel Hazard Factor Value. The natural vegetative fuel hazard value ~~shall be~~ calculated as follows:

(1) Divide the jurisdiction into geographic areas ~~that~~ which best describe the natural vegetation expected to occupy sites for the next 10 to 15 years.

(2) Select the appropriate hazard value from Table 2.

TABLE 2**NATURAL VEGETATIVE FUEL
HAZARD FACTOR VALUE**

Natural Vegetative Fuel Description 1		Hazard Value 2
Limited	Little or no natural vegetative fuels are present.	0
Grass	Very little shrub or timber is present, generally less than one-third of the area. Main fuel is generally less than two feet in height. Fires are surface fires that move rapidly through cured grass and associated material. (Fuel model 1)	3

Natural Vegetative Fuel Description 1		Hazard Value 2
Grass	Open shrub lands and pine stands or scrub oak stands that cover one-third to two-thirds of the area. Main fuel is generally less than two feet in height. Fires are surface fires that spread primarily through the fine herbaceous fuels, either curing or dead. (Fuel model 2)	3
Grass	Beach grasses, prairie grasses, marshland grasses and wild or cultivated grains that have not been harvested. Main fuel is generally less than four feet in height, but considerable variation may occur. Fires are the most intense of the grass group and display high rates of spread under the influence of wind.(Fuel model 3)	3
Shrubs	Stands of mature shrubs have foliage known for its flammability, such as gorse, manzanita and snowberry. Main fuel is generally six feet or more tall. Fires burn with high intensity and spread very rapidly. (Fuel model 4)	3
Shrubs	Young shrubs with little dead material and having foliage not known for its flammability, such as laurel, vine maple and alders. Main fuel is generally three feet tall or less. Fires are generally carried in the surface fuels and are generally not very intense. (Fuel model 5)	1
Shrubs	Older shrubs with foliage having a flammability less than fuel model 4, but more than fuel model 5. Widely spaced juniper and sagebrush are represented by this group. Main fuel is generally less than six feet in height. Fires will drop to the ground	2

Natural Vegetative Fuel Description 1		Hazard Value 2
	at low wind speeds and in stand openings. (Fuel model 6)	
Timber	Areas of timber with little undergrowth and small amounts of litter buildup. Healthy stands of lodgepole pine, spruce, fir and larch are represented by this group. Fires will burn only under severe weather conditions involving high temperatures, low humidity and high winds. (Fuel model 8)	1
Timber	Areas of timber with more surface litter than fuel model 8. Closed stands of healthy ponderosa pine and white oak are in this fuel model. Spread of fires will be aided by rolling or blowing leaves. (Fuel model 9)	2
Timber	Areas of timber with heavy buildups of ground litter caused by over-maturity or natural events of wind throw or insect infestations. Fires are difficult to control due to large extent of ground fuel. (Fuel model 10)	3
<p>1. Some areas may contain vegetative fuels other than those listed in Table 2. Additional natural fuel hazard factors may be found in “Aids to Determining Fuel Models for Estimating Fire Behavior” published by the Forest Service, USDA Intermountain Forest and Ranger Experiment Station in 1982 as General Technical Report INT-122. Vegetative fuel hazard factors determined using General Technical Report INT-122 shall<u>must</u> be used as alternative factors, for review under this chapter, as the facts warrant.</p>		
<p>2. Due to various factors, such as variations in local vegetation species or vegetation conditions, the fuel models used in Table 2 may not accurately portray wildfire behavior. The Chief may make modifications to the hazard values as necessary to accurately reflect the following characteristics:</p>		

Natural Vegetative Fuel Description 1	Hazard Value 2
<p>A hazard value of 1 shall describes vegetation that typically produces a flame length of up to 5 feet, a wildfire which that exhibits very little spotting, torching, or crowning, and which that results in a burned area that can normally be entered within 15 minutes.</p> <p>A hazard value of 2 shall describes vegetation that typically produces a flame length of 5 to 8 feet, a wildfire which that exhibits sporadic spotting, torching, or crowning, and which that results in a burned area that can normally be entered within one hour.</p> <p>(c) A hazard value of 3 shall describes vegetation that typically produces a flame length of over 8 feet, a wildfire that exhibits frequent spotting, torching, or crowning, and which that results in a burned area that normally cannot be entered for over one hour.</p>	

c. Natural Vegetative Fuel Distribution Hazard Factor Value . To determine the natural vegetative fuel distribution hazard factor value:

(1) Determine the percentage of each individual area that is covered by vegetation.

(2) Using the calculated percentage, assign a value using Table 3.

TABLE 3

**NATURAL VEGETATIVE FUEL
DISTRIBUTION HAZARD FACTOR**

Natural Vegetative Fuel Distribution	Hazard Value
0 to 10% of the area	0
10 to 25% of the area	1
25 to 40% of the area	2

24.51.040 Map Revision Process

~~(Amended by Ordinance 191736, effective July 1, 2024.)~~

A. Wildfire Hazard Zones may be applied to or removed from areas of the City as follows:

1. During periodic review by the Chief, based upon the criteria listed in ~~s~~Section 24.51.030. Periodic review ~~shall~~ will occur every ~~5~~ five years.
2. Upon request to the Chief by any property owner, prior to periodic review, on the grounds that conditions have changed.

B. Prior to applying the Wildfire Hazard Zone to any property the Chief ~~shall~~ will provide notice of such proposed zoning and provide a date for a public hearing.

The notice ~~shall~~ will be sent to all properties to which the zone would be applied. The notice ~~shall~~ will be sent fourteen days prior to the date of the hearing. Extensions of time for the hearing may be requested and may be provided by the Chief. The notice ~~shall~~ will provide information regarding the City's intention to apply the Wildfire Zone, the reasons therefore and the time and place for the hearing.

Within ~~7~~ seven days of the hearing the Chief ~~shall~~ will issue a written decision, based upon the criteria listed above, ~~and that which shall~~ will include findings supporting that decision and ~~shall~~ will contain information regarding the right to appeal the Chief's decision to the Portland Permitting & Development ~~Services~~ Administrative Appeal Board (Board). A copy of the decision ~~shall~~ will be sent to all properties that received notice of the City's intention to include these properties within a Wildfire Hazard Zone.

C. When a property owner provides the Chief with a written request that the Wildfire Hazard Zone be removed from specific property the Chief ~~shall~~ will consider the request and, based upon the criteria listed above, ~~shall~~ will either approve or deny the request.

Such action by the Chief ~~shall~~ will occur within 14 days of the date of the request and ~~shall~~ will be in writing, ~~shall~~ will include findings based upon the facts and criteria and ~~shall~~ will contain information regarding the right to appeal the

Chief's decision to the Board. This decision ~~shall~~will be mailed to the property owner requesting the change in status.

24.51.050 Appeals of Decisions Made by the Chief

~~(Amended by Ordinance 191736, effective July 1, 2024.)~~

Notwithstanding any contradictory portion of ~~Code~~ Section 24.10.080:

A. Any decision made by the Chief, regarding the application of a Wildfire Hazard Zone to any area in the City, may be appealed to the Portland Permitting & Development ~~Services~~ Administrative Appeal Board (Board) solely in accordance with this ~~s~~Subsection. In considering such appeals the Board ~~shall~~will act solely in accord with this ~~s~~Section.

B. Such appeal ~~mustshall~~ be in writing and ~~mustshall~~ be filed with the Board within fourteen days of the date of the Chief's decision. The appeal ~~mustshall~~ include a statement regarding the elements of the Chief's decision with which the appellant takes issue. Reference to facts and the criteria listed above, is required.

C. A copy of the appeal ~~mustshall~~ be provided to the Chief at the same time that it is filed with the Board. The Chief ~~shall~~will have fourteen days from the date of the appeal to respond, in writing, to the Board and all appellants.

D. The Board ~~shall~~will issue a notice of a hearing date and the place and time of the hearing. Notice ~~shall~~will be provided to the appellants and the Chief.

E. The Board ~~shall~~will then hold a hearing upon any such appeal. After considering the issues raised on appeal, and the reasonableness of the Chief's interpretation of applicable criteria, the Board ~~shall~~will, by majority vote, affirm or modify the Chief's decision. The Board's decision ~~shall~~will be based solely upon the criteria set out in this Chapter and ~~shall~~will include findings addressing the facts and the criteria. The decision of the Board ~~shall~~will have full force and effect. A certified copy of the decision ~~shall~~will be delivered to the appellant.

Any appeal of the Board's decision ~~must~~be shall by writ of review.

24.51.060 General

~~(Amended by Ordinances 178745 and 179125, effective April 1, 2005.)~~

A. In addition to ~~the~~ all other applicable City eCode provisions, all structures located in wildfire hazard zones as identified in the Wildfire Hazard Zone map ~~must~~ meet the applicable requirements in the ~~State of~~ Oregon Structural Specialty Code or the Residential Specialty Code as applicable.

B. The requirements in Chapter 24.75, Uniform Building Address System, supercede the requirements found in OSSC Appendix L, Section L101.7, for premises identification.

Chapter 24.55 Building Demolition

~~(Chapter amended by Ordinance 171455, effective August 29, 1997.)~~

24.55.100 Demolition - Debris - Barricades - Nuisances.

~~(Amended by Ordinances 171455, 187017 and 189012, effective June 13, 2018.)~~

It is unlawful for any owner or persons in control of any such structure ~~that~~ which is being demolished, or ~~that~~ which has been damaged by fire, to leave any portion of the structure unsupported for more than 1 hour, if such section is liable to collapse or is in any way a danger to the public. In no event ~~shall~~ may a portion of the structure be left unsupported for more than 24 hours. Suitable barricades ~~must~~ shall be provided to prevent access to the vicinity of any unsupported section of the structure. Any permanent structural supports provided as a result of application to this section ~~must~~ shall be designed by a structural engineer registered to practice in the State of Oregon and hired by the applicant. All such designs, calculations, drawings, and inspection reports ~~must~~ shall be approved by the ~~City Administrator~~ Building Official ~~City Administrator~~ Director.

All combustible debris or material ~~must~~ shall be removed from the premises on which the demolition is carried out within 30 days from the completion of the demolition, or from the stoppage of the work thereon if the work remains uncompleted. All non-combustible debris or material resulting from demolition ~~must~~ shall be removed within 30 days after the completion of the demolition or stoppage thereof, unless the ~~City Administrator~~ Director extends the time therefore because of weather, terrain, or other special circumstances, but such extension ~~shall~~ may not exceed 3 months. It is unlawful for any owner or

person in possession of real property to permit the debris to remain on the property without disposal in excess of the periods mentioned above or of any specific extension thereof as set forth above.

Any of the above-mentioned things existing while there is a duty to remove or correct the same, ~~shall~~ constitute a public nuisance. Any unsupported portions of a building or structure existing beyond the periods set forth above ~~shall bear~~ subject to summary abatement by the City. The abatement ~~shall will~~ be in accordance with the procedure set forth in Title 29, Chapter 29.60, Administration and Enforcement.

All structures to be demolished ~~mustshall~~ be taken down in a safe manner. The streets or sidewalks ~~shall may~~ not be littered with rubbish and ~~mustshall~~ be wet down, if necessary. During any demolition work, all receptacles, drop boxes, shafts, or piping used in such demolition work ~~mustshall~~ be covered in an appropriate manner. After removal of any structure all foundations that are not to be used for new construction ~~mustshall~~ be removed and all excavations filled in compliance with Chapter 24.70 of this Title, to a level of the adjoining grade. Plans ~~mustshall~~ be submitted for any new construction proposed, utilizing the remaining foundations. Any remaining foundations approved for further use ~~mustshall~~ be barricaded by a fence no less than 6 feet high maintained until the new construction has progressed sufficiently to remove any hazards to the public. Such period of time is not to exceed 30 days. For regulations on the use of public streets and protection of pedestrians during demolition see Chapter 24.40 of this Title.

24.55.150 Definitions.

(Added by Ordinance 187017; amended by Ordinances 188802, 189012, 189078, 190126 and 191736, effective July 1, 2024.)

A. Demolition. Demolition means removal of all exterior walls above the foundation.

B. Major Residential Addition. Major residential addition means adding more than 500 square feet of new interior space and expanding the structure's footprint or envelope. The new interior space does not include areas of existing space within the building envelope.

C. Major Residential Alteration. Major residential alteration means removing 50 percent or more of the exterior walls above the foundation.

D. Recognized organization. Recognized organization includes neighborhood coalitions and neighborhood associations recognized by the Portland Office of Community & Civic Life.

E. Demolition Manager. Demolition manager means the person designated by the property owner or demolition permit applicant who will be responsible for implementing and overseeing the Demolition Plan and who will be the contact person for PP&D and other regulatory agencies regarding the Demolition Plan. The Demolition Manager is a “responsible party” as defined in this Section 24.55.150.

F. Demolition Plan. Demolition plan means the plan signed by the Demolition Manager that outlines the techniques and equipment that will be used during all demolition activities to ensure compliance with dust suppression as required, reviewed and approved by the Portland Permitting & Development. (See also Administrative Rule Related to Chapter 24.55 – Demolitions.)

G. Mechanical demolition activities. Mechanical demolition activities means pulling down any part of a structure using mechanical tools such as cranes, bulldozers, excavators, rams, or similar heavy machinery. Mechanical demolition activities also includes mechanical loading and transfer of demolition materials.

H. Lead-based paint. Lead-based paint means any paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter, 0.5 percent by weight, or 5,000 parts per million (ppm).

I. Responsible party. Responsible party means the property owner or any other person authorized to act on the owner’s behalf and any person causing or contributing to a violation of this Title.

24.55.200 Residential Demolition Delay - Housing Preservation.

~~(Amended by Ordinances 171455, 176955, 187017, 187711, 188259, 188802, 189012 and 191476, effective November 10, 2023.)~~

A. Purpose. The residential demolition delay provisions are intended to allow an adequate amount of time to help save viable housing in the City while recognizing a property owner's right to develop or redevelop property. The regulations provide an opportunity for public notice of impending residential demolitions and coordination of the efforts of various City bureaus. The regulations also encourage seeking alternatives to demolition. The provisions accomplished this through a two part process:

1. a 35 day notice period during which demolition is delayed, and
2. a possible 60-day extension of the demolition delay period.

B. Where the delay applies. The residential demolition delay regulations of this Section (24.55.200) apply to sites with residential structures that are regulated under the Oregon Residential Specialty Code and that are located in areas with a residential Comprehensive Plan Map designation. The regulations only apply to applications for demolition of residential structures. They do not apply to demolitions of accessory structures such as garages or other outbuildings.

C. Application for building permit for demolition.

1. Signed statement. The application for a building permit for demolition must include a statement signed by the owner(s) of the property. The statement must acknowledge that the owner(s) are aware of the primary uses permitted under the current zoning on the site without a conditional use, zone change, Comprehensive Plan Map amendment, or other land use approval and that such an approval will be required before other uses will be permitted on the site. The statement may be on forms that the Director may make available.
2. Delay in issuing. The building permit for demolition will not be issued except as provided for in this Section (24.55.200).

D. Notification.

1. Mailed notice. Within 5 days of receipt of a complete application for a residential demolition permit, ~~the~~ Portland Permitting & Development will mail written notice of the demolition request to all properties within 150 feet of the site to be demolished, to the recognized organization(s) whose boundaries include the site, to the Architectural Heritage Center/Bosco-

Milligan Foundation, Inc. A complete application means when ~~the~~ Portland Permitting & Development has received a complete permit application, project plans and the intake, review and notice fees have been paid. The notification letter will contain at least the following information.

- a.** Notice that the site has been proposed for demolition,
- b.** The date the application for demolition was received,
- c.** Notice that there is a demolition delay period of 35 days ~~that~~~~which~~ may be extended upon request from the recognized organization(s) whose boundaries include the site or an interested party,
- d.** The contact information of the applicant,
- e.** The last day that requests for extended delay may be submitted, and
- f.** The location where more information is available.

2. Posted notice. Not more than 2 weeks nor less than 72 hours before demolition activity commences, the applicant must post door hangers provided by ~~the~~ Portland Permitting & Development on all properties within 300 feet of the site to be demolished. The notice must contain all of the following information.

- a.** Name and phone number of the Demolition Manager.
- b.** Notice that the site has been proposed for demolition,
- c.** The demolition permit number,
- d.** The approximate date demolition activity will commence,
- e.** Contact information of the agencies that regulate asbestos and lead-based paint,
- f.** Contact information for the applicant,

g. Recommended safety information for surrounding properties, such as closing windows and keeping children away from the site, and

h. The location where more information is available.

E. 35-day notice period. The building permit for residential demolition will not be issued during the 35-day notice period. The notice period begins on the day the complete permit application is received and all intake fees have been paid. If no written request to extend the demolition delay is received during the 35-day notice period as provided in Subsection 24.55.200 F. below, then ~~the~~ Portland Permitting & Development will issue the building permit for demolition.

F. Requests for extension of demolition delay period. Requests to extend the demolition delay period may be made as follows:

1. Who may request. Requests to extend the demolition delay period an additional 60 days may be made by a recognized organization whose boundaries include the site or any other interested party.

2. How to request. The request to extend the demolition delay period must be made in writing, on forms provided by ~~the~~ Portland Permitting & Development. The request must be submitted to ~~the~~ Portland Permitting & Development by 4:30 p.m. on the last day of the initial 35-day notice period. The request must be accompanied by an appeal of the demolition permit application submitted to the Bureau for a hearing before the Code Hearings Officer, as provided in Subsection 24.55.200 H. below, along with the appeal fee or a waiver of the fee and a copy of the letter requesting a meeting with the property owner as described in Subsection 24.55.200 H.1. below. A fee waiver will only be granted to recognized organizations whose boundaries include the site.

G. 60-day extension of residential demolition delay period. If a signed request for extension of the demolition delay is received as provided in Subsection 24.55.200 F. above, issuance of the building permit for demolition will be stayed until the Code Hearings Officer has rendered a decision of the appeal filed as provided in Subsection 24.55.200 H. below.

H. Appeal of the residential demolition permit application. An interested party may appeal issuance of the demolition permit by completing an appeal application on forms provided by the Bureau. The appeal application must be accompanied by the appeal fee or a fee waiver, along with a copy of the letter requesting a meeting with the property owner as described in Subsection 1. below. Appeals will be forwarded to the Code Hearings Officer and will be governed by the provisions in Chapter 22.10, unless there is a conflict between Chapter 22.10 and this Section, in which case this Section ~~shall~~will apply. The provisions of Chapter 22.03 ~~shall~~do not apply to appeals under this Section, except for Sections 22.03.050 (Hearing Procedure), 22.03.080 (Evidence), and 22.03.110 (Orders). The appeal may be filed any time within the initial 35-day delay period. The demolition permit may not be issued from the time the Bureau receives an appeal application and the fee or fee waiver, until the Code Hearings Officer has rendered a decision or the 60-day extension period has expired. If the fee waiver is denied, the appealing party must submit the appeal fee to the Bureau within three business days of the denial or the appeal will be rejected. The appealing party has the burden of proving that it is actively pursuing an alternative to demolition and must demonstrate all of the following by submitting evidence to the Code Hearings Officer, either with the appeal application or at the appeal hearing:

- 1.** The requesting party has contacted the property owner or property owner's representative to request a meeting to discuss alternatives to demolition by sending a letter to the property owner by registered or certified mail, return receipt requested;
- 2.** The particular property subject to the demolition permit application has significance to the neighborhood. Evidence of the significance may include, but is not limited to, architectural significance, the age and condition of the structure or other factors;
- 3.** The requesting party has a plan to save the structure; and
- 4.** The requesting party has a reasonable potential to consummate the plan within 95 days of the date the Bureau accepted the complete demolition permit application by providing a proposed budget and either evidence of funds on hand or a fund raising plan sufficient to meet the financial requirements of that budget. "Consummate the plan" as used in this Subsection means coming to an agreement among the parties within

the 95 days; it does not mean that the plan itself must be completed in that time.

I. Moving as an alternative. If the applicant decides to move the structure instead of demolishing it, then the demolition notice period and/or extended delay period becomes moot. The demolition delay period is automatically terminated when a building permit to move the structure from the site and a building permit to relocate the structure to another site are issued.

J. Findings of the Code Hearings Officer. If the Code Hearings Officer finds that the requesting party has demonstrated that it is actively pursuing an alternative to demolition and has met all of the criteria in Subsection 24.55.200 H. (1. – 4.) above, the Code Hearings Officer may grant an extension of the demolition delay for up to 60 additional days from the date the initial 35 day delay period has expired. If the Code Hearings Officer finds that the requesting party has not met its burden, then the Bureau may issue the demolition permit immediately upon receipt of the decision, provided that all other requirements for issuing the demolition permit have been satisfied.

K. End of the extension period. If the Code Hearings Officer has not rendered a decision within the 60-day extension period as provided in Subsections 24.55.200 H. and J. above, the building permit for demolition may be issued any time after 60 days have elapsed since the expiration of the initial 35-day notice period. In no event will the permit issuance be delayed more than 95 days from the date the Bureau received the complete demolition permit application if all other requirements for issuing the demolition permit have been satisfied.

L. Exceptions to demolition delay.

1. The provisions of this Section (24.55.200) do not apply to applications for building permits for demolition that are required by the City to remove structures because of a public hazard, nuisance, or liability. The structure must be subject to a demolition order from the City, or be the subject of enforcement proceedings for demolition and be stipulated by the owner as a dangerous building, in order to be exempt from the demolition delay provisions.

2. The provisions of this Section (24.55.200) do not apply to applications for building permits for demolition of structures that are subject to the demolition review provisions of Title 33. In this situation, the provisions

of Title 33, Planning and Zoning, apply to the application. Any application not subject to the demolition review provisions of Title 33 is subject to the demolition delay provisions of this Section (24.44.200).

24.55.205 Site Control Measures in Residential Demolitions.

~~(Added by Ordinance 188802; amended by Ordinances 189012, 190126, 190274 and 191736, effective July 1, 2024.)~~

A. Scope. The provisions of this Section 24.55.205 apply to the following, regardless of zoning or Comprehensive Plan Map designation:

1. Demolition of structures used for residential purposes with four or fewer dwelling units, including mixed use structures. "Mixed use" for purposes of this Section 24.55.205 means the combination on a site of residential uses with commercial or industrial uses.
2. Any detached accessory structures with a floor area over 200 square feet on a site with a structure covered by Subsection 1. above.
3. Major residential alterations, as that term is defined in Section 24.55.150. Except for this Subsection A., whenever the term "demolition" is used in this Section 24.55.205, it includes major residential alterations.

B. Documentation ~~R~~required. A permit to demolish a structure within the scope of this Section as defined in Subsection A. above will not be issued until ~~the~~ Portland Permitting & Development (PP&D) has received all of the following:

1. A copy of the asbestos survey required under Oregon Revised Statutes 468A.757 and Oregon Administrative Rules Chapter 340, Division 248, Section 0270, as each of these is amended from time-to-time.
2. If asbestos is identified in the asbestos survey: A close-out letter from the licensed asbestos abatement contractor verifying all of the asbestos identified in the asbestos survey has been abated and all required DEQ notification forms and the asbestos waste shipment form.
3. A Demolition Plan as described in Section 24.55.150.
4. The applicant must provide a lead-based paint inspection report in order to seek an exemption from the lead-hazard reduction requirements

in Subsection C.1. of this ~~s~~Section. The requirements for the inspection report will be contained in the PP&D Administrative Rule Related to Chapter 24.55 – Demolitions.

5. Verification of all required certifications as described in the PP&D Administrative Rule Related to Chapter 24.55 – Demolitions.

C. Requirements for ~~D~~emolitions

1. Lead hazard reduction. Prior to commencing mechanical demolition activities, all painted exterior non-structural surfaces, including, but not limited to, doors, windows, railings, soffits, trim, exterior porches (except for concrete or masonry materials), and all layers of siding (unless such surfaces have been tested as set forth in Section B.4. above and found not to contain lead-containing paint) must be removed, and all such materials must be placed in 6 mil plastic and deposited in a covered container. During the removal of these exterior painted materials, 6-mil plastic sheeting or equivalent must be placed at the base of the exterior shear wall and extend at least 10 feet beyond the perimeter of the structure or work area, whichever is greater. If a property line prevents 10 feet of ground covering, vertical containment must be erected to protect neighboring properties.

All lead hazard reduction work must be completed and inspected by PP&D as outlined in the PP&D Administrative Rule Related to Chapter 24.55 – Demolitions.

2. Dust suppression. During mechanical demolition activities, including transfer and loading of materials, the structure, mechanical equipment parts that come in direct contact with building materials, and debris must be continuously wetted with a water spray sufficient in volume and force to prohibit airborne emission of dust and particulates from leaving the site. In addition, all debris piles must be wetted down each day prior to commencing mechanical demolition activities and at the end of each day during which mechanical demolition activities have occurred.

3. Wind speed. Mechanical demolition activities must be suspended when winds exceed 25 MPH, verified regularly during mechanical demolition activities by using a hand-held anemometer prior to commencing mechanical demolition activities each day and any time wind

speeds noticeably increase. Only deconstruction or other activities that do not generate dust may be conducted on the site when winds exceed 25 MPH.

4. Debris containment/management: All demolition debris must be contained on site per the requirements set forth in the PP&D Administrative Rule Related to Chapter 24.55 – Demolitions.

5. Runoff. All stormwater or any other water generated on the site that pools or is collected on the site must comply with all City requirements for water discharge.

6. Exemption for ~~U~~nsafe or ~~H~~azardous ~~S~~tructures. An applicant may request an exemption from the lead hazard reduction requirements in Subsection 2. above if the structure is structurally unsafe or otherwise hazardous to human life to the extent that the activities described in Subsection 2. above could not be safely executed. The request must accompany the application for the demolition permit, unless the unsafe or hazardous condition is not discovered until after the permit application has been submitted. Reasons for exemption consideration could include, but are not limited to, extensive fire damage, drug manufacturing, or severe structural issues that cannot be mitigated without complete mechanical demolition. Request for an unsafe or hazardous structure exemption must be submitted to ~~the~~ Portland Permitting & Development and include all of the following:

a. A letter on company or organization letterhead from one of the following professionals stating that performing the lead hazard reduction requirements would not be safe:

(1) Structural Engineer licensed in the State of Oregon.

(2) Hazardous material professional with credentials to perform work in the State of Oregon.

b. A statement by a professional listed in Subsection a. above who provides a letter indicating that neither the professional, a relative of the professional, nor a business entity with which the professional is associated has a financial or other interest in the property or project. **“Relative”** means the spouse, parent,

stepparent, child, sibling, step-sibling, son-in-law, or daughter-in-law of the professional.

c. Supporting evidence documenting the condition of the structure and reasons why the lead hazard reduction activities are not recommended due to safety concerns.

7. Notification and Posting.

a. All demolitions that are subject to the provisions of this Section 24.55.205 must comply with the notification requirements in Subsection 24.55.200 D.2.

b. All such sites must also be posted with a sign during demolition activities that meets the requirements set forth in the PP&D Administrative Rule Related to Chapter 24.55 – Demolitions.

D. Demolition-Related Inspections

1. PP&D will conduct a pre-demolition inspection to determine whether the site control measures outlined in the Demolition Plan, along with erosion and sediment control measures are adequate based on specific site conditions or other City regulations. This initial inspection will be used to review the Demolition Plan, including any necessary permanent site control measures. In addition, the initial pre-demolition inspection will ensure that there is a Demolition Manager and that a copy of the Demolition Plan is on site.

2. PP&D will conduct inspections during demolition activities to confirm the Demolition Plan is being properly implemented and maintained during the demolition process. PP&D will verify that exterior painted surfaces are removed, as required, prior to beginning mechanical demolition and required wetting for dust suppression is operational during the start of mechanical demolition.

3. PP&D will conduct a post-demolition inspection to verify that the structure(s) and all demolition-related debris has been removed as detailed in the Demolition Plan and that the site is free of debris and Title 10 erosion and sediment control requirements are met.

E. Enforcement and Fines

1. Enforcement. Enforcement of this Section 24.55.205 is set forth in the PP&D Administrative Rule Related to Chapter 24.55 – Demolitions.
2. Fines. Fines are established for violations of this Section 24.55.205 as set forth in the Enforcement Fee and Penalty Schedule as adopted by the City Council. These fines will be assessed as a result of an issued citation for violations of this Section 24.55.205 and are in addition to any other fines authorized by law. See Administrative Rule Related to Chapter 24.55 – Demolitions.
3. Administrative Review and Appeals. If a responsible party has received a stop work order or written citation and the responsible party believes the order or citation was issued in error, the responsible party may request that the order or citation be reviewed by the [Building Official, City Administrator, Director or designee](#). The responsible party must submit a written request for an Administrative Review within 15 calendar days of the date of the order or citation, along with the Administrative Review appeal fee. (See current PP&D Enforcement Fee Schedule). The appeal fee is due when the written request for an Administrative Review is submitted to PP&D. This fee will only be refunded if it is determined that all of the contested violations were cited in error. A written Administrative Review determination will be served on the responsible party by regular mail.

Additionally, the party that sought the Administrative Review may appeal the written Administrative Review determination to the City Code Hearings Office in accordance with Chapter 22.10 of the Portland City Code.

F. Demolition Permit Compliance Prerequisite for New Building Permit. No building permit for a new structure on the site that is subject to the demolition permit (including all lots in a land division or lot confirmation) will be issued until the final inspection for the demolition permit has been completed and approved.

24.55.210 Major Residential Alterations and Additions.

(Added by Ordinance 187017; amended by Ordinances 189012, 190274 and 191736, effective July 1, 2024.)

A. Purpose. The delay provisions are intended to provide notice of a major residential alteration or addition to recognized organizations and to surrounding neighbors.

B. Where the provisions apply. The major residential alteration and addition delay applies to sites with residential structures that are regulated under the Oregon Residential Specialty Code and that are located in areas with a residential Comprehensive Plan Map designation. The delay provisions do not apply to accessory structures such as garages or other outbuildings.

C. Delay in issuing. The building permit for a major residential alteration or addition will not be issued except as provided for in this Section (24.55.210).

D. Notification.

1. Emailed notice. At least 35 days before a building permit is issued for a major residential alteration or addition, the applicant for the permit must email a letter to the recognized organization(s) whose boundaries include the site that contains at least the following information.

a. Notice that an application for a major alteration or addition has been or will be submitted to [the](#) Portland Permitting & Development,

b. The date the application was filed, if applicable,

c. A general description of the proposed alteration or addition,

d. Notice that there is a delay period of 35 days from the date the notice is sent, and

e. The contact information of the applicant.

2. Posted notice. At least 35 days before the building permit is issued for a major residential addition, the applicant must post door hangers provided by [the](#) Portland Permitting & Development on the 10 surrounding properties from the site of the project. See Figure 210-1

below for a typical configuration. The notice must contain all of the following information.

- a.** Notice that an application for a major addition has been or will be submitted to ~~the~~ Portland Permitting & Development,
- b.** The permit application number, if an application has already been filed,
- c.** The approximate date the construction activity will commence,
- d.** Contact information of the agencies that regulate asbestos and lead-based paint, and
- e.** Contact information for the applicant.

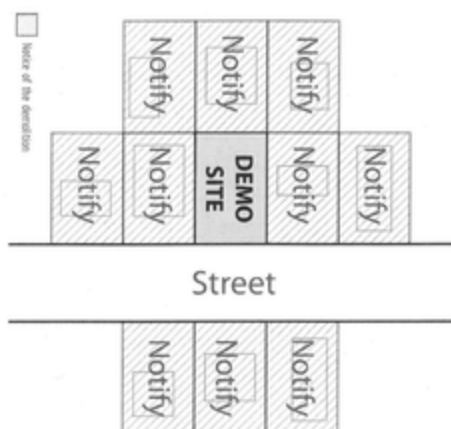
E. Required information prior to permit issuance. Prior to issuing a major alteration or addition permit, the delay period must expire and the applicant must submit to ~~the~~ Portland Permitting & Development:

- 1.** A copy of the sent email and a list of the names and email addresses of all recognized organizations that received the notification and the date the notifications were emailed, certified by the applicant or the owner or owner's agent, and
- 2.** For major residential additions, a list of addresses of all properties that received the notification and the date the notifications were posted, certified by the applicant or the owner or owner's agent.

F. End of the delay period. The building permit for the major alteration or addition may be issued any time after the end of the 35-day notice period.

G. Expiration of permit application. If for any reason, the permit application for a major residential alteration or addition expires prior to issuance of the permit or if an issued permit expires prior to the project being commenced, a new permit application, notification and delay period will be required.

FIGURE 210-1



~~24.55.250 Enforcement.~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

~~24.55.300 Referral to the Hearings Officer.~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

~~24.55.350 Appeals.~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

~~24.55.400 Rehabilitation and Repair under Direction of Council.~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

~~24.55.450 Contracts to Repair or Demolish.~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

~~24.55.500 Warehousing of Structures.~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

~~24.55.550 Interference with Demolition or Repair Prohibited.~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

~~**24.55.600 Demolition – Debris – Barricades – Nuisances.**~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

~~**24.55.650 Demolition Permits – Investigations.**~~

~~(Repealed by Ordinance 163608, effective November 7, 1990.)~~

~~**24.55.700 Demolition Delay – Housing Preservation.**~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

~~**24.55.750 Administrative Review**~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

~~**24.55.800 Appeals to the Code Hearings Officer.**~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

~~**24.55.850 Dangerous Building Enforcement Fees.**~~

~~(Repealed by Ordinance 171455, effective August 29, 1997.)~~

Chapter 24.60 Fences

~~(Chapter amended by Ordinance 176585, effective July 5, 2002.)~~

~~**24.60.010 Fences Around Swimming Pools.**~~

~~(Repealed by Ordinance 180330, effective August 18, 2006.)~~

~~**24.60.020 Barbed Wire Fencing.**~~

~~(Added by Ordinance 176585, effective July 5, 2002.)~~

It is unlawful for any person to construct or maintain a fence containing barbed wire, unless the barbed wire is placed not less than 6 inches above the top of the fence and the fence is not less than 4 feet high.

Chapter 24.65 Sidewalk Vault Openings

24.65.010 Location of Sidewalk Vault Openings.

~~(Replaced by Ordinance 191343, effective June 28, 2023.)~~

Access lids constructed in sidewalk corridors for fuel, elevators, stairs, or other purposes ~~mustshall~~ meet the placement criteria laid out in Transportation Administrative Rule TRN-10.19

24.65.020 Number of Sidewalk Vault Openings.

There ~~shallmay~~ not be more than one opening for each individual building frontage and in no case openings closer than 25 feet to an existing sidewalk opening.

24.65.030 Sidewalk Elevators.

~~(Amended by Ordinance 191343, effective June 28, 2023.)~~

Openings in sidewalks provided for in Section 24.65.010 ~~mustshall~~ be supplied with doors attached to a frame built into the sidewalk and ~~mustshall~~ be capable of supporting a uniform live load of 250 pounds per square foot and a concentrated live load of 8,000 pounds. The live loads do not need to be applied concurrently. The door ~~mustshall~~ be constructed of sheet steel or other approved metal ~~thatwhich~~ has an approved non-slip surface. The dimensions of the door in any direction ~~shallmay~~ not exceed the dimension of the opening by more than 6 inches. The doors and frames ~~mustshall~~ be so constructed and maintained that there is no projection above or below the sidewalk exceeding 1/4 inch and existing doors ~~thatwhich~~ do not conform to the requirements ~~mustshall~~ be changed to conform within a period of 10 days after notice is given to change the same. Sidewalk doors ~~mustshall~~ be provided with a metal guard ~~thatwhich~~, when the doors are open, will hold the doors open. This guard ~~mustshall~~ be located on the side of the sidewalk opening nearest the property line. The guard ~~mustshall~~ be made in the form of a grating with openings not exceeding 6 inches in dimension and so arranged that a child cannot get under or through the guard. This guard ~~shallis~~ not ~~be~~ required for doors having metal gratings ~~thatwhich~~ are level with the sidewalk when the doors are open and the elevator platform is below the sidewalk level. Such gratings ~~mustshall~~ be

capable of supporting a uniform live load of 250 pounds per square foot and a concentrated live load of 8,000 pounds. The live loads do not need to be applied concurrently. Elevators having these sidewalk gratings mustshall be provided with a 3/4-inch steel bar to hold the doors open.

24.65.040 Operation of Sidewalk Elevator.

A. When not in operation the elevator mustshall be kept in its down position and the sidewalk doors mustshall be closed.

B. When the elevator is being raised, pedestrians mustshall be warned of the fact by an automatic warning device approved by the Director.

C. The sidewalk elevator shall-may not be raised sooner than 15 minutes prior to a delivery and mustshall be placed in a down position and the sidewalk doors closed within 15 minutes of the completion of a delivery.

24.65.050 Plans Required.

The construction of sidewalk vaults mustshall be considered as part of a building and plans mustshall be submitted showing the construction of the same.

Chapter 24.70 Clearing, Grading, And Retaining Walls

~~(Chapter amended by Ordinances 184522, 185448, 186053 and 188884, effective April 4, 2018.)~~

24.70.010 General.

~~(Amended by Ordinances 165678, 168340, 184522, 185448 and 186053, effective January 1, 2015.)~~

The provisions of this Chapter shall regulate clearing, grading and earthwork construction on private property. Tree removal, whether associated with clearing, grading, earthwork construction or conducted separately shall be is regulated pursuant to Title 11, Trees. Erosion control is regulated by Title 10.

24.70.020 Permits.

~~(Amended by Ordinances 165678, 168340 172209, 173532, 173979, 184522, 185448, 186053 and 188884, effective April 4, 2018.)~~

Permits for clearing, grading, and retaining walls are required as specified in this Section. Where a specific activity does not require a clearing or grading permit, a separate tree permit may still be required, as specified in Title 11 Trees. Where a clearing or grading development permit shows trees to be removed and has been reviewed and approved by the City, a separate tree permit is not required in conjunction with the clearing or grading permit. An erosion, sediment and pollutant control plan if required by Title 10 ~~must~~ shall be submitted with clearing or grading permit applications. Applicants for permits made in conjunction with land divisions ~~shall~~ will be responsible for all clearing, grading, tree removal and erosion control within the land division, even where a specific activity is exempt from an individual permit.

A. Clearing Permits. A permit is required and ~~shall~~ will be issued in accordance with Section 24.10.070 for clearing activities in the following areas:

1. The Tualatin River sub-basins, Johnson Creek Basin Plan District, environmental zones, greenway zones, or natural resource management plans; or
2. Property larger than five acres. Except that no permit ~~shall be~~ is required for clearing an area less than 5,000 square feet.

B. Grading Permits. A permit is required and ~~shall~~ will be issued in accordance with Section 24.10.070 for all grading operations with the exception of the following:

1. Grading in an area, where, in the opinion of the ~~City Administrator~~ Building Official ~~City Administrator~~ Director, there is no apparent danger, adverse drainage, or erosion effect on private/public property, or inspection is not necessary;
2. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This ~~shall does~~ not exempt any fill made with the material from

such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.

3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or tunnels.
6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
7. Exploratory excavations under the direction of soil (geotechnical) engineers or engineering geologists.

8. An excavation ~~that~~which

a. Is less than 2 feet in depth, or

b. ~~Which d~~Does not create a cut slope greater than 5 feet in height and steeper than 1-1/2 horizontal to 1 vertical.

9. A fill less than 1 foot in depth, and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or less than 3 feet in depth, not intended to support structures, ~~that~~which does not obstruct a drainage course and ~~that~~which does not exceed 10 cubic yards on any one lot.

C. Retaining ~~W~~walls. A permit is required and ~~shall~~will be issued in accordance with Section 24.10.070 for all retaining walls over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, and for retaining walls supporting a surcharge.

D. Tree ~~R~~removal. Removal of trees six- inches and larger in diameter ~~shall~~will be reviewed with the clearing or grading permits as part of the Tree Plan review pursuant to Title 11. When removing 5 or more trees on a site with an average slope of at least 20 percent, applicants ~~must~~shall provide a geotechnical engineering report that assesses the stability of the site after tree felling and root grubbing operations.

E. Permits required under this Chapter ~~must~~shall be obtained before the commencement of any tree removal, root grubbing or soil disturbance takes place.

24.70.030 Hazards.

~~(Amended by Ordinances 165678 and 188884, effective April 4, 2018.)~~

The ~~Building Official~~City AdministratorDirector may determine that any clearing, grading, retaining wall, or geologic condition on private property has or may become a hazard to life and limb, or endanger property, or cause erosion, or adversely affect drainage or the safety, use or stability of a public way or drainage channel. Upon receipt of notice in writing from the ~~City Administrator~~AdministratorDirector, the owner ~~must~~shall mitigate the hazard and be in conformity with the requirements of this Title. The ~~City Administrator~~Building OfficialCity AdministratorDirector may require that plans and specifications and engineering reports be prepared in compliance with this Chapter.

24.70.040 Special Definitions.

~~(Amended by Ordinance 188884, effective April 4, 2018.)~~

The definitions contained in this Section relate to excavation and grading work only as outlined in this Chapter.

- A. **"Approval"** ~~shall~~means a written engineering or geological opinion concerning the progress and completion of the work.
- B. **"As graded"** is the surface conditions exposed on completion of grading.
- C. **"Bedrock"** is in-place solid rock.
- D. **"Bench"** is a relatively level step excavated into earth material on which fill is to be placed.
- E. **"Borrow"** is earth material acquired from an off-site location for use in grading on a site.
- F. **"Civil engineer"** ~~shall~~means a professional engineer registered in the State to practice in the field of civil works.

G. "Civil engineering" ~~shall~~ means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design, and construction of civil works for the beneficial uses of mankind.

H. "Clearing" is the cutting or removal of vegetation ~~that~~ which results in exposing any bare soil.

I. "Compaction" is the densification of a fill by mechanical means.

J. "Earth material" is any rock, natural soil, or fill and/or any combination thereof.

K. "Engineering geologist" ~~shall~~ means a geologist experienced and knowledgeable in engineering geology and registered as an engineering geologist in the State of Oregon.

L. "Engineering geology" ~~shall~~ means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

M. "Erosion" is the wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

N. "Excavation" is the mechanical removal of earth material.

O. "Fill" is a deposit of earth material placed by artificial means.

P. "Geological hazard" ~~shall~~ means a potential or apparent risk to persons or property because of geological or soil instability either existing at the time of construction or ~~that~~ which would result from construction.

Q. "Grade" ~~shall~~ means the vertical location of the ground surface.

R. "Existing grade" is the grade prior to grading.

S. "Rough grade" is the stage at which the grade approximately conforms to the approved plan.

T. "Finish grade" is the final grade of the site ~~that~~ which conforms to the approved plan.

U. "Grading" is any excavating or filling or combination thereof.

V. "Key" is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

W. "Retaining Wall" is a structure that provides lateral support for a mass of soil or fluid and other imposed loads.

X. "Site" is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

Y. "Slope" is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Z. "Soil" is naturally occurring surficial deposits overlying bedrock.

AA. "Soil (Geotechnical) engineer" ~~shall~~ means a civil engineer competent by education, training, and experience in the practice of soil engineering.

BB. "Soil (Geotechnical) engineering" ~~shall~~ means the application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

CC. "Terrace" is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

24.70.050 Information on Plans and in Specifications.

~~(Amended by Ordinances 173532, 184522, 185448, 186053 and 188884, effective April 4, 2018.)—~~

Plans and specifications ~~must~~ shall be submitted in accordance with Section 24.10.070 and in addition ~~must~~ shall comply with the following:

A. Plans ~~must~~ shall be drawn to scale upon substantial paper or cloth and ~~must~~ shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Title and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans ~~must~~ shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

The plans ~~mustshall~~ include the following information.

- 1.** General vicinity of the proposed site.
- 2.** Property limits and accurate contours of existing ground and details of terrain and area drainage for the site and surrounding area.
- 3.** Limiting dimensions, elevations, or finish contours to be achieved by the grading and the proposed drainage channels and related construction.
- 4.** Detailed schedule of when each portion of the site is to be graded; how long the soil is to be exposed; and when the area is to be covered with buildings, paving, new vegetation or temporary erosion control measures.
- 5.** Detailed plans of all surface and subsurface drainage devices, walls, retaining walls, cribbing, dams, and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.
- 6.** Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners or trees in the adjacent rights-of-way that are within 15 feet of the property or ~~thatwhich~~ may be affected by the proposed grading operations.
- 7.** Specifications ~~mustshall~~ contain information covering construction and material requirements.
- 8.** Civil engineering report. The civil engineering report, when required by the ~~City AdministratorBuilding OfficialDirector~~, ~~mustshall~~ include hydrological calculations of runoff and the existing or required safe storm drainage capacity outlet of channels both on site and off site, and 1_ in 100_ year flood elevations for any adjacent watercourse. The report ~~mustshall~~ include recommendations for stormwater control and disposal.
- 9.** Soil (Geotechnical) engineering report. The soil engineering report, when required by the ~~City AdministratorBuilding OfficialCity~~

~~Administrator~~Director, ~~must~~shall include data regarding the nature, distribution, and strength of existing soils, design criteria, and conclusions and recommendations applicable to the proposed development. The report ~~must~~shall include recommendation for subdrainage, and for groundwater control and disposal. Recommendations included in the report and approved by the ~~City Administrator~~Building Official~~City Administrator~~Director ~~must~~shall be incorporated in the plans and specifications. For single family residences, a surface reconnaissance and stability questionnaire may be substituted for a formal soils report at the discretion of the ~~City Administrator~~Building Official~~City Administrator~~Director.

10. Engineering geology report. The engineering geology report, when required by the ~~City Administrator~~Building Official~~City Administrator~~Director, ~~must~~shall include an adequate description of the geology of the site, and conclusions and recommendations regarding the effect of geologic conditions on the proposed development and site(s) to be developed.

Recommendations included in the report and approved by the ~~City Administrator~~Building Official~~City Administrator~~Director ~~must~~shall be incorporated in the grading plans and specifications.

B. Issuance. Section 24.10.070 is applicable to grading permits. The ~~City Administrator~~Building Official~~City Administrator~~Director may require that:

- 1.** The amount of the site exposed during any one period of time be limited; and
- 2.** Grading work be scheduled to avoid weather periods or avoid critical habitat use periods for areas existing on, or adjacent to, the development site.

Subsequent to the issuance of the grading permit, the ~~City Administrator~~Building Official~~City Administrator~~Director may require that grading operations and project designs be modified if delays occur ~~that~~which can result in weather generated problems not considered at the time the permit was issued.

24.70.060 Bonds.

The ~~City Administrator~~[Director](#) may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the ~~City Administrator~~[Director](#) in an amount equal to that which would be required in the surety bond.

24.70.070 Cuts.

A. General. Unless otherwise recommended in the approved soil engineering and/or engineering geology reports, cuts ~~must~~[shall](#) conform to the provisions of this Section.

B. Slope. The slope of cut surfaces ~~shall~~[may](#) be no steeper than is safe for the intended use. Cut slopes ~~shall~~[may](#) be no steeper than 2 horizontal to 1 vertical.

C. Drainage and terracing. Drainage and terracing ~~must~~[shall](#) be provided as required by Section 24.70.100.

24.70.080 Fills.

A. General. Unless otherwise recommended in the approved soil engineering report, fills ~~must~~[shall](#) conform to the provisions of this Section.

In the absence of an approved soil engineering report these provisions may be waived for minor fills not intended to support structures. Such fills ~~shall~~[beare](#) subject to review at the discretion of the ~~City Administrator~~[Building Official](#)~~Director~~.

B. Ground preparation. The ground surface ~~must~~[shall](#) be prepared to receive fill by removing vegetation, noncomplying fill, top-soil, and other unsuitable materials scarifying to provide a bond with the new fill, and where slopes are steeper than 5 to 1, and the height greater than 5 feet, by benching into competent material or sound bedrock as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 5 to 1 ~~must~~[shall](#) be at least 10 feet wide. The area beyond the toe of fill ~~must~~[shall](#) be sloped for sheet overflow or a paved drain ~~must~~[shall](#) be provided. Where fill is to be placed over a cut the bench under the toe of a fill ~~must~~[shall](#) be at least 10 feet wide but the

cut must be made before placing fill and approved by the soils engineer and engineering geologist as a suitable foundation for fill. Unsuitable soil is soil ~~that, which~~ in the opinion of the Director or the civil engineer or the soils engineer or the engineering geologist, is not competent to support either soil or fill, to support structures or to satisfactorily perform the other functions for which the soil is intended.

C. Fill material. Only permitted material free from tree stumps, detrimental amounts of organic matter, trash, garbage, sod, peat, and similar materials ~~may shall~~ be used. Rocks larger than 6 inches in greatest dimension ~~shall may~~ not be used unless the method of placement is properly devised, continuously inspected, and approved by the ~~City Administrator Building Official City Administrator Director~~.

The following ~~shall~~ also apply:

1. Rock sizes greater than 6 inches in maximum dimension ~~must shall~~ be 10 feet or more below grade, measured vertically.
2. Rocks ~~must shall~~ be placed so as to assure filling all voids with fines. Topsoil may be used in the top 12-inch surface layer to aid in planting and landscaping.

D. Compaction of fill. All fills ~~must shall~~ be compacted to a minimum relative dry density of 90 percent as determined in accordance with ASTM Standard D-1557-78. Field density verification ~~must shall~~ be determined in accordance with ASTM Standard D-1556-82 or equivalent and must be submitted for any fill 12 inches or more in depth where such fill may support the foundation for a structure. A higher relative dry density, or additional compaction tests, or both, may be required at any time by the ~~City Administrator Building Official City Administrator Director~~.

E. Fill slope. The slope of fill surfaces ~~shall may~~ be no steeper than is safe for the intended use. Fill slopes ~~shall may~~ be no steeper than 2 horizontal to 1 vertical.

F. Drainage and terracing. Drainage and terracing ~~must shall~~ be provided and the area above fill slopes and the surfaces of terraces ~~must shall~~ be graded and paved as required by Section 24.70.100.

24.70.085 Retaining Walls.

(Added by Ordinance 188884, effective April 4, 2018.)

A. Retaining walls not regulated by the Oregon Residential Specialty Code or the Oregon Structural Specialty Code ~~must~~ be designed in accordance with ASCE 7-16 and this section.

B. Soil loads ~~must~~ be determined in accordance with ASCE 7-16. Retaining walls in which horizontal movement is restricted at the top ~~must~~ be designed for at-rest pressure. Retaining walls free to move and rotate at the top ~~must~~ be permitted to be designed for active pressure. Lateral pressure from surcharge loads ~~must~~ be added to the lateral earth pressure load. Lateral pressure ~~must~~ be increased if soils at the site are expansive or the retaining wall will support an ascending slope. Retaining walls ~~must~~ be designed to support the weight of the full hydrostatic pressure of undrained backfill unless a drainage system is installed.

C. Retaining walls supporting more than 6 feet of backfill height, measured from the base of the footing to the top of the wall, ~~must~~ incorporate an additional dynamic seismic lateral earth pressure. When the Monobe-okabe method is used to calculate the active dynamic seismic lateral earth pressure, a horizontal acceleration coefficient equal to or greater than one-half (0.5) the design peak horizontal ground acceleration ~~must~~ be used.

D. Retaining walls ~~must~~ be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls ~~must~~ be designed to resist the lateral action of soil to produce sliding and overturning with a minimum safety factor of 1.5 in each case. The load combinations of ASCE 7-16 ~~shall do~~ not apply to this requirement. Instead, the design ~~must~~ be based on 0.7 times nominal earth-quake loads, 1.0 times other nominal loads, and investigation with one or more of the variable loads set to zero. The safety factor against lateral sliding ~~must~~ be taken as the available soil resistance at the base of the retaining wall foundation divided by the net lateral force applied to the retaining wall.

Exception: Where earthquake loads are included, the minimum safety factor for retaining wall sliding and overturning ~~shall be~~ 1.1.

24.70.090 Setbacks.

A. General. The setbacks and other restrictions specified by this Section are minimal and may be increased by the [City Administrator](#)~~Building Official~~[City Administrator](#)~~Director~~, or by the recommendation of the civil engineer, soils engineer, or engineering geologist, if necessary for safety and stability or to prevent damage of adjacent properties from deposition or erosion or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the [City Administrator](#)~~Building Official~~[City Administrator](#)~~Director~~.

B. Setbacks from property lines. The tops of cuts and toes of fill slopes ~~must~~ shall be set back from the outer boundaries of the permit area, including slope right areas and easements, in accordance with Figure No. 2 and Table No. 24.70-C at the end of this Chapter.

C. Design standards for setbacks. Setbacks between graded slopes (cut or fill) and structures ~~must~~ shall be provided in accordance with Figure No. 3 and Table No. 24-70-C at the end of this Chapter.

24.70.100 Drainage and Terracing.

(Amended by Ordinance 173270, effective May 21, 1999.)

A. General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing ~~must~~ shall conform to the provisions of this Section.

B. Terrace. Terraces at least 6 feet in width ~~must~~ shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it ~~must~~ shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height one terrace at approximately mid-height ~~must~~ shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height ~~must~~ shall be designed by the civil engineer and approved by the [City Administrator](#)~~Building Official~~[City Administrator](#)~~Director~~. Suitable access ~~shall~~ must be provided to permit proper cleaning and maintenance.

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

C. Subsurface drainage. Cut and fill slopes ~~must~~ shall be provided with subdrainage as necessary for stability. Adequate culverts ~~must~~ shall be laid

under all fills placed in natural watercourses and along the flow line of any tributary branches in such a manner that the hydraulic characteristics of the stream are not adversely altered. In addition, subdrainage mustshall be installed if active or potential springs or seeps are covered by the fill. All culverts/subdrainage mustshall be installed after the suitable subgrade preparation. Design details of culverts/subdrainage mustshall be shown on each plan and be subject to the approval of the City AdministratorBuilding OfficialCity AdministratorDirector and of other government/private agencies as may be required.

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

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

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

D. Disposal. All drainage facilities mustshall be designed to carry waters to the nearest practicable drainageway or approved stormwater management facility, as approved by the City AdministratorBuilding OfficialCity AdministratorDirector and/or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge mustshall be prevented by installation of non-erosive downdrains or other devices.

Building pads mustshall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the City AdministratorBuilding OfficialCity AdministratorDirector.

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

1. No proposed fills are greater than 10 feet in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical line in excess of 10 feet.

3. No existing slope faces, ~~that~~ which have a slope face steeper than 10 horizontal to 1 vertical, have a vertical height in excess of 10 feet.

E. Interceptor drains. Paved interceptor drains ~~must~~ shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains ~~must~~ shall be paved with a minimum of 3 inches of concrete or gunite and reinforced. They ~~must~~ shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of the drain ~~must~~ shall be approved by the ~~City Administrator~~ Director.

~~24.70.110 Erosion Control.~~

~~(Repealed by Ordinance 173979, effective March 1, 2000.)~~

~~24.70.120 Grading Inspection.~~

~~(Amended by Ordinance 188647, effective November 17, 2017.)~~

A. General. All grading operations for which a permit is required ~~shall be~~ is subject to inspection by the ~~City Administrator~~ Building Official ~~City Administrator~~ Director. When required by the ~~City Administrator~~ Building Official ~~City Administrator~~ Director, special inspection of grading operations and special testing ~~must~~ shall be performed in accordance with the provisions of Section 24.70.120 C.

B. Grading designation. All grading in excess of 5,000 cubic yards ~~must~~ shall be performed in accordance with the approved grading plan prepared by a civil engineer and ~~must~~ shall be designated as "engineered grading." Grading involving less than 5,000 cubic yards may also be designated as "engineered grading" by the ~~City Administrator~~ Building Official ~~City Administrator~~ Director if the grading will:

1. support a building or structure of a permanent nature;
2. support other engineering works such as, but not limited to, tanks, towers, machinery, retaining wall, and paving;

3. be deemed a potential hazard under Section 24.70.030. The permittee with the approval of the ~~City Administrator~~~~Building Official~~~~City Administrator~~~~Director~~ may also choose to have the grading performed as "engineered grading." Otherwise, the grading ~~must~~~~shall~~ be designated as "regular grading."

C. Engineered grading requirements. For engineered grading, it ~~shall be~~~~is~~ the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. The civil engineer ~~shall is~~~~also be~~ responsible for the professional inspection and approval of the grading within the civil engineer's area of technical specialty. This responsibility ~~shall~~~~includes~~, but need not be limited to, inspection and approval as to the establishment of line, grade, and drainage of the development area. The civil engineer ~~must~~~~shall~~ act as the coordinating agent in the event that need arises for liaison between the other professionals, the contractor, and the ~~City Administrator~~~~Building Official~~~~City Administrator~~~~Director~~. The civil engineer ~~shall will~~ also be responsible for the preparation of revised plans and the submission of ~~as-~~graded grading plans upon completion of the work. The grading contractor ~~must~~~~shall~~ submit in a form prescribed by the ~~City Administrator~~~~Building Official~~~~City Administrator~~~~Director~~ a statement of compliance to said ~~as-~~graded plan.

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

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

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

D. Regular grading requirements. The ~~City Administrator~~~~Building Official~~~~City Administrator~~Director may require inspection and testing by an approved testing agency. The testing agency's responsibility ~~shall~~includes, but need not be limited to, approval concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills. When the ~~City Administrator~~~~Building Official~~~~City Administrator~~Director has cause to believe that geological factors may be involved the grading operation will be required to conform to "engineered grading" requirements.

E. Notification of noncompliance. If, in the course of fulfilling their responsibility under this Chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not being done in conformity with this Chapter or the approved grading plans, the discrepancies ~~must~~shall be reported immediately in writing to the person in charge of the grading work and to the ~~City Administrator~~~~Building Official~~~~City Administrator~~Director. Recommendations for corrective measures, if necessary, ~~must~~shall be submitted.

F. Transfer of responsibility for approval. If the civil engineer, the soil engineer, the engineering geologist, or the testing agency of record are changed during the course of the work, the work ~~must~~shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work.

24.70.130 Completion of Work.

~~(Amended by Ordinance 188647, effective November 17, 2017.)~~

A. Final reports. Upon completion of the rough grading work and that final completion of the work the ~~Buiding Official~~~~City Administrator~~Director may require the following reports and drawings and supplements ~~thereto~~ it:

1. An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and locations and elevations of all surface and

sub-surface drainage facilities. The civil engineer ~~must~~ provide approval that the work was done in accordance with the final approved grading plan.

2. A Soil Grading Report prepared by the soil engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. The soil engineer ~~must~~ provide approval as to the adequacy of the site for the intended use.

3. A Geological Grading Report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. The engineering geologist ~~must~~ provide approval as to the adequacy of the site for the intended use as affected by geological factors.

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

Chapter 24.75 Uniform Building Address System

~~(Chapter added by Ordinance 161984, effective July 1, 1989.)~~

24.75.010 Uniform System.

~~(Amended by Ordinance 188995, effective July 6, 2018.)~~

A. There is established a uniform system of numbering all buildings in separate ownership or occupancy in the City dividing the City into six addressing districts. In establishing the system Williams Avenue, Naito Parkway, View Point Terrace and Tryon Creek State Natural Area and the centerline of the Willamette River southerly from Oregon Street and northerly from Clay Street, ~~shall~~ constitute~~s~~ the north and south base line from which the numbers on all

buildings running easterly and westerly from said streets ~~shall~~must be extended each way, upon the basis of one number for each ten feet of property frontage, wherever possible, starting at the base line with the number 1 continuing with consecutive hundreds at each intersection, wherever possible.

B. All even numbers ~~must~~shall be placed upon buildings on the southerly side of streets, avenues, alleys and highways, and all odd numbers ~~must~~shall be placed upon buildings on the northerly side of streets, avenues, alleys and highways. Burnside Street ~~shall~~constitutes the east and west base line from which the numbers on all streets running north and south from said streets ~~must~~shall be extended each way, upon the basis of one number for each 10 feet of property frontage, wherever possible, starting at the base line with number 1 and continuing with consecutive hundreds at each intersection, wherever possible. All even numbers ~~must~~shall be placed upon buildings on the easterly side of streets, avenues, alleys, and highways, and all odd numbers upon buildings on the westerly side of said streets, avenues, alleys, and highways. Freestanding buildings on private streets ~~that~~which are separately owned or occupied ~~must~~shall be separately numbered so as to most closely conform to this system. Each portion of a building ~~that~~which is separately owned or occupied and has a separate entrance from the outside ~~must~~shall have a separate number assigned to it.

C. Suffixes to Building Numbers. Where building address requirements exceed numbers available within the numbering system, the ~~City Administrator~~Director may use the suffix "A", "B", "C", etc. as may be required to provide the numbering required by this Chapter.

24.75.020 Size and Location of Building Numbers.

All numbers placed in accordance with this Chapter ~~must~~shall be permanently affixed to a permanent structure and of sufficient size and so placed as to be distinctly legible from the public way providing primary access to the building. All numbers ~~must~~shall be posted as nearly as possible in a uniform place and positioned on the front of each building near the front entrance. Where outside illumination is provided, the numbers ~~must~~shall be placed so as to be illuminated by the outside light. In instances where building mounted numbers are not distinctly visible from a public way, a duplicate set of numbers ~~must~~shall be permanently affixed to a permanent structure at the primary entranceway to such property. If, in the judgment of the ~~City Administrator~~Director, the numbering, sequence, legibility, size or location does not meet the requirements

as set forth above, the property owner or agent ~~therefor shall~~will be notified and within 30 days ~~must~~shall make such changes as required in the notification.

24.75.030 Administration.

The ~~City Administrator~~Director shallwill assign address numbers, keep records of address assignments, and exercise such other powers as are necessary to carry out the provisions of this Chapter.

24.75.040 Owner Responsibility.

Whenever any new building is erected, modified, or occupied in a manner requiring an address assignment, the owner or owner's agent ~~must~~shall procure the correct address number or numbers designated by the ~~City Administrator~~Director and pay required fees.

The owner or agent ~~must, shall~~ prior to occupancy or within 30 days of assignment, whichever occurs later, place the assigned address number(s) upon the building or in a manner and location as provided in this Chapter.

24.75.050 Alteration of Building Number - Improper Number.

It is unlawful for any person to cause or knowingly permit a building number to be displayed ~~that~~which is different than that assigned pursuant to this Chapter. It is unlawful for any person to own or have possession of a building ~~that~~which does not display the number assigned pursuant to this Chapter in the manner provided by this Chapter.

24.75.060 Building Defined.

As used in this Chapter, "building" is any structure used or intended for supporting or sheltering any use or occupancy.

24.75.070 Enforcement.

The ~~City Administrator~~Director shallwill provide written notices to the owner of any building in violation of the provisions of this ~~Title~~Chapter. The notice ~~shall~~will state the violations existing and specify the owner has 30 days to obtain compliance.

In the event the owner fails or neglects to comply with the violation notice in the prescribed time the ~~City Administrator~~Director may gain compliance by:

A. Instituting an action before the Code Enforcement Hearings Officer as provided in Title 22 of the City Code, or

B. Causing appropriate action to be instituted in a court of competent jurisdiction, or

C. Taking such other action as the ~~City Administrator~~Director deems appropriate.

Chapter 24.80 (Repealed)

~~(Chapter repealed by Ordinance 171455, effective August 29, 1997.)~~

Chapter 24.85 Seismic Design Requirements for Existing Buildings

~~(Chapter added by Ordinance 168627, effective March 22, 1995.)~~

24.85.010 Scope.

~~(Amended by Ordinances 178831, 189201, 189309 and 189747, effective October 23, 2019.)~~

A. The provisions of this chapter prescribe the seismic design requirements for existing buildings undergoing changes of occupancy, additions, alterations, catastrophic damage, fire, or earthquake repair, or mandatory or voluntary seismic strengthening. The requirements of this chapter only apply to buildings for which a building permit has been applied for to change the occupancy classification, add square footage to the building, alter or repair the building.

B. Under the authority provided by State law, the provisions of this chapter prescribing seismic rehabilitation standards for existing buildings can be used in lieu of meeting the requirements of the current edition of the State of Oregon Structural Specialty Code.

24.85.015 Structural Design Meeting.

~~(Added by Ordinance 178831; amended by Ordinance 191736, effective July 1, 2024.)~~

Upon request, PP&D engineering staff is available to meet with an owners design engineer to review proposed seismic strengthening plans in a pre-design meeting. A written record of the meeting discussion and determinations will be placed in the permit record.

24.85.020 Seismic Related Definitions.

~~(Amended by Ordinances 169427, 170997, 178831, 180917, 187192, 189201, 189747, 190134 and 191736, effective July 1, 2024.)~~

The definitions contained in this Section relate to seismic design requirements for existing buildings outlined in this Chapter.

A. ASCE 41 means the Seismic Evaluation and Retrofit of Existing Buildings ASCE/SEI 41-17 published by the American Society of Civil Engineers and the Structural Engineering Institute.

B. ASCE 41 Evaluation means the process of evaluating an existing building for the potential earthquake-related risk to human life posed by that building, or building component, and the documentation of that evaluation, performed and written according to the provisions of ASCE 41. Tier 1 and Tier 2 deficiency based evaluation for both structural and non-structural components using the Basic Performance Objective for Existing Buildings (BPOE) as defined in ASCE 41 ~~shall be~~ the performance objective for the evaluation, unless a Tier 3 evaluation is required by ASCE 41.

C. ASCE 41-BPOE Improvement Standard means the Tier 1 and Tier 2 Deficiency based retrofit for both structural and non-structural components using the Basic Performance Objective for Existing Buildings (BPOE) as defined in ASCE 41, unless a Tier 3 evaluation is required by ASCE 41.

D. ASCE 41-BPON Improvement Standard means Tier 3 Retrofit for both structural and non-structural components using the Basic Performance Objective Equivalent to New Buildings (BPON) as defined in ASCE 41.

E. ATC 20 means the latest Edition of the manual on “Procedures for Post Earthquake Safety Evaluation of Buildings” published by Applied Technology Council.

~~**F. BDS** means the Portland Permitting & Development.~~

FG. BPOE- Basic Performance Objective for Existing Buildings: A series of defined Performance Objectives based on a building’s Risk Category meant for evaluation and retrofit of existing buildings; See Table 2-1 and Table 2-2 of ASCE 41.

GH. BPON- Basic Performance Objective Equivalent to New Building Standards: A series of defined Performance Objectives based on a building’s Risk Category meant for evaluation and retrofit of existing buildings to achieve a level of performance commensurate with the intended performance of buildings designed to a standard for new construction; See Table 2-3 of ASCE 41.

HI. BSE-1E: Basic Safety Earthquake-1 for use with the Basic Performance Objective for Existing Buildings, taken as a seismic hazard with a 20 percent probability of exceedance in 50 years, except that the design spectral response acceleration parameters S_x s and S_x1 for BSE-1E seismic hazard level ~~shall~~ may not be taken as less than 75 percent of the respective design spectra response acceleration parameters obtained from BSE-1N seismic hazard level and need not be greater than BSE-2N at a site.

IJ. BSE-1N: Basic Safety Earthquake-1 for use with the Basic Performance Objective Equivalent to New Buildings Standards, taken as two-thirds of the BSE-2N.

JK. BSE-2E: Basic Safety Earthquake-2 for use with the Basic Performance Objective for Existing Buildings, taken as a seismic hazard with a 5 percent probability of exceedance in 50 years, except that the design spectral response acceleration parameters of S_x s and S_x1 for BSE-2E seismic hazard level ~~shall~~ may not be taken as less than 75 percent of the respective design spectra response acceleration parameters obtained from BSE- 2N Seismic hazard level and may not be greater than BSE-2N at a site.

KL. BSE-2N: Basic Safety Earthquake-2 for use with the Basic Performance Objective Equivalent to New Buildings Standards, taken as the ground shaking

based on Risk-Targeted Maximum Considered Earthquake (MCER) per ASCE 7 at a site.

LM. Building Addition means an extension or increase in floor area or height of a building or structure.

MN. Building Alteration means any change, addition or modification in construction.

NO. Catastrophic Damage means damage to a building that causes an unsafe structural condition from fire, vehicle collision, explosion, or other events of similar nature.

OP. Essential Facility has the same meaning as defined in the OSSC.

PQ. Fire and Life safety for Existing Buildings (FLEX) Guide means a code guide published by ~~the~~ Portland Permitting & Development, outlining alternative materials and methods of construction that are allowed for existing buildings in Portland.

QR. FM 41 Agreement means a joint agreement between Portland Fire & Rescue, ~~the~~ Portland Permitting & Development and a building owner, [subject to approval by the City Administrator](#), to schedule improvements to the building following a determination of the fire and life safety hazards posed by the existing condition of the building as provided under Oregon law.

RS. Live/Work Space means a combination working space and dwelling unit. A live/work space includes a room or suite of rooms on one or more floors designed for and occupied by not more than one family and including adequate working space reserved for the resident's occupancy. A live/work space is individually equipped with an enclosed bathroom containing a lavatory, water closet, shower/and or bathtub and appropriate venting.

ST. Net Floor Area means the entire area of a structurally independent building, including an occupied basement, measured from the inside of the permanent outer building walls, excluding any major vertical penetrations of the floor, such as elevator and mechanical shafts.

TU. Occupant Load means the number of persons for which the means of egress of a building or portion thereof is designed. The occupant load ~~shall be~~is

calculated based on occupant load factors in the table assigned to each space in the Oregon Structural Specialty Code (OSSC).

UV. Oregon Structural Specialty Code (OSSC) means the provisions of the State of Oregon Structural Specialty Code as adopted by Subsection 24.10.040 A.

V. PP&D means Portland Permitting & Development

W. Reinforced Mmasonry means masonry having both vertical and horizontal reinforcement as follows:

1. Vertical reinforcement of at least 0.20 in² in cross-section at each corner or end, at each side of each opening, and at a maximum spacing of 4 feet throughout. One- or two-story buildings may have vertical reinforcing spaced at greater than 4 feet throughout provided that a rational engineering analysis is submitted thatwhich shows that existing reinforcing and spacing provides adequate resistance to all required design forces without net tension occurring in the wall.
2. Horizontal reinforcement of at least 0.20 in² in cross-section at the top of the wall, at the top and bottom of wall openings, at structurally connected roof and floor openings, and at a maximum spacing of 10 feet throughout.
3. The sum of the areas of horizontal and vertical reinforcement mustshall be at least 0.0005 times the gross cross-sectional area of the element.
4. The minimum area of reinforcement in either direction shall may not be less than 0.000175 times the gross cross-sectional area of the element.

X. Risk Ccategory means a categorization of a building for determination of earthquake performance based on Oregon Structural Specialty Code (OSSC).

Y. Roof Ccovering Rrepair or Replacement means the installation of a new roof covering following the removal of an area of the building's roof covering exceeding 50 percent or more of the total roof area within the previous 5 year period.

Z. Unreinforced Mmasonry (URM) means adobe, burned clay, concrete or sand-lime brick, hollow clay or concrete block, hollow clay tile, rubble and cut

stone and unburned clay masonry that does not satisfy the definition of reinforced masonry as defined [herein this Chapter](#). Plain unreinforced concrete [shall is](#) not [be](#) considered unreinforced masonry for the purpose of this Chapter.

AA. Unreinforced Mmasonry Bbearing Wwall means a URM wall that provides vertical support for a floor or roof for which the total superimposed vertical load exceeds 100 pounds per lineal foot of wall.

BB. Unreinforced Mmasonry Bbearing Wwall Bbuilding means a building that contains at least one URM bearing wall.

24.85.030 Seismic Improvement Standards.

~~(Amended by Ordinances 170997 and 178831, effective November 20, 2004.)~~

For changes of occupancy structural additions, building alterations and catastrophic or earthquake damage repair, the design standard [shall be is](#) the current edition of the OSSC unless otherwise noted by this Chapter.

24.85.040 Change of Occupancy or Use.

~~(Amended by Ordinance 169905, 170997, 178831, 187192, 189201, 189747 and 191203, effective March 15, 2023.)~~

The following table [shall be is](#) used to classify the relative hazard of all building occupancies:

TABLE 24.85-A		
Relative Hazard Classification	OSSC Occupancy Classification	Seismic Improvement Standard
6 (Highest)	A, E, I-2, I-3, H-1, H-2, H-3, H-4, H-5	OSSC or ASCE 41-BPON
5	R-1, SR, I-1, I-4	
4	R-2	ASCE 41-BPOE
3	B, M	
2	F-1, F-2, S-1, S-2	

1 (Lowest)	R-3, U	
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A. Occupancy **C**hange to a **H**igher **R**elative **H**azard **C**lassification. An occupancy change to a higher relative hazard classification will require seismic improvements based upon the factors of changes in the net floor area and the occupant load increases as indicated in Table 24.85-B below. All improvements to either the OSSC or ASCE 41 improvement standard **must/shall** be made such that the entire building conforms to the appropriate standard indicated in Table 24.85-B.

TABLE 24.85-B				
Percentage of Building Net Floor Area Changed	-	Occupant Load Increase	Required Improvement Standard	Relative Hazard Classification
1/3 of area or less	and	Less than 150	None	1 through 6
More than 1/3 of area	or	150 and above	ASCE 41-BPOE	1, 2, 3 and 4
More than 1/3 of area	or	150 and above	OSSC or ASCE 41-BPON	5 and 6

Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not exceed 1/3 of the building net floor area or add more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

B. Occupancy **C**hange to **S**ame or **L**ower **R**elative **H**azard **C**lassification. An occupancy change to the same or a lower relative hazard classification or a change in use within any occupancy classification will require seismic improvements using either the OSSC or ASCE 41 improvement standard, as identified in Table 24.85-A above, where the change results in an increase in occupant load of more than 149 people as defined by the OSSC. Where seismic

improvement is required, the entire building ~~mustshall~~ be improved to conform to the appropriate improvement standard identified in Table 24.85-A.

Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not result in the addition of more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

C. Occupancy ~~C~~change to ~~L~~live ~~W~~work ~~S~~space. Any building occupancy classified as relative hazard category 1, 2, or 3 may undergo a change of occupancy to live/work space provided that:

1. The building ~~mustshall~~ be improved such that the entire building conforms to the ASCE 41-BPOE improvement standard; and
2. The building meets the fire and life safety standards of either the FLEx Guide or the current OSSC.
3. Any ~~U~~unreinforced ~~M~~masonry bearing wall building converted to live/work space, regardless of construction costs, ~~mustshall~~ be improved such that the entire building conforms to the ASCE 41-BPOE improvement standard.

D. Occupancy ~~C~~change to ~~E~~essential ~~F~~facilities. All structures ~~thatwhich~~ are being converted to essential facilities, as defined in the OSSC, ~~mustshall~~ comply with current state code seismic requirements or ASCE 41-BPON improvement standard, regardless of other requirements in this ~~s~~Section.

24.85.050 Building Additions or Structural Alterations.

~~(Amended by Ordinances 178831 and 187192, effective July 17, 2015.)~~

An addition that is not structurally independent from an existing building ~~mustshall~~ be designed and constructed such that the entire building conforms to the seismic force resistance requirements for new buildings unless the following two conditions listed below are met. Furthermore, structural alterations to an existing building or its structural elements ~~mustshall~~ also meet the following two conditions:

A. The addition or structural alteration ~~must~~ comply with the requirements for new buildings; and

B. Any existing lateral load-carrying structural element whose demand-capacity ratio with the addition(s) or structural alteration(s) considered is no more than 10 percent greater than its demand-capacity ratio with the addition(s) or structural alteration(s) ignored ~~shall~~ be permitted to remain unaltered. For purposes of this paragraph, comparisons of demand-capacity ratios and calculation of design lateral loads, forces, and capacities ~~must~~ account for the cumulative effects of additions and structural alterations since original construction.

24.85.051 Mezzanine Additions.

~~(Added by Ordinance 178831, effective November 20, 2004.)~~

A mezzanine addition ~~shall~~ does not require seismic strengthening of the entire building when all of the following conditions are met:

A. Entire building strengthening is not required by any other provision contained in this Title;

B. The net floor area of the of the proposed mezzanine addition is less than 1/3 of the net floor area of the building;

C. The mezzanine addition does not result in an occupant load increase, as defined by the OSSC, of more than 149 people; and

D. Subsections 24.85.050 A. - C. ~~shall~~ also appli~~es~~y to mezzanine additions.

24.85.055 Structural Systems Damaged by Catastrophic Events.

~~(Added by Ordinance 170997; amended by Ordinances 178831 and 187192, effective July 17, 2015.)~~

A. Building Lateral Load Resisting systems along any principal axis damaged less than or equal to 50 percent.

- 1.** If a building is damaged by a catastrophic event such that less than or equal to 50 percent of the capacity of the existing lateral load resisting system along any principal axis of the building are damaged, only the

damaged lateral load resisting components of the building's structural system must be designed and constructed to current provisions of the OSSC. These components must also be connected to the balance of the undamaged lateral load resisting system in conformance with current code provisions. Undamaged components need not be upgraded to current lateral load provisions of the current code, unless required by other provisions of this title.

2. New lateral system vertical elements must be compatible with any existing lateral system elements, including foundations. In multistory buildings, the engineer ~~must~~ confirm that the new lateral system vertical elements do not introduce soft or weak story seismic deficiencies, as defined by ASCE 41, where they did not previously exist, or make existing conditions more hazardous.

B. Building Lateral Load Resisting systems along any principal axis damaged more than 50 percent. Where a building is damaged by a catastrophic event such that more than 50 percent of the capacity of the existing lateral load resisting system along any principal axis of the building is damaged, all lateral load resisting components of the entire building's structural system along that principal axis must be designed and constructed to the current provisions of the OSSC or ASCE 41-BPON improvement standard.

24.85.056 Structural Systems Damaged by an Earthquake.

~~(Added by Ordinance 178831; amended by Ordinance 187192, effective July 17, 2015.)~~

As a result of an earthquake, the ~~City Administrator~~~~Building Official~~~~City Administrator~~~~Director~~ may determine through either an ATC 20 procedure or through subsequent discovery any structure or portion thereof to be in an unsafe condition as defined by State law. As a result of making this determination, the ~~City Administrator~~~~Building Official~~~~City Administrator~~~~Director~~ may declare the structure or portion thereof to be a public nuisance and to be repaired or rehabilitation as provided in Subsections 24.85.056 A.-C., or abated by demolition or removal in accordance with Portland City Code Title 29. For the purposes of this Section, an "unsafe condition" includes, but is not limited to any portion, member or appurtenance of a building that has become detached or dislodged or appears likely to fail or collapse and ~~thereby~~ injure persons or damage property; or any portion of a building or structure that has been

damaged to the extent that the structural strength or stability of the building is substantially less than it was prior to the damaging event.

A. Buildings built prior to January 1, 1974 with lateral support systems that have unsafe conditions mustshall be repaired or improved to resist seismic forces such that the repaired lateral system conforms to the ASCE 41-BPOE improvement standard.

1. Where less than 50 percent of the lateral support system has been damaged, only the damaged elements must be repaired.
2. Where 50 percent or more of the lateral support system has been damaged, then the entire lateral support system must be repaired to resist seismic forces such that the repaired system conforms to the ASCE 41-BPOE improvement standard.

B. Buildings built on or after January 1, 1974 with lateral support systems that have unsafe conditions mustshall be repaired or improved to resist seismic forces such that the repaired lateral system conforms to the code to which the building was originally designed, but not less than that required to conform to the ASCE 41-BPOE improvement standard.

1. Where less than 50 percent of the lateral support system has been damaged, only the damaged elements must be repaired.
2. Where 50 percent or more of the lateral support system has been damaged, then the entire lateral support system must be repaired to resist seismic forces such that the repaired system conforms to the code to which the building was originally designed, but not less than that required to conform to the ASCE 41-BPOE improvement standard.

C. New lateral system vertical elements must be compatible with any existing lateral system elements, including foundations. In multistory buildings, the engineer mustshall confirm that the new lateral system vertical elements do not introduce soft or weak story seismic deficiencies, as defined by ASCE 41, where they did not previously exist, or make existing conditions more hazardous.

24.85.060 Required Seismic Evaluation.

~~(Added by Ordinance 169427; amended by Ordinances 178831 and 187192, effective July 17, 2015).-~~

When an alteration for which a building permit is required has a value (not including costs of mechanical, electrical, plumbing, permanent equipment, painting, fire extinguishing systems, site improvements, eco-roofs and finish works) of more than \$175,000, an ASCE 41 evaluation is required. This value of \$175,000 ~~shall~~ will be modified each year after 2004 by the percent change in the R.S Means Construction Index for Portland on file with the ~~Portland Permitting & Development City Administrator~~ Director. A letter of intent to have an ASCE 41 evaluation performed may be submitted along with the permit application. The evaluation must be completed before any future permits will be issued. The following ~~shall beare~~ exempted from this requirement:

- A. Buildings constructed or renovated to seismic zone 2, 2b or 3 under a permit issued after January 1, 1974.
- B. Detached One- and two-family dwellings, and their accessory structures.
- C. Single story, light frame metal and light wood frame buildings, not more than 20 feet in height from the top surface of the lowest floor to the highest interior overhead finish and ground area of 4,000 square feet or less.

A previously prepared seismic study may be submitted for consideration by the ~~City Administrator~~ Director as equivalent to an ASCE 41 evaluation.

24.85.065 Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings.

~~(Added by Ordinance 169427; amended by Ordinances 170997, 178831, 187192, 189201, 189399, 189479 and 189747, effective October 23, 2019).-~~

When any building alterations or repairs occur at an ~~U~~ nreinforced ~~M~~ masonry ~~B~~ bearing ~~W~~ wall ~~B~~ building, all seismic hazards ~~must~~ shall be mitigated as set forth in Subsections 24.85.065 A. and B. A previously permitted seismic strengthening scheme designed in accordance with FEMA 178/310/ASCE 31 may be submitted for consideration by the ~~Building Official~~ City Administrator ~~Bureau~~ Director as equivalent to the ASCE 41 improvement standard.

A. Roof Repair or Replacement. When a roof covering is repaired or replaced, as defined in 24.85.020, the building structural roof system, anchorage, and parapets mustshall be repaired or rehabilitated such that, at a minimum, the wall anchorage for both in-plane and out-of-plane forces at the roof and parapet bracing conform to the ASCE 41-BPOE improvement standard. In-plane brick shear tests are not required as part of the ASCE evaluation under this sSubsection.

B. Additional Triggers.

- 1. Building alterations or repair.** When the cost of alteration or repair work thatwhich requires a building permit in a 2-year period exceeds the following criteria, then the building mustshall be improved to resist seismic forces such that the entire building conforms to the ASCE 41-BPOE improvement standard.

Table 24.85-C	
Building Description	Cost of Alteration or Repair
Single Story Building	\$40 per square foot
Buildings Two Stories or Greater	\$30 per square foot

- 2. Special building hazards.** Where an Unreinforced Mmasonry Building of any size contains any of the following hazards, the building mustshall be seismically improved if the cost of alteration or repair exceeds \$30 per square foot:
 - a.** The Building possesses an Occupancy Classification listed within the Relative Hazard Category 5 as determined in Section 24.85.040 of this Chapter; or
 - b.** The building is classified as possessing either vertical or plan irregularities as defined in the OSSC.
- 3. Exclusions from cost calculations.** Costs for site improvements, eco-roofs, mandated FM41 agreements, mandated ADA improvements,

mandated non-conforming upgrades under [Portland City Code](#) Title 33, mandated elevator improvements and mandated or voluntary seismic improvements or work exempted from permit as described in Chapter 1 of the OSSC will not be included in the dollar amounts listed in Subsections 24.85.065 B.1. and 2.

4. Live/~~W~~work spaces in ~~U~~unreinforced ~~M~~masonry buildings. See Section 24.85.040 B for requirements when a ~~U~~unreinforced ~~M~~masonry building is converted to contain live/work spaces.

5. Automatic cost increase. The dollar amounts listed in Subsections 24.85.065 B.1. and 2. ~~shall will~~ be modified each year after 2004 by the percent change in the R.S. Means of Construction Cost Index for Portland, Oregon. The revised dollar amounts will be made available at the Development Services Center.

24.85.067 Voluntary Seismic Strengthening.

~~(Added by Ordinance 178831, effective November 20, 2004.)~~

Subject to permit approval, a building may be strengthened to resist seismic forces on a voluntary basis provided all of the following conditions are met:

A. Mandatory seismic strengthening is not required by other provisions of this Title;

B. The overall seismic resistance of the building or elements ~~shall may~~ not be decreased such that the building is more hazardous;

C. Testing and special inspection are in accordance with the OSSC and the City ~~of Portland's~~ Administrative Rules;

D. The standard used for the seismic strengthening is clearly noted on the drawings along with the pertinent design parameters; and

E. A written narrative ~~mustshall~~ be clearly noted on the drawings summarizing the building lateral system, seismic strengthening and known remaining deficiencies. The summary information ~~mustshall~~ reflect the level of analysis that was performed on the building.

24.85.070 Phasing of Improvements.

~~(Amended by Ordinance 178831, effective November 20, 2004.)~~

A. The ~~City Administrator~~Director may approve a multi-year phased program of seismic improvements when the improvements are pre-designed and an improvement/implementation plan is approved by the ~~City Administrator~~Director. The maximum total time allowed for completion of phased improvements ~~shall be~~ ten years. A legal agreement between the building owner and the City ~~of Portland must~~shall be formulated outlining the phased seismic improvements and ~~must~~shall be recorded with the property deed at the County.

B. Upon review, the ~~Director~~City Administrator may extend the maximum time for the phased improvements. The ~~Director shall~~City Administrator may adopt rules under ~~Portland City Code~~Section 3.30.035 describing the process for granting an extension.

24.85.075 Egress Through Existing Buildings.

~~(Added by Ordinance 178831, effective November 20, 2004.)~~

The building structure and seismic resistance of an egress path through, under or over an existing building must meet the required seismic improvement standard specified in Section 24.85.040, Table 24.85-A, under any of the following conditions:

- A.** The egress path is from an adjacent new building or addition and the new building or addition area equals 1/3 or more of the existing building area; or,
- B.** The egress path is from an adjacent existing building that undergoes alterations or a change of occupancy requiring its egress path(s) meet the seismic improvement standards as required by this Chapter; or
- C.** The additional occupant load, as determined by the OSSC, using the egress path through the existing building is 150 people or more.

24.85.080 Application of Other Requirements.

~~(Amended by Ordinance 178831, effective November 20, 2004.)~~

Building permit applications to improve the seismic capability of a building ~~shall~~ will not trigger: accessibility improvements so long as the seismic improvement does not lessen accessibility; fire life safety improvements so long as the seismic improvement does not lessen the buildings fire resistance or exiting capability; landscape improvements required by Chapter 33; street tree improvements required by Section 20.40.070.

Conformance with these regulations may not exempt buildings from future seismic regulations.

24.85.090 Fee Reductions.

~~(Amended by Ordinance 178831, effective November 20, 2004.)~~

Building permit, plan review and fire life safety review fees for structural work related to seismic strengthening covered by this Chapter will be waived when such fees total less than \$2,500, and will be and reduced by 50 percent when such fees would total \$2,500 or more.

24.85.095 Appeals.

~~(Replaced by Ordinance 189747, effective October 23, 2019.)~~

Because unanticipated circumstances may arise in the enforcement of these requirements for existing buildings, consideration as to the reasonable application of this Chapter may be addressed through the Board of Appeals as provided in Section 24.10.080.

Chapter 24.90 Manufactured Dwelling Installation and Accessory Structures, Manufactured Dwelling Parks, Recreation Parks, Recreational Park Trailer Installation and Accessory Structures

~~(Chapter added by Ordinance 169312; Amended by Ordinance 185798, effective December 12, 2012).~~

24.90.010 Purpose.

The purpose of this Chapter is to provide minimum standards for the following:

- A.** Installation and maintenance of manufactured dwellings and accessory structures.
- B.** Development and maintenance of manufactured dwelling parks.
- C.** Installation and maintenance of park trailers and recreational vehicle accessory structures.
- D.** Development and maintenance of recreational vehicle parks.

24.90.020 Scope.

~~(Amended by Ordinance 185798, effective December 12, 2012.)~~

Regulation under this Chapter covers all installations or alteration of manufactured dwellings, recreational park trailers and other recreational vehicles, and accessory structures. Regulation under this Chapter covers the development and maintenance of manufactured dwelling parks, recreational vehicle parks, recreation parks, picnic parks, and organizational camps.

24.90.030 Adoption of Codes and Regulatory Authority.

~~(Amended by Ordinances 176955, 185798 and 191736, effective July 1, 2024.)~~

A. Manufactured Dwelling Installation Specialty Code. The provisions of the State of Oregon, Manufactured Dwelling Installation Specialty Code, 2010 Edition, as developed at the direction of the Building Codes Division of the Oregon Department of Consumer and Business Services through the Residential and Manufactured Structures Board, is ~~hereby~~ adopted by ~~this~~ reference. The Manufactured Dwelling Installation Specialty Code is on file in the Development Services Center ~~of the City of Portland~~.

B. Manufactured Dwelling and Park Specialty Code. The following provisions of the State of Oregon, Manufactured Dwelling and Park Specialty Code, 2002 Edition, as developed at the direction of the Oregon Building Codes Division Administrator through the Oregon Manufactured Structures and Parks Advisory Board, a copy of which is on file in the Development Services Center ~~of the City of Portland~~, are ~~hereby~~ adopted by ~~this~~ reference:

- 1.** All of Chapter One (Administration), except the following:
 - a.** 1-1.4 (Design Loads)
 - b.** 1-2.4 (Energy Conservation Equivalents)
 - c.** 1-3 (Manufactured Dwellings Sold “As Is”)
 - d.** 1-6.7 (Plot Plans Required)
 - e.** 1-6.8 (Plot Plans Not Required)
 - f.** 1-6.11 (Multiple-family Housing Plans)
 - g.** 1-7.12 (Manufactured Dwelling Installation Permits)
 - h.** 1-8.6 (Visual Inspections)
 - i.** 1-8.7 (Appliance Inspections)
 - j.** 1-8.9 (Alteration Inspections)
 - k.** 1-8.11 (Quality Assurance Inspections)
 - l.** 1-8.13 (Installation Inspections)
 - m.** 1-9 (Insignias and Labels)
 - n.** 1-10 (Certifications), except section 1-10.2.1 (Certificates of Occupancy Required) is adopted
 - o.** 1-11 (License Required) –all, except for introductory language and paragraph (h) in 1-11.3 (Electrical) and introductory language and paragraph (i) in 1-11.4 (Plumbing) are adopted
- 2.** All of Chapter Ten (Manufactured Dwelling Park Construction) and the corresponding tables and figures
- 3.** Appendix A (Definitions)
- 4.** Appendix B (Acronyms)

5. Appendix C (Symbols)

C. The City, ~~of Portland~~ through ~~the~~ Portland Permitting & Development ("Bureau"), adopts regulatory authority for the installation maintenance and alteration of manufactured dwellings and accessory structures as authorized in ORS 446.250 and 446.253, and OAR 918-500-0055; for the development and maintenance of manufactured dwelling parks as authorized in ORS 446.062 and 446.430 and OAR 918-600-0010; for the development and maintenance of recreation parks, picnic parks and organizational camps as authorized in ORS 455.170; and for the installation, maintenance and alteration of residential park trailers, other recreational vehicles and accessory structures as authorized in ORS 455.170 and OAR 918-525-0370. Nothing contained ~~herein~~ [in this Chapter](#) provides regulatory authority when delegation of authority is expressly withheld by the State.

24.90.040 Definitions.

~~(Amended by Ordinance 185798, effective December 12, 2012.)~~

For the purposes of this Chapter definitions contained in Chapter 24.15 ~~shall~~ apply in conjunction with definitions found in ORS 446.003, ORS 455.010, OAR 918-500-0005, OAR 918-525-0005, OAR 918-600-0005 and OAR 918-650-0005. Definitions in ORS or OAR ~~shall~~ take precedence over other conflicting definitions.

24.90.050 Administration and Enforcement.

~~(Amended by Ordinances 176955 and 185798, effective December 12, 2012.)~~

This Chapter ~~shall~~ will be administered and enforced in conformance with applicable provisions of the 2010 Edition of the Oregon Manufactured Dwelling Installation Specialty Code, the provisions of the 2002 Edition of the Oregon Manufactured Dwelling and Park Specialty Code adopted by reference in Subsection 24.90.030 B. of this Chapter, and the Oregon Administrative Rules contained in Chapter 918 Division 500, 515, 525, 530, 600 and 650.

24.90.060 Special Regulation.

Manufactured Dwellings and Cabanas installed on a residential lot ~~must~~ shall be certified by the manufacturer to have an exterior thermal envelope meeting

performance standards ~~that~~which reduce levels equivalent to the performance standards required of single family dwellings constructed under the state building code. Skirting and permanent enclosures ~~shall be~~required for all park trailer and cabana installations.

24.90.070 Permit Application.

~~(Amended by Ordinance 185798, effective December 12, 2012.)~~

Permits are required for the establishment, construction, enlargement, alteration or removal of manufactured dwelling parks, recreation parks, and organizational camps. Permit applications, plans and specifications and permit issuance ~~must~~shall conform to Section 24.10.070, and applicable Oregon Administrative Rules. Permits are required for the installation or alteration of manufactured dwellings, recreational park trailers, recreational vehicles as defined in OAR 918-525-0005, and accessory structures. Plans and specifications are required in conformance with Section 24.10.070 and applicable Oregon Administrative Rules except when:

- A.** All installation is within an existing manufactured dwelling park and all the installation is performed in accordance with the manufacturer's approved installation instructions.
- B.** All installation is within an existing recreational vehicle or combination park, and all installation is performed under OAR 918-530-0005 through 918-530-0120.

When the ~~City Administrator~~Building Official~~City Administrator~~Director determines special installation or construction requires design by a registered engineer or architect, such design ~~must~~shall be submitted in triplicate and approved by the ~~City Administrator~~Building Official~~Bureau~~ prior to commencement or continuance of installation or construction.

24.90.080 Violations.

~~(Amended by Ordinance 185798, effective December 12, 2012.)~~

Any person who violates any provision of this Chapter ~~and~~/or any codes adopted ~~here in~~under it ~~shall~~will be subject to the penalties as prescribed by law.

24.90.090 Appeals.

~~(Amended by Ordinances 185798 and 187432, effective December 4, 2015.)~~

Any person aggrieved by a decision of the Bureau related to the application and interpretation of the Codes listed in Section 24.90.030 of this Chapter may request an administrative appeal with the Administrative Appeal Board in accordance with Section 24.10.075. Any person aggrieved by a final decision of the [City Administrator](#)~~Building Official~~ made under Section 24.10.075 may appeal the decision to the appropriate Board of Appeal described in Sections 24.10.080, 25.07, 26.03.070 and 27.02.031. Within 30 days of the final appeal finding by the Board of Appeal, an appellant who continues to be aggrieved may appeal to the appropriate State Specialty Advisory Board pursuant to ORS 455.690.

Chapter 24.95 (Repealed)

(Chapter repealed by Ordinance 185798, effective December 12, 2012.)

Figures 1-~~32~~ and Table 24-70-C (Title 24)

~~Figure 1 (Repealed)~~

~~(Repealed by Ordinance 191478; effective March 1, 2024.)~~

Figure ~~2~~1 from Chapter 24.70

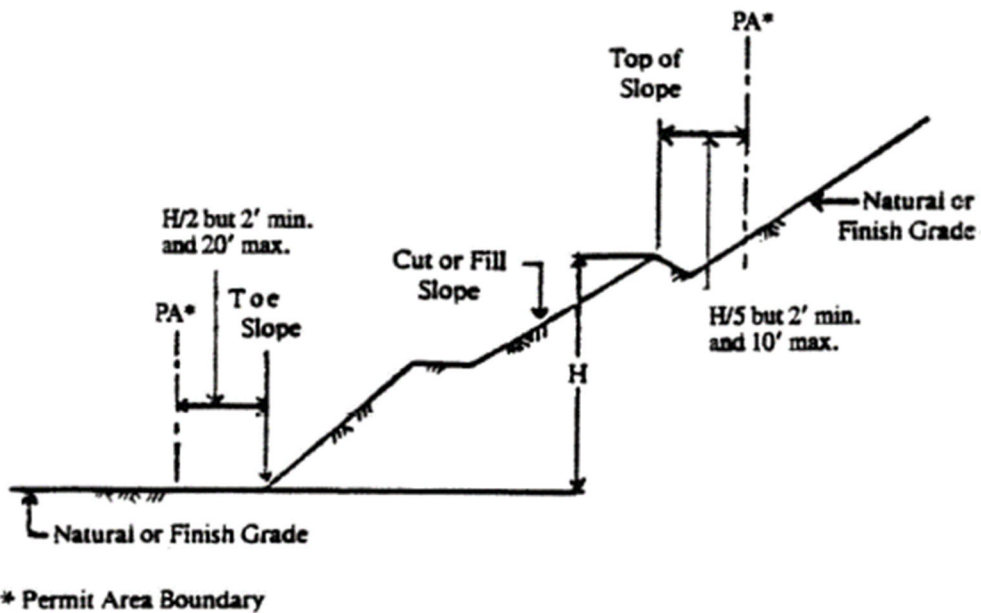


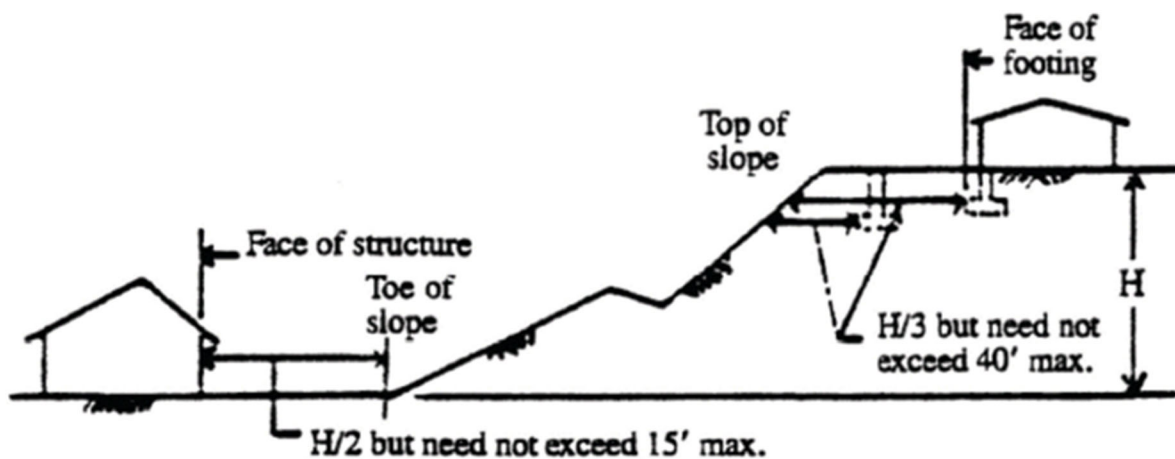
Table 24-70C from Chapter 24.70

Table No. 24.70-C
Required Setbacks from permit area boundary (in feet)

H	SETBACKS	
	a	b'
Under 5	0	1
5 - 30	H/2	H/5
Over 30	15	6

Additional width may be required for interceptor drain.

Figure 3-2 from Chapter 24.70



Title 25 Plumbing Regulations

(Title replaced by Ordinance _____, effective January 1, 2025.)

Chapter 25.01 Title and Scope

25.01.010 Title.

This Title ~~shall be~~ known as the “Plumbing Regulations,” may be so cited and pleaded and will be referred to ~~herein~~ this Title as “this Title.”

25.01.020 Scope - Oregon Plumbing Specialty Code.

~~(Amended by Ordinances 162694, 164949, 168183, 169905, 174891, 179125, 182370, 185545, 186932, 188781, 190548 and 191582, effective February 9, 2024.)~~

This Title applies ~~shall apply~~ to all plumbing done within the City, except sewer facilities installed by the City Engineer through contract or by City work force in any public place or right-of-way for the disposal of sanitary or storm drainage and water supply facilities installed by the Water Engineer through contract or City work force in any public place or right-of-way for supplying the water service.

The provisions of the Uniform Plumbing Code, 2023 edition, including the appendix and installation standards, published by the International Association of Plumbing and Mechanical Officials, as amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, and known as the 2023 Edition of the Oregon Plumbing Specialty Code, are ~~hereby~~ adopted by this reference. The Plumbing Specialty Code is on file in the Development Services Center ~~of the City of Portland~~.

~~25.01.025 Specialty Solar Code.~~

~~(Repealed by Ordinance 168183, effective November 1, 1994.)~~

~~25.01.030 Residential Code.~~

~~(Repealed by Ordinance 182370, effective November 26, 2008.)~~

Chapter 25.02 Definitions ~~25.01.025 Specialty Solar Code.~~

~~25.02.010 Administrative Authority.~~

~~(Repealed by Ordinance 178578, effective September 1, 2004.)~~

~~(Repealed by Ordinance 168183, effective November 1, 1994.)~~

~~**25.01.030 Residential Code.**~~

~~(Repealed by Ordinance 182370, effective November 26, 2008.) 25.01.025 Specialty Solar Code.~~

~~(Repealed by Ordinance 168183, effective November 1, 1994.)~~

~~**25.01.030 Residential Code.**~~

~~(Repealed by Ordinance 182370, effective November 26, 2008.)~~

~~**Chapter 25.02 Definitions**~~

~~**25.02.010 Administrative Authority.**~~

~~(Repealed by Ordinance 178578, effective September 1, 2004.)~~

25.02.020 Approved.

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

~~“**Approved**” means, except as otherwise indicated, approved by the Building Official~~City Administrator~~City of Portland, Portland Permitting & Development, Plumbing Section~~Administrator~~.~~

25.02.030 Building.

~~“**Building**” is any structure used or intended for supporting or sheltering any use or occupancy.~~

25.02.040 Building Wrecker.

~~“**Building wrecker**” means any person, firm, or corporation registered by the State of Oregon, but not listed under this Title as a plumbing contractor, or sewer contractor, but who is deemed capable of sealing sewer openings inside of the property line.~~

25.02.050 Portland Permitting & Development.

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

“Portland Permitting & Development” means ~~the~~ Portland Permitting & Development of the City ~~of Portland~~, which may be represented by any employee duly authorized to make inspection of plumbing installations.

25.02.055 Director.

~~(Added by Ordinance 178578; amended by Ordinance 191736, effective July 1, 2024.)~~

“Director” ~~shall~~ means the Director of ~~the~~ Portland Permitting & Development or a duly authorized representative of the Director.

25.02.060 Journeyman Plumber.

“Journeyman plumber” means any person who possesses a current State of Oregon plumber’s competency license, and is employed to do plumbing by a State registered plumbing contractor.

25.02.070 Maintenance Person.

“Maintenance person” means any person who is in the regular employment of a building owner, and who is capable of making limited repairs to the plumbing system, but who ~~shall be~~ limited to repairing valves or faucets, or cleaning of waste lines.

25.02.080 Plumbing Contractor.

“Plumbing contractor” means any person who engages in the business in the City of furnishing labor and materials or labor only in the placing, installation, or construction of piping systems, fixtures, fittings, or other plumbing devices in any building or elsewhere for the conducting of water or sewage, or storm water, or for making repairs, alterations, or renovating of plumbing, sewage, and drainage systems either by contract, subcontract, day work, or otherwise; but the same does not apply to any person who works at the trade of plumbing as a journeyman plumber if such person is employed by a State registered and bonded plumbing contractor.

25.02.090 Plumbing Inspector.

~~(Amended by Ordinances 170576, 176955 and 191736, effective July 1, 2024.)~~

“Plumbing Inspector” means the Plumbing Inspection Supervisor, or a duly authorized inspector of the Plumbing Division of ~~the~~ Portland Permitting & Development ~~charged with the enforcement of this Title.~~

25.02.095 Rainwater Harvesting System.

~~(Added by Ordinance 178578, effective September 1, 2004.)~~

~~“Rainwater Harvesting System”~~ means the cisterns, pipe, fittings, pumps and other appurtenances required for and used to harvest and distribute rainwater.

25.02.100 Sewer Contractor.

~~“Sewer contractor”~~ means any person desiring to perform sewer work on private property by contract or subcontract and who is registered and bonded by the State of Oregon.

25.02.110 Structure.

~~“Structure”~~ is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Chapter 25.03 Administration

25.03.010 Enforcement.

~~(Amended by Ordinances 176955, 178578 and 191736, effective July 1, 2024.)~~

The ~~Director of the Portland Permitting & Development~~ City Administrator ~~enforces and Building Official shall enforces~~ all the provisions of this Title except to the extent the Building Code, as that term is defined in Portland City Code Subsection 24.10.075 A.1., empowers and requires the Building Official, as that term is defined in Section 24.15.055, to act.

25.03.015 Severability Clause.

~~(Added by Ordinance 191582, effective February 9, 2024.)~~

If any provision of this Title, or its application to any person or circumstance, is held invalid by any court, the remainder of this Title and its application to other persons and circumstances, other than that which has been held invalid, ~~shall~~ will not be affected by such invalidity, and to that extent the provisions of this Title are declared to be severable.

~~**25.03.020 Chief Plumbing Inspector’s Duties.**~~

~~(Amended by Ordinance 170576, effective November 1, 1996.)~~

~~The Plumbing Inspection Supervisor shall enforce the provisions of the Plumbing Regulations.~~

~~25.03.0320~~ Inspector's Right of Entry.

~~(Amended by Ordinance 188647, effective November 17, 2017.)~~

Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the ~~City Administrator Building Official or the Building Official's authorized representative~~ has reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation ~~which that~~ makes such building or premises unsafe, dangerous, or hazardous, the ~~City Administrator Building Official or the Building Official's authorized representative~~ may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the ~~City Administrator building official~~ by this Code. If such building or premises are occupied, proper credentials ~~shall will~~ be presented with a request for entry. If such building or premises are unoccupied, a reasonable effort to locate the owner or other persons having charge or control of the building or premises ~~shall will~~ be made to request entry. If such entry is refused, the ~~City Administrator Building Official or the Building Official's authorized representative shall will~~ have recourse to every remedy provided by law to secure entry.

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

Chapter 25.04 Administrative Regulatory Provisions

25.04.010 Conformity Required.

~~(Amended by Ordinances 178578 and 187432, effective December 4, 2015.)~~

~~-~~Every plumbing system, rainwater harvesting system, water supply system, and sewage and drainage system coming within the jurisdiction of the City ~~of Portland~~ and covered by this Title and the Oregon Plumbing Specialty Code ~~shall must~~ be installed, constructed, altered, renovated, repaired, and maintained in a manner ~~which shall that~~ ~~meets~~ the requirements of this Title and the Oregon Plumbing Specialty Code. No pipes or piping or parts of any plumbing system ~~shall may~~ be cut into, disturbed, or moved unless it is done in conformity with the provisions of this Title and the Oregon Plumbing Specialty Code. No person ~~shall may~~ place in use, or maintain a plumbing, rainwater harvesting system, water, sewage, or drainage system ~~which that~~ has been installed, constructed, altered, renovated, or repaired in violation of the provisions of this Title or the Oregon Plumbing Specialty Code. Any portion of such an installation, construction, alteration, renovation, or repair made in violation of this Title or the

Oregon Plumbing Specialty Code ~~shall~~must be immediately removed and corrected to comply with provisions of this Title and upon notice from the Plumbing Inspector.

25.04.015 Stop Work Orders.

~~(Replaced by Ordinance 187432, effective December 4, 2015.)~~

When it is necessary to obtain compliance with this Title, the ~~City Administrator or Building Official~~Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the ~~City Administrator or Building Official~~Director issues a stop work order, activity subject to the order may not be resumed until such time as the ~~City Administrator or Building Official~~Director gives specific approval in writing. The stop work order will be in writing, except when an emergency condition exists, the ~~City Administrator or Building Official~~Director may issue a stop work order orally, followed by a written stop work order. All stop work orders will conform to the requirements of Portland City Code Section 3.30.080. Any person subject to a stop work order may seek review of the order by the ~~City Administrator or Building Official~~Director and may appeal the ~~City Administrator~~Director's determination in accordance with ~~City Code~~ Section 3.30.080.

25.04.020 Renewals and Repairs.

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

25.04.030 Plumbing Work ~~To Be~~To Be Regulated.

~~(Amended by Ordinance 168183, effective November 1, 1994.)~~

All plumbing work in or about buildings or on private property ~~must~~shall be performed under the direction of a plumbing contractor except:

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

25.04.040 Minor Plumbing Labels.

~~(Added by Ordinance 170811; amended by Ordinances 170929, 178578, 179125 and 187432, effective December 4, 2015.)~~

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

25.04.050 Owner May Perform Plumbing Work.

~~(Amended by Ordinances 170576 and 188647, effective November 17, 2017.)~~

The ~~Plumbing Inspector has authority to~~ City Administrator or City Administrator Building Official ~~may~~ issue a permit for work regulated by this Title to a bona fide owner of a single-family residential structure. In issuance of the permit, the ~~Plumbing Inspector~~ City Administrator or City Administrator Building Official ~~shall will~~ consider where:

- A. The owner has demonstrated a thorough knowledge of the work to be performed;
- B. The owner will perform the work.
- C. The single-family residential structure is occupied by the owner for dwelling purposes and is not being constructed or remodeled for resale or rent.
- D. Such other factors as will aid the ~~City Administrator or City Administrator Building Official Plumbing Inspector~~ may condition the issuance of the permit upon such conditions and factors as the ~~City Administrator or City Administrator Building Official Plumbing Inspector~~ deems appropriate including, but not limited to, requiring an owner to post a bond to assure prompt and safe completion in compliance with the provision of the permit and this Title. Said bond ~~must shall~~ be in form approved by the City Attorney and ~~must shall~~ provide for completion or correction of the work from the proceeds of the bond.

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

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

~~(Amended by Ordinances 168183, 176955 and 191736, effective July 1, 2024.)~~

All plumbing work ~~must shall~~ be performed either by an owner or by a journeyman plumber holding a valid certificate of competency from the State of Oregon, or a registered and indentured apprentice. All journeyman plumbers while engaged in

plumbing work ~~must~~ shall carry with them their Oregon State Certificate of Competency. All apprentice plumbers ~~must~~ shall carry with them their apprentice registration cards and ~~must~~ shall produce ~~same them~~ at the request of the Plumbing Inspector ~~of the Portland Portland Permitting & Development~~. It ~~shall be~~ is the duty of the Plumbing Inspector ~~of the Portland Permitting & Development~~ to require the journeyman plumber and apprentice plumber to show their registration card.

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

25.04.070 Certificate of Final Inspection.

~~(Amended by Ordinance 168183, effective November 1, 1994.)~~

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

25.04.080 Advertising or Display Signs.

It is unlawful for any person to engage in, ~~or~~ carry on, or ~~to~~ represent and advertise ~~hi~~ ~~the~~ himself as engaged in or carrying on the business of plumbing contractor, or sewer contractor in ~~the City of~~ Portland, or to use the words "plumbing contractor," "sewer contractor," or "plumber," or "plumbing," or expose a sign containing similar import for such purpose, implying that the advertiser is so engaged, unless such person has obtained a registration to engage in and carry on a business of plumbing contractor or sewer contractor in ~~the City of~~ Portland.

25.04.090 Mechanical Devices.

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

Chapter 25.05 Permits

25.05.010 Required.

~~(Amended by Ordinances 170576, 170811, 178578 and 187432, effective December 4, 2015.)~~

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

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

~~(Amended by Ordinances 168902, 170811 and 187432, effective December 4, 2015.)~~

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

25.05.025 Temporary Permits.

~~(Added by Ordinance 187432, effective December 4, 2015.)~~

The ~~City Administrator or City Administrator~~Building Official Bureau may issue temporary permits for emergency plumbing work or repairs. Temporary permits will only be issued to licensed plumbers. Temporary permits are valid for ~~7~~seven days. When work is done under a temporary permit, the permit application and fees must either be received by ~~Portland Permitting & Development~~the Bureau within ~~7~~seven calendar days of the start of work, or, if mailed, be postmarked within ~~7~~seven calendar days of the start of work.

25.05.030 Plumbing Permit Application.

~~(Amended by Ordinances 156924, 168183, 170576, 176955 and 191736, effective July 1, 2024.)~~

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

25.05.040 Plumbing Plan Examination.

~~(Amended by Ordinances 158895, 186183, 170576, 181359 and 191736, effective July 1, 2024.)~~

A. Installations requiring plan review: Plumbing plan review is required for all complex structures as set forth in OAR 918-780-0040 cert ef. 10-1-06. Plan review for all other plumbing systems is optional.

B. Submittal ~~r~~Requirements: When plan review is either required or requested, prior to the issuance of a building permit, three sets of plumbing plans and specifications providing the information as prescribed by the ~~City Administrator or~~City Administrator~~Building Official~~ Director~~must~~shall be filed with the Plumbing Section, Portland Permitting & Development. Plans ~~must~~shall be of sufficient clarity to indicate the location, nature and extent of the work proposed.

25.05.050 Life of Permit Limited.

~~(Replaced by Ordinances 190350 and 191736, effective July 1, 2024.)~~

A. Permit applications.

1. Initial permit application. A permit application that is inactive for a period of 180 days will be deemed abandoned. If an abandoned permit application is not reactivated within 180 days of abandonment, the permit application will be void. If a permit application is void, a new permit application is required for the subject work.

2. Extensions. The [City Administrator](#)~~Building Official~~ may extend a permit application for up to 180 days, with justifiable cause, as determined in the [City Administrator's](#)~~Building Official's~~ sole discretion. Extension requests must be in writing and received by ~~the~~Portland Permitting & Development before the scheduled permit abandonment date.

3. Reactivations. The [City Administrator](#)~~Building Official~~ may reactivate a permit application that has been abandoned for less than 180 days, with justifiable cause as determined in the [City Administrator's](#)~~Building Official's~~ sole discretion. Reactivation requests must be in writing and received by ~~the~~Portland Permitting & Development within 180 days after the permit abandoned date. If no activity occurs within 180 days after a permit application is reactivated, the permit application will be deemed abandoned. A permit application may be reactivated only once.

B. Issued Permits.

1. Initial issued permit. If no inspection is approved within 180 days after permit issuance, the permit will expire. If an expired permit is not reactivated within 180 days of expiration, the permit will be void. If a permit is void, a new permit is required for the subject work.

2. Extensions. Each time an inspection is approved, the permit will automatically be extended for 180 days. The [City Administrator](#)~~Building Official~~ may also extend a permit for a period of up to 180 days with justifiable cause, as determined in the [City Administrator's](#)~~Building Official's~~ sole discretion. Extension requests must be in writing and received by ~~the~~Portland Permitting & Development before the scheduled permit expiration date. If no inspection is approved within the extended time period, the permit will expire.

3. Reactivations. The [City Administrator](#)~~Building Official~~ may reactivate a permit that has been expired for less than 180 days, provided no changes have been made to the scope of work, and with justifiable cause as determined in the [City Administrator's](#)~~Building Official's~~ sole discretion. A void permit may be reactivated provided there have been no changes to the scope of work and only the final inspection remains unapproved. Reactivation requests must be in writing and received by ~~the~~Portland Permitting & Development within 180 days after permit expiration. If no inspection is approved within 180 days of reactivation, the permit will expire. A permit may be reactivated only once.

C. Fees. When a new permit is required, a new permit application must be submitted and new fees must be paid based on the current adopted Portland Permitting & Development fee schedule. ~~The~~ Portland Permitting & Development will adopt policies for fee refunds or credits of previously submitted permits. Fees for permit extensions and reactivations may also be charged as adopted in the Portland Permitting & Development fee schedule.

25.05.060 Fees.

~~(Replaced by Ordinance 174720, effective August 21, 2000.)~~

All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.

25.05.070 Repairs, Replacements, and/or Completions.

~~(Amended by Ordinances 187432 and 191736, effective July 1, 2024.)~~

A. A regular fee ~~shall~~ will be charged on all work for finishing any plumbing installation for which a permit was secured and ~~when the~~ ich installation was roughed in only. Any such original permit will not cover any person other than the original permittee.

B. The fees for alterations, replacements, or repairs ~~shall~~ will be the same as for new work.

C. If any work on the construction, alteration, repair, replacement, or completion of a plumbing system is commenced without a plumbing permit having first been secured, ~~Portland Permitting & Development~~ the Bureau may charge an investigation fee equal to the average or actual additional cost incurred by the City of ensuring that the work done without benefit of a permit is in conformance with the Oregon Plumbing Specialty Code and this Title, provided that when a person performing the work notifies ~~the~~ Portland Permitting & Development before any work is commenced at a given location, and the permit is secured within 24 hours, not including Sundays or holidays, the investigation fee ~~shall~~ will not be charged. Payment of such fee, however, ~~shall~~ will in no way relieve such person of the penalties imposed for violation of this Title.

25.05.080 Revocation.

~~(Amended by Ordinances 176955, 187432 and 191736, effective July 1, 2024.)~~

If, upon inspection, it is found that the workmanship or material employed does not in all respects conform to the statements given in the plumbing permit application or does not comply with the provisions of this Title and the Oregon Plumbing Specialty Code, the

~~City Administrator or City Administrator Building Official may~~ ~~Bureau will~~ issue a stop work order as set forth in Section 25.04.015 of this Title and all additional plumbing work under the permit ~~will~~ must be suspended until permission to deviate from the specific terms of the permit is obtained or until the work already installed is corrected to comply fully with the terms of the permit. If the permittee fails to comply with the requirements outlined in the stop work order, ~~the Portland Permitting & Development~~ the City Administrator will or City Administrator Building Official may cancel the permit, informing the permittee in writing of the action, and posting a notice announcing such revocation at the site of the work. Thereafter it ~~is~~ will be unlawful for any person to perform any plumbing work upon such premises without first securing a new plumbing permit. Any person subject to a stop work order may seek review of the order by the City Administrator or City Administrator Building Official ~~Director~~ and may appeal the ~~City Administrator~~ Director's determination in accordance with Portland City Code Section 3.30.080.

25.05.090 Partial Refund of Fees.

~~(Amended by Ordinances 162101 and 187432, effective December 4, 2015.)~~

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

25.05.100 Reduction of Fees.

~~(Added by Ordinance 168183, effective November 1, 1994.)~~

The City Administrator ~~Director~~ may reduce any fee when, under the City Administrator's ~~Director's~~ authorization, another public agency, public utility, or other organization processes the permit, ~~thereby~~ reducing the bureau's cost of issuing the permit.

Chapter 25.06 Registrations

25.06.010 Compliance Agreement.

~~(Amended by Ordinance 178578, effective September 1, 2004.)~~

Any person applying for registration and any owner doing any plumbing work, must shall, in consideration of the granting of a plumbing permit therefor, agree to comply with all of the codes and ordinances of the City regulating plumbing, water, rainwater harvesting systems, sewers, and rain drain disposal, and with the provisions of the building regulations, housing regulations, health regulations, and the Oregon Plumbing Specialty Code.

25.06.020 State Registration Number Required.

~~(Amended by Ordinances 176955, 188647 and 191736, effective July 1, 2024.)~~

~~The Portland Permitting & Development~~The City Administrator or City Administrator Building Official shall will not issue a plumbing permit to any plumbing contractor, or any sewer contractor, to install, construct, alter, or repair any plumbing or drainage system in the City, as defined and covered in this Title, unless such plumbing contractor or sewer contractor has been registered by the State of Oregon under the provisions of ORS 447.000 and unless the contractor's registration number has been filed with the Plumbing Division having jurisdiction. A journeyman plumber or plumber apprentice must shall show a valid Oregon State certificate of competency or registration card on the request of an Inspector of the Plumbing Division, or other authorized person.

~~25.06.050 Application for Examination.~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~25.06.060 Appeal from Examining Board.~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~25.06.070 Supervising Plumbers Registration and Fees.~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~25.06.080 Registration – Nontransferable.~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~25.06.090 Supervising Plumbers – Renewal – Re-examination.~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~25.06.100 Penalties.~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~25.06.110 Suspension or Revocation of Registration.~~

~~(Repealed by Ordinance 156924, effective December 26, 1984.)~~

~~25.06.050 Application for Examination.~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~**25.06.060 Appeal from Examining Board.**~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~**25.06.070 Supervising Plumbers Registration and Fees.**~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~**25.06.080 Registration – Nontransferable.**~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~**25.06.090 Supervising Plumbers – Renewal – Re-examination.**~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~**25.06.100 Penalties.**~~

~~(Repealed by Ordinance 162101, effective August 1, 1989.)~~

~~**25.06.110 Suspension or Revocation of Registration.**~~

~~(Repealed by Ordinance 156924, effective December 26, 1984.)~~

Chapter 25.07 Appeals

~~(Chapter replaced by Ordinance 187432, effective December 4, 2015.)~~

25.07.010 Portland Permitting & Development Administrative Appeal Board.

~~(Amended by Ordinances 191582 and 191736, effective July 1, 2024.)~~

A. Appointment of Administrative Appeal Board. ~~The~~ Portland Permitting & Development Administrative Appeal Board consists of the Building Official and Portland Permitting & Development Bureau staff members appointed by the City Administrator~~Director~~. In appointing staff members, the City Administrator ~~Director~~ will consider the issues presented by the appeal, and what particular expertise will be helpful in addressing those issues. The staff will act in an advisory capacity to the Building Official. The Administrative Appeal Board may:

1. review appeals of ~~Portland Permitting & Development's~~ Bureau's application and interpretation of the State of Oregon Plumbing Specialty Code adopted in this Title ("Plumbing Code");
2. review requests for modifications to the strict application of the Plumbing Code or this Title; and
3. review requests to use alternative materials, design or methods of construction and equipment.

B. Appeals to the Administrative Appeal Board and ~~Ffinal Ddecisions.~~ **Final Decisions.** Any person aggrieved by a decision of ~~Portland Permitting & Development~~ the Bureau related to the application and interpretation of this Title or the Plumbing Code or who wants to request consideration of an alternative material, design or method of construction may file an appeal with the Administrative Appeal Board. Such an appeal must be filed within 180 days of the ~~Bureau~~ decision being appealed; provided, however, the Plumbing Code ~~and provisions of this Title~~ in effect at the time the ~~Bureau~~ decision was made shall will be applied to the administrative appeal. The Administrative Appeal Board may:

1. grant an appeal if the Administrative Appeal Board finds that the Plumbing Code or this Title was not correctly interpreted or applied; or
2. approve an alternative material, design or method of construction if the Administrative Appeal Board finds that any such alternative complies with the intent of the Plumbing Code ~~and this Title and~~ that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Plumbing Code and this Title in quality, strength, effectiveness, fire resistance, durability, and safety. The Administrative Appeal Board may not waive the requirements of the Plumbing Code or this Title. The Administrative Appeal Board review will culminate in a final decision by the Building Official. The Administrative Appeal Board meeting is not open to attendance by the appellant or the public. ~~Portland Permitting & Development~~ The Bureau will provide final decisions to the appellant by publication of the decision on Portland Permitting & Development's ~~the Bureau's~~ website within 10 calendar days of the hearing, provided ~~Portland Permitting & Development~~ the Bureau has received all required information from the applicant.

C. Reconsideration of ~~Ffinal Ddecisions~~ **Final Decisions** and A Appeals to the Plumbing Code Board of Appeal. Any person aggrieved by a final decision of the Building Official made under Subsection B. above may either file a reconsideration of that decision within 180 days of the decision based on new or revised information or appeal the decision to the Plumbing Code Board of Appeal in accordance with Section 25.07.010 within 90 days of the final decision being appealed. The appeal package may not be altered from the administrative hearing. There is no additional fee for the first reconsideration of an Administrative Appeal Board decision or for an

appeal to the Plumbing Code Board of Appeal. The Plumbing Code ~~and provisions of this Title~~ in effect at the time of the final decision being reconsidered or appealed will be applied to the reconsideration or subsequent appeal to the Plumbing Code Board of Appeal.

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

25.07.020 Plumbing Code Board of Appeal.

~~(Amended by Ordinance 191582, effective February 9, 2024.)~~

A. Appointment of Plumbing Code Appeal Board. In order to hear appeals of final decisions of the Building Official made under Section 25.07.010, there ~~has been created~~ is a Plumbing Code Board of Appeal, consisting of three members and one alternate appointed by the Mayor and approved by the City Council.

1. Each member must be qualified by experience and training to make decisions pertaining to the Plumbing Code and matters pertaining to plumbing. At least one member must be a licensed plumbing contractor qualified through experience and training to decide matters concerning the safety of installations and devices regulated by this Title; one member ~~must~~ shall be a person engaged in the design of plumbing installations qualified through experience and training to decide matters concerning the safety of installations and devices regulated by this Title; and one member must be qualified through training and experience to make decisions pertaining to the Plumbing Code and matters pertaining to plumbing.
2. Plumbing Code Board of Appeal appointments ~~shall~~ are ~~be~~ for three-year terms. Appeal Board members may serve no more than two three-year terms. ~~However; however,~~ board members may serve a third term if their board has not convened in the board member's first two terms or, unless the City Administrator ~~Director~~ recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. Vacancies occurring prior to the end of a term for whatever cause may be filled by qualified persons through appointment by the Mayor for the remainder of the term.
3. Any member may be removed by the Mayor for incompetence, dereliction of duty, incapacity or other sufficient cause.
4. Members of the Plumbing Code Appeal Board ~~must~~ shall comply with the State ethics laws applicable to public officials.

5. Members of the Plumbing Code Appeal Board ~~must~~ shall serve in a voluntary capacity and without pay.

B. Appeals to the Plumbing Code Board of Appeal. The Plumbing Code Board of Appeal may review Administrative Appeal Board decisions or any other final decision of the Building Official ~~or Director~~ related to the application and interpretation of the Plumbing Code. The Plumbing Code appeal will be limited to the facts and record reviewed by the Administrative Appeal Board, ~~and~~ Building Official ~~or Director~~ related to the decision being appealed. A hearing will be held within 30 days after an interested party submits a written appeal to the Plumbing Code Board of Appeal. A panel of three Plumbing Code Board of Appeal members will hear each appeal. The Board may, by a majority vote, affirm, annul, or modify the decision. If a board member does not convene during their first two terms, they are automatically rolled into a third term. Board members may opt out of the third term at their discretion.

C. Powers and ~~L~~imitations of ~~A~~uthority of the Plumbing Code Board of Appeal Board. The Plumbing Code Board of Appeal may provide reasonable interpretations of the requirements of the Plumbing Code ~~and this Title and~~ may grant an appeal if the Board finds one of the following:

1. the Building Official ~~or Director~~ did not correctly apply or interpret the Plumbing Code ~~or this Title~~; or
2. any alternative material, design or method of construction and equipment complies with the intent of the Plumbing Code ~~and this Title, and~~ the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Plumbing Code ~~and this Title~~ in quality, strength, effectiveness, fire resistance, durability, and safety. The Plumbing Code Board of Appeal may not waive the requirements of the Plumbing Code ~~or this Title~~.

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

Chapter 25.08 Repair of Private Sewer Systems Involving More than one Property

25.08.010 Purpose.

~~(Amended by Ordinance 183397, effective January 8, 2010.)~~

The purpose of this Chapter is to establish responsibility for the operation and repair of damaged common private sewers or private sewers that traverse another private property in the absence of any written agreement among or between property

owners. It is the goal of the City to have each individual property served by an individual lateral to a public sewer. Nonconforming common private sewers or private sewers that traverse another property and are located in a private easement are exempt from this Section. This Chapter grants the City authority to abate nuisances created by the use of damaged private sewers, without regard to the fault of the property owner, and authorizes the City to recover the costs it incurs in abating these nuisances by assessing liens against properties served by the damaged private sewers. This Chapter allows property owners to seek any legal relief against any person responsible for causing or exacerbating damage to the private sewer.

25.08.020 Definitions.

~~(Amended by Ordinance 185694, effective November 23, 2012.)~~

A. “Common pPrivate sSewer sSystem (also called pParty sSewer)” means that portion of a building sewer that:

1. Is not owned by the City of Portland;
2. Is used for draining more than one building under different ownership; and
3. Conveys the discharge to a sewer service lateral, public sewer, private sewage disposal system, or other point of disposal.

Common private sewers are found on private property and in private and public rights-of-way, including easements.

B. “Damaged pPrivate sSewer sSystem.” Damaged pPrivate sSewer sSystem means a private sewer not in compliance with applicable governmental regulations.

C. “Owner.” Owner means the person shown on current assessment records in the County Office of Assessment and Taxation as the owner of the title to the real property or the contract purchaser of the real property. Owner also includes a deedholder or contract purchaser whose name does not appear in the latest assessment record, but who presents to [Portland Permitting & Development Bureau](#) a copy of a deed or contract of sale showing the date, book, and page of recording.

D. “Repair of pPrivate sSewer sSystem.” Repair of a private sewer system means any work, including repairs, reconstruction, and replacement, required to return a damaged private sewer system to compliance with applicable government regulations.

25.08.030 Equal Responsibility for Repair and Nuisance Abatement.

An owner of a building using any damaged section of a common private sewer system ~~shall be~~ responsible equally for all costs of repair with any other owner whose building also uses that section of the damaged common private sewer. In addition, these owners ~~shall be~~ responsible equally for all costs associated with any abatement by the City of any nuisance created by their buildings' use of that section of the damaged common private sewer and for all penalties for violations of this Code associated with the damaged sewer line.

Exception: When repair or abatement of a damaged common private sewer includes a new sewer connection of an individual property to a public sewer, the owner of that property ~~shall be~~ solely responsible for the cost of the new connection. In addition, the owner of the newly connected property may be responsible for other costs associated with repair and abatement of the damaged common private sewer when the ~~City Administrator~~ Director determines that it would be fair and equitable to do so.

25.08.040 Private Sewer System Traversing Another Property.

When a damaged private sewer system serving a building on a property:

- A. traverses another property prior to connecting to a public sewage disposal system, and
- B. the damage occurs on the traversed property, and
- C. the owner of the traversed property does not use the damaged section of the private sewer system,

then the owner of the property using the damaged private sewer system ~~shall be~~ fully responsible for the damaged private sewer system and for all costs and penalties assessed by the City for violations of this Code associated with the damaged sewer line.

25.08.050 Damaged Private Sewer System as Nuisance.

Any damaged private sewer system is deemed a nuisance.

25.08.060 Authority of City to Abate Nuisance and Lien Property.

~~(Amended by Ordinance 180330, effective August 18, 2006.)~~

If the owners using a damaged private sewer system neglect, refuse, or fail to correct the damage after Portland Permitting & Development ~~the Bureau~~ provides notice pursuant to Portland City Code Section 29.60.050, the City may correct the damage pursuant to Sections 29.60.060, 29.60.070 or 29.60.080 and assess the property or properties using the system pursuant to the procedures in Section 29.70.020. In the case of a common private sewer system, the City ~~shall~~ will calculate the amount of

assessment on the property pursuant to [Section 29.70.020](#). In addition, regarding a private sewer system traversing another property, [Portland Permitting & Development](#) ~~the Bureau shall will~~ notify the owner whose property is traversed by but not connected to the damaged private sewer system that the system has been declared a nuisance. The City may enter that property to abate the nuisance after providing notice.

25.08.070 Applicability.

Section 25.08.030 ~~shall does~~ not alter the terms and conditions of any easement of record, or of any other written agreement between or among owners. However, nothing in this section affects or impairs the City's authority under [Section PCC-25.08.060](#).

Chapter 25.09 Conversion or Abandonment of Nonconforming Sewers

~~(Chapter added by Ordinance 185694, effective November 23, 2012.)~~

25.09.010 Purpose.

~~(Amended by Ordinance 191736, effective July 1, 2024.)~~

The purpose of this Chapter is to transfer from ~~the~~ Portland Permitting & Development to the Bureau of Environmental Services (BES) certain regulatory authority over nonconforming sewers, as that term is defined in [Portland City Code](#) Chapter 17.33.

25.09.020 Authority of the [Bureau of Environmental Services](#) [City Administrator](#) to Regulate by Administrative Rule.

The [City Administrator](#) ~~Director of BES~~ may adopt, amend, repeal and enforce administrative rules and procedures pertaining to nonconforming sewers as provided by [Portland City Code](#) Titles 3, 17, and 22.

25.09.030 Authority of the Bureau of Environmental Services to Require Information.

BES may require owners of properties connected to nonconforming sewers to submit photographic or plumbing records or other evidence as it deems appropriate.

25.09.040 Damaged Nonconforming Sewer as Nuisance.

A damaged nonconforming sewer is deemed a nuisance. Subject to [Portland City Code](#) Title 22, ~~BES~~ [the City Administrator](#) may abate such nuisances and recover any costs ~~it~~ ~~incurs~~ ~~thereby~~ through the assessment of liens against properties served by the nonconforming sewers.

25.09.050 Equal Responsibility for Repair and Nuisance Abatement.

The owner of each property connected to a damaged nonconforming sewer is proportionally liable for all costs of repair of the sewer, all costs associated with any City abatement efforts, and all penalties for violations of this Code.

25.09.060 Participation of ~~the~~ Portland Permitting & Development in Appeals.

~~(Amended by Ordinance 191736, effective July 1, 2024.)~~

Appeals of BES requirements pertaining to nonconforming sewers will be processed in conjunction with ~~the~~ Portland Permitting & Development ~~Services~~ Administrative Appeal Board.

Chapter 25.10 Dry Wells and Other Underground Injection Controls

~~(Chapter added by Ordinance 191370, effective August 11, 2023.)~~

25.10.010 Purpose.

The purpose of this ~~S~~section is to establish regulatory authority for dry wells and other underground injection controls for stormwater disposal.

25.10.020 Definitions.

The Oregon Department of Environmental Quality (DEQ) classifies dry wells, soakage trenches, and other manufactured chambered systems as underground injection controls, and as such ~~shall~~ within this section refer~~s~~ to the structures that capture and temporarily retain stormwater runoff, allowing it to infiltrate into the ground.

25.10.030 Construction, Use, and Limitations.

~~(Amended by Ordinance 191736, effective July 1, 2024.)~~

Where authorized by the ~~City Administrator~~~~Building Official~~, dry wells or other underground injection controls may be used in compliance with the provisions outlined in this Title and in accordance with the specifications set forth in corresponding code guides developed by ~~the~~ Portland Permitting & Development. In cases where deemed necessary by the ~~City Administrator~~~~Building Official~~, soil percolation tests may be required to assess the suitability of the site. The installation of pre-manufactured dry wells or other underground injection controls composed of concrete, High-Density Polyethylene (HDPE), or similar materials must adhere strictly to the manufacturer's instructions. Stormwater infiltration systems may be utilized if installed in strict

accordance with the manufacturer's specified installation instructions. Alternative stormwater facility options when designed and stamped by a registered design professional may be considered and approved by the City Administrator.~~Building Official~~. The City Administrator ~~Building Official shall will~~ conduct a thorough examination of, or cause to be examined, the plans and specifications submitted, ensuring compliance with the provisions set forth in this Title and all applicable laws and regulations of the City.

Installation of dry wells and other underground injection controls must meet the requirements of Oregon DEQ.

25.10.040 Abandonment.

When directed by the City Administrator~~Building Official~~ and in compliance with Oregon DEQ rules and regulations, every dry well or other underground injection control that has been abandoned or otherwise discontinued from further use ~~must~~shall be promptly and completely filled with approved materials, including but not limited to earth, sand, gravel, concrete, or other suitable material approved by the City.

Title 31 Fire Regulations

(Title replaced by Ordinance _____, effective January 1, 2025.)

(Title replaced by Ordinance 180276, effective June 28, 2006.)

Chapter 31.10 Administration

31.10.010 Title.

The authority established in this Title ~~shall is~~be known as the “Fire Regulations” and may be so cited and pleaded and is referred to ~~herein~~as “this Title.”

31.10.020 Purpose and Scope.

~~A.~~ A. This Title ~~shall be~~is deemed an exercise of the police powers of the City for the preservation and protection of the public health, peace, safety and welfare, and all of its provisions ~~shall~~must be liberally construed for that purpose.

B. This Title establishes regulations affecting or relating to structures, premises, processes, and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operations;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression, fire alarm systems and hazardous material storage, dispensing and use.

C. The provisions of this Title ~~shall~~apply equally to both public and private property, and ~~shall are~~be binding upon public officers and employees and all other persons except as may be otherwise specifically provided herein.

D. This Title ~~shall is~~be applicable in addition to the measures of fire prevention as set forth in the laws and regulations of the State of Oregon and the United States . The provisions of this Title, insofar as they are substantially the same as existing titles ~~and~~or ordinances relating to the same subject matter, ~~must~~shall be construed as restatements and continuations and not as new enactments.

31.10.030 Definitions.

(Amended by Ordinances 180917, 181956, 187748 and 190502, effective August 20, 2021.)

A. "Aerial ~~L~~uminary ~~d~~Device" (commonly known as a sky lantern) is any device that has an open flame and ~~which that~~ can be sent airborne or adrift.

B. "Building" is any structure used or intended for supporting or sheltering any use or occupancy.

C. "Certificate of Fitness" means a written statement issued by the Fire Marshal certifying that the person to whom the certificate is issued has passed an examination as to their qualifications to perform the specifically identified work and that they have authority to perform such work during the term specified.

D. "Commercial ~~b~~Building" means any structure, tank or yard that is subject to regulation under applicable fire codes. It includes any temporary structure or vehicle that is used for commercial purposes and is not moved for 60 days. It includes occupancies on public and private property as well as on all other types of ownership. -It does not include one and two-family residential structures.

E. "Entity" includes a corporation, foreign corporation, nonprofit corporation, profit and nonprofit unincorporated association, business trust, estate, partnership, trust, sole proprietorship, individual, two or more persons having a joint or common economic interest, any state, the United States and any foreign government.

F. "Fee ~~s~~Schedule" means a listing of fees, penalties, discounts, and other payments payable to the City ~~of Portland~~ for services or other requirements set forth in this Title, ~~which that~~ is adopted by ~~City the~~ Council.

G. "Fire Bureau" ~~shall~~ means ~~s~~ Portland Fire & Rescue.

H. "Fire Code" means the Oregon Fire Code, 2019 edition, with City of Portland Amendments.

I. "Fire ~~h~~Hazard" means any thing or act ~~which that~~ increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire; or ~~which that~~ may obstruct, delay, hinder or interfere with the operations of the Fire Bureau or the egress of occupants in the event of fire.

J. "Fire ~~r~~Regulations" means the statutes and administrative rules adopted by the State of Oregon and the ~~Portland~~ City Code adopted by the Council and the policies adopted under the authority granted under this Chapter to the Fire Marshal ~~which that~~ are for the purpose of safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances,

materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

K. “Key bBox”, also known as a “lock box”, is a secure metal box used to hold keys for a specific site, to provide Fire Bureau personnel access to that site.

L. “Occupancy” means the activity in a building or on property outside a building where services or housing are provided or commodities are bought, sold, handled, manufactured or stored. A single business entity with multiple uses or activities in a building as defined by the Oregon Structural Specialty Code is considered one occupancy. -Any structure, yard or group of tanks outside a building such as tank farms, moorage and outside storage are considered one occupancy.- The definition includes individual businesses within a multiple occupancy commercial building but it does not include individual dwelling units within a multiple residential building. The Oregon Structural Specialty Code ~~shall~~ defines classification of all buildings and structures as to use and occupancy.

M. “Owner/occupant” means the owner, operator, occupant or entity legally responsible for a premise or the delivery of services or housing, or the buying, selling, handling, manufacture or storage of commodities, and/or the condition of the building.

N. “Periodic iInspection” means an inspection performed periodically by a member of the Fire Bureau for the purpose of determining that the entire occupancy is in compliance with the requirements of fire regulations.- A “periodic inspection” is also known as a “**regular inspection**” by the Fire Bureau.- It does not include specific requests for inspection.

O. “Permit” means a written permission of the Fire Marshal issued pursuant to the provisions of this Title.

P. Where terms are not defined through the methods authorized by this Ssection, such terms ~~shall~~ have their ordinarily accepted meanings ~~such~~ as the context implies. -Webster’s Third New International Dictionary of the English Language, Unabridged, copyright 1985, ~~shall~~ may be considered as providing ordinary accepted meanings.

31.10.040 Organization.

~~(Amended by Ordinance 181956, effective June 25, 2008.)~~

A. The Fire Bureau, subject to the approval of the City Administrator, ~~shall~~ administers the provisions of this Title unless otherwise specified in this Title.

B. The Fire Chief, subject to the approval of the City Administrator, ~~shall be~~ is responsible for all fire prevention efforts in ~~the City of Portland~~ and for enforcing the provisions of this Title or any subsequent amendments to the same.

C. The personnel of the Fire Prevention Division ~~shall consist~~ of a Fire Marshal and as many Deputy Chief Fire Marshals, Fire Captains, Senior Fire Inspectors, Fire Inspectors and other employees as may be allowed and provided by the Fire Chief and City ~~Council~~Administrator. Such personnel may act to enforce provisions of this Title as assigned by the Fire Marshal. The Fire Marshal ~~shall report~~ directly to the Fire Chief.

D. There ~~shall be~~, in the Fire Prevention Division of the Fire Bureau, a section designated as the "Fire and Arson Investigation Unit" ~~which shall be~~ that is considered a law enforcement unit of the City ~~of Portland~~. Personnel assigned to this unit ~~shall be~~ designated peace officers, for fire and life safety purposes including determining the cause of fires, for detecting arson, and for enforcing this Code and any other codes, rules or regulations incorporated therein. This unit ~~shall be~~ charged with the enforcement of the criminal laws of the State of Oregon relating to the crimes of arson, reckless burning, insurance fraud, and other related crimes.

31.10.050 Authority.

~~(Amended by Ordinances 180514, 181956, 186247, 187748 and 190502, effective August 20, 2021.)~~

A. Rules and ~~R~~regulations. The ~~Fire Marshal, with the approval of the Fire Chief, is authorized to~~ City Administrator may make and enforce such rules, regulations and policies for the prevention and control of fires and fire hazards, as may be necessary to carry out the intent of this Title.

B. Adoption of Oregon State Statutes. In order to obtain an exempt jurisdiction status from the State Fire Marshal, in accordance with ORS 476.030(3) from the statutes, rules and regulations administered by the State Fire Marshal, the City ~~hereby~~ adopts and incorporates into this title by reference the following provisions of the Oregon Revised Statutes: 162.225, 162.235, 162.375, 162.255, 476.005, 476.010, 476.150 through 476.290, 476.380, 476.715, 479.015 through 479.170, 479.190, 479.195, 479.210 through 479.300, 479.990(6), and all of ORS 480 except 480.350, 480.355, 480.375(2), 480.432 through 480.440.

Where reference is made to the State Fire Marshal in the Oregon Revised Statutes in this Title, the term "City Fire Marshal" ~~shall~~ will be substituted for it.

C. Adoption of Oregon State Administrative Rules, Fire Marshal Chapter 837. In order to obtain an exemption in accordance with ORS 476.030(3) from the statutes, rules and regulations administered by the State Fire Marshal, the City ~~hereby~~ adopts and incorporates into this Title by reference the following administrative rules adopted by the State Fire Marshal:

1. OAR 837 - Division 12, Public Display of Fireworks in Oregon
2. OAR 837 - Division 20, Flammable and Combustible Liquids

3. OAR 837 - Division 30, Liquefied Petroleum Gas, Sections 837-030-0140 through 837-030-0180 and 837-030-0230

4. OAR 837 – Division 40, Adoption of the Oregon Structural Specialty Code and Mechanical Special Code, Section 837-040-0140

5. OAR 837 - Division 41, Fire Protection Regulations Relating to Existing Non-Conforming High Hazard Facilities - Exitway Protection

6. OAR 837 - Division 45, Smoke Detectors

Where reference is made in this Title to the State Fire Marshal in the Oregon State Fire Marshal Administrative Rules, the term "City Fire Marshal" ~~shall~~will be substituted for it.

D. Oregon Residential Specialty Code. In order to allow alternative methods of fire protection for the development of one- and two-family dwellings, the City ~~hereby~~ adopts and incorporates into this Title by reference Oregon Administrative Rule 918-480-0100.

E. Adoption of Oregon Fire Code, 2019 Edition. In addition to the provisions of this Title, and as a supplement ~~to thereto it~~, in order to regulate those conditions hazardous to life and property from fire or explosion that are not specifically addressed by this Title, the City ~~hereby~~ adopts the 2019 Edition of the Oregon Fire Code with amendments.

F. Standards of the National Fire Protection Association. When requested by a building owner, the Fire Marshal may use criteria from an edition of a National Fire Protection Association Standard that is more current than adopted by Chapter 45 of the 2019 Oregon Fire Code.

G. When the Oregon State Fire Marshal adopts amended National Fire Protection Association (NFPA) Standards, the Fire Marshal is authorized to enforce the amended standard.

31.10.060 Authority to Require Address Change.

The Fire Marshal is authorized to require a property address change when, in the opinion of the Fire Marshal, the existing address may delay emergency response by emergency service providers.

31.10.070 Citations.

~~(Amended by Ordinances 180514 and 181956, effective June 25, 2008.)~~

~~A.~~ A. Authority ~~E~~ established.

If, after investigation, the Fire Marshal determines that a violation of this Title has occurred, and that the person, entity or owner/occupant committing the violation knew or should have known that the action was in violation of this Title, a citation

may be issued to the person, entity or owner/occupant committing the violation.
Citable violations include, but are not limited to:

1. Failure to obtain a permit;
2. Failure to adhere to permit conditions;
3. Failure to adhere to assigned occupant load limit in assembly occupancy;
4. Exit blocked, obstructed;
5. Exit corridor or aisle obstructed or width reduced;
6. "Exit" sign missing or not working;
7. Fire extinguisher missing, discharged or wrong type;
8. Firefighting appliance blocked, obstructed or otherwise rendered unusable;
9. Fire alarm device or fire extinguishing system blocked, obstructed or otherwise rendered unusable;
10. Failure to use, maintain, store or secure propane bottle as required by this Title;
11. Performing work that requires a Certificate of Fitness without a valid certificate;
12. Assigning an employee to perform work that requires a Certificate of Fitness without a valid certificate;
13. Parking on a posted fire access road;
14. Blocking or obstructing any fire hydrant or fire department connection;
15. Conducting mobile fueling operation in violation of Fire Code regulations;
16. Possession or use of illegal fireworks;
17. -Illegal storage of fireworks;
18. -Illegal sale of fireworks;
19. Illegal commercial fireworks display;
20. -Illegal occupancy in violation of International Building Code;
21. Burning in violation of Fire Code;
22. Repetitive false alarms in occupancies equipped with fire, smoke and/or water flow detection systems;
23. -Violations that would constitute or contribute to an immediate and/or imminent hazard to life and property.

B. Each day a person, owner or occupant violates or fails to comply with a provision of this ~~C~~chapter may be considered a separate violation for which a citation may be issued.

C. Fines ~~A~~authorized. Citations ~~shall~~may result in monetary fines as set forth in ~~F~~~~ee S~~~~chedule~~~~Fee Schedule~~ adopted by ~~City~~~~the~~ Council. Fines may escalate for two or more occurrences of the same or similar violations by the same person, owner or occupant within a four-year period. Fines may escalate for failure to pay within 30 days of issuance. The Fire Marshal may suspend ~~one-half~~1/2 of any citation fine, providing the person, owner or occupant cited agrees in writing to immediately cease and/or abate the violation. If the person, owner or occupant is found to be in violation of the same or similar violation within a four~~-~~year period, the original fine may be reinstated and ~~shall~~will be in addition to any other fine authorized by this title.

D. Citation ~~p~~Process. ~~A citation~~ ~~Citation~~shallwill be delivered as would reasonably be expected to provide notice, including in person, by certified mail or posted conspicuously on property. ~~A~~ citation ~~shall~~will include:

1. Name and address of person, owner or occupant being cited;
2. A description of the property where the violation occurred;
3. Date(s) of the violation;
4. Reference to the particular code(s) violated;
5. A statement explaining actions required of person, owner or occupant being cited;
6. A statement of applicable monetary penalty~~;~~ and
7. A statement of the right to appeal the citation

31.10.080 Appeals.

~~(Amended by Ordinance 190502, effective August 20, 2021.)~~

A. Standing for ~~A~~appeals. -The following persons, owners or occupants, herein called appellants, may submit an appeal as described in this Title:

1. Any person, owner or occupant who has been ordered by the Fire Marshal to incur any expense under any provision of this Title;
2. Any person, owner or occupant who has been cited by the Fire Marshal for violation of any provision of this Title~~;~~

3. Any person, owner or occupant whose application for a permit or approval under this Title has been refused by the Fire Marshal;

4. Any person, owner or occupant whose special case is not specifically covered by this Title.

B. Board of Appeals. The Fire Code Board of Appeals, having been established, is hereby continued.

1. The Board ~~will~~ shall consist of three members, and an alternate for each member. Each member and alternate ~~will~~ shall serve a term of three years. The Mayor ~~will~~ shall appoint and City the Council will confirm members, and the Mayor may remove any member or alternate from the Board at any time.

2. Board members and alternates must by experience and training in building construction, building operations or fire protection systems, be qualified to pass on the provisions of this Title as they affect the interest of the City as a whole. No two members or alternates ~~shall~~ may be engaged in the same business, profession or occupation. No member or alternate ~~shall~~ may be an officer, official or employee of the City.

3. No member or alternate ~~shall~~ may hear or act on a matter in which they have any interest, direct or indirect, pecuniary or otherwise. In the event of such an interest, the member's alternate ~~shall~~ must hear and determine the matter.

4. The Board annually ~~shall~~ will elect a Chairman from among the three members of the Board. Meetings of the Board ~~shall~~ will be held at the call of the Chairman, who ~~shall~~ will call meetings at the Fire Marshal's request.

C. Appeal ~~P~~ procedure.

1. ~~An appellant~~ A appellant shall ~~must~~ must serve written notice of appeal on the Fire Marshal no more than ~~10~~ ten days after the Fire Marshal's order or action. The notice of appeal ~~must~~ shall be in such form as specified by the Fire Marshal, and ~~must~~ shall be accompanied by appeal fee.

2. The Fire Marshal, subject to the approval of the City Administrator, ~~may~~ may approve, approve with conditions or deny the requested relief. The decision of the Fire Marshal, with a brief statement for its basis, ~~shall~~ will be transmitted to the appellant in writing. If the appellant is not satisfied with the decision, the appellant may, within ~~10~~ ten days after notice, serve written notice on the Fire Marshal requesting a hearing before the Fire Code Board of Appeals.

~~1.~~ 3. _____ The Fire Marshal ~~shall~~ will transmit copies of the notice of appeal to the Board of Appeals and to the City Administrator. ~~Commissioner in Charge.~~ Not less than 10 days prior to the

date of the hearing, the Board ~~shall~~will mail notice of the date, time and place of the hearing to the appellant, by certified mail, return receipt requested.

4. After the hearing, the Board may by a majority vote, affirm, annul or modify the action of the Fire Marshal provided any modification of a strict application of this Title ~~shall~~may be made only on condition that a substantially equivalent degree of safety is provided and is generally conforming to national standards concerning fire prevention, fire safety measures and building construction requirements for safety. The decision of the Board interpreting the provisions of this Title may be by a majority vote of the Board. The Board ~~shall~~will deliver a certified copy of its decision to the appellant.

5. Where unquestionably and clearly, practical difficulties, unnecessary hardship or consequences inconsistent with the general purposes of this Title may result from the literal interpretation and enforcement thereof, the Board of Appeals may grant variances from this Title, in a specific case with such conditions and safeguards as the Board may determine, in harmony with the general purpose, intent and spirit of this Title, so that the public safety and welfare ~~shall~~may be secured and substantial justice ~~shall~~may be done. The grant of a variance ~~shall~~will be by unanimous vote of the Board.

6. The Board of Appeals, in consultation with the the City Administrator, ~~shall~~will submit to the Council on or before the first day of August of each year a report summarizing its decisions for the preceding fiscal year together with its recommendations for amendments to this Title.

31.10.090 Remedies.

In enforcing any of the requirements of this Title, and subject to the approval of the City Administrator, the Fire Marshal may gain compliance by:

- A. Instituting a proceeding before the Code Hearings Officer as set out in Title 22 of the Portland City Code; or
- B. Causing appropriate action to be instituted in a court of competent jurisdiction; or
- C. Taking such other action as the Fire Marshal, in the exercise of the Fire Marshal's discretion, deems appropriate.

31.10.100 Waivers and Adjustments.

~~(Amended by Ordinance 181956, effective June 25, 2008.)~~

- A. ~~_____The City Administrator Commissioner in Charge of the Fire Bureau~~ is authorized to waive any fees, fines and penalties in this Title based on guidelines

established by the ~~City Administrator~~Commissioner. The authority to waive fees, fines and penalties based on the established guidelines may be delegated to the Fire Marshal.

B. _____ At the discretion of the supervisor in charge of customer accounts, account balances may be zeroed out if that balance represents only residual unpaid principal, interest or penalties.

31.10.110 Collections.

~~(Amended by Ordinance 181956, effective June 25, 2008.)~~

A. The City may bring legal action to collect any fee, fine, penalty or interest provided for in this Title and assessed by a Fire Bureau member.

B. Accounts with amounts 91 days or more past due will be handled according to the collection policy established by the Fire Bureau; this may include use of a professional collection agency. Fees imposed by collection agency may be added onto the current fee liability of the account. Invoices returned by the U.S. Postal Service as "refused" or payments returned by a financial institution for insufficient funds will be considered delinquent and subject to immediate collection actions.

31.10.120 Rewards.

~~(Amended by Ordinance 181956, effective June 25, 2008.)~~

A. Fund ~~a~~Authorized. The Fire Chief, in consultation with the ~~City Administrator~~Commissioner in Charge, is authorized to establish a reward fund to assist with investigations of violations of this Title. Such fund may include up to ~~\$1,000~~4000 of Bureau budget allocations as well as donations from individuals, businesses and non-profit organizations.

~~A.~~ **B.** _____ Reward Fund Disbursements. The Fire Marshal may, in consultation with the Fire Chief and ~~City Administrator~~Commissioner in Charge:

- 1.** Contribute funds to other public agencies or non-profit organizations to facilitate the investigation of specific arson crimes;
- 2.** Offer and disburse rewards directly to individuals, except as limited by this Title, who have assisted with the investigation or prosecution of a violation of this Title.

C. A reward under the provisions of this Code ~~shall~~may not be paid to any United States, State, County, or municipal officer or employee. Bounty hunters are not entitled to rewards under this Chapter.

31.10.130 Request for Records.

~~(Amended by Ordinance 181956, effective June 25, 2008.)~~

A. Upon written application, under the Public Records Law, accompanied by the fee adopted by the ~~City~~ Council, the Fire Marshal may furnish copies of fire incident reports, non-confidential fire investigation reports, fire prevention inspection reports and other bureau-related information. If there is no copy on file, the fee will not be refunded.

B. Nothing in this ~~S~~section ~~shall~~may be construed as applying to any City, County, State or Federal agency, or subdivision thereof, or any nationally recognized nonprofit agency engaged in the suppression or prevention of fire.

Chapter 31.20 General Requirements

31.20.010 Authority at Fires or Other Emergencies.

~~(Amended by Ordinance 190502, effective August 20, 2021.)~~

A. The Fire Marshal or any of their assistants, the Fire Chief, or any member of the Fire Bureau in charge of fire-fighting at a fire, or the Chief of Police or any member of the Police Bureau in charge of police officers attending a fire, may immediately, summarily and without being required to give any notice whatsoever

- 1.** Cause the use and/or occupancy of all or any portion of a building or structure ~~which~~that is found to be in danger of fire resulting from the spread of an existing fire to be discontinued;
- 2.** Close said building or structure or part thereof during such period of danger;
- 3.** Prevent the use and occupancy thereof.

Such officer may use such force as they may find reasonably necessary to protect human life. It is unlawful for any person to refuse to leave such building, structure or portion thereof when ordered to vacate the same under authority of this Section.

B. The Fire Chief or the Fire Chief's authorized representatives ~~shall~~bear in charge of the scene of any emergency involving the saving of life and/or property from fire or other disaster, emergency medical services, hazardous materials incidents, or other emergency aid and ~~shall~~will have the power and authority to direct such operation as may be necessary in the reasonable performance of their duty.

31.20.020 Eliminating Fire Hazard.

Any owner/occupant, using or having charge or control of any premises, or any part of any premises, who creates or maintains a condition, or situation ~~which~~ that constitutes a fire or life safety hazard, or who fails to promptly comply with the written notice of the Fire Bureau, shall will be deemed guilty of violating this Title.

31.20.030 Violator Assumes Costs.

If a violation of this ~~C~~chapter results in or contributes to any emergency, including a fire, the violator may be civilly liable for the full cost of the emergency response as well as cleanup costs. The City Administrator ~~Commissioner in Charge of the Fire Bureau~~ shall will fix the amount of such expense. The amounts of all such charges assessed pursuant to this Section shall must be paid to the City Treasurer, for deposit into the general fund of the City.

31.20.040 Fire Marshal Authorized to Abate Hazard and Assign Costs.

~~(Amended by Ordinance 190502, effective August 20, 2021.)~~

Where the Fire Marshal or Fire Bureau official in charge of the incident deems conditions exist that are deemed hazardous to life and property, except as limited by this Title, they are authorized to abate summarily such hazardous conditions that are in violation of this Title. Any costs associated with such summary abatement shall will be charged against the property using the procedure provided for in Portland City Code ~~Chapter Title~~ 22. The owner, occupant or other person in charge shall will be immediately notified of the action taken and ordered by the Fire Marshal to secure the premises in full compliance with this Title.

31.20.050 Fire Marshal Authorized to Require Building Alterations.

Whenever the Fire Marshal finds that the means of egress from a building or portion thereof, or that the means of preventing the origin or spread of fire or of extinguishing fire in any building or portion thereof, are insufficient or inadequate, the Fire Marshal ~~is hereby authorized and empowered to may~~ direct and require that any such building or portion thereof be rearranged, altered, or repaired to be sufficient and adequate in such respects.

31.20.060 Unsafe Buildings.

~~(Amended by Ordinance 190502, effective August 20, 2021.)~~

A. Notwithstanding the mandatory directives to the Fire Marshal contained in this Ssubsection, the Fire Marshal may, in the exercise of their authority, and in lieu of ordering the vacation of such building or structure, impose alternative interim measures, including, but not limited to, the imposition of a fire watch as established in this Title, when, in the opinion of the Fire Marshal, such interim measures will reduce such hazard so that it is no longer imminently dangerous so that persons

may temporarily occupy such building or structure until such hazard has been abated.

B. The owner, the owner's agent, or the occupant ~~shall~~must reimburse the City for any expenditures used in precautionary measures under this Section; or such expenditures ~~must~~shall be included as an additional item and be spread as an assessment against the property.

C. If a building or structure used for low income multi-family housing is found to be imminently dangerous, as set forth in this Title, the Fire Marshal ~~shall~~will not cause the use and/or occupancy of the building or structure to be discontinued immediately, but ~~shall~~will report the matter to the City Administrator, -who Commissioner In-Charge who shall will consider report the matter to the Council for consideration-of rehabilitation and repair by the City, provided that the Fire Marshal, in the exercise of their discretion, finds that interim measures, including but not limited to a fire watch, will reduce the hazard so that it is no longer imminently dangerous.

31.20.070 Temporary Fire Watch.

~~(Amended by Ordinances 181956 and 190502, effective August 20, 2021.)~~

~~A.~~A. In order to avoid relocating persons from, or the vacation of, any structure, place of business or place of habitation that is imminently dangerous, as described in this Title, the Fire Marshal or senior fire officer may determine that a reasonable level of fire and life safety can be obtained, order the owner/occupant to provide either a licensed, bonded security agency or other means approved by the Fire Bureau, to perform as a fire watch, making periodic patrols, as designated by the Fire Bureau, as a condition of allowing continued occupancy. If such patrols are not available or cannot be established as ordered by the Fire Marshal or senior fire officer, or if owner/occupant is unavailable, or if owner/occupant does not comply with such orders of the Fire Bureau, then ~~the Fire Marshal or senior fire officer may:~~

1. The Fire Marshal or senior fire officer may ~~O~~order off-duty Fire Bureau personnel back to duty to provide the fire watch patrol, or
2. The City Administrator may ~~c~~Contract with a licensed, bonded security company to provide such service.

B. The owner /occupant ~~shall~~will be responsible for paying all costs incurred by the Fire Bureau to the City Treasurer, who will reimburse the Fire Bureau's budget for this expense. If such costs are not paid within 30 days of billing, an assessment ~~shall~~will be made by ordinance and entered in the docket of City liens. Such entry ~~shall~~will constitute a lien upon the property and collected in all respects as provided for in

this Title, and ~~shall~~will bear interest at the rate of ~~nine~~9 percent per year from 10 days after the date of entry into the lien docket.

31.20.080 Authority to Establish Fire Escape Maintenance and Removal Standards.

~~(Amended by Ordinances 187748 and 190502, effective August 20, 2021.)~~

The Fire Marshal, subject to the approval of the City Administrator, is authorized to develop and enforce standards for the maintenance and removal of fire escapes in accordance with provisions of the 2019 Oregon Fire Code.

31.20.090 Authority to Require Key Boxes and Charge Installation Fee.

The Fire Marshal is authorized to require the installation of a key box in or on a building or area when access to or within the building or area may be difficult for firefighting purposes. The Fire Marshal may charge a fee for installation of a key box, regardless of whether the installation is mandatory or voluntary.

31.20.100 Maintenance of Fire Protection Systems in Five-Story Apartment Buildings.

~~(Amended by Ordinances 181956 and 190502, effective August 20, 2021.)~~

The owners of five-story apartment buildings of Type V-A construction approved under ~~City Code~~ Chapter 24.95 of this Code shall bear responsible for ~~as~~ensuring that the fire and life-safety systems required by ~~the Portland~~ City Code ~~Section Title~~ 24 are maintained in an operable condition at all times. Approved persons must~~shall~~ conduct quarterly tests of such systems; a written record must~~shall~~ be maintained and be available to the inspection authority, unless otherwise required by the Fire Chief.

31.20.110 Certificates of Fitness.

~~(Amended by Ordinance 181956, effective June 25, 2008.)~~

~~A. A.~~ A. A Certificate of Fitness must~~shall~~ first be obtained from the Fire Marshal before doing any of the following:

1. Automatic sprinkler system installation, alteration, testing, service or repair;
2. Fire extinguisher refilling, service or repair;
3. Fixed fire extinguishing systems installation, alteration, testing, service or repair;
4. Privately owned fire mains or hydrant systems installation, alteration, testing, service or repair;

5. Commercial cooking hood and duct system cleaning.

B. When an applicant has successfully complied with regulations administered by the Fire Marshal, and upon receipt of the first annual fee as specified in the ~~Fee s~~Schedule~~fee-scheduled~~ adopted by ~~City~~the Council, the Fire Marshal ~~shall~~will issue a Certificate of Fitness to the applicant. The Fire Marshal ~~shall~~will issue subsequent annual Certificates of Fitness on payment of an annual fee, unless the certification has lapsed, been suspended or been revoked.

C. Each Certificate of Fitness issued ~~shall~~will remain valid and in effect for one year from the date of issue unless suspended or revoked for due cause by the Fire Marshal. The certificate ~~shall is~~ not ~~be~~ transferable.

D. It is unlawful for any person firm or corporation to assign an employee or other person to perform any of the activities regulated by this Chapter unless such employee or person is certified, or working under an on-site supervisor who is certified.

E. Whenever the Fire Marshal determines after investigation that any person holding a Certificate of Fitness as provided herein has performed work so as to create a hazard to life or property, the Fire Marshal is authorized and empowered to suspend or revoke the Certificate of Fitness. Notice ~~shall~~will be given of the suspension or revocation and the reasons for the suspension or revocation ~~shall~~will be identified in the notice.

F. The Fire Marshal may issue a citation to firms or corporations in violation of this Chapter.

G. Any person, firm or corporation so affected may appeal such suspension, revocation or citation as provided in this Title.

H. Once a Certificate of Fitness has been revoked, an applicant ~~must~~shall reapply, meet the requirements of certification and pay fees for a new Certificate before performing work on equipment requiring a Certificate. The Fire Marshal may delay issuance of new Certificate for up to 90 days following revocation.

31.20.120 Use of Helicopters.

Notwithstanding any other provisions of this Code, the Fire Bureau may use and land helicopters any place within the City, subject to Federal and State regulations for the purpose of training Fire Bureau personnel and helicopter operators in fire suppression techniques and disaster relief procedures and for the purpose of conducting disaster relief drills subject to the consent of the property owner or in the case of City property, the director of the affected bureau.

Chapter 31.30 Development and Building Requirements

31.30.010 Fire Chief Authorized to Establish Access Standards.

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

The Fire Chief ~~shall~~may prescribe standards for streets and roadways that provide access for fire department apparatus. Such standards ~~shall~~will apply to every building hereafter constructed. ~~Standards shall~~may prescribe minimum unobstructed width, turning radius, load capacity, clearance, grade and other criteria deemed necessary for apparatus access. Application of these standards ~~shall~~will include considerations for designing and locating access in a manner that minimizes tree removal and meets the tree protection specifications of Portland City Code Title 11, Trees, to the extent practical. Where practical the adopted standards ~~shall~~will be consistent with development standards for public and private streets.

- A. The Fire Chief may require an increase in minimum access widths where such width is not adequate for fire or rescue operations.
- B. Dead-end fire department access roads more than 300 feet in length ~~must~~shall include provisions for turning around fire department apparatus within 150 feet of the closed end.

31.30.020 Removal of On Street Parking.

~~A.~~A. The Fire Chief ~~shall have authority to~~may designate any street, whether public or private, or portion of a street as “No Parking” where the street width is less than 32 feet and:

- 1. The Chief determines that site-specific conditions such as roadway alignment impedes access of fire apparatus, or
- 2. Actual emergency response experience clearly demonstrates that emergency vehicles cannot reasonably provide service.

B. When required by the Chief the street ~~must~~shall be marked with permanent “No Parking” signs.

31.30.030 Fire Chief Authorized to Require Water Supply.

The Fire Chief ~~shall have authority to~~may establish and enforce standards for water supply for fire protection. Where required by the Fire Chief, a minimum of two fire pumps independently driven ~~must~~shall be provided and sized for the sprinkler demand or standpipe demand, whichever is greater.

31.30.040 Permits and Fees Required.

(Amended by Ordinances 181956 and 187748, effective June 17, 2016.)

A. It is unlawful for any person or entity to construct, install, alter, repair, move, demolish or change any fire protection system or equipment, or construct, install, alter, repair, move, demolish or change any equipment, piping or storage container used for flammable or combustible liquids, flammable gases or hazardous materials, for which a permit is required in this Title, without first obtaining such permit from the Fire Marshal. In instances where laws or regulations are enforced by other agencies, joint approval ~~must~~shall be obtained.

~~A.~~ **B.** All permits issued under this Title ~~shall~~will be presumed to contain ~~the a~~ provision that the applicant or the applicant's agents ~~shall~~ carry out the proposed activity in compliance with all the requirements of this Title and any other federal and State laws and City regulations, and other design guidelines as adopted by ~~City the Council~~City Administrator that apply, whether specified or not, and in complete accordance with the approved plans and specifications.

C. A permit issued under this Title ~~shall~~will continue until revoked or for such a period of time as designated therein at the time of issuance. It ~~shall is~~ not ~~be~~ transferable and any change in use, occupancy, operation or ownership ~~shall~~will require a new permit.

D. Work or activity without a ~~p~~Permit. Whenever any work for which a permit is required by this Title has commenced without first obtaining ~~said a~~ permit, a special investigation ~~shall~~must be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, ~~shall~~will be collected whether or not a permit is then or subsequently issued. The investigation fee ~~shall~~will be equal to the amount of the permit fee required. The payment of such investigation fee ~~shall~~will not exempt any person from compliance with all other provisions of this Title nor from any penalty prescribed by law.

E. Work and ~~Equipment Requiring P~~ermits.Equipment Requiring Permits. Except for one and two-family dwellings, unless otherwise specified, permits and associated fees are required:

- 1.** To install, alter, repair or remove,
 - a.** Automatic sprinkler systems and standpipes or associated equipment; ~~pertaining thereto~~
 - b.** Fixed extinguishing systems or related equipment;
 - c.** Fire alarm systems or associated equipment; ~~pertaining thereto~~

- d. Pre-manufactured paint spray booths or related equipment;
 - e. Private fire hydrants or related piping or devices;
 - f. Liquefied natural gases (LNG), liquefied petroleum gases (LPG) or compressed natural gas (CNG) of ~~400-gallon~~100-gallon water capacity or more.
2. To install containers, piping and related equipment for the manufacture, storage, handling or use of compressed gases.
 3. To install, alter or remove tanks and related equipment used for storage, handling, transport or use of flammable or combustible liquids or hazardous materials as defined in the Fire Code.
 - a. Exception: Fuel supply for portable generators outside of buildings, limited to 60 days on a single premises during a 12 -month period.
 4. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any equipment or piping in connection with the manufacture, storage, handling, use or sale of flammable or combustible liquids or hazardous materials.
 5. To change the type of contents stored in tanks containing flammable or combustible liquids or hazardous materials to a material other than that for which the tank was designed and constructed.
 6. Heating ~~Oil Tank Decommissioning~~Oil Tank Decommissioning. -When requested by an owner for the purposes of documenting the decommissioning of a commercial or a one or two-family residential underground heating oil storage tank, a permit may be issued and an inspection made after payment of a fee in the amount specified in adopted Fee Schedule.
 7. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any stationary tank, equipment or piping containing liquefied petroleum gas (LPG) in ~~one and two-family~~one and two-family dwellings.

F. Permit Applications.

1. Applications for permits ~~must~~shall be made by the owner or authorized agent to the Fire Prevention Division in such form and detail as prescribed by the Fire Bureau. The application ~~must~~shall be accompanied by:
 - a. Sufficient plans, specifications, and engineering data to verify that the proposed activity or design complies with applicable codes, standards and regulations. When the applicant fails to provide adequate specifications and plan detail, the Fire Marshal may require additional

information including all submittals to be prepared by an architect or engineer registered in the State of Oregon.

~~a.~~ b. Payment as set forth in Fee Schedule adopted by City the Council.

c. Exception: When the installation of a fire protection system is not required but is voluntarily installed, but not as an alternative to another requirement, the fees specified in the Fee Schedule ~~shall~~ may be reduced by 50 percent%.

~~2.~~ 2. Any permit issued under this Title ~~shall~~ will be personal to the party for whom it has been issued.

G. Voiding, Revocation or Ssuspension of Ppermit.

1. Any permit that purports to sanction a violation of this Title or any applicable law or regulations ~~shall~~ will be void and any approval of plans and specifications in the issuance of such permit ~~shall~~ will likewise be void.

2. After an administrative hearing by the Fire Marshal, any such permit may be suspended or revoked under the following conditions:

a. It is transferred or assigned to a party other than the party to whom the permit was issued;

b. It is used for a location other than that for which it was issued;

c. Approved plans, conditions or limitations set forth in the permit have been violated;

d. The permittee fails, refuses, or neglects to comply with any order or notice duly served under the provisions of this Title;

e. The permitted work was initiated without the owner's or other governmental agency's consent;

f. Work has not begun within 180 days of permit issuance;

g. Work, once commenced, has not progressed for a period of 90 days;

h. Payment for the permit has been returned or refused by the paying agent.

3. Any permit may be suspended for up to three business days without a hearing if the Fire Marshal finds that a fire hazard exists or there has been any false statement, misrepresentation or omission as to a material fact, or change in condition from those stipulated in the application or plans upon

which the permit was based. The permittee ~~shall~~will be given notice of the precise violations.

4. A permittee whose permit has been revoked or suspended may appeal the action as provided in this Title. The permit ~~shall~~will remain valid, pending the decision of the Board of Appeals.

31.30.050 Additional Permit Requirements.

~~(Amended by Ordinance 190502, effective August 20, 2021.)~~

A. Plan ~~R~~rreview. Plans for construction, alteration, repair, or other work involving or affecting the fire and life safety features of any building regulated by the Fire Marshal ~~must~~shall be reviewed by representatives of the Fire Prevention Division prior to issuance of the building permit.

B. Inspection of ~~P~~permitted ~~W~~ork. ~~Permitted Work.~~ All construction, work, or activity for which a permit is required ~~shall be~~is subject to inspection by the Fire Marshal. It ~~shall be~~is the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the Fire Marshal nor the City ~~shall~~will be liable for expense entailed in the removal or replacement of any material required to allow inspection.

C. Inspection ~~R~~rquests. It ~~shall be~~is the duty of the person doing the work authorized by a permit to notify the Fire Marshal that such work is ready for inspection. The Fire Marshal may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing, by telephone, or by other means at the option of the Fire Marshal. Upon inspection the fire Marshal may require corrections. It ~~shall be~~is the duty of the permit applicant requesting an inspection to promptly comply with the written notice of corrections required by the Fire Marshal as a condition of the permit. A fee may be charged for re-inspections when the work is not ready for the requested inspection.

D. Inspection ~~R~~record ~~C~~card. ~~Record Card.~~ Work requiring a permit ~~shall~~may not be commenced until the permit holder or their agent ~~shall~~posts an inspection record card in a conspicuous place on the premises ~~which~~that allows the Fire Marshal to conveniently make the required entries regarding the work. This card ~~must~~shall be maintained as described until final approval of permitted work has been granted by the Fire Marshal.

31.30.060 Special Inspections.

When inspections are requested or required outside of normal working hours to verify compliance with approved plans or permits, an hourly fee ~~must~~shall be paid as set forth in fee schedule adopted by ~~City~~the Council, with a minimum charge of four hours.

31.30.070 Expiration of Plan Review.

Applications ~~shall will~~ expire by limitation when no permit is issued within 180 days following the date of application due to incomplete information or failure to provide requested corrections. In such cases plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Fire Marshal. The Fire Marshal may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application ~~shall may~~ be extended more than once. In order to renew action on an application after expiration, the applicant ~~must shall~~ resubmit plans and pay a new plan review fee.

Chapter 31.40 Special Use Permits

31.40.010 Permits and Fees Required.

It is unlawful for any person or entity to use a building or premises or to engage in any activities for which a permit is required in this Title without first obtaining such permit from the Fire Marshal. In instances where laws or regulations are enforced by other agencies, joint approval ~~must shall~~ be obtained.

All permits issued under this Title ~~shall will~~ be presumed to contain the provision that the applicant or the applicant's agents ~~shall will~~ carry out the proposed activity in compliance with all the requirements of this Title and any other ~~f~~Federal and ~~s~~State laws and City regulations, and other design guidelines as adopted by ~~City the Council City~~ Administrator that apply, whether specified or not, and in complete accordance with the approved plans and specifications.

A permit issued under this Title ~~shall will~~ continue until revoked or for such a period of time as designated therein at the time of issuance. It ~~shall is~~ not ~~be~~ transferable and any change in use, occupancy or operation ~~shall will~~ require a new permit.

31.40.020 Activities Requiring Temporary Permits.

~~(Amended by Ordinances 181956 and 187748, effective June 17, 2016.)~~

A. Temporary permits and associated fees are required for:

1. Festivals, celebrations and special events of a temporary nature where occupant load of 500 or more people as calculated by the Fire Marshal, in an assembly building without fixed seating;
2. Gatherings of 50 or more people for civic, social, recreational or religious functions in structures not approved for assembly use;
3. Use of tents or membrane structures with sides and/or fencing on greater than 75 percent ~~%~~ of the perimeter with a calculated occupant load of 50 or more;

4. Gatherings of 50 or more people that are fenced on four sides;
5. Trade shows with gatherings of fewer than 500 people when, in the opinion of the Fire Marshal, conditions warrant additional safety precautions;
6. Display of four or more motorized vehicles in a building when not associated with a permitted event;
7. Fire performance and theatrical firearms, including but not limited to use of blanks or use of open flame associated with a live performance;
8. Storage or use of liquid propane (LP) gas in excess of 17 ounces;
9. -Temporary use of LP gas within buildings in excess of the amounts allowed by this Title;
10. Storage or use of LP gas in outdoor markets with gatherings of 50 or more people;
11. Use of lasers that require a Federal variance;
12. Pyrotechnic special effects, other than fireworks;
13. Public fireworks display;
14. Retail sales of fireworks;
15. Blasting;
16. Transportation of explosives;
17. When cutting or welding is performed in restricted areas, including:
 - a. Where the sprinkler system is impaired;
 - b. Where there exists the potential of an explosive atmosphere, such as locations where flammable gasses, liquids or vapors are present;
 - c. Areas with readily ignitable materials, such as storage of large quantities of bulk sulfur, baled paper, cotton, lint, dust or loose combustible materials;
 - d. On board ships at dock or ships under construction or repair;
 - e. At other locations as specified by the Fire Marshal.
18. To place and use roofing kettles on any surface above grade;
19. To conduct a spraying or dipping operation using flammable or combustible liquids or the application of combustible powders regulated by the Fire Code outside of a permitted spray booth or room.

B. Annual **P**permits.

1. An annual permit and associated fee is required for permanent installation of 90 days or more of LP gas containers greater than 25 gallons WC or 100 lbs.
2. Any commercial occupancy that allows fire performance art ~~must~~ obtain an annual permit.
3. Any assembly occupancy with an occupant load of 500 or greater and a maximum floor space of 20,000 square feet may apply for an annual permit for up to four pre-approved floor plans. The floor plan(s) must include detailed information regarding exiting, stage set-up and set-up of fixtures and furnishings. If approved, the annual permit may substitute for individual permits providing there is no deviation from the approved plan.

Exceptions:

- a. Any exiting, stage or floor plan that deviates from a pre-approved plan requires an individual permit with associated fee.
- b. Any plan that includes booths or vendors requires an individual permit with associated fee.
- c. Any annual permit may, at the discretion of the Fire Marshal, be revoked for cause.

31.40.030 Applications.

~~A.~~ **A.** Applications for permits ~~must~~ be made to the Fire Prevention Division in such form and detail as prescribed by the Fire Bureau. The application ~~must~~ be accompanied by payment as set forth in ~~the~~ Fee Schedule adopted by ~~City~~ the Council. Applications for the permit and required plans ~~must~~ be submitted for approval not less than two weeks prior to the event or the commencement of advance ticket sales, whichever occurs first. Applications submitted less than one week prior to the event ~~shall~~ will be charged double the permit fee set forth in the Fee Schedule.

B. The application for the permit ~~must~~ state the name, address and telephone number of the owner or party legally occupying the building or premises on which the activity will be conducted. The application ~~must~~ be accompanied by the written permission of the owner or legal occupant, signed by a person with authority to do so, authorizing the applicant to carry on the activity described in the application, in the building or on the premises described.

C. When required by the Fire Marshal, sufficient plans, specifications, and engineering data must be submitted for the purpose of verifying that the proposed activity or design complies with applicable codes, standards and regulations. When the applicant fails to provide adequate specifications and plan detail, the Fire

Marshal may require additional information including all submittals to be prepared by an architect or engineer registered in the State of Oregon.

D. The Fire Marshal may refuse to issue a permit if the applicant has unpaid fees for prior permits or unpaid citations.

31.40.040 Inspection of Permitted Work.

All activity for which a permit is required ~~shall be~~ subject to inspection by the Fire Marshal. An approved set of plans and the permit ~~must~~ be kept at the event site. It ~~shall be~~ the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the Fire Marshal nor the City ~~shall will~~ be liable for expense entailed in the removal or replacement of any material required to allow inspection.

31.40.050 Revocation and Suspension of Permits.

A. Any permit that sanctions a violation of this Title or any applicable law or regulations ~~shall be~~ void and any approval of plans and specifications in the issuance of such permit ~~shall are~~ likewise ~~be~~ void.

B. Any permit issued under this Title may, after an administrative review by the Fire Marshal, be suspended or revoked under the following conditions:

1. It is used by a person other than the person to whom the permit was issued;
2. It is used for a location other than that for which it was issued;
3. Approved plans, conditions or limitations set forth in the permit have been violated;
4. The permittee fails, refuses, or neglects to comply with any order or notice duly served under the provisions of this Title;
5. The permitted work was initiated without the owner's or other governmental agency's consent;
6. The Fire Marshal finds that a hazard other than that anticipated in the permit approval exists, or there has been a false statement, misrepresentation or omission as to a material fact, or a change in condition from that stipulated in the application or plans upon which the permit was based.
7. Payment for the permit has been returned or refused by the paying agent.

C. The Fire Marshal may, as an alternative remedy, suspend the permit:

1. For the first offense in any two-year period, revoke the permit for one day and/or performance, or until the condition is corrected;

2. For the second offense in any two-year period, revoke the permit for three days and/or performances, or until the condition is corrected;
3. For the third offense in any two-year period, revoke the permit for ~~15~~fifteen days and/or performances;
4. For the fourth and subsequent offenses in any two-year period, revoke the permit for 30 days and/or performances.

D. The City ~~shall is~~ not ~~be~~ responsible for any losses arising from the permit suspension or revocation.

31.40.060 General Requirements for Explosives, Pyrotechnics, Blasting Agents and Fireworks.

A. The applicant ~~must~~shall follow all federal, state, county and city laws and regulations applicable to obtaining, owning, transporting, storing, handling and using explosive materials in addition to obtaining all blasting permits required and issued by the City. The Fire Marshal may adopt policies and procedures consistent with these regulations for the purpose of protecting the public, providing safety to life and property and to ~~as~~ensure consistent practices in enforcement and administration of these requirements.

B. Shipments at ~~T~~terminals.

1. Carriers ~~must~~shall immediately notify the Fire Marshal when explosives, pyrotechnics, blasting agents or fireworks are delivered within ~~the CityPortlandthe City.~~ Carriers delivering such cargo at a waterfront terminal ~~must~~shall also notify the Harbor Master of such delivery.
2. Carriers of explosives, pyrotechnics, blasting agents or fireworks for delivery within ~~the CityPortlandthe City~~ must shall immediately upon arrival at the destination notify the consignee or the consignee's agent of the arrival of the cargo. The consignee or the consignee's agent ~~must~~shall, within 24 hours after the arrival of the cargo in ~~the CityPortland~~, move the cargo outside ~~the CityPortlandthe City~~ or to a storage facility within ~~the CityPortland~~ approved by the Fire Marshal. Upon a showing of extreme hardship and minimal risk of danger to life and property, the Fire Marshal may extend the ~~24-~~hour period. If, after notification, the consignee or the consignee's agent does not move the cargo as specified above and within the time specified above, the carrier ~~must~~shall so notify the Fire Marshal, who ~~shall~~will instruct the carrier as to the disposition of the cargo.
3. No explosives, pyrotechnics, blasting agents or fireworks awaiting further shipment to destinations outside ~~Portlandthe City~~ Portland ~~must~~shall be held

at a terminal within ~~Portlandthe City~~ Portland for more than 24 hours unless under direct order of the Fire Marshal.

C. Transportation by Water.

- 1.** All explosives, blasting agents, fireworks and pyrotechnics transported from land to water or from water to land are subject to regulation under applicable provisions of this Chapter and ~~Portland City Code Title 19, "Harbors,"~~ and ~~shall beare~~ subject to supervision by the Harbor Master with regard to loading, unloading and handling on any waterfront facility in ~~Portlandthe City.~~ The Harbor Master ~~shall will~~ notify the Fire Marshal when any vessel having explosives, blasting agents, pyrotechnics or fireworks on board enters the ~~Portland Ce~~City limits.
- 2.** The party with legal custody ~~mustshall~~ provide adequate security of explosives, blasting agents, pyrotechnics and fireworks during the time that they are held at any waterfront facility.

31.40.070 Additional Requirements for Sale, Use and Possession of Fireworks and Pyrotechnics.

~~(Amended by Ordinances 187748 and 190728, effective April 1, 2022.)~~

A. It is unlawful to sell, keep or offer for sale, expose for sale, possess, use, explode or have exploded any fireworks, aerial luminary devices or pyrotechnics within ~~Portlandthe City~~, except as specified by ORS 480.120 (1)(a-g). For the purpose of this Chapter, the Fire Marshal of the City is recognized as an ex-officio Deputy State Fire Marshal as provided by State statute.

B. All permitted public fireworks displays may be supervised and controlled by the Fire Chief, acting by and through the Fire Marshal.

C. ~~Violations.~~ The Fire Marshal is authorized to receive for storage or transfer explosives, blasting agents, pyrotechnics or fireworks obtained by law enforcement officers or others. The Fire Marshal ~~shall may~~ confiscate, remove, or have removed at the owner's expense, all stocks of fireworks or other combustibles exposed for sale or held in stock in violation of this Title, and may destroy ~~same,them~~ when the Fire Marshal finds such measures necessary for the preservation of the public safety.

31.40.080 Additional Requirements for Blasting Activities.

A. A blasting permit is required for every individual project requiring blasting. It ~~shall beis~~ a violation of this Title for any person or entity to do any of the following without first obtaining a permit from the Fire Marshal:

- 1.** be in possession of high explosive materials, as defined by the adopted fire code;

2. transport explosives;
3. conduct an operation or activity requiring the use of explosive materials; or
4. perform, order or supervise the loading and firing of high explosive materials for the purpose of blasting.

~~A.~~ B. Certificate of ~~l~~i~~n~~surance.

The applicant ~~must~~shall provide a certificate of liability insurance to include X, C, U coverage in a form to be approved by the City:

1. an amount not less than ~~\$1 one million dollars (\$1,000,000)~~, or
2. ~~s~~Such additional amount as may be reasonable under all of the circumstances then existing as determined by the Fire Marshal.

The certificate of insurance ~~must~~shall state on its face that the underlying liability insurance policy includes coverage for and indemnification of the City, its officers, agents (including any blasting consultant in the employ of the City, and any employees of such blasting agent) as additional insured, against any claims brought by owners of any property for loss or damage that resulted from such blasting and coverage to indemnify, hold harmless and defend the City, its officers, agents, and employees in and from any cost, attorney's fees or judgments arising in any way from the actions of the permittee as a result in whole or in part from the blasting. The certificate ~~must~~shall also state that the insurance company must give the City a minimum of 10 days' notice of cancellation of the required liability insurance coverage. Notice ~~must~~shall include notice to the Fire Marshal.

C. Additional ~~P~~permissions.

1. A valid Certificate of Possession from the Bureau of Alcohol, Tobacco and Firearms must be obtained prior to issuance of a permit.
2. High explosive materials ~~shall~~may not be transported, sold, given, delivered, or transferred to anyone in ~~Portlandthe City~~ not in possession of a valid blasting permit.
3. Permits for blasting projects in a public right-of-way or adjacent to a public right-of-way when the blast may affect operation of the right-of-way ~~shall~~will not be issued unless approved by other City Bureaus or other public agencies as deemed appropriate by the Fire Marshal.

~~B.~~ D. City ~~a~~Assumes ~~No no~~ Liability~~liability.~~ .

By the passage of the ordinance codified in this ~~C~~chapter or the issuance of any permit under this ~~C~~chapter, the City assumes no responsibility for any damage caused by the person or entity blasting within ~~Portlandthe City~~Portland.

Chapter 31.50 Building Inspections

31.50.010 Purpose and Scope.

The Fire Marshal ~~shall~~may establish a program for the periodic inspection of all occupancies of commercial buildings for compliance with the fire regulations. The Fire Marshal ~~shall~~may adopt a policy regarding the frequency, priority, and type of inspection of occupancies in commercial buildings subject to the availability of budgeted funds and staff. The Fire Marshal or the Fire Marshal's designees may, at all reasonable hours, enter into all buildings and upon all premises, except private residences, to conduct an inspection to determine if fire hazards exist.

31.50.020 Organization.

The Fire Marshal ~~shall~~may establish minimum qualifications of individuals performing inspections. Individuals may be members of the Fire Prevention Division, members of other ~~D~~ivisions within the Fire Bureau, members of other public agencies operating under an interagency agreement, or employees or individuals working under contract with the ~~Fire Bureau~~City.

31.50.030 Process.

A. Prior to a periodic inspection, each owner/occupant ~~shall~~will be sent a letter by first class mail, giving notice of the inspection and listing commonly found violations of fire regulations. Failure to correct the common violations listed in the letter ~~shall~~may result in an additional fee for each class of violation.

B. When a periodic inspection reveals a violation of fire regulations, the Fire Marshal ~~shall~~will so notify the owner/occupant and the owner/occupant ~~shall~~will be responsible for immediately abating the violation. Failure to abate the violation as prescribed by the Fire Marshal ~~shall~~may result in additional penalties as set forth in a fee schedule adopted by ~~City~~the Council.

31.50.040 Administrative Warrants.

~~(Amended by Ordinance 181956, effective June 25, 2008.)~~

Where entry for the purpose of periodic inspection or investigation has been sought and refused, or an inspection or investigation may, in the opinion of the Fire Marshal, be jeopardized without an inspection warrant, the Fire Marshal may seek and execute such warrant as allowed under the provision of ORS 476.155 through 476.170.

31.50.050 Fees Authorized.

~~(Amended by Ordinance 181956, effective June 25, 2008.)~~

A. ~~There shall be an inspection fee payable by t~~The building owner/occupant must pay an inspection fee for all periodic inspections as well as inspections requested by

the owner/occupant. The building owner will be billed in situations where the occupant shows the Fire Marshal a lease agreement or some other legal arrangement with the building owner ~~which that~~ places the responsibility for fire inspection and the payment of fees on the building owner.

1. Exception: Inspections of primary and secondary schools and nonprofit hospitals buildings with an Oregon State Structural Code occupancy designation of I - 2 (Hospitals), ~~shall be~~ are exempt from all fees except illegal occupancy, violation and ~~re-inspection~~ reinspection fees.

B. Fees for periodic inspections, ~~re-inspections~~ reinspections, violations and penalties ~~shall will~~ be set forth in a fee schedule adopted by ~~City the~~ Council. All fees ~~must~~ shall be paid to the City Treasurer within 30 days of the invoice date and ~~shall will~~ be considered delinquent after that date. A penalty ~~shall will~~ be assessed if a person fails to pay the fee when due.