

# Exhibit A

## Title 1 General Provisions

### Chapter 1.01 Code Adoption

#### 1.01.010 Title - Citation - Reference.

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

#### 1.01.020 Reference Applies to Amendments.

Whenever a reference is made to this Code as the “Code of the City of Portland, Oregon,” or “Portland City Code” or to any portion ~~thereof it~~, or to any ordinance of the City ~~of Portland, Oregon~~, the reference ~~shall will~~applies to all of this Code’s amendments, corrections, and additions ~~hereto~~.

#### 1.01.030 Codification Authority.

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

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

(Added by Ordinance 156865; effective December 6, 1984.)

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

**B.** Subject to approval of the City Attorney, the Auditor ~~shall~~will have authority to

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

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

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

(Added by Ordinance 177422; Amended by Ordinances 181357 and 182671, effective May 15, 2009.)

Subject to the approval of the City Attorney, the Director of the Bureau of Planning and Sustainability ~~shall~~ will have the authority to correct the Comprehensive Plan Map and Portland Zoning maps, including the City's Official Zoning Map:

- A. When a map line does not match the legal description or map referenced in the ordinance or approved land use decision that applied the designation; or
- B. When there is a discrepancy between maps and there is clear legislative intent for where the line should be located; or
- C. When the Open Space zone has been applied to property in private ownership that is not in an open space use, or is not receiving special tax considerations because of its status as open space.
- D. When the Constrained Sites overlay zone has been applied to property and no portion of the property has any of the constraints listed in Section 33.418.030.

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

### **1.01.040 Definitions.**

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

- A. Auditor means the Auditor of the City or designee.

**A. B. “City”** means the municipal government of the City of Portland, Oregon, or the area within the territorial ~~City~~ limits of ~~the City of~~ Portland, Oregon, and ~~the such~~ 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 law;

**C. “City Council” or “Council”** means the City Council of the City of Portland, Oregon;

**B. D. “City Administrator”** means the City Administrator of the City or designee of Portland, Oregon;

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

**D. F. “Mayor”** means the Mayor of the City or designee of Portland, Oregon;

**E. G. “Commissioner Councilor”** means an Commissioner member of the Council of the City ~~of Portland, Oregon~~. If ~~“Commissioner” or “Commissioner in Charge” is used in connection with any department, bureau, or division, it shall mean the Commissioner In Charge of such department, bureau, or division.~~

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

**G. I. “Oath”** includes affirmation;

**H. J. “Office” or “officer.”** The use of the title of any officer, employee, or any office means ~~such that~~ officer, employee, or office of the City, or designee, unless otherwise specifically designated.;

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

**J. L. “State”** means the State of Oregon;

**K. M. “Shall,” “will” and “must.”** ~~Each is~~ are mandatory.;; **“mMay”** is permissive;

**L. N. “Written”** includes handwritten, printed, typewritten, mimeographed, multigraphed, or otherwise duplicated from printed or written material;

**M. O. “Law”** denotes applicable federal law, the Constitution of the United States, the Constitution and statutes of the State of Oregon, the Charter and Ordinances of the City ~~of Portland, Oregon, and~~ and, when appropriate, any and all rules and regulations ~~that which~~ may be promulgated ~~there~~ under them, and court decisions.

### 1.01.050 Grammatical Interpretation.

The following grammatical rules ~~shall~~ apply in this Code.

- A. Gender. Any gender includes other genders;
- B. Singular and plural. The singular number includes the plural and the plural includes the singular;
- C. Tenses. Words used in one tense include any other tenses as the context may require;
- D. Use of words and phrases. Words and phrases used in this Code and not specifically defined ~~shall~~must be construed according to the context and approved usage of the language.

### **1.01.060 Construction.**

The provisions of this Code and all proceedings under it are to be construed with a view to ~~a~~ffect its policies and objectives and promote justice in accordance with the provisions of the Charter and the law.

### **1.01.070 Title, Chapter, and Section Headings.**

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

### **1.01.080 Reference to Specific Ordinances.**

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

### **1.01.090 Effect of Code on Past Actions and Obligations.**

Neither the adoption of this Code nor ~~the~~its repeal or amendment ~~hereby~~ of any ordinance or a part or portion of any ordinance of the City ~~shall~~will in any manner affect the prosecution for violations of ordinances, ~~which~~that ~~violations~~ were committed prior to the effective date of this Code. This Code~~hereof~~, may not be construed as a waiver of any license, fee, or penalty due and unpaid at ~~said~~the effective date under ~~the~~such ordinances, nor be construed as affecting any of the provisions of ~~such~~the ordinances relating to the collection of any ~~such~~ license, fee, or penalty, or the penal provisions applicable to any violation ~~thereof~~them. This Code may not be construed, ~~nor~~ to affect the validity of any bond or any cash deposit ~~in lieu thereof~~ required to be posted, filed, or deposited instead of a bond pursuant to any ordinance, and all rights and obligations ~~there~~under it appertaining ~~shall~~will continue in full force and effect. When a requirement or obligation under a prior ordinance superseded by this Code is continued by this Code in substantially similar terms, the requirement or obligation and any time limit fixed by

the prior ordinance, or by official act, or notice ~~there~~under it shall will continue, and time shall will be computed, in accordance with the terms of the prior ordinance, act or notice.

### 1.01.100 Repeal ~~Shall~~Will Not Revive Any Ordinances.

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

### 1.01.110 Repeal.

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

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

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

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

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

~~C. Administration Code, Ordinance No. 77780:~~

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

~~D. Finance Code, Ordinance No. 777613:~~

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

~~E. Public Works Code, Ordinance No. 128743:~~

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

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

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

~~G. — Building Code, Ordinance No. 103415:~~

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

~~H. — Housing Code, Ordinance No. 115647:~~

~~"An Ordinance to be known as the Housing Code for the City of Portland, Oregon, to provide health and sanitary regulations for buildings used for human habitation; prescribing penalties, fixing an effective date, repealing Ordinance No. 86820, passed by the Council March 4, 1948, and all ordinances amendatory thereto, but preserving the same for certain purposes, and preserving certain war Code permits as provided in Ordinance No. 104586," passed by the Council August 16, 1962, as amended.~~

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

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

~~J. — Plumbing Code, Ordinance No. 77482:~~

~~"An Ordinance to be known as the Plumbing Code; defining terms, requiring permits~~



~~and fees, construction, alteration, renovation, repair and maintenance of plumbing, sewer and drainage system, and providing penalties for violations thereof," passed by the Council July 9, 1942, as amended.~~

~~K. — Water Code, Ordinance No. 115258:~~

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

~~L. — Electrical Code, Ordinance No. 126527:~~

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

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

~~"An Ordinance providing for the control of air quality within Portland by providing standards of maximum permissible emissions [sic] of air contaminants, with exemptions, providing for registration by persons emitting the contaminants, providing for the enforcement by the Health Officer by order with a procedure of appeal from such order, or enforcement by judicial process, providing for variances from certain provisions, providing for a penalty for violation, and repealing Article 22 of Ordinance No. 77013, Health and Sanitation Code," as passed by the Council February 27, 1964, as amended.~~

~~N. — Fire Code, Ordinance No. 114851:~~

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

~~O. — Sign Code, Ordinance No. 76571:~~

~~"An Ordinance providing for the Sign Code, defining terms, regulating the erection, construction, and maintenance of signs within the corporate limits of the City of~~

~~Portland, providing for permits and fees, and fixing penalties for violation thereof," passed by the Council January 15, 1942, as amended.~~

~~P. — Police Code, Ordinance No. 76339:~~

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

~~Q. — Elevator Code, Ordinance No. 77614:~~

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

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

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

~~S. — Traffic Code, Ordinance No. 75607:~~

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

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

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

~~U. — Disaster Code, Ordinance No. 127292:~~

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

### ~~1.01.120 Exclusions.~~

~~Notwithstanding inclusion within this Code of the general subject matter, in whole or in~~



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

### **1.01.130 Effective Date.**

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

### **1.01.1140 Violations - Penalty.**

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

### **1.01.1250 Prohibited Acts Include Causing, Permitting, Etc.**

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

### **1.01.1360 Constitutionality.**

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

## 1.01.1470 Consistency With State Law Criminal Law.

(Added by Ordinance 168708, April 19, 1995.)

This Code ~~shall~~ will must be construed so as to render it consistent with Sstate criminal law, and any procedures or defenses made available in the prosecution of the same or similar offenses under Sstate criminal law ~~shall~~ will apply in prosecutions under this Code.

## Chapter 1.03 Code of Ethics

(Chapter added by Ordinance 167619, effective May 4, 1994.)

### 1.03.010 Definitions.

- A. “City official”** means any elected official, employee, appointee to a board or commission, or citizen volunteer authorized to act on behalf of the City ~~of Portland, Oregon.~~
- B. “Ethics”** means positive principles of conduct. Some ethical requirements are enforced by federal, Sstate, or local law. Others rely on training, or on individuals’ desire to do the right thing. The provisions of this Chapter ~~which~~ that are not elsewhere enforced by law will ~~shall~~ be considered advisory only.

### 1.03.020 Trust.

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

- A.** The City’s powers and resources are used for the benefit of the public rather than any official’s personal benefit.
- B.** City officials ensure public respect by avoiding even the appearance of impropriety.
- C.** Policymakers place long-term benefit to the public as a whole above all other considerations, including important individuals and special interests. However, the public interest includes protecting the rights of under- represented minorities.
- D.** Administrators implement policies in good faith as equitably and economically as possible, regardless of their personal views.
- E.** Whistle-blowing is appropriate on unlawful or improper actions.
- F.** Citizens have a fair and equal opportunity to express their views to City officials.
- G.** City officials do not give the appearance of impropriety or personal gain by

accepting personal gifts.

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

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

### **1.03.030 Objectivity.**

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

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

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

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

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

### **1.03.040 Accountability.**

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

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

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

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

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

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

### **1.03.050 Leadership.**

A. City officials obey all laws and regulations.

- B. City officials do not exploit loopholes.
- C. Leadership facilitates, rather than blocks, open discussion.
- D. Officials avoid discreditable personal conduct and are personally honest.
- E. All ~~City~~ ~~b~~Bureaus and work teams are encouraged to develop detailed ethical standards, training, and enforcement.
- F. The ~~City~~ Auditor will publish a pamphlet containing explanations and examples of ethical principles.

## Chapter 1.04 Corporate Seal

### 1.04.010 Description.

(Amended by Ordinance 179441, effective August 3, 2005.)

The seal of the City ~~shall will be~~is 1-3/4 inches in diameter and is described left to right as follows: Three-masted ship, sails partially unfurled; auxiliary steam stack with smoke extending to the left; river extends from the left side of the seal slightly beyond the lower center; central figure of a woman straight front with face profile looking out on river; right hand holding three (separate) pronged spear: left hand pointing towards fir forest with Mt. Hood in background: six-pointed star over head of figure: cog wheel and sledge hammer at lower right; sheaf of grain at the right of figure. On the outer rim ~~shall will be~~are the words: "City of Portland, Oregon," and the figures "1851." The impression of ~~the~~such seal is shown in figure 1.

Figure 1.



## Chapter 1.05 Administrative Code

### **1.05.010 Scope and Short Title.**

This Chapter establishes the City's procedures for the promulgation of administrative rules by the City Administrator and may be referred to as the "Administrative Code" of the City.

### **1.05.020 Definitions.**

As used in this Chapter, the following definitions apply:

**A. Administrative rule** means a binding requirement, regulation, or procedure that is formally adopted by the City Administrator pursuant to rule-making authority granted by the Charter or delegated by the Council. This definition excludes Bureau Policies. An administrative rule must be labeled as or state in its text that it is an "Administrative Rule."

**B. External administrative rule** means an administrative rule that is intended to be binding on persons not working on behalf of the City and generally includes all administrative rules other than internal administrative rules.

**C. Internal administrative rule** means an administrative rule for City employees relating to City employment and the performance of duties on behalf of the City. Internal administrative rules may apply to interns (paid or unpaid), volunteers, applicants for employment with the City, and contractors providing services to the City.

**D. Proposed rulemaking** means the process to adopt, amend, or repeal any administrative rule.

### **1.05.030 Administrative Rulemaking Authority.**

The City Administrator may adopt, amend, and repeal rules as necessary or expedient for the conduct of the City as authorized by Code or Charter. The City Administrator has the discretion to determine if an administrative rule is external or internal.

### **1.05.040 Notice Requirements.**

**A.** The City Administrator will provide notice of proposed rulemaking for external administrative rules by:

**1.** Making copies of the notice available to any person who provided the City Administrator a written request to receive such notice;

**2.** Posting the notice on the City's website not fewer than 30 calendar days prior to the rule's adoption in a location accessible to the public; and

**3.** Providing a copy of the notice to the Council.

B. The City Administrator will provide notice of proposed rulemaking for internal administrative rules by:

1. Posting the notice on the City's intranet and emailing the notice to the City-wide employee email distribution list not fewer than 30 calendar days prior to the rule's adoption; and
2. Providing a copy of the notice to the Council.

C. The notice for all administrative rules must include:

1. A link to the proposed rule;
2. A description of the procedure and deadline to submit data or written comment to the proposed rule;
3. The legal authority for the proposed rule;
4. A list of relevant documents, reports, or studies and the location where they can be inspected; and
5. The date the rule will take effect.

D. Any person may request the City Administrator send copies of notices of proposed external rulemaking pursuant to Subsection A of this Section. Upon receipt, the City Administrator will acknowledge the request, establish a mailing list, and maintain a record of all mailings made to persons submitting such requests.

### **1.05.050 Opportunity for Comment.**

A. The City Administrator will consider all timely submitted comments on a proposed administrative rule.

B. The City Administrator may, but is not required to:

1. Make changes to the proposed administrative rule in response to comments received; or
2. Re-notice the rulemaking or change the rulemaking timeline.

C. For an external administrative rule, the City Administrator will post an overall summary of the comments received and the City Administrator's response.

### **1.05.060 Amendments to Administrative Rules.**

The City Administrator may, without prior notice or comment:

A. Rearrange, renumber, re-letter, capitalize, punctuate, and divide provisions of any administrative rule;

B. Correct clerical errors and omissions and insert captions in accordance with the meaning and intent of the administrative rule;

C. Make changes to procedural requirements of an administrative rule that do not fundamentally change the substantive content of the administrative rule;

D. Delete parts of an administrative rule that have become inoperative or that a court of competent jurisdiction determines are invalid; and

E. Substitute any current title of a City official, bureau, office, program, board, or commission in lieu of the title originally appearing in the administrative rule in accordance with changes of title or duties subsequently made by law.

### **1.05.070 Basis and Validity of Administrative Rule; Publication of Administrative Rules.**

A. Unless otherwise required by law, an administrative rule does not need to be based upon or supported by an evidentiary record.

B. Unless the City Administrator specifies another date, an administrative rule that substantially complies with the provisions of this Chapter will take effect 30 days after the rule's adoption.

### **1.05.080 Required Content of Administrative Rule.**

An administrative rule must include a statement of intent or purpose. The statement may include authority, responsible parties, and enforcement, among other provisions.

### **1.05.090 Temporary and Emergency Administrative Rules.**

#### A. Temporary rules.

1. External Administrative Rules. The City Administrator may adopt a temporary external administrative rule or suspend all or part of an existing external administrative rule without notice or opportunity to comment if needed to implement the provisions of any new or amended ordinance upon the ordinance's effective date.

2. Internal Administrative Rules. The City Administrator may adopt a temporary internal administrative rule that creates new requirements or that modifies or suspends all or part of an existing internal administrative rule without notice or opportunity to comment when an administrative rule must be established sooner than the requirements for permanent rules allow.

B. Emergency administrative rules. The City Administrator may adopt, amend, or suspend all or part of any administrative rule without prior notice or opportunity to comment, or upon abbreviated notice and opportunity to comment, if the City Administrator determines it is necessary to avoid serious harm to the public interest.



The City Administrator's determination will be in writing and state the specific reasons for the emergency administrative rule.

C. Effective period. The adoption, amendment, or suspension of an administrative rule by the City Administrator under Subsections A. or B. of this Section will be effective for no more than 180 calendar days. The City Administrator's adoption of a rule under this Section does not preclude the City Administrator from subsequently adopting an identical permanent administrative rule.

### **1.05.100 Existing Rules and Policies**

Administrative rules and City policies in effect prior to the effective date of this Chapter, regardless of the individual or body that adopted them, remain in effect and fully enforceable until amended, repealed, or suspended as provided by this Chapter.

## **Chapter 1.06 Official Flag**

### **1.06.010 Description.**

(Amended by Ordinances 176874 and 186794, effective October 3, 2014.)

There is designated an official flag for the City to be known as the City flag and described as follows:

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

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

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

1. Canton (upper left-hand section) 18 inches (units) wide and 14-1/2 inches (units) high,
2. Upper right-hand section is 30 inches (units) wide and 9-1/2 inches (units) high,
3. Lower right-hand section is 25 inches (units) wide and 14-1/2 inches (units) high,
4. Lower left-hand section is 23 inches (units) wide and 9-1/2 inches (units) high.

**D.** The widths of the stripes are as follows:

1. The center band of blue is 4 inches (units) wide,
2. The flanking bands of white are 1 inch (unit) wide,
3. The yellow bands flanking the white are 2 inches (units) wide, and the outer bands of white flanking the yellow are 1 inch (unit) wide,
4. The total width of the arms is 12 inches (units).

**E.** All cloth colors are to be standard colors used for the fabrication of flags, and meeting the U.S. Flag Specifications for cotton and nylon. Colors are: White - White; Blue - U.N. Blue; Yellow - Golden Yellow; Green - Kelly or Irish Green. On printed or painted flags the colors ~~shall~~ must match the following colors of the Pantone® Matching System (PMS): White; Blue - No. 279; Green - No. 349; Yellow - No. 1235.

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

(Repealed by Ordinance 176874, effective October 4, 2002).

**Chapter 1.07 Documentation of Rules & Policies**

(Chapter added by Ordinance 175959, effective October 26, 2001.)

**1.07.010 Purpose.**

(Amended by Ordinance 189613, effective August 23, 2019.)

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

City's Comprehensive Plan.

### 1.07.020 Definitions.

(Amended by Ordinances 177556 and 189613, effective August 23, 2019.) As used in this Chapter, the following definitions apply:

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

**B. "Non-binding City Policy"** means a statement of the ~~City~~ Council's opinion, expressed in a resolution or ordinance, ~~that~~ which does not have binding effect or serve as mandatory approval criteria for future decision-making. ~~Such~~ The resolutions or ordinances must state in their text that the policy being adopted is a "Non-~~b~~inding City Policy." Examples include statements urging support for charitable or political efforts and statements encouraging civic involvement.

**C. Administrative rule or rule** means a binding requirements, regulations or procedures that ~~are~~ is formally adopted ~~by the City Council,~~ by a ~~(1) the City Administrator official~~ pursuant to rule-making authority ~~expressly granted by the Charter or~~ delegated by the ~~City Council,~~ through a binding resolution or ordinance, or by ~~(2) the City Auditor~~ pursuant to rule-making authority granted by the ~~City Charter or~~ delegated by the ~~City Council.~~ This definition excludes Bureau Policies. An administrative rule must be labeled as or state in its text that it is an "aAdministrative rRule."

**D. "Bureau pPolicy"** means a requirement or procedure adopted by a ~~B~~ureau, program, ~~Department~~ or ~~O~~ffice in the absence of formally delegated rule-making authority that has binding effect on the ~~B~~ureau, program, ~~Department~~ or ~~O~~ffice. Examples include bureau-specific work rules and administrative procedures.

**E. "Formally adopted"** means adopted by ~~City Council,~~ by ~~another~~ the City ~~official~~ Administrator pursuant to ~~procedures contained in~~ a delegation of authority from the ~~City Council~~ or Charter, or by the ~~City Auditor~~ pursuant to rule-making authority granted by the ~~City Charter or~~ delegated by the ~~City Council.~~

**F. "Comprehensive Plan Policy"** means a policy that relates to the exercise of the City's zoning and land use responsibilities.

**G. "Legislation"** means a municipal law, enacted by ordinance.

### 1.07.030 Creation of Portland Policy Documents Repository.

(Amended by Ordinance 189613, effective August 23, 2019.)

The ~~City~~ Auditor ~~shall~~will post all binding City policies, non-binding City policies, and administrative rules to an online repository to be known as the Portland Policy Documents. The repository ~~shall~~will be publicly available via the internet. Costs for providing paper copies of documents included in the repository or other services ~~shall~~will be recovered according to the standard practice of the Auditor's Office.

### 1.07.040 Creation of Index.

(Amended by Ordinance 189613, effective August 23, 2019.)

The ~~City~~ Auditor ~~shall~~will create an index of documents in the repository, organized by subject matter and by any additional methods deemed appropriate by the ~~City~~ Auditor, to assist users with identifying and locating documents. The ~~City~~ Auditor may also, in the ~~City~~ Auditor's discretion, provide automated tools for searching documents.

### 1.07.050 Publication to the Internet.

(Amended by Ordinance 189613, effective August 23, 2019.)

The ~~City~~ Auditor ~~shall~~will publish repository documents to the internet. Documents published to the internet ~~shall~~ constitute the official repository required by this Chapter.

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

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

**A.** Each City official adopting, amending or repealing documents that are required to be retained in the repository ~~shall~~will furnish the ~~City~~ Auditor with a copy of the new or amended documents, or information concerning any items that are repealed, within 2 weeks of ~~the~~such adoption, amendment or repeal.

**B.** All documents submitted for inclusion ~~shall~~will be submitted in electronic form, using the format specified by the ~~City~~ Auditor.

**C.** Bureau, ~~department and office~~ policies that are not administrative rules or binding City policies are maintained and documented by the individual bureau, ~~department~~ or office. If ~~the~~such policies impact the public, the bureau, ~~department~~ or office is encouraged to submit the policies for inclusion in the repository.

**D.** Comprehensive Plan policies are organized and maintained within the framework of the City's Comprehensive Plan and are not included in the repository.

E. Legislation is codified and maintained separately in the ~~Portland City~~ Code and is not included in the repository.

### **1.07.070 Format.**

(Amended by Ordinance 189613, effective August 23, 2019.)

Although retaining flexibility in the format of individual policy documents is preferred, the ~~City~~ Auditor is authorized to establish a standard format for documents that are retained in the repository to facilitate compilation and use of those documents by the public.

Bureaus are authorized to reformat documents to comply with the ~~City~~ Auditor's requirements without engaging in rule-making procedures, so long as the reformatting does not result in substantive changes.

### **1.07.080 Status.**

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

Documents kept in the repository are not legislation. Rules and policies establishing requirements for City employees or other matters regulating the City's budget and internal management are binding on City bureaus and employees. Administrative rules are binding pursuant to the delegation of authority under which the rules were adopted. Documents in the repository are not land use decisions and do not in any manner constitute criteria for future decisions in the land use context.

### **1.07.090 Other City Documents Not Affected.**

(Amended by Ordinance 189613, effective August 23, 2019.)

Documents required to be filed in the repository represent a small percentage of the documents used in the performance of the City's business. Nothing in this Chapter is intended ~~to, and nor will~~ may ~~shall~~ it be, construed as limiting the availability or effect of documents that are not required to be filed in the repository.

## **Chapter 1.08 Service of Notice**

### **1.08.010 Methods - Proof.**

Wherever notice is required to be given under a provision of ~~the Municipal~~ Portland City Code, such notice may be given either by personal delivery thereof to the person to be notified or by disposition in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at ~~his~~ the person's last known business or residence address as the same appears in the public records pertaining to the matter to which such notice is directed. Service by mail ~~shall~~ will be deemed to have been completed at the time of disposition in the post office. Whenever a different method of serving notice is prescribed in ~~the Municipal~~ Portland City Code for a specific

purpose, all notices for such purpose ~~shall~~must be given as prescribed in ~~such~~Portland City Code. Proof of giving any notice may be made by the certificate of any officer or employee of the City or by affidavit of any person over the age of 18 years ~~which~~that shows service in conformity with the provisions of ~~the Municipal~~Portland City Code or of any other law applicable to the subject matter concerned.