

Title 14 Public Order and Police

(Title replaced by Ordinance _____ 176585, effective July 15, 2002.)

Chapter 14A.10 Definitions

14A.10.010 Definitions.

Unless otherwise defined in this Code, terms used in this Chapter have the meanings given to them in the Oregon Revised Statutes (ORS) 2024 Edition. The following definitions apply throughout Title 14 in its entirety, except as otherwise provided:

A. Alcohol, ~~a~~Alcoholic ~~b~~Beverage, and/or ~~a~~Alcoholic ~~l~~Liquor means: any liquid or solid containing more than one-half of one percent alcohol by volume and capable of being consumed by a human being.

B. Bicycle means: any type of vehicle that is designed:

1. To be operated on the ground or surface on one or more wheels;
2. To have a seat or saddle for use of the rider; and
3. To be propelled exclusively by human power.

This definition does not include wheelchairs or similar types of conveyances.

C. Chief of Police means: the Commanding Officer of the police force empowered to direct the police work of the City, or lawfully appointed subordinate of the Chief of Police acting under the Chief of Police's orders.

D. City Engineer means: the duly appointed City Engineer or lawfully appointed subordinate of the City Engineer acting under the City Engineer's orders.

E. City Traffic Engineer means: the duly appointed City Traffic Engineer or lawfully appointed subordinate of the City Traffic Engineer acting under the City Traffic Engineer's orders.

F. City ~~p~~Property means: any property including but not limited to parks, rights of way, easements, buildings, or other land or physical structures owned or managed by the City.

G. Conducting business means: the act of selling services or edible or non-edible items for immediate delivery.

H. Crosswalk means: whether marked or unmarked, any portion of a roadway at an intersection or elsewhere, expressly for pedestrian crossing, as defined in ORS 801.220.

I. Firearm means: a pistol, revolver, gun, rifle, or other mechanism, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air.

J. Minor means: a person under 18 years of age.

K. Motor ~~v~~Vehicle or ~~v~~Vehicle: a means of conveyance that is self-propelled or designed for self-propulsion.

L. Park means: any publicly or privately owned real property, and the buildings, structures and facilities thereon, placed under the jurisdiction of Portland Parks and Recreation for park or recreational purposes, and includes all land granted to the City for such purposes.

M. Police ~~o~~Officer means: a member of the Oregon State Police, sheriff, constable, marshal, and officer of the ~~Bureau of Police~~[Portland Police Bureau](#).

N. Possess means: to have physical possession or otherwise to exercise dominion or control over property.

O. Public ~~p~~Place means: a publicly or privately owned place to which the general public has access and may include but is not limited to public property and areas of private property open to the public, such as spaces within apartment houses and hotels not constituting rooms or apartments designed for actual residence, schools, places of amusement, parks, playgrounds, and premises used in connection with public passenger transportation.

P. Public ~~p~~Property means: any property including but not limited to parks, rights of way, easements, buildings, or other land or physical structures owned or managed by the City or other governmental agency.

Q. Public ~~r~~Right ~~-of-~~~~w~~Way means: any thoroughfare or area intended, designed, or used for vehicular or pedestrian traffic.

Chapter 14A.20 Procedures

14A.20.010 General Purposes of Title.

The general purposes of the provisions set forth in Title 14 are to prevent and prohibit conduct that unjustifiably inflicts or threatens harm to individual or public interests, to safeguard conduct that is without culpability from condemnation as criminal, and to provide fair warning of the nature of the conduct declared to constitute an offense.

14A.20.020 Principles of Construction.

The provisions embodied in Title 14 ~~must~~shall be construed according to the plain meaning of their terms, but when the language is susceptible of differing constructions, the language ~~shall~~must be interpreted to further the general purposes stated in this Chapter and of any special purposes established in the particular provision involved, and ~~will~~shall not contradict state or federal law. Any discretionary powers conferred by this Title ~~wi~~shall be exercised to further the general purposes stated here.

14A.20.030 Constitutionality.

If any ~~s~~Section, ~~s~~Subsection, sentence, clause, or phrase of this Title is for any reason held to be invalid or unconstitutional, such decision ~~wi~~shall not affect the validity of the remaining portions of this Title. If for any reason any portion of this Title should be declared invalid or unconstitutional, then the ~~original~~ ordinance or ordinances in effect prior to the adoption of the invalid provisions will ~~shall~~ be reinstated and remain in full force and effect.

14A.20.040 Consistency with State Criminal Law.

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

14A.20.050 Prohibited Acts Generally.

A. The doing of any act or thing prohibited or the failing to do any act or thing commanded to be done in this Title within the corporate limits of the City and within such other areas as may be specified in this Title is hereby declared to be an offense against the public peace, safety, health, morals, and general welfare of the people of the City.

B. Any act or omission made unlawful under this Title ~~wi~~shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing any such act or omission.

14A.20.060 Penalty for Violation.

Unless a different penalty is specifically provided, any violation of any provision of this Title ~~wi~~shall upon conviction be punished by a fine of not more than \$500, or by imprisonment of not more than ~~six~~6 months, or by both. However, no greater penalty ~~shall~~may be imposed than allowed under Oregon law.

14A.20.070 Claims for Rewards.

Each claim for a reward offered by this Code ~~must~~shall be made in writing by the claimant or the claimant's authorized representative and filed with the Auditor within 60 days after conviction of the accused in the Circuit Court or, if there has been an appeal, when the judgment of conviction becomes final. If two or more persons are entitled to the same reward, it ~~shall~~must be prorated among them. It ~~wi~~shall be the duty of the Chief of Police to fully investigate all claims for reward and report the results of the investigation to the City Attorney. The report ~~wi~~shall include copies of all police reports and records pertaining to the case out of which the claim arose, the court disposition, and a statement of facts or circumstances showing why the claimant is or is not entitled to payment of the reward. The City Attorney ~~wi~~shall examine the record and report findings and conclusions to the Council, together with the report of the Chief of Police. If the arrest was made by any law enforcement agency other than the ~~Bureau of Police~~Portland Police Bureau, a report of that agency ~~must~~shall be obtained and submitted to the Council, along with the other reports required herein. The address of the claimant ~~wi~~shall not be made public unless necessary to the enforcement of the law.

14A.20.080 Restrictions on Rewards.

A. A reward under the provisions of this Code ~~shall~~may not be paid to any United States, state, county, or municipal officer or employee other than a sheriff as outlined in ORS 206.330.

B. Bounty hunters are not entitled to rewards under this Chapter.

14A.20.090 Council Decisions on Rewards Final.

The action of the Council ~~wi~~shall be final and binding upon any and all persons claiming a reward provided for herein, and the Council ~~wi~~shall be the final arbiter in determining the rights, if any, of respective claimants.

14A.20.100 Ineligibility of Police for Rewards.

No member of the ~~Bureau of Police~~Portland Police Bureau ~~shall~~may for ~~his or her~~their own benefit under any pretense whatever, receive or share in any present, fee, gift, reward or emolument for public service other than the regular salary and pay except by the consent of the City Council.

Chapter 14A.30 Miscellaneous Acts of Misconduct

14A.30.010 Unlawful Noise Disturbance.

It is unlawful to make any excessive, unreasonable, or unusually loud sound which disturbs the peace and quiet of any neighborhood or which injures or endangers the comfort, repose, health, peace, or safety of any person.

14A.30.020 Unlawful Operation of Sound Producing Equipment.

A. It is unlawful to operate or use or permit the use of any sound producing equipment:

1. Between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible within any dwelling unit which is not the source of the sound; or
2. While on public property so as to be plainly audible 100 feet or more from the device.

B. Sound producing equipment includes but is not limited to any radio, television set, musical instrument, phonograph, ~~loud-speaker~~loudspeaker, bell or chime.

14A.30.030 Unauthorized Use of a Police Vehicle.

It is unlawful for any person other than a police officer or designee to possess or operate a vehicle marked or identified by the word "police" or any other marking, insignia, or equipment identifying it as a police vehicle.

14A.30.040 Unlawful Use of Badges.

It is unlawful for any person not a regular member of the police force of the City to use in any manner a City ~~of Portland~~ police officer's badge, or any replica or imitation thereof, except by special permission of the Chief of Police.

14A.30.050 Tampering with Animals Used for Law Enforcement Purposes.

It is unlawful for any person to torture, torment, beat, kick, strike, choke, cut, stab, stone, shoot, mutilate, injure, disable, kill, or tamper with any animal while it is being caged, kenneled, transported, exhibited, exercised, or used in discharging or attempting to discharge any lawful duty or function or power of office, by any police officer or ~~his or her~~their representative, for any police agency.

14A.30.060 Unlawful Possession or Use of Devices Used to Open Coin Boxes.

It is unlawful for any unauthorized person to have in ~~his or her~~their possession or use any tool, key, implement, or device designed for forcing, breaking, or otherwise gaining entry to a pay telephone coin box, coin vending machine, parking meter or other coin-operated machine or device.

14A.30.070 Unlawful Transfer of a Recreational Vehicle.

~~(Added by Ordinance 188632, effective October 4, 2017.)~~

A. It is unlawful to sell, lease, rent, loan, donate or otherwise transfer physical possession of a recreational vehicle that:

1. Contains a ~~waste-water~~wastewater system or fuel system that leaks ~~waste water~~wastewater or fuel; or
2. Contains a ~~waste-water~~wastewater system or fuel system that is damaged in a manner that would cause a reasonable person to conclude that the damaged ~~waste-water~~wastewater system or fuel system could not operate normally without leaking waste-water or fuel.

B. The provisions of Section 14A.30.070 do not apply to:

1. Transfers of recreational vehicles to repair facilities that are registered to do business in the State of Oregon or vehicle dismantlers certified in accordance with ORS 822.110;
2. Transfers of recreational vehicles to tow vehicle operators for the purpose of transferring recreational vehicles to repair facilities that are registered to do business in the State of Oregon or vehicle dismantlers certified in accordance with ORS 822.110;
3. Transfers of recreational vehicles to repair facilities or dismantlers located outside of the City ~~of Portland~~;
4. Transfers of recreation vehicles to a federal agency or a public body as defined by ORS 174.109; or
5. Transfers of recreational vehicles by lawful repossession, court order, administrative order, operation of law, governmental action.

C. Definitions:

1. As used in this Section, ~~“fuel”~~ means any gas or liquid used to assist in propulsion, cooling, lubrication, environmental control, refrigeration, or cooking.
2. As used in this Section, ~~“fuel system”~~ means any system designed to contain or convey fuel.
3. As used in this Section, ~~“leak”~~ and ~~“leaking”~~ mean a release of any fuel or ~~waste-water~~wastewater from a ~~waste-water~~wastewater system or fuel system in a manner inconsistent with the original recreational vehicle manufacturer’s design.

4. As used in this Section, **“recreational vehicle”** means a recreational vehicle as defined by [Portland City Code](#) Section 16.90.290.
5. As used in this Section, **“transfer”** means any conveyance of a recreational vehicle from the transferor to the transferee with the consent of the transferee.
6. As used in this Section, **“~~waste water~~wastewater”** means any sewage or liquid wastes, including kitchen, bath, toilet, and laundry wastes.
7. As used in this Section, **“~~waste water~~wastewater system”** means any system designed to contain or convey [waste waterwastewater](#).

14A.30.080 Unlawful Street Takeover and Unlawful Staging of a Street Takeover Event.

~~(Added by Ordinance [190541](#), effective August 18, 2021.)~~

A. ~~For the purposes of this Section, the following definitions apply:~~
~~The following definitions apply to this section:~~

1. **Highway** means the entire width of a public right-of-way when any portion thereof is intended for motor vehicle movement or motor vehicle access to abutting property.
2. **Public place** means an area, whether publicly or privately owned, generally open to the public and includes, without limitation, the grounds surrounding buildings or dwellings, streets, sidewalks, bridges, tunnels, alleys, plazas, parks, driveways, and parking lots.
3. **Motor vehicle** has the meaning provided by [Subsection 14A.10.010 K](#).
4. **Unlawful street takeover event** means an activity that is:
 - a. Unpermitted;
 - b. Preplanned or contemporaneously coordinated by two or more persons; and
 - c. Involves one or more persons demonstrating, exhibiting, or comparing the maneuverability or power of one or more motor vehicles in a curved direction, in a circular direction, or around corners, including but not limited to by breaking traction in a curved or circular direction or around corners.
5. **Unpermitted** means without the express written permission of the owner of private property on which the activity occurs or without authorization by the

Portland City Code, ordinance, permit or other authorization by a governmental body with legal authority to authorize the activity.

B. A person commits the offense of an uUnlawful sStreet tTakeover if, in a public place or upon a highway, the person knowingly operates a motor vehicle while engaged in an unlawful street takeover event.

C. A person commits the offense of uUnlawful sStaging of a sStreet tTakeover eEvent if, in a public place or upon a highway, the person knowingly uses a motor vehicle or other obstacle to create a physical barrier to impede an intersection, bridge, public right-of-way, or other public place or highway to create a location or physical opportunity for an unlawful street takeover event.

D. The court may impose a sentence of up to 30 days imprisonment and a fine not to exceed \$500 under this sSection for uUnlawful sStreet tTakeover or uUnlawful sStaging of a sStreet tTakeover eEvent; provided, however, that a person charged the first time for either offense may be provided the opportunity to participate in a diversion program approved by the District Attorney, unless the conduct results in physical injury as defined by ORS 161.015 or death or physical injury as defined by ORS 161.015 to a person other than the defendant.

E. Any peace officer as defined by ORS 161.015(4) may, without prior notice, order a motor vehicle towed as evidence of a crime, for community caretaking, or for any other lawful purpose, without respect to the person's ownership of the motor vehicle, when the peace officer has probable cause to believe the person operating or in possession or control of the motor vehicle has committed the offense of uUnlawful sStreet tTakeover or uUnlawful sStaging of a sStreet tTakeover eEvent. The owner of a motor vehicle that has been towed under this sSection may seek the return of the motor vehicle as provided by law.

Chapter 14A.40 Interference With Persons And Sexual Misconduct

14A.40.010 Interfering with Privacy.

A. It is unlawful for any person to look through a window, transom, or door into the dwelling of another with the intent to interfere with the privacy of an occupant.

B. As used in this Section, "**dwelling**" includes a building or part of a building in which a person temporarily lodges.

14A.40.020 Offensive Physical Contact Prohibited.

A. No person ~~shall~~may cause or attempt to cause another person reasonably to apprehend that they will be subjected to any offensive physical contact either to their person or to personal property in their immediate possession.

B. Violation of this Section is subject to a maximum \$500 fine and/or 10 days in jail.

1. In lieu of the penalty provided for above, a judge may sentence a person found in violation of this Section to community service for such period as is provided for misdemeanors pursuant to ORS 137.126 to ORS 137.129.

14A.40.030 Indecent Exposure.

It is unlawful for any person to expose ~~his or her~~their genitalia while in a public place or place visible from a public place, if the public place is open or available to people regardless of sex. This prohibition does not apply to conduct protected under ORS 109.001, which safeguards the right to breastfeed in public~~persons of the opposite sex.~~

14A.40.040 Loitering to Solicit Prostitution.

A. For the purposes of this Section, the following definitions apply:

1. **Prostitution** means: engaging in, offering, or agreeing to engage in sexual conduct or sexual contact in return for a fee or paying, offering, or agreeing to pay a fee to engage in sexual conduct or sexual contact.

2. **Sexual cConduct** means: sexual intercourse or deviate sexual intercourse.

3. **Sexual cContact** means any touching of one person's sexual organs or other intimate parts, used with the intention of touching another person not married to the actor, for the purpose of arousing or gratifying the sexual desire of either party.

B. It is unlawful for any person to loiter in or near any street or public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are that the person repeatedly contacts, stops or attempts to stop pedestrians, or repeatedly stops or attempts to stop motor vehicle operators or passengers by hailing them or gesturing to them.

14A.40.050 Unlawful Prostitution Procurement Activities.

A. As used in this Section, **"prostitution"** means that unlawful conduct defined in Section 14.A40.040 of this Code. As used in this Section, **"prostitution procurement activity"** means any conduct by any person that constitutes a substantial step in furtherance of an act of prostitution. Such activity includes, but is

not limited to, lingering in or near any street or public place, repeatedly circling an area in a motor vehicle, or repeatedly beckoning to, contacting, or attempting to stop pedestrians or motor vehicle operators.

B. It is unlawful for any person to engage in any prostitution procurement activity with an intent to induce, entice, solicit, procure, locate, or contact another person to commit an act of prostitution.

Chapter 14A.50 Conduct Prohibited on Public Property

14A.50.010 Alcohol and Controlled Substances on Public Property and Public Rights-of-Way.

(Amended by Ordinances 184596 and 191445, effective September 6, 2023.)

A. No person ~~shall~~may consume alcoholic liquor, as defined in ORS 471.001, or a controlled substance, as defined in ORS 475.005, on public property, streets, sidewalks, or any other public rights-of-way.

B. No person ~~shall~~may possess on any public property, street, sidewalk, or other public right-of-way, any bottle, can, or other container containing alcoholic liquor if it has been opened, its seal broken, or its contents partially removed.

C. The prohibitions set forth in Subsections A. and B. of this Section do not apply to:

1. The consumption of alcoholic liquor in sidewalk cafes that have obtained permits pursuant to Chapter 17.25 of this Code.

2. The use of alcohol in street areas sanctioned by a ~~c~~Community ~~e~~Event ~~s~~Street ~~c~~Closure—~~a~~Alcohol ~~a~~Allowed permit issued by the Bureau of Transportation ~~under pursuant to PCC~~ Chapter 17.44 of this Code, contingent upon adherence to all relevant Oregon Liquor Control Commission guidelines.

3. The consumption of medications, as directed by a prescriber, as ~~stipulated~~defined in ORS 414.351.

D. For purposes of this ordinance, "**consume**" denotes the act of imbibing, injecting, ingesting, inhaling, or otherwise introducing a substance into the human body.

E. The restrictions on consuming controlled substances outlined in this chapter will take immediate effect if any of the following occurs:

1. The State of Oregon passes a law granting local jurisdictions the power to regulate public consumption of controlled substances;

2. A court with appropriate jurisdiction determines that cities can regulate the public consumption of such substances within their boundaries; or
3. A regulatory body of the State of Oregon identifies or drafts regulations allowing implementation.

~~14A.50.020 Camping Prohibited on Public Property and Public Rights-of-Way.~~

~~(Repealed by Ordinance 191706, effective May 8, 2024.)~~

~~14A.50.025 Enforcement.~~

~~(Repealed by Ordinance 191706, effective May 8, 2024.)~~

14A.50.030 Sidewalk Use.

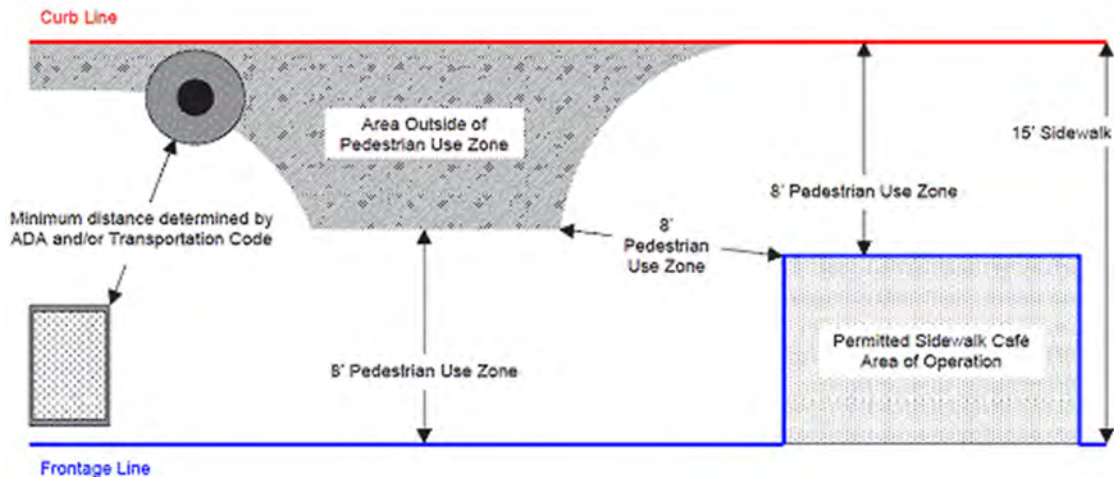
~~(Replaced by Ordinance 183754; amended by Ordinance 188556, effective August 16, 2017.)~~

A.- For the purposes of this Section, the following definitions applyDefinitions:

1.- Pedestrian:- means a person who is on foot or assisted by a mobility device and able to move immediately to accommodate other sidewalk users.

2.- Frontage line, _:-oOn sidewalks bounded by a street, means the frontage line is the edge of the public sidewalk opposite the curb where the area dedicated to sidewalk use by the City meets either private property or public property that is not dedicated to sidewalk use. On sidewalks not bounded by a street and lying between public property and private property, the frontage line is the edge of the public sidewalk bounded by private property. On sidewalks not bounded by a street and bordered on both sides by public property or bordered on both sides by private property, the frontage line is the west or north lateral edge of the sidewalk.

3.- Pedestrian uUse zZone means:- the surface of a public sidewalk extending from the frontage line of the sidewalk and any fixture or use authorized or allowed by City permit or regulation that is centered on the frontage half of the sidewalk. Except as otherwise established and marked by the Director of the Bureau of Transportation, the pedestrian use zone extends eight feet on sidewalks more than ten feet wide and six feet on sidewalks ten feet wide or less. At street corners, the pedestrian use zone encompasses the entire area bounded by the extended frontage lines and the streets.



4.- Mobility device means :- a wheelchair, crutch, cane, walker, or device that functions similarly to allow an injured or disabled person increased mobility for sidewalk travel.

B.- Improper Use of Sidewalk in a High Pedestrian Traffic Area – Use of Pedestrian Use Zone by a Person who is Not a Pedestrian:-

1.- Between 7:00 a.m. and 9:00 p.m., only pedestrians may use the pedestrian use zone in the high pedestrian traffic areas described in Subsection F.

2.- The prohibition in Subsection B.1. does not apply to:

a.- Persons who use a conveyance to move freight or merchandise.

b.- Persons crossing the sidewalk pedestrian zone in a conveyance directly to or from an entrance.

3.- It is an affirmative defense to a prosecution under this subsection that the behavior occurred within one foot of the curbside boundary of the pedestrian use zone, that the boundary of the zone was not marked, and the person believed in good faith the person was not in the pedestrian use zone.

C.- Improper Use of Sidewalk in a High Pedestrian Traffic Area - Placing Objects in Pedestrian Use Zone:- Between 7:00 a.m. and 9:00 p.m., in the high pedestrian traffic areas described in Subsection F., unless authorized or allowed by ordinance, permit or a regulation issued by the Director of the Bureau of Transportation, no person may deposit, install, place, fix or leave any object or item in, on or above a pedestrian use zone except:

1.- Personal baggage or luggage that is within arm's reach of the pedestrian possessor; or

2.- Merchandise in course of receipt or delivery that presents a continuous vertical rise of at least 36 inches to the cane of vision-impaired pedestrians, unless that merchandise is permitted to remain upon the sidewalk for a period longer than 2 hours.- The vehicle in which merchandise is delivered is subject to all parking regulations as described in Portland City Code Title 16.

3.- It is an affirmative defense to a prosecution under this sSubsection that the behavior occurred within one foot of the curbside boundary of the pedestrian use zone, that the boundary of the zone was not marked, and the person believed in good faith the object or item was not in the pedestrian use zone.

D.- Improper uUse oOf sSidewalk in aA hHigh pPedestrian tTraffic aArea – mMismanaging aA dDog:- Between 7:00 a.m. and 9:00 p.m., on all parts of sidewalks in the high pedestrian traffic areas described in Subsection F.:

1.- All dogs must be in hand or, if leashed, the dog's neck must be within two feet of the handler;

2.- A dog may be present in a pedestrian use zone in the high pedestrian traffic areas described in Subsection F. only if under the control of a pedestrian;

3.- A person who brings a dog onto a public sidewalk or who possesses or controls the dog is responsible for compliance with this Subsection. This Subsection does not apply to police animals.

4.- It is an affirmative defense to a prosecution under Subsection D.2. that the dog was within one foot of the curbside boundary of the pedestrian use zone, that the boundary of the zone was not marked, and the person believed in good faith the dog was not in the pedestrian use zone.

E.- Improper uUse oOf sSidewalk – fFailing tTo aAllow uUse bBy aA dDisabled pPerson:- On all- sidewalks at all times, at the reasonable request of a person using a mobility device or relying for guidance on a cane, helper or guide animal, all persons must immediately yield use of the sidewalk to allow a reasonable opportunity for passage.

F.- High pPedestrian tTraffic aAreas:

1.- The Downtown Area, defined as the public sidewalks in the area bounded by the west bank of the Willamette River, I-5 from the west bank of the Willamette River to its junction with I-405, I-405, the north edge of the north sidewalk of NWorthwest Irving Street and a line extended from the northeast

corner of the north sidewalk of NWorthwest Irving Street to the west bank of the Willamette River;

2.- The Rose Quarter / Lloyd Area, defined as the public sidewalks in the area bounded by North Interstate Avenue, the north edge of the north sidewalk of Broadway Street, NEortheast 16th Avenue and Northeast Lloyd Boulevard.

G.- Exceptions.

1.- The prohibitions in this Section do not apply to a person:

- a.- uUnable to comply due to suffering a medical emergency;
- b.- uUnable to comply due to physical or mental incapacitation;
- c.- aActing as authorized or allowed by ordinance, permit or a regulation issued by the City Traffic engineer;
- d.- pPerforming a City-approved public safety, maintenance or construction function; or
- e.- pParticipating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to and in compliance with a street use or other applicable permit.;

2.- The prohibitions in Subsection B. do not apply to a person:

- a.- sSitting on a chair or bench located in a pedestrian use zone supplied or permitted by a public agency;
- b.- wWaiting in line for goods or services unless the person refuses to comply with a lawful order of a peace officer to form the line in a way that moderates impact on passage along the sidewalk; or
- c.- pPerforming street music while complying with the Street Musician Partnership Agreement.;

3.- The prohibitions on this Section do not apply to pedestrian plazas as defined under Chapter 17.43 of this Code.

H.- No person ~~shall~~ may be cited under this Section unless the person engages in prohibited conduct ~~prohibited by this Section~~ after having been notified in writing by an Oregon peace officer that the conduct violates this Section.

I.- The prohibitions in this Section do not apply when they are waived by permit.

J.- Nothing in any of the exceptions listed in Subsection G. ~~wi~~shall be construed to permit any conduct which is prohibited by ~~PCG-Section~~ 14A.50.035 - Pedestrians.

K.- Nothing in this Section ~~wi~~shall be construed to permit conduct which is prohibited by a lawful order restricting the time, place or manner of speech.

L.- An object or deposit that is on or above a sidewalk in violation of this Section is hereby declared to be a public nuisance. The Director of the Bureau of Transportation or a police officer may summarily abate any such nuisance, or it may be abated as set forth in Chapter 29.20 of this Code.

M.- Violation of this Section subjects a person to a maximum penalty of a \$250 fine only.

N.- In lieu of the penalty provided for above, a judge may sentence a person found in violation of this Section to community service for such period as is provided for violations pursuant to ORS 137.126 to ORS 137.129.

O.- This Section ~~shall~~does not apply to any activity otherwise made lawful.

14A.50.035 Pedestrians.

A. No person with the intent to interfere with free passage ~~shall~~may block or attempt to block or interfere with any person(s) along the public sidewalks by any means, including but not limited to standing on that part of the sidewalk used for pedestrian travel or by placing any object or vehicle in such area.

B. No person with the intent to interfere with the free ingress to or egress from ~~shall~~may block or attempt to interfere with or block pedestrian or vehicular entrances to public or private property abutting the public sidewalk.

C. Violation of this Section subjects a person to a maximum penalty of a \$250 fine only.

D. In lieu of the penalty provided for above, a judge may sentence a person found in violation of this Section to community service for such period as is provided for misdemeanors pursuant to ORS 137.126 to ORS 137.129.

E. This Section ~~shall~~does not apply to any activity otherwise made lawful.

14A.50.040 Conducting Business on City Property or Public Rights of Way.

It ~~shall is be~~ unlawful for any person to sell or attempt to sell any merchandise or services in or upon any sidewalk, street, alley, lane, public rightofway, or under any bridgeway or viaduct:

A. Within the Central City Plan District as defined in Chapter 33.510 of this Code;

B. With 250 feet of any:

1. Public library grounds;
2. Public park grounds without a permit from the Bureau of Parks and Recreation;
3. Grounds or stadium while athletic games are being played;
4. Public or private school grounds during the hours of regular school classes or sessions; or
5. Vendor already parked or stopped, or any commercial establishment, while open, if the other vendor or establishment offers similar merchandise; unless specifically authorized by ordinance, permit, or other valid City approval. Possession of a valid City business license does not constitute "other valid City approval" within the meaning of this Section.

14A.50.050 Erecting Permanent or Temporary Structures on Public Property or Public Rights-of-Way.

~~(Amended by Ordinances 191311 and 191706, effective May 8, 2024.)~~

A.- It ~~shall be~~ is unlawful to erect, install, place, leave, or set up any type of permanent or temporary fixture or structure of any material(s) in or upon non-park public property or public right-of-way without a permit or other authorization from the City.

B. In addition to other remedies provided by law, such an obstruction is hereby declared to be a public nuisance. The City Engineer, City Traffic Engineer, or Chief of Police may summarily abate any such obstruction, or the obstruction may be abated as prescribed in Chapter 29.60 of this Code.

C.— The provisions of this Section do not apply to merchandise in the course of lawful receipt or delivery, unless that merchandise remains upon the public right-of-way for a period longer than two2 hours, ~~whereupon~~ which the provisions of this Section apply.

D.— The provisions of this Section do not apply to depositing material in public right-of-way for less than two2 hours, unless the material is deposited with the intent to interfere with free passage or to block or attempt to block or interfere with any persons(s) using the right-of-way.

E. The provisions of this Section do not apply to depositing material necessary to sleeping, or keeping warm, or dry as defined by ORS 195.530, consistent with ~~Portland City Code~~ Sections 14A.50.140, 14A.50.150, and 14A.50.160 of this Code.

14A.50.060 Resale of Tickets to Events at Municipal Facilities at a Premium Price Prohibited.

Tickets to all events at municipally-owned facilities, including the Memorial Coliseum, PGE Park, and the public plaza at the Rose Quarter, and tickets to all events at the Rose Garden Arena other than season tickets, shall-must have printed thereon the retail price thereof. It shall-beis unlawful for any person to sell or offer for sale any ticket for an event at any municipally-owned facility, or for any event at the Rose Garden Arena, at a price greater than the retail price printed thereon or at a price greater than the original retail price. Notwithstanding the above, this Section shall-may not be construed to prohibit service fees or charges imposed or collected by ticket outlets where service fees or charges are specifically authorized by the management of the facilities.

14A.50.070 Advertising on Streets.

A. It is unlawful for any person to scatter notices or advertisements on any street right-of-way or to post a notice or advertisement anywhere on a street right-of-way or upon the exterior of a public building.

B. It is unlawful for any person whose name appears upon, or who is responsible for posting, any notice or advertisement posted in violation of this Section to permit the notice or advertisement to remain posted after having received a request to remove it.

C. Any notice or advertisement found in violation of this Section may be removed by a peace officer.

14A.50.110 Misuse of a Public Restroom.

A. This Section applies to permanent and temporary structures erected or placed for use as a public restroom.

B. It is unlawful to stand, climb, sit upon, or lay down on any fixture or floor located inside of or at the entrance of any restroom located in a public building or on public property, unless that fixture or floor is intended to be used for standing, climbing, sitting or lying upon.

C. It is unlawful for two or more persons to occupy any restroom that is specifically designed for use by only one person and that is located in a public building or on public property, unless one of those persons is assisting a handicapped person or persons, a child or children under 12 years of age, or an elderly person, or persons in need of assistance.

D. It is unlawful to interfere with any attendant in the discharge of ~~his or her~~their duties within any restroom located in a public building or on public property.

E. It is unlawful for any male person to enter a restroom marked "Women." This Section does not apply to a male child with his mother or female guardian, or an authorized person in the discharge of his regular duties.

F. It is unlawful for any female person to enter a restroom marked "Men." This Section does not apply to a female child with her father or male guardian, or an authorized person in the discharge of her regular duties.

G. It is unlawful for any person to engage in disorderly or disruptive conduct inside of or at the entrance to any restroom located in a public building or on public property.

H. The above requirements do not excuse a failure to provide reasonable and appropriate accommodations permitting all persons access to restrooms consistent with their expressed gender.

14A.50.120 Misuse of a Public Drinking Fountain.

A.- It ~~shall be is~~ unlawful to deposit material of any kind into a drinking fountain located on public property.

B. It ~~shall be is~~ unlawful to obstruct the flow of water or tamper in any way with a drinking fountain located on public property or ~~right of way~~right-of-way, unless permission to do so is granted by the appropriate City bureau, official, or other authorized person.

14A.50.130 Misuse of Reservoirs.

It is unlawful for any person to throw, dump, or deposit any material or substance in a reservoir maintained by the Bureau of Water Works.

14A.50.140 Camping Definitions.

~~(Added by Ordinance 191706, effective May 8, 2024.)~~

As used in Sections 14A.50.150-14A.50.160:

A. To camp or camping means to set up, pitch, use, or occupy camp materials with intent to facilitate sleeping, storage of personal belongings, or carrying on cooking activities. **To camp or camping** does not include merely sitting with, lying by, or possessing camp materials that are stowed, disassembled, or packed in a manner that would permit them to be immediately carried or moved.

B. Camp materials means any tent, lean-to, shack, tarp, tarpaulin, hammock, vehicle or part thereof, bed, cot, sleeping bag, blanket, mattress, stove, burn barrel, or other structure or device intentionally used for or in furtherance of sleeping, storing personal belongings, or carrying on cooking activities.

C. Alternate shelter means either:

1. A publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs); or
2. Any other building, as defined in ORS 164.205(1), designed or adapted for overnight accommodation of persons in which the person has permission to sleep.

14A.50.150 Camping Prohibited When Reasonable Alternate Shelter is Available.

~~(Added by Ordinance 191706, effective May 8, 2024.)~~

It is unlawful for any person to camp knowingly in or upon any public property or public right-of-way if the person has access to reasonable alternate shelter, has means to acquire reasonable alternate shelter, or has otherwise been offered and rejected reasonable alternate shelter.

14A.50.160 Restrictions on Camping on Public Property and Public Rights-of-Way.

~~(Added by Ordinance 191706, effective May 8, 2024.)~~

It is unlawful for any person camping in or upon any public property or public right-of-way to recklessly:

- A.** Obstruct the pedestrian use zone, as defined in Subsection 14A.50.030 A.3. ~~of this Code;~~
- B.** Obstruct access to private property or businesses adjacent to the public right-of-way; ~~;~~
- C.** Start or maintain any fire in or around the campsite; ~~;~~
- D.** Use a gas heater in or around a campsite; ~~;~~
- E.** Erect, install, place, leave, or set up any type of permanent or temporary fixture or structure of any material(s) in or upon public property or public right-of-way. Items

such as tents and readily portable shelters are not structures for purposes of this ~~s~~Section:-

F. Dig, excavate, terrace soil, alter the ground or infrastructure, cause environmental damage, or damage vegetation or trees in or around a campsite:-

G. Place or store objects, more than two feet outside the tent or readily portable shelter:-

H. Accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, sewage, drug paraphernalia, improperly disposed of syringes, or other evidence of drug use in the public rights-of-way, on City property, or on any adjacent public or private property:-

I. Assemble, disassemble, sell, offer to sell, distribute, offer to distribute, or store three or more bicycles or two or more automobiles, a bicycle frame with the gear cables or brake cables cut or an automobile with the battery or one or more tires removed, two or more bicycles or automobiles with missing parts, or five or more bicycle or automobile parts: ~~and~~:-

J. Camp on property that is posted as “no trespassing” by the City.

14A.50.170 Enforcement.

~~(Added by Ordinance 191706, effective May 8, 2024.)~~

A violation of Sections 14A.50.150 or 14A.50.160 of this Code is punishable by a fine of not more than \$100 or by imprisonment for a period not to exceed seven days, or both. The District Attorney is encouraged to divert for assessment, emergency shelter or housing, or other services, in lieu of conviction, cases involving a violation of Sections 14A.50.150 or 14A.50.160 of this Code.

14A.50.180 Public Environment Executive Team.

~~(Added by Ordinance 191706, effective May 8, 2024.)~~

The Public Environment Executive Team is comprised of the Mayor, City Administrator, the Deputy City Administrators, and other executive branch employees designated by the Mayor who have responsibility for programs and services related to homelessness and unsanctioned public camping. The Public Environment Executive Team ~~shall~~will review policy proposals related to homelessness and unsanctioned public camping. The Public Environment Executive Team will regularly report to the Mayor on legal and policy developments regarding homelessness and unsanctioned camping and ~~shall~~will propose to the Mayor amendments to City Code based on any such developments, which the Mayor at their discretion may choose to introduce for consideration by City Council.

Chapter 14A.55 Parade Event Marking

~~(Chapter added by Ordinance 181684, effective April 18, 2008.)~~

14A.55.010 Access to Public Property for Parade Event.

~~(Amended by Ordinance 191706, effective May 8, 2024.)~~

A. It is unlawful to paint, tape, or otherwise mark public property or place objects in the right-of-way for the purpose of reserving space for a parade event.

B. City of Portland may remove unauthorized materials left on public property or the right-of-way.

C. Camping overnight, to reserve a space in the public right-of-way along-side the parade route, may be allowed as set forth in administrative rule. Overnight camping under this section is a limited exception to ~~Portland City Code~~ Sections 14A.50.140, 14A.50.150, 14A.50.160, and 14A.50.030 of this Code.

14A.55.020 Enforcement and Notice of Violation.

~~(Amended by Ordinance 191736, effective July 1, 2024.)~~

A. The Director of the Portland Permitting & Development, or designee, upon determining that a violation of this code or administrative rule has occurred, may issue a notice of violation by direct delivery of said notice to the violator.

B. The violator ~~shall~~, upon receipt of a notice of violation, must correct the violation and pay to the City a civil penalty as set forth in ~~Portland City Code~~ Sections 14A.55.030 of this Code.

14A.55.030 Penalties.

Violations of this Chapter may be punishable by fines as follows:

A. A \$100 fine for the first violation; and

B. A \$500 fine for each subsequent violation.

14A.55.040 Administrative Review.

~~(Amended by Ordinance 191736, effective July 1, 2024.)~~

A person, who is issued a notice of violation, may challenge the findings in the notice by requesting an administrative review from the Portland Permitting & Development.

14A.55.050 Appeals to the Code Hearings Officer.

A determination issued pursuant to ~~Portland City Code~~[Section](#) 14A.55.040 [of this Code](#) may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of ~~Portland City~~[this](#) Code.

14A.55.060 Further Appeals.

All appeals from the Code Hearings Officer's determination pursuant to ~~Portland City Code~~[Section](#) 14A.55.050 [of this Code shall will](#) be by writ of review as authorized by Portland City Code [Section](#) 22.04.010 and ORS 34.010 - 34.100.

14A.55.070 Additional Regulations.

~~(Amended by Ordinance [191736](#), effective July 1, 2024.)~~

The Portland Permitting & Development is authorized to promulgate administrative rules and take other actions reasonable and necessary to enforce ~~this~~ Chapter [14A.55 of this Code](#).

Chapter 14A.60 Weapons and Explosives

14A.60.010 Possession of a Loaded Firearm in a Public Place.

~~(Amended by Ordinance [184274](#), effective December 31, 2010.)~~

A. It is unlawful for any person to knowingly possess or carry a firearm, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the firearm.

B. It is unlawful for any person to knowingly possess or carry a firearm and that firearm's clip or magazine, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the clip or magazine.

C. The following are exceptions and constitute affirmative defenses to a violation of this Section:

1. A police officer or other duly appointed peace officers, whether active or honorably retired;[i](#)-
2. A member of the military in the performance of official duty;[i](#)-
3. A person licensed to carry a concealed handgun;[i](#)-

4. A person authorized to possess a loaded firearm while in or on a public building under ORS 166.370₁;
5. A government employee authorized or required by ~~his or her~~their employment or office to carry firearms₁;
6. A person summoned by a police officer to assist in making arrests or preserving the peace, while such person is actually engaged in assisting the officer₁;
7. A merchant who possesses or is engaged in lawfully transporting unloaded firearms as merchandise₁;
8. Organizations which are by law authorized to purchase or receive weapons from the United States or from this state₁;
9. Duly authorized military or civil organizations while parading, or their members when going to and from the places of meeting of their organization₁;
10. A corrections officer while transporting or accompanying an individual convicted of or arrested for an offense and confined in a place of incarceration or detention while outside the confines of the place of incarceration or detention₁;
11. Persons travelling to and from an established target range, whether public or private, for the purpose of practicing shooting targets at the target ranges₁;
12. Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition₁;
13. A person authorized by permit of the Chief of Police to possess a loaded firearm, clip, or magazine in a public place in the City ~~of Portland~~₁ ~~or~~
14. A security guard employed at a financial institution insured by the Federal Deposit Insurance Corporation while the security guard is on duty.

D. It is unlawful for any person who possesses a firearm, clip or magazine in or upon a public place, or while in a vehicle in a public place, to refuse to permit a police officer to inspect that firearm after the police officer has identified ~~him or herself~~themselves as a police officer. This Section does not apply to law enforcement officers or members of the military in the performance of official duties, nor persons licensed to carry a concealed handgun₁, or persons authorized to possess a loaded firearm, clip or magazine while in or on a public building or court facility.

E. Penalty₁.

1.- In the absence of the aggravating factors listed in Subsection 14A.60.010 E.2. of this Code, the court may impose a sentence of up to six6 months imprisonment and a fine not to exceed \$500 for violation of this sSection.

-2.- When this offense is committed by carrying a loaded firearm containing ammunition that employs gunpowder as a propellant in a vehicle, including a transit vehicle, the court must impose a mandatory minimum sentence of 30 days for violation of this Section.

14A.60.020 Discharge of a Firearm.

~~(Amended by Ordinance 178428, effective May 26, 2004.)~~

A. It is unlawful for any person to discharge a firearm in the City or upon its boundaries.

B. This Section does not apply to:

1. A person discharging a firearm in the lawful defense of person or property;
2. A person discharging a firearm on a public or private shooting range, shooting gallery, or other area designed, built, and lawfully operating for the purpose of target shooting;
3. A person conducting an athletic contest who fires blank ammunition toward the sky;
4. A person authorized to fire blank ammunition as part of military or police ceremonies;
5. A person authorized by permit of the Chief of Police to discharge blank ammunition for a lawful purpose;
6. Hunter safety instructors of the Oregon State Game Commission or their pupils who are engaged in hunter safety training classes sponsored by the Commission;
7. A police officer in the performance of official duty; or
8. Employees or contractors of the Port of Portland engaged in flight safety hazard abatement at and around Portland International Airport to comply with 14 C.F.R. § 139.337~~FAR Part 139.337~~.

14A.60.030 Tear Gas and Stun Guns.

A. For the purposes of this Section, the following definitions apply:

1. Tear gas, mace, pepper mace, or any similar deleterious agent means: a sternutator, lacrimator, or any substance composed of a mixture of a sternutator or lacrimator, including, but not limited to chloroacetophenone, alpha-chloroacetophenone, phenylchloro-methylketone, orthochloro-benzalmalononitrile, oleoresin capsicum, or any chemical or combination of chemicals, whether in liquid, solid form, or gas capable of generating offensive, noxious or suffocating fumes, gases, or vapor capable of producing temporary discomfort, permanent injury, paralysis, immobilization, tears, nausea, or other illness.

2. Tear gas weapon means: includes but is not limited to any shell, cartridge, or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gas or oleoresin capsicum, mace, pepper mace or other similar deleterious agent.

3. Stun gun means: an electrical device that transmits an electrical charge designed to incapacitate humans or animals.

B. It is unlawful for any person, corporation, or association to offer for sale, sell, furnish, transport, carry, possess, or use, within the City limits, any tear gas weapon or stun gun. This Subsection does not apply to:

1. Police officers in the performance of their duties;

2. Members of the armed forces of the State of Oregon and the United States in the performance of their official duties;

3. Manufacturers, distributors, or commercial sellers when selling tear gas to any governmental agency for official use;

4. Manufacturers, distributors, or commercial sellers when selling tear gas to any person, corporation or association when such sale is not in violation of this Section;

5. Persons involved in the bona fide scientific, educational, or industrial use of tear gas;

6. Persons, who have not been convicted of any felony, who possess or use tear gas, provided that it is contained in a device that is commercially manufactured to dispense tear gas from an aerosol tube as a self-defense weapon, and is designed to contain not more than four⁴ fluid ounces per device; or

7. Persons, who have not been convicted of any felony, and who are 18 years of age or older who possess or use a stun gun for the purpose of self-defense.

C. Exemptions numbers 4., 5., and 6. of this Subsection, above, do not apply to devices that project tear gas by means of firing any type of cartridge by powder discharge, spring action, compressed air, or any other means.

D. It is unlawful for any person to use, or attempt or threaten to use tear gas or a stun gun against any person known to be, or who should reasonably be known to be, a police officer engaged in the performance of official duties.

14A.60.040 Explosives and Bottle Bombs.

A. The following definitions apply to this Section:

1. **Explosive** ~~means~~: any substance or material that on ignition by heat, impact, friction, or detonation will explode with such force as to injure a person or damage property in the immediate vicinity of the explosion.

2. **Bottle bomb**: ~~means~~ any sealed device containing dry ice (CO₂) or other chemically reactive substances assembled for the purpose of causing an explosion by chemical reaction.

B. It is unlawful for any person, other than a peace officer or member of the armed forces of this State or of the United States acting in the performance of official duty, to possess or have under ~~his or her~~their control an explosive or bottle bomb.

C. This Section does not apply to the possession or use of explosives or bottle bomb by a police officer or member of the armed forces of this State or of the United States, members of regularly organized fire departments while in the performance of their official duties, or where otherwise authorized by Federal Law, Oregon Law, or this Code.

14A.60.050 Endangering A Child By Allowing Access ~~t~~To A Firearm.

~~(Added by Ordinance 184274, effective December 31, 2010.)~~

A.— A person commits the offense of endangering a child if a person fails to prevent access to a firearm by a minor when the person knew or reasonably should have known that a minor could gain access to the firearm under the following circumstances:

1.- A person possesses or controls an operable firearm, whether loaded or unloaded, within premises under the person's custody or control and a minor gains access to the firearm without the permission of the person, a parent or guardian; ~~or~~;

2.- A person possesses or controls an operable firearm, whether loaded or unloaded, within premises under the person's custody or control and a minor

gains access to the firearm without the permission of the person, a parent or guardian and the minor carries the firearm off the premises.

B.- Violation of Subsection A.1. is punishable by incarceration for not more than 10 days and a fine of not more than \$500.

C.- Violation of Subsection A.2. is punishable by incarceration for not more than 20 days and a fine of not more than \$750.

D.- Violation of Subsection A.2. is punishable by incarceration for not more than 30 days and a fine of not more than \$2,500 when the firearm is carried by the child off premises to any school, school-sponsored or school-related event.

E.- Defenses: This ~~s~~Section ~~shall~~does not apply if any one of the following circumstances exists:

1.- The minor obtains the firearm as a result of an illegal entry into any premises by any person;~~;~~

2.- The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure from entry by the minor; ~~or~~

3. The firearm is locked with a device that has rendered the firearm inoperable and is designed to prevent minors and unauthorized users from firing the firearm. The device may be installed on the firearm, be incorporated into the design of the firearm, or prevent access to the firearm.

14A.60.060 Failure to Report Theft.

~~(Added by Ordinance 184274, effective December 31, 2010.)~~

A. Any person who possesses, owns or controls a firearm in the City ~~of Portland~~ shall must report the theft or misplacement of the firearm to the Chief of Police or designee, providing a description of the firearm including serial number, within 48 hours of knowing, or having reason to know, the firearm is stolen or cannot be located through reasonable effort.

B. A person who possesses, owns or controls a firearm in the City ~~of Portland~~ and fails to provide the serial number of the firearm when reporting the firearm is stolen or cannot be located is subject to a \$200 administrative fee.

C. Violation of Subsection 14A.60.060 A. of this Code is punishable by a fine of \$2,500.

Chapter 14A.70 Gambling, Social Games, and Unlawful Amusement Games or Concessions

14A.70.010 Definitions.

For the purposes of this Chapter, the following definitions ~~shall~~ apply:

A. "Chain letter or pyramid scheme" includes, but is not limited to the following:

1. Any system, scheme, or device, operated by letters, circulars, cards, or other written or printed instrumentality, or orally, or by any other system, whereby it is represented that upon surrender of any sum of money or any other thing of value, a person may receive in return money or any other thing of value in an amount greater than the sum or value surrendered; ~~or~~
2. Receipt of money or other thing of value in a sum greater than the value of the money, or other thing of value surrendered, dependent either wholly or in part, upon that person's surrendering money or any other thing of value; or
3. Determination of when persons ~~shall~~will receive a greater sum of money or other thing of value, effected by any system or scheme where the names of persons surrendering any sum of money or other thing of value are arranged so that the payment, donation, or contribution to them depends upon a scheme whereby their names appear at the top or other designated place upon a list according to the number order or rotation of such persons who have, or who may thereafter surrender any sum of money or other thing of value in order to participate.

B. "Contest of chance" means any contest, game, gaming schemes, or gaming device in which the outcome materially depends upon an element of chance, notwithstanding that the contestants' skill may also be a factor.

C. "Gambling" ~~shall have~~has the same definition as provided in ORS 167.117(7).

D. "Lottery" means a game in which:

1. The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated as winning ones; ~~and~~
2. The winning chances are to be determined by a drawing or by some other similar method; and
3. The holders of the winning chances are to receive something of value.

E. **"Social game"** means a game, other than a lottery, between players in a private home where no house player, house bank or house odds exist and there is no house income from the operation of the social game.

F. **"Something of value"** means any money, item of value, or any form of credit or promise directly or indirectly contemplating transfer of money or thing of value or any interest.

14A.70.020 Unlawful Frequenting of a Place Where Unlawful Gambling Activity is Conducted.

It is unlawful for any person to frequent or remain at any place where unlawful gambling activity is being conducted.

14A.70.030 Unlawful Chain Letter or Pyramid Scheme.

It is unlawful for any person, whether acting as principal, agent, servant or employee to establish, maintain, conduct, manage, profit from, or operate any chain letter or pyramid scheme; or to solicit or advertise any such scheme; or to list persons who have surrendered any sum of money or any other thing of value to any such scheme. It is unlawful for any person, firm, or corporation to let, lease, or rent any real property and allow any such scheme to be established, maintained, conducted, managed or operated therein or thereon.

14A.70.040 Social Games Authorization Limited.

A social game between players in a private business, private club, or place of public accommodation is authorized only when each of the following conditions are met:

- A. No house player, house bank, or house odds exist; ~~and~~
- B. There is no house income from the operation of a social game; ~~and~~
- C. The game cannot be observed from a public right-of-way; ~~and~~
- D. Persons under 18 years of age are not permitted in the room or enclosure where the social game takes place; ~~and~~
- E. A valid permit issued pursuant to this Chapter is conspicuously displayed in the room or enclosure where the social game takes place; ~~and~~
- F. The room or enclosure where the social game takes place is open to free and immediate access by any police officer. Doors leading into the social game room must remain unlocked during all hours of operation; and

G. No player ~~shall~~may bet more than \$1 in money or other thing of value in any one game, and the amount awarded the winner of a game ~~shall~~may not exceed \$1 in money or other thing of value multiplied by the number of players in the game.

14A.70.050 Social Games Permit Required.

A permit ~~shall be~~is required for any person to conduct or permit to be conducted in any private business, private club, or place of public accommodation any social game. Any violation of the conditions set forth in Section 14A.70.040 ~~shall~~will be considered grounds for suspension or revocation of such permit. Such permit is not subject to transfer or assignment, is not valid at any location other than the premises described therein, and ~~shall~~must be dated as of the first day of the month in which issued and ~~will~~shall expire ~~one~~4 year from that date.

14A.70.060 Social Games Permit Application Process.

~~(Amended by Ordinance 186746, effective August 6, 2014.)~~

A. The application for a permit to conduct any social game activity ~~shall~~must set forth all information deemed necessary by the ~~Director of the Revenue Division City Administrator~~—consistent with the regulations provided in this Chapter, including but not limited to a description of the premises subject to the permit, and the fingerprints of the owner(s), officers, principal managing employees, and all employees who are involved in conducting the game activities or operating the game premises of the applicant. The permittee ~~shall~~will notify the ~~Director City Administrator~~ within 10 days of any change in owners, officers, or principal managing employees that occurs subsequent to permit issuance.

1. For the purposes of this Section, "**principal managing employee**" ~~shall~~includes:

- a. ~~a~~Any person who is a proprietor or partner of the applying organization;
- b. ~~a~~Any person who owns or controls ~~five~~5 percent or more of the outstanding capital stock where the organization is a corporation;
- c. ~~a~~Any person who has supervisory authority over employees and/or operations of the business as it relates to the conduct of permitted social games; and
- d. ~~a~~Any person who has the authority to supervise the premises and conditions under which permitted social games are conducted.

2. Where the permit applicant is a nonprofit membership organization, "principal managing employee" ~~shall~~may also mean the chief elected official of the

organization and any other elected official(s) whose authority extends to the supervision or management of permitted social games.

3. With the concurrence of the Chief of Police or proper designee, the Revenue Division may exempt a corporate stockholder from the definition "principal managing employee" when it is shown that the involvement of such stockholder(s) in the operations of the applying organization is limited to stock ownership and that such stockholder(s) has no role in the conduct of the organization's operations.

4. All persons required to supply information in the application ~~shall~~ will by oath or affirmation swear to the veracity of the information supplied by them.

B. There ~~shall be~~ no right to renewal of a permit; each application ~~shall~~ will be considered as it would be for a new permit notwithstanding that the applicant has previously been issued a permit.

C. Each application for a permit ~~shall~~ must be accompanied by a nonrefundable fee of \$500.

D. Before issuance of a permit, the ~~Director~~ City Administrator or appropriate designee ~~shall~~ will confer with the Chief of Police or proper designee, who ~~shall~~ will advise whether or not and on what basis there exists law enforcement concerns about the particular applicant's suitability to obtain a permit. If the Chief of Police so recommends, then no permit ~~shall~~ will be issued, provided that Council may finally determine, upon appeal by the applicant that permit ~~shall~~ will be issued.

14A.70.070 Social Games Permit Issuance, Denial.

~~(Amended by Ordinance 186746, effective August 6, 2014.)~~

A.- An application for a social game permit ~~shall~~ will be denied if the ~~Director of the Revenue Division~~ City Administrator finds:

1.- That within ~~five~~ 5 years of the present application date, the applicant or any person having a financial interest in the private business, private club, or place of public accommodation, or any of the applicant's officers or principal managing employees has been convicted of, or if evidence exists that supports a finding by a preponderance of evidence, that such person has committed any felony or misdemeanor under federal or state law or this Code relating to theft, fraud, gambling, controlled substances, or prostitution activities; ~~or~~

2.- That the applicant or any person having a financial interest in the private business, private club, or place of public accommodation, or any of the applicant's officers or principal managing employees has falsified any statement in the application for permit; ~~:-~~

3.- That any violation of federal or State law or this Code relating to gambling has occurred on the premises described in the application. It ~~shall be~~ prima facie evidence of such violation if any person has forfeited bail on, pleaded nolo contendere to, or been convicted of any offense in violation of federal or State law or this Code relating to gambling or gambling devices where the act charged occurred on the premises described in the permit application; ~~or~~

4.- That the applicant has permitted the commission of any criminal act on the premises described in the application or has failed to maintain the premises in conformance with all the requirements of this Code.

B.- If one or more grounds for denial of a permit as described in Subsection A. of this Section are not established after investigation of the application by the ~~Director~~ City Administrator with assistance from the ~~Bureau of Police~~ Portland Police Bureau, then the permit ~~shall~~ will be issued as soon as practicable.

14A.70.080 Revocation, Suspension of Social Games Permit.

~~(Amended by Ordinance 186746, effective August 6, 2014.)~~

A.- The permit required under this Chapter may be temporarily suspended for up to 30 days or revoked by the Revenue Division for any reason that would be grounds for denial of an application for a permit.- Additionally, such permit may be suspended or revoked when investigation reveals that:

1.- Any violation of the provisions of this Chapter or any violation of federal or State law or City ordinance relating to minors, theft, fraud, gambling, obscenity, controlled substances, prostitution, or alcoholic beverages has occurred on or in such premises, or that any such violation was connected in time and manner with the operation of such premises and occurred within the proximity of same; or

2.- Conducting of social games in such location as authorized by the permit causes disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other similar problems in the area around the permitted premises.

B.- Suspension or revocation ~~shall~~ will become effective ~~five~~ 5 days after the Revenue Division makes reasonable attempts to notify the permittee in writing of the grounds for revocation or suspension. If the permittee gives notice of appeal to the Revenue Division prior to the effective date of the revocation or suspension, suspension, or revocation ~~shall~~ will not become effective until the appeal is finally determined.- If the permittee cannot be found after a reasonable effort to locate ~~him~~ or her ~~the permittee~~ has been made, then such notice may be sent by certified mail to the permit address, or posted at the same, and ~~shall~~ will be deemed acceptable alternative means of service in lieu of personal service.

C. On a case-by-case basis, depending upon the severity of the violation and the likelihood of continued unlawful activity on such premises, in lieu of suspending or revoking a permit or to reduce the penalty period involved, with the concurrence of the permittee and the Chief of Police, the ~~Director~~ City Administrator may order a fine of up to \$500 per violation of this Code to be paid to the City's General Fund. Failure to pay the fine within 30 days ~~shall be~~ grounds for revocation or suspension of the social games permit.

14A.70.090 Appeal of Denial, Revocation, or Suspension of Social Games Permit.

~~(Amended by Ordinance 186746, effective August 6, 2014.)~~

The sole method of appeal of a denial, revocation, or suspension of a permit ~~shall be~~ as follows:

A.- When denying an application for permit, the Revenue Division ~~shall~~ must immediately make reasonable attempts to notify the applicant who may appeal within 10 days thereafter.

B.- Upon receipt of notice of appeal of a permit denial, revocation, or suspension, ~~the City Administrator~~ Director ~~shall~~ will appoint a Hearings Officer to hear the appeal. The Hearings Officer ~~shall~~ will conduct a hearing on the matter, giving the permittee and the Revenue Division 10 days' notice of the date thereof. The hearing ~~shall~~ will be conducted according to the procedures established for contested case hearings in ORS Chapter 183 (Administrative Procedures Act). The Hearings Officer ~~shall~~ must issue a report within 10 days of the hearing, making findings of fact and determining whether the grounds for revocation or suspension given in the notice have been established by a preponderance of the evidence. The Hearings Officer's determination ~~shall~~ will be final and effective within 10 days of giving notice to the Revenue Division and the permittee, unless appealed to the Council before such time by the aggrieved party. The Council ~~shall~~ will hear and determine the appeal based on the record made at the hearing, but may, at its discretion, hear other evidence. In all cases, the decision of the Council ~~shall be~~ final.

14A.70.100 Inspection of Premises Permitted for Social Games.

~~(Amended by Ordinance 186746, effective August 6, 2014.)~~

All persons who have been issued permits pursuant to this Chapter ~~shall~~ must permit entry to premises where social games are conducted to any member of the Revenue Division or any officer of the Bureau of Police ~~Portland Police Bureau~~, upon presentation of official identification, for the limited purpose of inspecting the premises and any activities, records, or devices involved in such games to ensure compliance with this Chapter. Failure to permit an authorized inspection ~~shall be~~ grounds for suspension or revocation of the involved social games permit.

14A.70.110 Notice of Social Games Required.

Where social games are conducted, each permittee ~~shall~~must continuously and conspicuously post notice that is clearly readable and in letters at least one~~4~~ inch high that such games must be conducted in accordance with the conditions set forth in this Chapter, which ~~shall~~must be listed in their entirety.

14A.70.120 Unlawful Amusement Games and Concessions.

A.- It is unlawful for any person to manage, operate, or profit from any unlawful amusement game or concession.

B.- As used in this Section, **"unlawful amusement game or concession"** includes the following:

1. Any amusement concession or game in which any physical limitations affecting the degree of skill necessary to win the amusement concession or game are not readily visible to the player, unless notice disclosing such physical limitations is displayed continuously and conspicuously at the location where the amusement concession or game is played, so as to be readily visible to patrons and contestants₁;
2. Any amusement concession or game where winning depends upon the patron or contestant's ability to throw or project an object, unless all such objects available for use by any single patron or contestant are uniform in size and weight₁;
3. Any amusement concession or game in which the ability of the patron or contestant to win depends upon throwing or projecting of an object, unless there exists an unobstructed air space of at least 18 inches in height above the highest point of any surface, object, or place upon which that object must land to win the amusement concession or game₁;
4. Any amusement concession or game in which any target, which must be struck, hit, overturned, broken, or passed through is tilted or inclined in any manner so as to give any advantage to the manager or operator₁;
5. Any amusement concession or game in which any material has been placed on any target so as to give any advantage to the manager or operator₁;
6. Any amusement concession or game that utilizes any device, other than the target and the objects to be thrown or projected at that target, which increases or decreases the opportunity of any patron or contestant to win the amusement concession or game₁;

7. Any amusement concession or game in which the patron or contestant is required to shoot a firearm, air gun, pellet gun, BB gun, or similar device at a target in order to win the amusement concession or game, unless all of the ammunition used in such devices is uniform in type, size, and weight, and the devices are physically attached or controlled to ensure that they can only be pointed toward the target area at all times; ~~or~~

8. Any amusement concession or game in which, as a condition of winning the amusement concession or game, a part or all of a target must be destroyed, unless the patron or contestant is permitted, at ~~his or her~~ their request, to inspect the target at any time(s) after he or she has paid to play and has concluded such contest but before he or she has left the amusement concession or game location.

Chapter 14A.80 Minors

14A.80.010 Curfew.

~~(Amended by Ordinance 184274, effective December 31, 2010.)~~

A.— It is unlawful for any minor to be in or upon any public property or public ~~right of way~~ right-of-way between the hours specified in this Section, unless such minor is accompanied by a parent, guardian or other person 21 years of age or over and authorized by the parent or by the law to have care and custody of the minor, or unless such minor is then engaged in a school activity or lawful employment that makes it necessary to be in or upon any city property or public ~~right of way~~ right-of-way during the hours specified in this Section. For minors under the age of 14 years who have not begun high school, curfew is between 9:15 p.m. and 6:00 a.m. of the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the City, the curfew is between 10:15 p.m. and 6:00 a.m. of the following morning. For children 14 years of age or older who have begun high school, curfew is between 10:15 p.m. and 6:00 a.m. of the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the City, curfew is between 12:00 a.m. ~~midnight~~ and 6:00 a.m. of the following morning. ~~For minors who have been found by a court to have possessed, purchased, used, transferred or transported a firearm unlawfully and are under the jurisdiction of the court as a result of that adjudication, curfew is between~~ 7:00 p.m. and 6:00 a.m. of the following morning except for minors attending, or traveling directly to or from, a school-sponsored event, or a church, with written approval from the school, organization or church or to any activity or place with the permission of the minor's probation or parole officer or juvenile court counselor.

B.— If a minor is taken into protective custody in violation of curfew, it is the responsibility of the parent, guardian, or other person having legal care and custody of the minor to come immediately and take custody of the minor from the police.

14A.80.020 Truancy Reduction.

A.- For purposes of this Section, "**regular school hours**" are the hours of the full-time school that the minor would attend in the school district where the minor resides, on any day that school is in session, or, if the school in the school district of residence is unknown, "**regular school hours**" are the school hours of the Portland School District No. 1J on any day that school is in session.

B.- A minor who is at least seven ~~(7)~~ years of age and under ~~eighteen (18)~~ years of age and who has not completed the 12th grade may not be upon any public property or public ~~right-of-way~~right-of-way during regular school hours except while attending school as required by ORS 339.010 to 339.065, unless the minor is:

- 1.- Absent from the school with the school's permission, but not including students who have been suspended or expelled; ~~or~~
- 2.- Engaged in a lawful pursuit or activity that requires the minor's presence somewhere other than school during regular school hours, and which is authorized by the parent, guardian, or other person having legal care and custody of the minor; ~~or~~
- 3.- Lawfully emancipated pursuant to ORS 419B.550 to 419B.558; or
- 4.- Exempt from compulsory school attendance pursuant to ORS 339.030.

C.- If a police officer has reasonable suspicion to believe that a minor is in violation of this Section, the officer is authorized to detain the minor and make reasonable inquiry regarding a potential violation of Subsection B. of this Section.

D.- If a police officer has probable cause to believe that a minor is in violation of this Section, the officer is authorized to take the minor into protective custody pursuant to ORS 419B.150.

14A.80.030 Unlawful Tattooing of a Minor.

It is unlawful for any person to tattoo a minor or to assist or permit such tattooing, without the written permission of that minor's parent or legal guardian.

14A.80.040 Unattended Minors in Vehicles.

It is unlawful for any person having the care and custody of a minor under ~~six~~6 years of age to leave the minor unattended in a locked vehicle, or to leave the minor unattended in an unlocked vehicle for more than 15 minutes. A minor is unattended within the meaning of this Section if the oldest person with the minor is under the age of 10 years.

Chapter 14A.90 Illegal Firearms Use Hotspots

~~(Chapter added by Ordinance 184274, effective December 31, 2010.)~~

14A.90.010 Illegal Firearms Use Hotspots.

A.- For the purposes of this ~~Ce~~chapter, the following definitions apply:

- 1.- Essential needs:** food, physical care, and medical attention.
- 2.- Reside:** to occupy one's principal dwelling; including transient occupancy in a hotel or motel.
- 3.- Travel:** the movement on foot or within or upon a vehicle within ~~aan~~ Illegal Firearms Use Hotspot from one point to another without delay other than to obey traffic control devices.

B.- Illegal Firearms Use Hotspots are those areas of the City as designated by the City Council or designee under Chapter 14A.90 of this Code, which are areas where the number of firearms-related crimes or illegal discharges for a ~~12-~~month period within the 18 months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within an Illegal Firearms Use Hotspot.

14A.90.020 Designation of Illegal Firearms Use Hotspots.

A.- The City Council may designate a geographic area meeting the criteria of Section 14A.90.010 of this Code to be an Illegal Firearms Use Hotspot. If Council makes the designation, it ~~shall~~must do so by ordinance. The designation ~~shall be~~is valid for a period of ~~three~~3 years and ~~shall~~must be posted on the City's website, the Police Bureau's website, and listed on subsequent notices of exclusion. Notices of exclusion ~~shall~~will require excluded persons to check the City and Police Bureau websites for changes in Hotspot locations and boundaries.

B.- The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least 90 days before the end of the period referred to in Subsection 14A.90.020 A. of this Code, as to whether there is a need to re-configure the Illegal Firearms Use Hotspots.

14A.90.030 Civil Exclusion.

A.- A person is subject to exclusion under the process described in this chapter from any City-owned space, public ~~right-of-way~~right-of-way and park within an Illegal Firearms Use Hotspot designated in ~~Code~~ Chapter 14A.90 of this Code for the duration of a sentence of probation or parole or the duration of juvenile court

jurisdiction over the person if the probation, parole or jurisdiction is based on a court finding the person committed any of the following offenses:

1. Any state firearm use or possession crime; or
2. Any City ~~of Portland~~ firearm use crime.

B.- An exclusion from all Illegal Firearms Use Hotspot ~~shall~~will take effect ~~upon~~ the day after conviction or finding of jurisdiction for any of the offenses enumerated in Subsection 14A.90.030 A. of this ~~Section Code~~, but only when the person has ~~both~~ been both given actual notice prior to the exclusion that the City would impose an exclusion upon conviction or adjudication and ~~notif~~noticed of the right ~~to~~of appeal, ~~and including~~ the process for initiating an appeal.

C. A person excluded from an Illegal Firearms Use Hotspot under authority of this Section may not enter that Illegal Firearms Use Hotspot except to travel to and from and be present at the events and locations listed below:

- 1.- Attend a meeting with an attorney;
- 2.- Attend a scheduled initial interview with a social service provider;
- 3.- Comply with court-ordered or corrections-ordered obligations;
- 4.- Contact criminal justice personnel at a criminal justice facility;
- 5.- Attend any administrative or judicial hearing relating to an appeal of:
 - a.- the person's notice of exclusion; or
 - b.- the denial, revocation, or amendment of the person's variance;
- 6.- Travel through that Illegal Firearms Use Hotspot on a ~~Tri-Met~~ TriMet vehicle;
~~or~~
- 7.- Travel through that Illegal Firearms Use Hotspot on the I-5, I-84 or I-405 freeways within its boundaries;
- 8.- Reside in a dwelling or facility;
- 9.- Satisfy, or attempt to satisfy an essential need by accessing a public or private place that provides an essential need or service when the essential need cannot reasonably be satisfied by the excluded person without entering the Illegal Firearms Use Hotspot;
- 10.- Obtain social services when:

- a.- the excluded person is in need of social services;
- b.- the social services are sought for reasons relating to the health or well-being of the excluded person; and
- c. the social services agency has written rules and regulations prohibiting the unlawful use and sale of controlled substances by their clients;

11.- Obtain education by:

- a.- ~~e~~Enrolling as a student at an educational facility; or
- b.- attending school at an educational facility;

12.- Work as the owner, principal, agent or employee at a place of lawful employment;

13.- Perform work directly related to lawful employment; or

14.- Be present at any place or event as specified by a variance issued by the Chief of Police or designee pursuant to Subsection 14A.90.060 B. of this Code.

D.- An exclusion is valid only if the person to be excluded received actual notice of the exclusion as required by Section 14A.90.050 of this Code; including notice of the limitations to the exclusion contained in Section 14A.90.020 of this Code.

14A.90.035 Violation of an Exclusion - Penalties.

A.- It is unlawful for a person to enter or remain in an Illegal Firearms Use Hotspot in violation of a valid exclusion imposed pursuant to this Code.- For violation of this ~~d~~subsection, a court may impose a fine of no more than \$500 or imprisonment of no more than 30 days, or both.-

B.- A person who enters or remains in an Illegal Firearms Use Hotspot in violation of a valid exclusion issued pursuant to this Code is subject to arrest for Criminal Trespass pursuant to ~~{ORS 164.245}~~.

14A.90.040 Issuance of Exclusion Notices.

The Chief of Police and/or designees are the persons in charge of City property, the public rights of way and parks in the Illegal Firearms Use Hotspots for purposes of issuing notices of exclusion in accordance with this Chapter.

14A.90.050 Procedure.

A. -When a court has entered a judgment that a person has committed any of the offenses enumerated in Subsection 14A.90.030 A. of this Code. and the person is on probation, parole or under the jurisdiction of the court for that offense, the Chief of Police and/or designees may exclude that person from all Illegal Firearms Use Hotspots.- The exclusion takes effect immediately once the requirements of this sSubsection are met.

B. -At the time a person is issued a notice of exclusion from Illegal Firearms Use Hotspots, the Chief of Police and/or designees may discuss with the excluded person whether the person has a plausible need for a variance and may issue a variance pursuant to the process described in Subsection 14A.90.060 B. of this Code.

C. - The notice of exclusion shall-must be in writing and a copy delivered to the excluded person.- The notice of exclusion shall-will include the following:

- 1.- A description of the areas designated as an Illegal Firearms Use Hotspot from which that person is excluded;
- 2.- Information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code;
- 3.- A statement identifying the conviction or adjudication that supports the exclusion;
- 4.- Notice that the exclusion will remain in effect for the duration of any probation, parole or jurisdiction resulting from the supporting conviction or adjudication; and
- 5.- Notice Conviction~~that conviction~~ of the offense for which the person was arrested and excluded will result in exclusion for the duration of any resulting probation, parole or juvenile court jurisdiction and information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

14A.90.060 Appeal, Review and Variances.

A.- Appeal~~PPEAL~~. - A person to whom notice of exclusion is issued shall-havehas a right to appeal as follows:

- 1.- Appeals shall-must be made to the Code Hearings Officer of the City of Portland.- Any hearings regarding such appeals shall-will be conducted in accordance with Chapter 22.10 of this Code.
- 2.- Copies of documents in the City's control which are intended to be used at the hearing shall-will be made available, upon request, to the appellant.

3.- An appeal of an exclusion must be filed, in writing, by 5:00 p.m. of the fifth business day following the date the exclusion takes effect.

4.- An appeal of:

a.- a denial of a request for a variance; ~~or~~

b.- a denial of a request for an amendment to a variance; or

c.- a revocation or amendment of a variance must be filed, in writing, by 5:00 p.m. of the fifth business day following the action regarding the variance.

5.- A 1 year conviction-based exclusion ~~shall take~~ effect at 12:01 a.m. on the calendar day following the date of conviction and, notwithstanding an appeal of the exclusion, ~~shall will~~ remain in effect unless the Code Hearings Officer issues a contrary decision.

6.- At the hearing on an appeal of an exclusion, the City ~~shall have~~has the burden to show by a preponderance of the evidence that the appellant was convicted of, or found to be within the jurisdiction of the court as a result of having committed, any of the offenses enumerated in Subsection 14A.90.030 A. of this Code.

7.- At the hearing on an appeal of a denial of a request for a variance as provided in Subsection 14A.90.060 A.4.a. of this Code, the City ~~shall have~~has the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.

8.- At the hearing on an appeal of a denial of a request for an amendment to a variance as provided in Subsection 14A.90.060 A.4.b. of this Code, the City ~~shall have~~has the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.

9.- At the hearing on an appeal of a revocation or amendment of a variance as provided in Subsection 14A.90.060 A.4.c. of this Code, the City ~~shall have~~has the burden to show by a preponderance of the evidence that any of the conditions enumerated in this Section supporting revocation or amendment existed at the time of revocation or amendment.

10. At the hearing on an appeal of a 90-day exclusion, the following ~~shall is~~ be prima facie evidence that the exclusion was based on probable cause to believe that the appellant committed any of the offenses enumerated in Subsection 14A.90.030 A.

B. ~~VARIANCES~~Variances. Variances modify an exclusion, and shall will be granted, denied, amended or revoked in accordance with the following provisions:

1.- All variances shall must be in writing, ~~and shall~~ state the purpose for which they are granted, and include the period of time during which they are effective. - A variance that does not describe its period of effectiveness is effective for the duration of the exclusion. -A variance allows relief from exclusion only for travel to and from specified locations, activities or events, and presence at specified locations, activities and events within an Illegal Firearms Use Hotspot.;

2.- All Police Bureau Precincts shall will receive and process requests for variances during regular business hours if they are otherwise open to the public. -This capability will be maintained at the main precinct station or at a sub-station.

3. ~~Variance.~~ The Chief of Police and/or designees may, for any reason, grant an excluded person a variance from an exclusion at any time during an exclusion period. -Except as described in Subsection 14A.90.050 B. of this Code, the Chief of Police and/or designees shall will grant an appropriate variance to an excluded person who presents a plausible need to engage in any non-criminal activity that is not associated with the behavior supporting the person's exclusion. -A variance granted under this Subsection allows travel within a Hotspot only in accordance with the terms specified in the variance. -The Chief of Police or designees will ask a person requesting a variance to provide and update an address through which the person can be reached for the duration of the variance in the event the City determines there is a need to amend or revoke the variance.

C. ~~REVOCATION OR AMENDMENT OF VARIANCES~~Revocation or amendment of variances. A variance may be revoked or amended for the following reasons and in the following manner:

1.- The excluded person provided false information in order to obtain the variance;

2.- There is probable cause to believe the person has committed any of the offenses enumerated in Subsection 14A.90.030 A. of this Code. in a Hotspot subsequent to the issuance of the variance;

3.- The circumstances giving rise to the issuance of the variance no longer support a continuation of the variance or a term thereof;

4.- If the person presents new circumstances that would support amending the variance; or

5.- A revocation or amendment of a variance becomes effective at 5:00 p.m. of the fifth business day following mailing of notice of the action to the excluded

person at the address provided pursuant to Subsection 14A.90.060 B.3. unless the excluded person appeals the determination by following the procedures in [Subsection 14A.90.060 of this Code](#).

14A.90.070 Listing of Illegal Firearms Use Hotspots.

The following descriptions ~~shall~~ [comprise](#) the boundaries of the Illegal Firearms Use Hotspots listed, and the Hotspots ~~shall~~ include the entire area on and within the listed boundaries.

A.- Central Hotspot: The area encompassed by the west bank of the Willamette River, the centerlines of SW Madison ~~Street~~, SW Naito Parkway, SW Jefferson ~~Street~~, the center divider of I-405, the centerline of NW Glisan ~~Street~~ and a line extended from the centerline of NW Glisan to the west bank of the Willamette River.

B.- North / Northeast Hotspot:- The area encompassed by the centerlines of N. Interstate Avenue, N and NE Russell, NE Martin Luther King Blvd. and N and NE Lombard.

C.- East Hotspot:- The area encompassed by the centerlines of NE Glisan ~~Street~~, 148th Avenue, SE Stark ~~Street~~ and 162nd Avenue.

Chapter 14A.100 Regulations Governing the Safety and Conduct on Portland Streetcar, City of Portland Property

~~(Chapter added by Ordinance [185369](#), effective June 29, 2012.)~~

14A.100.010 Purpose.

For the safety, convenience and comfort of passengers, and for the safety of personnel and the region, and for the preservation of service quality in pursuit of the City ~~of Portland~~'s duty to provide a cost-effective source of reliable transportation, and to prevent system security vulnerabilities, it is necessary to establish rules and regulations governing conduct on Portland Streetcar system and protection of City ~~of Portland~~ property. Any violations of this Chapter is punishable in accordance with Chapter 14A.110 [of this Code](#).

14A.100.020 Definitions.

For the purposes of Chapters 14A.100 and 14A.110, the following definitions ~~shall~~ apply:

A. **“Citations”** mean any forms as authorized pursuant to ORS Chapter 153 and issued for violation this Chapter or Chapter 14A.110.

B. **“City”** means the City of Portland, Oregon.

C. **“Emergency”** means an on-board Portland Streetcar vehicle fire, any incident that presents the risk of actual or threatened serious physical injury to persons, any apparently urgent medical need or any other circumstances in which a state of emergency has been declared.

D. **“Fare Enforcement Agent”** means a person authorized by the Director of Transportation to inspect proof of fare payment and to issue citations as provided by Chapters 14A.100, 14A.110 and the associated administrative rules.

E. **“Fare Instrument”** means any fare media, pass or transfer issued by TriMet or the Portland Streetcar authorizing the bearer to ride the Portland Streetcar.

F. **“Hearings Officer”** includes any person designated by the City of Portland to conduct hearings upon the request of a person who has received an exclusion.

G. **“Honored Citizen”** means

1. Transit rider that is 65 or older and has a government-issued photo ID (with proof of age) or a TriMet Honored Citizen ID Card; or
2. Is a person with a physical or mental disability and is the holder of a TriMet Honored Citizen ID Card.

H. **“Pay Station”** means a machine, facility or kiosk where a person may purchase a fare instrument.

I. **“Peace Officer”** means a Portland police officer, sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and such other persons as maybe designated as a peace officer by Oregon law.

J. **“Portland Streetcar Platform”** means an area used exclusively for boarding and de-boarding, or waiting for a Portland Streetcar or TriMet bus (if co-designated as a bus stop), including the designated loading area, stairways, ramps, and shelters.

K. **“Portland Streetcar Station”** means any designated place where streetcars stop to board and de-board passengers, or designated layover zones, including the platform.

L. “Portland Streetcar Transit System” means the Streetcar platforms, the Streetcar stations, fare machines, comfort stations, maintenance facilities, vehicles and rails.

M. “Portland Streetcar Vehicle” means the rail vehicles used to transport passengers operated on behalf of the City of Portland, and other non-rail vehicles operated by Portland Streetcar.

N. “Proof of Payment” means a validated fare instrument issued by TriMet or Portland Streetcar including but not limited to a circulator transfer, Portland Streetcar Annual Pass, other fare media fare identification or documentation authorized by Chapters 14A.100 and 14A.110 or the administrative rules.

O. “Qualified Exclusion” means an exclusion from use of the Portland Streetcar Transit System with geographic or time exceptions that permit an excluded individual with a disability or a transit-dependent individual to use the Portland Streetcar Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, or to obtain food, clothing and necessary household items, or to access a critical service.

P. “Service Animal” means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

Q. “Transit Dependent” means a person who has no independent source of transportation and relies solely on public transit for local movement access.

Chapter 14A.110 Prohibited Conduct

~~(Chapter added by Ordinance 185369, effective June 29, 2012.)~~

14A.110.005 Purpose.

The purpose of this Chapter is to ensure the safety and comfort of the public and to enhance the orderly administration of the Portland Streetcar, by prohibiting conduct that unreasonably interferes with the administration and lawful use of the Portland Streetcar. The purpose of this Chapter is not to punish any person for prior conduct, but, rather, to provide civil and non-punitive regulations the Council finds necessary to prevent nuisances and to protect the health, welfare and safety of the public using the Portland Streetcar. Any violation of the provisions of this Chapter is punishable in accordance with Chapter 14A.110 of this Code.

14A.110.010 Failure to Vacate Elderly and Disabled Priority Seating.

No person ~~shall~~ may fail to vacate seats on a Portland Streetcar vehicle designated for use by individuals with disabilities and those qualified for ~~an~~ honored citizen fares, when

requested to do so by a peace officer, Enforcement Agent, Portland Streetcar employee, or other person designated by the Director of Transportation.

14A.110.020 Smoking Prohibited.

No person ~~shall~~ may smoke tobacco or any other substance or ~~shall~~ carry any lighted or smoldering substance in any form aboard a Portland Streetcar vehicle, at a Portland Streetcar station or within any space where posted signage prohibits smoking.

14A.110.030 Food and Beverages.

No person ~~shall~~ may bring or carry aboard a Portland Streetcar vehicle food or beverages in open containers, nor consume food aboard a Portland Streetcar vehicle.

14A.110.040 Sound-Emitting Devices Without Earphones.

No person unless authorized by the Director of Transportation or the Director's Designee ~~shall~~ may operate a sound-emitting device aboard any Portland Streetcar vehicle at a Portland Streetcar station unless the only sound produced by such item is emitted by a personal listening attachment (earphone) and is plainly audible only to the person using the device producing the sound.

14A.110.050 Shopping Carts.

No person ~~shall~~ may bring or carry a commercial shopping cart aboard any Portland vehicle or to a Portland Streetcar Station.

14A.110.060 Animals.

No person ~~shall~~ may bring or carry aboard a Portland Streetcar vehicle or be present at a Portland Streetcar station with an animal except:

A.- A person accompanied by a service animal or a person training a service animal and that service animal is under the control of the person by leash, harness or other device made for the purpose of controlling the movement of an animal; ~~or~~

B.- A police officer accompanied by a trained police dog; or

C.- A person transporting an animal if:

1.- the animal is kept and held at all times within a secure container appropriate for carrying the size and type of animal; and

2.- the animal can be transported

- a. without risk of injury to the animal and without risk of harm or inconvenience to other riders or Portland Streetcar personnel, and
- b. in accordance with all other provisions of Chapters 14A.100 and 14A.110.

~~3. A trained police dog accompanied by a police officer.~~

14A.110.070 Noxious Fumes or Foul-Smelling Materials or Substances.

No person ~~shall~~may carry aboard a Portland Streetcar vehicle any substance or material emitting a foul smell or releasing noxious fumes.

14A.110.080 Oversize Packages.

No person ~~shall~~may bring or carry aboard a Portland Streetcar vehicle any package or article of a size which cannot be positioned in a way that allows entry and exit through doors and passage in aisles.

14A.110.090 Skateboards, Roller skates and In-Line Skates.

No person ~~shall~~may ride a skateboard, in-line skates or roller-skates at a streetcar station or upon a Portland Streetcar vehicle.

14A.110.100 Bicycles.

No person ~~shall~~may ride a bicycle on a Portland Streetcar vehicle or at a streetcar station unless authorized by the Director of Transportation. No person ~~shall~~may transport a bicycle on a Portland Streetcar vehicle in violation of the Portland Streetcar administrative rules ~~issued by the Director of Transportation or the Director's designee.~~

14A.110.120 Motorized Human Transporters and other Two Wheeled Transportation Devices.

No person ~~shall~~may operate or ride upon a motorized human transporter or other two wheeled device upon a Portland Streetcar vehicle or station/platform except in accordance with administrative rules ~~as issued by the Director of Transportation or the Director's designee~~ or otherwise permitted by law.

14A.110.130 Excessive Noise.

No person ~~shall~~may make excessive or unnecessary noise, including boisterous, disruptive and unreasonably loud conduct, within any Portland Streetcar vehicle or Portland Streetcar station that may cause inconvenience or annoyance to the public, Portland Streetcar personnel, designated ~~e~~Enforcement ~~a~~Agents or a police officer, or

with a negligent disregard to the risk thereof; or perform vocal or instrumental music, without the prior authorization the Director of Transportation or the Director's designee.

14A.110.140 Display of Lights.

No person ~~shall~~may light a flashlight, scope light, or laser light or object that projects a flashing light or emits a beam of light while inside a Portland Streetcar vehicle except in an emergency.

14A.110.150 Use of Portland Streetcar System for Non-Transit Purposes.

No person ~~shall~~may enter or remain upon, occupy or use a Portland Streetcar station for purposes other than boarding, disembarking or waiting for a Portland Streetcar vehicle, in an area where non-transit uses are prohibited by posted signage.- A person is in violation of this ~~s~~Section only after having occupied a Portland Streetcar station for a period of time that exceeds that which is necessary to wait for, board or disembark a Portland Streetcar vehicle or other designated public transportation vehicle using a designated shared station.

14A.110.160 Destructive Conduct Involving a Portland Streetcar Vehicle.

No person ~~shall~~may interfere with the safe and efficient operation of a Portland Streetcar vehicle through conduct which includes, but is not limited to:

- A. Extend any portion of ~~his or her~~their body through any door or window of a Portland Streetcar vehicle while it is in motion;
- B. Attempt to board or de-board a moving Portland Streetcar vehicle;
- C. Lie down on the floor in a Portland Streetcar vehicle or across the seats of a Portland Streetcar vehicle or station in a manner which inhibits the proper use of seats provided for waiting or boarding riders;
- D. Unreasonably prevent or delay the closure of an exterior door on a Portland Streetcar vehicle;
- E. Strike or hit a Portland Streetcar vehicle, station or shelter; or
- F. Stop or cross in front of a Portland Streetcar vehicle for the purpose of stopping the vehicle or gaining passage after the vehicle has concluded boarding in any manner hang onto; or attach ~~him or her~~themselves to, any exterior part of a Portland Streetcar vehicle while the vehicle is resting or in motion.

14A.110.170 Refuse and Waste.

No person ~~shall~~may:

A. discard or deposit or leave any rubbish, trash, debris, offensive substance or other solid or liquid waste in or upon a ~~Portland Streetcar~~ vehicle, or Portland Streetcar station, except in receptacles provided for that purpose; or

B. spit, defecate or urinate in or upon a Portland Streetcar vehicle or Portland Streetcar station except in the confines of a lavatory where lavatories are available for public use.

14A.110.180 Destruction of Signs.

No person ~~shall~~may mutilate, deface or destroy any sign, notice or advertisement authorized by Portland Streetcar ~~s~~Staff or located on any Portland Streetcar vehicle or any other Portland Streetcar property.

14A.110.190 Posting of Unauthorized Signs or Notices.

Except as otherwise authorized by the Director of Transportation, the Director's Designee, or allowed by Portland Streetcar regulations, no person ~~shall~~may place, permit or cause to be placed any notice or sign upon any Portland Streetcar vehicle or Portland Streetcar station.

14A.110.200 Violation of Signage.

In addition to the prohibitions set forth in Chapter 14A.110, no person ~~shall~~may fail to abide by specific directives authorized by a peace officer or Portland Streetcar staff and provided in the form of a fixed permanent or temporary sign posted in or upon the Portland Streetcar vehicles or station. The Director of Transportation, or the Director's designee, may establish and post such signage in a manner to provide sufficient notice concerning the conduct required or prohibited. Any violation of the specific directives authorized by the Director of Transportation ~~shall~~constitutes a violation of this Subsection.

14A.110.210 Unlawful Gambling.

No person ~~shall~~may engage in illegal gambling, or solicit others to engage in illegal gambling, aboard any Portland Streetcar vehicle or in or upon a Portland Streetcar station, in violation of ORS 167.117 to 167.162.

14A.110.220 Alcoholic Beverages.

No person ~~shall~~may:

A. possess an open container of alcoholic beverage on a Portland Streetcar vehicle or at a Portland Streetcar station, unless authorized by the Director of Transportation, the Director's Designee, or City of Portland permit; or

B. be under the influence of alcohol or a controlled substance while on a Portland Streetcar vehicle or at a Portland Streetcar station.

14A.110.230 Sexual Activity.

No person ~~shall~~may engage in sexual conduct as defined under ORS 167.060, including, but not limited to, the physical manipulation or touching of a person's sex organs through a person's clothing in an act of apparent sexual stimulation or gratification.

14A.110.240 Damaging or Defacing Portland Streetcar Property.

No person ~~shall~~may draw graffiti or any other writing on any Portland Streetcar vehicle or Portland Streetcar property; or in any manner damage, destroy interfere with or obstruct in any manner, the property, services or facilities of the Portland Streetcar system.

14A.110.250 Misuse of Portland Streetcar Ticket Vending or Ticket Validating Equipment.

No person ~~shall~~may:

A.- Deface, injure, tamper with, break or destroy or impair- the usefulness of any Portland Streetcar ~~t~~Ticket ~~v~~Vending ~~m~~Machine or ~~t~~Ticket ~~v~~Validating machine; ~~or~~

B.- Remove any coin box or the money content from any Portland Streetcar ~~t~~Ticket ~~v~~Vending ~~m~~Machine or Portland Streetcar property; or

C.- Open or remove the contents of same without lawful authority.

14A.110.260 Criminal Activity.

No person ~~shall~~may engage in activity prohibited by the criminal laws of any state, county or municipality in which the criminal incident occurs, while on a Portland Streetcar vehicle or at a Portland Streetcar station.

14A.110.270 Flammable Substances and Ignition Devices.

No person ~~shall~~may bring, possess, or carry aboard onto a Portland Streetcar vehicle or to a Streetcar station any flammable or caustic substance or device that can cause a spark or flame, except for matches and cigarette lighters. No spark or flame may be lit

or initiated at any time by any device on a Portland Streetcar vehicle, including matches and lighters.

14A.110.280 Weapons.

No person, except a peace officer, ~~or shall~~may bring or carry aboard a Portland Streetcar vehicle or to a station any firearm (as defined in Chapter 14A.10.010 of this Code), knife (except a folding knife with a blade less than 3-½ inches in length), or any other instrument, article, device, material, or substance specifically designed to inflict or cause bodily harm to another. Where possession of such weapons cannot be prohibited by law, a person in possession of a weapon may not display or carry the weapon in a manner which is likely to result in fear or alarm by other persons or Portland Streetcar employees.

14A.110.290 Discharge or Detonation of a Weapon.

No person may throw an object at or discharge a bow and arrow, air rifle, rifle, gun, revolver, or other firearm (as defined in Chapter 14A.10.010 of this Code) at a Portland Streetcar vehicle or any part of a Portland Streetcar station, or any person on a Portland Streetcar vehicle or at a Portland Streetcar station, except that a peace officer or other persons authorized by this code or the Director of Transportation in the course of employment ~~is~~are exempt from this paragraph.

14A.110.300 Activation of the Emergency Stop Device Except in an Emergency.

No person ~~shall~~may activate the “emergency stop” device of a Portland Streetcar vehicle in the absence of an emergency.

14A.110.310 Interference with or Trespass on Portland Streetcar Trackway.

No person ~~shall~~may:

A.- Enter upon or remain upon the Portland Streetcar trackway so as to create a hazard to that person or interfere with the passage of the Portland Streetcar vehicle; ~~or~~

B.- Stop or park a vehicle on the Portland Streetcar trackway in such a manner as to interfere with the passage of the Portland Streetcar vehicle; ~~or~~

C. 4.—Fail to obey a Portland Streetcar authorized posted directive or prohibition pertaining to entering, crossing or traveling upon the trackway; or

D. 2.—Fail to obey a request by a peace officer, a Portland Streetcar enforcement agent, a Portland Streetcar Superintendent or Manager, or any other person

authorized by the Director of Transportation to not enter, cross or travel upon the Portland Streetcar trackway.

14A.110.320 Hazardous and Toxic Material or Substances.

No person ~~shall~~may carry, possess or transport any hazardous material, toxic chemical, combustible liquid, biological contagion or agent, radioactive substance or any other inherently dangerous substance onto a Portland Streetcar vehicle or other Portland Streetcar property unless the person is a Portland Streetcar employee or a person authorized by the Director of Transportation and acting in the course of employment.

14A.110.330 Harassment and Intimidation.

While at a Portland Streetcar station, on a vehicle or on any streetcar property, no person ~~shall~~may engage in a course of conduct:

A. Which places another person in reasonable fear of imminent physical harm, including, but not limited to, following such person around or about the vehicle or platform,~~-~~ or by preventing or delaying the movement or departure of such person through coercion or intimidation; or

B. that may reasonably be expected to result in fear, alarm,1 or serious offense to other persons.

14A.110.340 Explosive Materials or Device.

No person may carry, possess,1 or transport any explosive material or device, assembled or disassembled, onto a Portland Streetcar vehicle or other Portland Streetcar property;~~1,-~~ or state a threat to cause disruption to Portland Streetcar operations through the use of a bomb, explosive, or any other destructive device or weapon, or release of any harmful substance, while on a Portland Streetcar vehicle or other Portland Streetcar property;~~1,-~~ or state a threat of physical harm to~~a~~ any person on a Portland Streetcar vehicle,~~-~~ or any peace officer, Portland Streetcar personnel, f~~F~~are e~~E~~nforcement a~~A~~gent,1 or other person acting in the course of employment ~~and as~~ authorized by the Director of Transportation.

14A.110.350 Interference with Emergency Response.

No person may impede the efforts of Portland Streetcar personnel, peace officers, persons authorized by the Director of Transportation or medical responders in the course of an emergency response, including the failure to obey a lawful order uttered in the course of an emergency by Portland Streetcar personnel, peace officers, e~~E~~nforcement a~~A~~gents, or other persons authorized by the Director of Transportation.

14A.110.360 Abandonment of Packages.

No person ~~shall~~may knowingly abandon an unauthorized package on a Portland Streetcar vehicle or Portland Streetcar station where the abandonment of such package is likely to cause:

- A. suspicion or alarm about its contents; or
- B. require the dispatch of emergency response personnel to remove and inspect the package.

14A.110.370 Failure to Pay Fare.

- A.- It is unlawful for any person to occupy, ride in, or use, any Portland Streetcar vehicle without paying the applicable fare.
- B.- It ~~shall be~~is unlawful for any person to occupy, ride in, or use, any Portland Streetcar Vehicle without carrying proof of fare payment as defined in the ~~Bureau of Transportation's~~ Administrative ~~Rules~~.
- C.- It ~~shall be~~is unlawful for any person occupying a Portland Streetcar Vehicle, or occupying a streetcar platform upon disembarking a streetcar vehicle, to fail to carry or ~~to~~ fail to exhibit proof of fare payment upon demand of an Inspector or a peace officer.
- D.- It ~~shall be~~is unlawful for any person to fail to provide ~~his or her~~their name, address or identification to a Fare Inspector, ~~peace~~ officer or any other person ~~d~~Designated by the Director of Transportation, who requests the information for the purpose of issuance or service of a citation.
- E.- It ~~shall be~~is unlawful for any person, required by Chapter 14A.110 to provide ~~his or her~~their name, address or identification to provide a false name, address or identification.

14A.110.380 Possession of Un-validated Transfer.

- A.- No person ~~shall~~may, without proper authority, possess an un-validated Portland Streetcar or TriMet District fare instrument, nor ~~shall~~may any person tender a transfer as proof of fare payment if the transfer was not furnished to that person by a representative of the Portland Streetcar or TriMet District.
- B. Possession of an un-validated Streetcar or TriMet District passenger transfer by any person whose possession of the transfer is not in the course and scope of employment as a Portland Streetcar or TriMet District employee ~~shall be~~is prima facie evidence that the transfer is stolen and possessed without proper authority.

14A.110.390 Administrative Rules.

~~The City Administrator may adopt administrative rules as authorized by Charter~~
~~The Director of Transportation may adopt such procedures and promulgate rules as may be necessary from time to time for the administration of Chapters 14A.100 and 14A.110.~~

14A.110.400 Exclusion.

In addition to other measures provided for violation of the laws of the City ~~of Portland~~ or the laws of the State of Oregon, the City may exclude an individual from all or any part of the Portland Streetcar Transit System for a violation of any provision of Chapter 14A.110 or a violation of any criminal law of the City of Portland or State of Oregon while on the Portland Streetcar System, for a period of time not to exceed 180 days.

A.- A person excluded under Chapter 14A.110 may not during the period of exclusion, enter or remain upon any part of the Portland Streetcar Transit System. Exclusion takes effect on the 5th business day following service of a Notice of Exclusion unless the person initiates the administrative review described in Subsection 14A.110.400 D. Except as specifically authorized by the terms of a qualified exclusion issued pursuant to Subsection 14A.110.400 K., an excluded person who enters or remains upon any part of the Portland Streetcar Transit System may be charged with the crime of Interfering with Public Transportation (ORS 166.116) or the crime of Criminal Trespass in the Second Degree (ORS 164.245).

B.- A Notice of Exclusion may be issued by a peace officer or by any person authorized by the Director of Transportation or the Director's Designee based upon probable cause to believe that an individual has engaged in conduct in violation of the laws of the City ~~of Portland~~ or the State of Oregon while on the Portland Streetcar ~~s~~System.

C.- A Notice of Exclusion ~~shall~~ must include:

- 1.- The title or citation of the offense for which the exclusion is issued;
- 2.- An explanation of the administrative review procedures and timeline, a description of the Code Hearings process, and an explanation of the evidentiary burdens; and,
- 3.- A statement of the duration of the exclusion, or alternatively, a statement of the mechanism by which the duration of the exclusion may be determined in accordance with Section 14A.110.400.

D.- Every person who receives a Notice of Exclusion ~~shall be~~ is entitled to an administrative review by the Director of Transportation or the Director's Designee. ~~- To initiate an administrative review, a person who receives a Notice of Exclusion must submit a request for review within~~ five5 business days of the date of the Notice at the Bureau of Transportation office indicated in the Notice. ~~- The~~

Portland Bureau of Transportation ~~shall will~~ have ~~seven~~7 business days to perform the administrative review.- All exclusions ~~shall beare~~ subject to a stay pending administrative review.- The purpose of the administrative review ~~shall be is~~ to determine whether a Notice of Exclusion conforms to the administrative rules ~~promulgated by the Director of Transportation~~.- If the Director of Transportation or the Director's Designee determines, after conducting an administrative review, that the Notice of Exclusion does not conform to Portland Streetcar administrative rules, the Director of Transportation or the Director's Designee ~~shall will~~ notify the individual that the Notice of Exclusion is invalid and withdrawn by contacting the individual at the address they submitted with the review.- If the administrative review confirms that a Notice of Exclusion was issued in conformity with Portland City Code and Portland Streetcar administrative rules, it ~~shall will~~ be deemed valid and the individual ~~shall be~~ notified at the address submitted with the appeal.- If the exclusion is deemed valid the exclusion ~~shall will~~ take effect and begin on the 12th business day following the date in which the Notice of Exclusion was issued or ~~two~~2 business days following mailing or transmission of the decision, whichever is later.- If a person does not provide a mailing or electronic address, an upheld exclusion becomes effective ~~two~~2 business days after the decision is posted at the Portland Bureau of Transportation office indicated in the notice.

E.- A person wishing to appeal the result of an administrative review may do so by filing an appeal as provided in Section 22.10.030 within 10 calendar days at the Portland Bureau of Transportation office specified in the exclusion notice.- All appeals will be heard by the City of Portland Code Hearings Officer in accordance with the provisions of Title 22 ~~Hearings Officer~~ of this Code.- The Hearings Officer ~~shall will~~ uphold the exclusion if, upon the Hearings Officer's de novo review, the preponderance of evidence admissible under the provision of Title 22 convinces the Code Hearings Officer that ~~it is~~, more likely than not ~~that~~, the person in fact committed the violation, and ~~if that~~ the exclusion is otherwise in accordance with the law.

F.- A person subject to exclusion who has no prior exclusion record ~~shall will~~ be excluded for 30 days.

G.- A person subject to exclusion who has been previously excluded within two years ~~shall will~~ be excluded for 90 days.

H.- A person subject to exclusion who has been previously excluded two or more times within the past two years ~~shall will~~ be excluded for 180 days.

I.- A person subject to exclusion for violation of State criminal law ~~shall will~~ be excluded for 180 days.

J.- No person ~~shall may~~ enter the ~~s~~Streetcar ~~t~~Transit ~~s~~System at any time during which there is in effect a notice of exclusion issued under this Section excluding that person from the system.

K.- Notwithstanding any other provision of Chapters 14A.100 and 14A.110, the Director of Transportation, or the Director's Designee, upon a review of sufficient evidence, and the Hearings Officer, upon review of the Notice of Exclusion or the evidence presented at the hearing, must modify an exclusion under the circumstances provided for below:

1.- An individual with a disability ~~shall~~may not be issued a complete exclusion from the Portland Streetcar Transit System unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, if a Hearings Officer determines that a violation occurred the Hearings Officer ~~shall~~will order a qualified exclusion to permit an individual with a disability to use the Portland Streetcar Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, to obtain food, clothing and necessary household items, or to access any critical service.

2.- A transit dependent person ~~shall~~may not be issued a complete exclusion for the District Transit System unless the person engaged in violent, seriously disruptive, or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system.- Absent such a finding, if a Hearings Officer determines that a violation occurred, the Hearings Officer ~~shall~~will order a qualified exclusion to permit a transit dependent individual to use the District Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, to obtain food, clothing and necessary household items, or to access a critical service. Any person asserting the right to a qualified exclusion on the basis of transit dependence ~~shall have~~has the burden of establishing transit dependence by a preponderance of the evidence.

L.- The ~~Director of Transportation may adopt such procedures~~City Administrator may adopt such procedures and promulgate rules as may be necessary from time to time for the administration of this or other chapters.

14A.110.410 Enforcement.

A. Any peace officer, manager or superintendent and any other persons authorized by the Director of Transportation has the authority to:

1.- detain and issue a citation;~~or~~

2.- refuse entrance to a Portland Streetcar ~~y~~Vehicle or Portland Streetcar station or any property owned or controlled by Portland Streetcar; or

3.- require departure from a Portland Streetcar ~~y~~Vehicle or Portland Streetcar property of any person;

- a.- who violates any provision of Chapter 14A.110; or
- b.- has been issued a notice of exclusion.

B.- A streetcar Vehicle Operator has the authority to:

1.- refuse entrance to a Portland Streetcar ~~y~~Vehicle or Portland Streetcar station or any property owned or controlled by Portland Streetcar; or

2.- require departure from a Portland Streetcar ~~y~~Vehicle or Portland Streetcar property of any person:

- a.- who violates any provision of Chapter 14A.110; or
- b.- has been issued a notice of exclusion.

14A.110.420 Other Remedies.

Nothing herein is intended to compromise or waive the right to enforce concurrently, or in the alternative, other remedies available pursuant to the Oregon Criminal Code or Portland City Code, including those applicable to the crime of Theft of Services (as defined in ORS 164.125) or Trespass (as defined in ORS 164.245).

14A.110.430 Violations Punishable by Fine.

Any person who violates any provision this code commits a violation as defined in ORS 153.005 and ORS 153.008, punishable by a fine as outlined in the aAdministrative ~~r~~Rules ~~of the Bureau of Transportation~~.

14A.110.440 Administrative Rules.

The City Administrator may adopt administrative rules as authorized by Charter~~The Director of Transportation may adopt such procedures and promulgate rules as may be necessary from time to time for the administration of this or other Chapters.~~

Chapter 14B.10 Burglary and Alarm Systems

(Chapter replaced by Ordinance 189329, effective February 1, 2019.)

14B.10.010 Purpose and Scope.

A.- The purpose of this chapter is to provide guidance and policy for alarm users and alarm businesses regarding responsible use of personal and business security and emergency alarms. -The procedures herein ensure that owners or leasers of alarm systems and alarm companies know their responsibilities for maintaining the

mechanical reliability and the proper use of alarm systems to prevent unnecessary police emergency response to false alarms. Proper use of alarms and accountability for improper use contributes to the protection of the emergency response capability of the City.

B.- This chapter governs burglary and robbery alarm systems, states the requirements of permitting systems, provides guidance for excessive false alarm fines, provides for discontinuation and/or reactivation of police response to locations with excessive false alarm occurrences, and establishes a system of administration within the Portland Police Bureau ~~(PPB)~~. Other chapters of the Portland City Code will continue to govern other emergency alarm types, such as fire or environmental hazard alarms.

14B.10.020 Definitions.

For the purposes of this Chapter, the following definitions apply:

A.- “Alarm business” means any individual, partnership, corporation, or other entity whose business objective, in whole or in part, as direct provider of parts and services or agent for the direct provider of parts and services, is the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing of any alarm system (as defined below).

B.- “Alarm site” means the location at which a subscriber's alarm system is installed.

C.- “Alarm system” means a device or series of devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual, or electronic signal indicating an alarm condition and intended to summon law enforcement, including ~~Local~~ ~~a~~Alarm ~~s~~System.- For purposes of this Chapter, **“alarm system”** ~~shall be~~ ~~is~~ limited to alarms whose primary purposes is the detection or prevention of burglaries, robberies, or other acts generally requiring a police (as opposed to fire or medical) response.

D.- “Alarm system monitoring company,” means any individual, partnership, corporation, or other form of association that engages in the business of monitoring property, burglary, or robbery alarm systems. For purposes of this Chapter, alarm system monitoring companies include those dealers and installers who contract with a property owner, subscriber, or customer, to perform alarm system monitoring services and then subcontract with another alarm system monitoring company to provide the actual monitoring service.

E.- “Alarm system user” means a person having (whether through ownership or lease) or maintaining an alarm system or alarm device where such system is connected to or in communication with an alarm system monitoring company.

F.- “Alarm user’s permit” means a document applied for by an alarm system user and issued by the System Administrator (as defined below) of their designee pursuant to the criteria established by this Chapter.

G.- “Audio / ~~y~~Video verification” means the alarm incident has been verified by the alarm system monitoring company by means of audio and/or video, prior to the request to dispatch police.

H.- “Automatic dialing device” means a device that is interconnected between an alarm system (as defined above) and a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

I.- “Bureau of Emergency Communications” (~~BOEC~~) is the City/County Public Safety Answering Point entity that receives emergency and general information from the public, and then dispatches appropriate emergency services from respective police, fire, or medical agencies.

J.- “Burglary alarm system” means an alarm system signaling an entry or attempted entry into the area protected by the system.

K.- “Cancellation of alarm dispatch” means the process by which an alarm system monitoring company providing monitoring services verifies with the alarm user or responsible party that a false dispatch has occurred and that there is not an existing situation at the alarm site requiring law enforcement agency response.

L.- “Chief” means the Chief of the City of ~~Portland's the Bureau of Police~~Portland Police Bureau or their designated representative.

M.- “Commercial properties” means any building or location used to operate a business that is not the alarm user’s primary dwelling.

N.- “Days,” for purposes of calculating any time frames herein, ~~shall~~ mean calendar days (and not business days).

O.- “Do ~~it~~ ~~y~~Yourself” (~~DIY~~) (DIY) means the alarm system and components are purchased through a retail center or online provider by the alarm user and are typically installed by the alarm user.

P.- “Duress alarm” means a silent alarm system signal generated by the manual activation of a device intended to signal a life-threatening situation or a crime in progress requiring law enforcement response.

Q.- “Enhanced call verification” means a type of alarm verification in which an alarm monitoring company places two or more phone calls to different contact numbers in an attempt to verify that a real alarm has occurred and not a false alarm.

R.- "False alarm" means a notification to the [PPB-Portland Police Bureau](#) from any source that any of the following scenarios have occurred:

1.- ~~If~~, once police arrive at the alarm site, the investigating police officer or first officer on-scene finds that there is no evidence of a crime or other activity that warrants the assistance of the Portland Police Bureau on the premises, as indicated by the investigation of a police officer on the scene or, if upon police arrival, by the property owner, or the property owner's tenant(s) or employee(s), refuse cooperation with police or deny the need for police assistance;

2.- ~~The~~ person who contacted [the Bureau of Emergency Communications BOEC](#) and requested a police response, and/or who set off an alarm system to alert emergency services and/or who confirmed a video communication is no longer on or near the premises of the alleged emergency and/or at the time of police arrival now denies the need for police response; or

3.- ~~BOEC~~ [The Bureau of Emergency Communications](#) has already dispatched police to a call from an alarm system monitoring company, and the alarm system monitoring company later informs [BOEC the Bureau of Emergency Communications](#) or police that the alarm was cancelled. A false alarm occurs regardless of whether it is before or after the arrival of police at the alarm site, so long as the dispatch has already occurred. A false alarm does not result if the alarm system monitoring company cancels a dispatch request before [the Bureau of Emergency Communications BOEC](#) dispatches officers to an alarm site.

S.- "Monitoring" means the process by which an alarm system monitoring company receives signals from an alarm system or alarm device.

T.- "Multiple ~~d~~Device ~~t~~Triggers" means at least two sensors, devices or combination of both have been activated, prior to the request to dispatch police.

U.- "Police ~~r~~Response" occurs when [the Bureau of Emergency Communications BOEC](#) treats an alarm signal as a valid alarm and dispatches police resources.

V.- "Primary trunk line" means a telephone line serving [the Bureau of Emergency Communications BOEC](#) that is designated to receive emergency calls.

W.- "Residential properties" means a dwelling where individuals are living. -Residential property includes both private and rented accommodations.

X.- "Robbery alarm system" means an alarm system signaling a robbery or attempted robbery. May be referred to as a "duress alarm" system generated by the manual activation of a device intended to signal a life-threatening situation or a crime in progress requiring law enforcement response.

Y.- "Sheriff" means Sheriff of Multnomah County or their designated representative.

Z. —“Senior permit” means any alarm user who is over the age of 62 and provides documentation of proof of age whose primary address is the location of the alarm site.

AA.- “System Administrator or Administrator” means the individual designated by the Chief of Police to manage the Alarms Administration Unit. The unit is responsible for permit issuance, assessments of charges, education of alarm system users, and the conducting of appeals hearings.

BB. —“Sound emission cutoff feature” means a feature of an alarm system which will cause an audible alarm to stop emitting sound.

CC.- “Special permit” means any alarm site required by federal, state, county or municipal statute, regulation, rule or ordinance to install, maintain, and operate an alarm system.

DD. —“System becomes operative” means when the alarm system is capable of eliciting a response by police.

EE.- “Unpreventable conditions” means those acts of nature which cause activation of an Alarm System without fault of the Alarm System, or Alarm User, criminal activity, or any other emergency. -Such acts include, but are not limited to, earthquakes, floods, and high-speed winds, and acts of wild animals.- Acts of domesticated animals, regardless of that animal’s ownership, are not considered unpreventable conditions.

14B.10.030 Permitting Required; Application and Renewal; Violations and Remedies.

A.- Every alarm system user ~~shall~~must obtain an alarm user’s permit for each system installed in their home (owned or rented) or business from the Alarm Administration Office prior to the installation of a monitored alarm system. Each permit ~~shall~~must bear the signature of the Chief of Police and ~~shall be is~~ valid for a ~~one~~1-year period immediately following issuance of the permit. The permit ~~shall~~must be kept upon the premises using the alarm system and ~~shall~~ be available for inspection by responding law enforcement entities.

B.- An alarm system monitoring company that establishes a new client account with any residential ~~and/or~~ business consumer ~~shall~~will ensure that an alarm user’s permit has been issued through the Alarm Administration Office prior to activating a new alarm account. Requirement of this proof is a one-time requirement; responsibility for renewal transfers to the alarm user after initial activation of the alarm system.

C.- A yearly alarm permit fee, permit surcharge, late payment fee, and permit renewal fee ~~shall~~will be established by Portland Police BureauPPB and provided

with the bureau's annual budget submission subject to the City's Financial Policy FIN. 2.06 cost recovery methodology.

D.- If a residential alarm user is over the age of 62 and resides where the permitted alarm is located and if no business is conducted in the residence, a senior's permit may be obtained from the Alarms Administration Office according to Subsection 14B.10.030 A. without the payment of a fee.

E.- Calls for emergency response to an alarm event by an alarm business must include the corresponding alarm permit number.

F.- In addition to the fee provided in Subsection 14B.10.030 C., a surcharge penalty will be charged to any alarm service user that fails to obtain a permit within 30 days after the system becomes operative.

G. The alarm user will be in violation of Subsection 14B.10.030 A. if they fail to annually renew the alarm permit within 30 days after the permit expires. The alarm user may cure this violation and not face a code enforcement action if they renew their permit and pay all fees and fines within 45 days from the date of expiration.

H.- Police will not respond to any alarm dispatches where the alarm system user's permit has expired and 45 days have passed since expiration with no attempt by the alarm system user to cure their defaults.

I.- The remedy for a failure to cure after 45 days from permit expiration is the cancellation of the permit and notice by the System Administrator or designee to the alarm system monitoring company of the cancellation. Any reinstallations or reactivations after a cancellation under this Section will require a new permit application and the payment of fees for a new permit. If cancelled under this Subsection, the alarm system monitoring company will have to obtain proof of a new permit prior to reactivation.

14B.10.040 Duty of an Alarm Business to Educate an Alarm User.

A.- In addition to an alarm business' duty to inspect permits prior to initial activation as outlined in Subsection 14B.10.030 B. above, every alarm business selling, leasing or furnishing to any user an alarm system that is installed on the premises located in the area subject to this Chapter shall will furnish the user with instructions that provide information to enable the user to properly operate the alarm system at any time. Alarm businesses shall must create and maintain a standard instruction form for this purpose and document the dissemination of this form to consumers.

B.- All alarm businesses shall must, on an annual basis, submit their standard instruction form to the System Administrator no later than January 31 of each year. If the System Administrator reasonably finds such instructions to be incomplete, misleading, unclear, or inadequate, the System Administrator may require the alarm

business to revise the instruction to comply with this Chapter and to re-distribute the revised instruction to its alarm users. Penalties for noncompliance should re-instruction be required may include, but not be limited to, fines, costs, or restrictions on local business licenses.

14B.10.050 Duties of the Alarm User.

All alarm users ~~shall~~must:

- A.-** Obtain a permit from the Systems Administrator as outlined above and provide proof of same to the alarm system monitoring company before initial activation~~;~~
- B.-** Renew the permit annually for as long as the alarm systems remains at the alarm site~~;~~
- C.-** Maintain the premises of the alarm site and the alarm system in a manner that will minimize or eliminate false alarms~~;~~
- D.-** Personally come to the alarm site or cause a representative familiar with the system to respond to the alarm site's location within 30 minutes when notified by a representative of the Portland Police Bureau~~PPB~~ to deactivate a malfunctioning alarm system, to provide access to the premises, and/or to provide alternative security for the premises, if necessary~~;~~
- E.-** If a business, train all persons who activate the alarm system with its proper codes and operation~~;~~
- F.-** If a homeowner or renter, train all adults residing in the home on proper codes and operation~~;~~
- G.-** Ensure that an alarm system is repaired within ~~seventy-two (72)~~ hours of notification that the system is malfunctioning. The permit holder may cause the alarm system to be deactivated rather than having such system repaired. A deactivated system may not be reactivated until the user verifies that it has been repaired~~;~~
- H.-** Not manually activate an alarm for any reason other than the occurrence of an event that the alarm system was intended to report~~;~~
- I.-** Notify the alarm system monitoring company of any extended period of time away from the alarm site, such as vacation, and will leave a responsible person's name and phone numbers with the alarm system monitoring company. This responsible person must be fully trained in the use of the alarm system and have keys and access codes~~;~~

J.- Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site ~~shall~~may not sound for longer than 15 minutes after being activated~~;~~.

K.- Have a licensed alarm repair company inspect the alarm system after four false alarms within a one calendar year period. If the inspection company finds fault with the system, the alarm user ~~shall~~will ensure, at their own cost, modification or repair of the system to be more false alarm resistant.- If the inspection company finds no fault with the system and finds likely user error, the alarm user ~~shall~~will seek additional user training from the manufacturer or seller of the alarm and/or better train other members of the household or business not to set off the alarm~~;~~.

L.- Not use automatic voice dialers~~;~~.

M.- Maintain at each alarm site a set of written operating instructions for each alarm system, as well as a copy of the alarm permit~~;~~.

N.- Provide the alarm system monitoring company with the assigned permit number for the alarm site~~;~~and

O.- Retain the option to choose a (DIY) alarm. If their alarm is linked to an alarm monitoring service, then the following direction applies:

1.- The alarm user must obtain a permit from the Alarms Administration Unit prior to activation of the monitoring service~~;~~.

2.- If their alarm is not linked to an alarm monitoring service, the alarm user does not need to obtain a permit from the System Administrator for an unmonitored system~~;~~and

3.- Alarm users choosing to have DIY systems with a monitoring service ~~shall~~beare required to have professional installation prior to activation. Proof of professional installation must be provided to the Alarms Administration Unit prior to the issuance of the alarm permit.

14B.10.060 Duties of the Alarm System Monitoring Company.

An alarm system monitoring company performing monitoring services ~~shall~~must:

A.- Provide training on the proper use and disarming of the purchased alarm system at no additional cost to an alarm user. This training must be offered and, if accepted by the alarm user, provided during the first seven days after installation of an alarm system. If there is a false alarm in the first seven days after installation and prior to the time the alarm system monitoring company provides training, any fees or fines assessed for the false alarm will be charged against and paid by the alarm system monitoring company and not the alarm user. For this reason, alarm system

monitoring companies should seek to and may provide this training contemporaneously with installation. If the alarm user declines the offered training, or once the alarm user has already received the training, any fines and fees as a result of a false alarm will be assessed against the alarm user_{;-}

B.- Attempt to verify every alarm signal, except a duress and hold-up alarm activation, before requesting a law enforcement response to an alarm system signal by contacting at least two responsible parties for the alarm system, unless there is only one responsible party listed in customer documents. The first call placed should be to the alarmed premise for a request for the false alarm password. If there is no answer, the alarm system monitoring company must try one or more additional phone numbers in an attempt to reach the alarm user(s) or a designated responsible party_{;-}

C.- Ensure that all alarm users of alarm systems equipped with a duress or hold-up alarm are given adequate training as to the proper usage of these features_{;-}

D.- Communicate to [the Bureau of Emergency Communications](#) ~~BOEC~~ operators and/or dispatchers any available information about the specific type and location of the alarm signal, e.g., north door, back door, second floor window east side, etc. (as opposed to “Zone 1” or a nondescript term that will not communicate to the responding officer where the problem occurred)_{;-}

E.- Communicate to [the Bureau of Emergency Communications](#) ~~BOEC~~ operators and/or dispatchers the type of alarm activation (silent, audible, interior, perimeter etc.) during an alarm event_{;-}

F.- Provide the alarm user permit number when requested by ~~BOEC~~[the Bureau of Emergency Communications](#)_{;-}

G.- Notify the permit holder or their designee of the activation of the alarm system_;
[and](#)_{;-}

H.- Obtain proof of an active alarm permit from the alarm user prior to installation or activation of the alarm system (or reinstallation or reactivation if the prior permit was canceled by [the Portland Police Bureau](#) ~~PPB~~ for nonrenewal or nonpayment), document same, and notify the Alarm Administration Unit that proof was supplied prior to installation.

14B.10.070 Requirement for Posting Notice of an Alarm; Violation; Remedy for Failure to Post.

A.- For a business alarm user (and not a homeowner alarm user), it is unlawful for a person having control of premises where a burglar alarm and/or robbery alarm system exists to fail to have conspicuously posted, where it may be plainly seen by persons outside the premises, notice of the existence of an alarm. The notice must

include the name, address, and telephone number of a person who possesses a key and has access to the premises.

B.- A violation of this Section may subject the violator to a fine or other civil penalties at the discretion of the System Administrator; however, the System Administrator shall-will assess no penalties until or unless notice of the violation is provided to the business owner and they fail to cure the violation within 30 days of notification.

14B.10.080 Burglary, Robbery, and Other Police Alarm System Fines and Penalties.

A.- Fines shall-bare assessed by the System Administrator for excessive false alarms during a permit year. The fine and fee schedule shall-will be set through the annual budget process and subject to review by the City Budget Office with all Portland Police Bureau fees and charges. This is in accordance with guidelines provided in FIN_-2.06.

B.- The Alarm Administration Unit will send a written notification of any false alarm incident to notify the alarm user, alarm business, and/or alarm system monitoring company. The notice will set forth the fine and the consequences of the failure to pay the fine. -The notice shall-will also acquaint the recipient with the relevant appeals process and their right to appeal the validity of the false alarm to the Administrator or designee in case of absence or leave of service, as provided in Section 14B.10.120.

C.- The first false alarm notice in a permit year will not be assessed a fine and instead will act as a warning. -No further warnings without a fine may be assesses in a permit year.

D.- If the payment of the fine has not been received in the Alarm Administration Unit within 30 days of the date the written notice of fine was mailed by the Administrator, and there is no appeal pending on the validity of the false alarm, the Administrator will send an overdue notice to the alarm user, alarm business, or alarm system monitoring company by certified mail, along with a notice of late fee.

E.- If payment of all fines and late fees is not received within 10 days of the day the notice of late fee was mailed, the System Administrator will initiate the no response process according to Section 14B.10.090 and may initiate the enforcement of penalties according to Section 14B.10.150.

F.- The payment of any fine shall-may not be deemed to extend the term of the permit.

14B.10.090 No Response to Excessive Alarms and/or Premises with Cancelled Permits.

A.- After a second false alarm, the System Administrator ~~shall~~will send a notification to the alarm user by certified mail, which will contain the following information:

- 1.- That a second false alarm has occurred~~;~~:-
- 2.- That if four or more false alarms occur within the permit year, the System Administrator will direct the Bureau of Emergency Communications to suspend response to further alarm signals~~;~~ and:-
- 3.- That the alarm user has the right to contest the validity of a false alarm determination by requesting a false alarm validity hearing, and that a request for such a hearing will stay the effect of a false alarm determination and must be in writing and filed within 10 days of the receipt of the notice of alarm.

B.- After a third false alarm in a permit year, the System Administrator need only send to the alarm user via regular mail a Notice of False Alarm and appeal rights. No other communication or action is required of the System Administrator.

C.- After a fourth false alarm within the permit year, the System Administrator ~~shall~~will:

- 1.- Direct the Bureau of Emergency Communications BOEC to suspend response to subsequent alarms unless instructed to respond by the Chief's Office or their designee pursuant to Section 14B.10.090.
- 2.- Send a suspension notification to the alarm user by certified mail, indicating that Portland Police Bureau PPB will no longer respond to alarms at the alarm site, but that the Portland Police Bureau PPB will resume alarm response services if the following conditions are met:
 - a.- ~~a~~a Additional monitoring services are added to the permit location, consisting of either audio and/or video verification monitoring or multiple-device trigger systems;
 - b.- any outstanding fees and fines associated with the alarm permit account are paid in full; and
 - c.- the alarm user agrees in writing that a fifth or more false alarm in a permit year will result in a permanent cancellation of all premises use permits and the suspension of police response services for alarm calls for five years, plus triple the amount of fines and fees in the fines and fees schedule.

D.- In addition to the notice provided to the alarm user, the System Administrator ~~shall~~will also send a copy of the notice of suspension to the Bureau of Emergency Communications BOEC and the alarm system monitoring company.

14B.10.100 Special Permits.

An alarm user required by federal, state, county or municipal statute, regulation, rule, or ordinance to install, maintain and operate an alarm system ~~shall be~~ subject to this Chapter, provided:

A.- A permit ~~shall be~~ designated a special alarm user's permit. An alarm user seeking this type of special permit must submit proof of their eligibility for a special use permit (i.e., the federal, state, or local law requiring an alarm system) along with their permit application. Special alarm use permits ~~shall~~ be issued at the same cost as a regular alarm user permit (except for alarm users over age 62 as outlined in this Chapter);

B.- A special alarm user's permit for a system which has four false alarms in a permit year ~~shall~~ not be subject to the no response procedure specified but ~~shall~~ must pay any fines according to the regular fine schedule ~~according to~~ this Chapter; and

C.- The payment of any fine provided for in Subsection 14B.10.100 B. ~~shall~~ will not be deemed to extend the term of the permit.

14B.10.110 Automatic Dialing Device; Certain Interconnections Prohibited.

A.- It is unlawful for any person to program an automatic dialing device to select a primary trunk line, and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within 12 hours of receipt of written notice from the Administrator that it is so programmed.

B.- It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the City, and it is unlawful for an alarm user to fail to disconnect or reprogram such device within 12 hours of receipt of written notice from the Administrator that an automatic dialing is so programmed.

C.- A violation of this Section may subject the violator to a fine or other civil penalties at the discretion of the System Administrator; however, the System Administrator ~~shall~~ will assess no penalties ~~until or~~ unless notice of the violation is provided to the alarm user and they fail to cure the violation within 30 days of notification.

14B.10.120 Appeals.

A.- An alarm user may challenge the validity of a false alarm determination by appealing the determination. The appeal request must be in writing (email or standard mail) and must be submitted to the System Administrator within ~~ten~~ 10 days of the alarm user having received Notice of False Alarm. Failure to contest the

determination in the required time period results in a conclusive presumption that the alarm was false and waiver of any claims or defenses regarding the false alarm or associated penalties ~~therefore~~.

1.- All first-time offenses ~~shall~~ will be considered a warning, and no economic penalty will be applied. -Because there are no economic damages, no appeal of a first offense warning will be allowed.

2.- However, first offenses will count toward the cumulative number of offenses in any permit year. -Should an alarm user wish to raise on appeal the impropriety of the first offense for purposes of having it not count toward the cumulative permit year total, the alarm user may challenge the validity of their first offense in addition to the validity of the offense ~~that they are currently appealing~~. The effect of a finding that the first offense was improper ~~shall~~ will only act to strike that offense from the permit year total; no economic or other relief is available.

B.- Appeal requests must include all documentation that a cited alarm user wishes the System Administrator to review. An alarm user appellant may include in this documentation a written statement setting forth their arguments as to facts and defenses. -Any written statement ~~shall~~ may not exceed 15 pages.

C.- The Appeal request and all documentation will be reviewed and decided by the System Administrator or designee. -In no event will the person reviewing and deciding the appeal also be the person that issued the false alarm determination. -The appeal will be decided solely on the documentation presented without testimony, except as noted in Subsection D. below.

D.- Alarm users over the age of 62 who have obtained a senior permit and alarm users with a verifiable disability may, as part of their Appeal Request, ask for a telephonic hearing in lieu of submitting written documentation. (Deaf persons or persons with a hearing impairment may also request additional accommodations such as an in-person hearing with the presence of a sign-language interpreter.)

1.- If the request for a telephonic hearing is made and approved, the Alarms Administration Unit will contact the requester by telephone or email to schedule a hearing. While the Alarm Administration Unit will schedule the hearing, the alarm user is obligated to attend or call in to the hearing. -An alarm user's failure to do so waives their right to present any additional information for consideration of the appeal and will be justification for dismissal of the appeal.

2.- In any case where a telephonic hearing (or in-person hearing as a reasonable accommodation) has been held, the appeal will be decided on the basis of the testimony provided and any other relevant documentation submitted, but alarm users will not also be allowed to present a written statement for consideration.

3.- Any hearing held ~~shall~~will be informal and not subject to Oregon Rules of Civil Procedure or Oregon Rules of Evidence. -The appellant is limited to giving a statement and/or submitting additional documentary evidence and will not engage ~~ins~~ eliciting direct testimony or conducting cross-examination.

4.- The hearing will be audio ~~tape~~ recorded, but not transcribed. The alarm user may request a copy of the ~~audiotape recording~~ to be transcribed at their own cost.

E.- The System Administrator or designee deciding the appeal will render a decision within 30 days after receipt of the appeal request or after any hearing, as applicable. -The System Administrator ~~shall~~must document the decision in writing, setting forth the reasons for the decision, and take any further steps necessary to effectuate their decision. -The System Administrator ~~shall~~will, contemporaneously with rendering the written decision, send a copy of the written decision to the alarm user either via regular mail or email (as indicated in their permit application).

F.- If the appeal is granted and it is determined that the false alarm at issue did not occur, then the findings will be waived and expunged from an alarm user's record ~~as appropriate~~, and will not be counted toward the yearly permit amount for any other purposes of this Chapter. If the appeal is denied and the false alarm designation remains on the alarm user's record, the Administrator may pursue fine collection and/or permit cancellation as set out in this Chapter.

14B.10.130 Sound Emission Cutoff Feature.

A.- Alarm systems which can be heard outside a building, structure or facility of the alarm user ~~shall~~must be equipped with a sound emission cutoff feature which will stop the emission of sound 15 minutes or less after the alarm is activated.

B.- When an alarm system may be heard outside a building, structure or facility for more than 15 minutes continuously or intermittently, and the alarm owner or alarm system monitoring company is not readily available or able to silence the device, PPB-the Portland Police Bureau is authorized to enter the premises and physically disconnect the sounding device. The alarm owner ~~shall be~~is liable for the cost of, or associated with, disconnecting and reconnecting the alarm. Neither the City nor its officers, agents or employees ~~shall be~~are liable for such costs.

14B.10.140 Confidentiality and Statistics.

A.- All information submitted in compliance with this Chapter ~~shall~~will be deemed a public record. Applicable privacy and confidentiality exemptions pursuant to ORS 192.~~502-355~~ ~~shall~~will be applied to any requests to records regarding this Chapter. The Administrator ~~shall be~~is charged with the sole responsibility for the maintenance, disclosure, retention, and destruction after expiration of the retention schedule of all records of any kind whatsoever under this Chapter.

B.- Subject to the requirements of confidentiality, the Administrator may develop and maintain statistics having the purpose of assessing alarm system, alarm business, and alarm system monitoring company performance and compliance.

14B.10.150 Code Enforcement Actions; Penalties.

A.- Enforcement of this ordinance may be by civil action as provided in ORS 30.315, or by criminal prosecution.

B.- Violation of this ordinance ~~shall be~~is punishable upon conviction by a fine of not more than \$500.

C.- The failure or omission to comply with any Section of this ordinance ~~shall~~will be deemed a violation and may be so prosecuted, subject to the penalty provided in ~~paragraph~~Subsection B. of this Section.

14B.10.160 Liability.

Law enforcement response to an alarm may be based on factors such as: availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and other factors. -For these reasons, the permitting of an alarm system and regulation thereof by the Portland Police Bureau PPB is not intended to, nor will it, create a contract, duty or obligation, or special relationship, either expressed or implied, between the City and an alarm user, assuring police response to the alarm. Any and all liability and consequential damages that may result from ~~PPB's~~ the Portland Police Bureau's failure to respond to an alarm notification is subject to governmental immunity as provided by law and is retained.

Chapter 14B.20 Drug-Free Zones

~~(Chapter replaced by Ordinance 179995, effective date April 14, 2006)~~

14B.20.010 Drug-Free Zones.

A.- For the purposes of this ~~C~~ehapter, the following definitions apply:

1.- Arrest: means to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging that person with an offense.

2.- Essential needs: means food, physical care, and medical attention.

3.- Reside: means to occupy one's principal dwelling; including transient occupancy in a hotel or motel.

4.- Travel: means the movement on foot or within or upon a vehicle within a drug-free zone from one point to another without delay other than to obey traffic control devices.

B.- Drug-free zones are those areas of the City as designated by the City Council under Chapter 14B.20 of this Code, which are areas where the number of arrests where there was probable cause to believe a person has committed any of the offenses enumerated in Section 14B.20.030 for a ~~twelve (12)~~ month period within the 18 months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within a drug-free zone.

14B.20.020 Designation of Drug-Free Zones.

~~(Amended by Ordinance 180884, effective April 11, 2007.)~~

A.- If the City Council designates an area meeting the criteria of Section 14B.20.010 of this Code to be a drug-free zone, Council ~~shall~~ must do so by ordinance. The designation ~~shall be~~ is valid for a period of three ~~(3)~~ years.

B.- The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ~~ninety (90)~~ days before the end of the period referred to in section 14B.20.020 A., as to whether there is a need to re-configure the drug-free zones enumerated in 14B.20.070.

C.- This Chapter, and the procedures and exercise of exclusion authority it contains, are valid until September 30, 2007.

D.- The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ~~ninety (90)~~ days before the expiration of this Chapter as to whether there is a need to re-authorize this Chapter.

14B.20.030 Civil Exclusion.

~~(Amended by Ordinance 180213, effective June 14, 2006.)~~

A.- A person is subject to exclusion under the process described in this chapter for a period of ~~ninety (90)~~ days from any public ~~right-of-way~~ right-of-way and park within a drug-free zone designated in ~~Code~~ Chapter 14B.20 if that person has been arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the following offenses within that drug-free zone, unless the offense was committed entirely within a private residence:

1.- Attempt to unlawfully possess a controlled substance, in violation of ORS 161.405 and ORS 475.752;

2.- Criminal solicitation to unlawfully possess a controlled substance in violation of ORS 161.435 and ORS 475.752;

3.- Criminal conspiracy to unlawfully possess a controlled substance in violation of ORS 161.450 and ORS 475.752;

4.- Any violation of any of the controlled substance offenses described in:

a.- ORS 475.840752;

b.- ORS 475.846 through 475.894;

c.- ORS 475.904; or

d.- ORS 475.910; ~~except~~

~~e.- Possession of less than an ounce of marijuana under ORS 475.864(3) shall not be a basis for exclusion.~~

5.- Criminal conspiracy to unlawfully deliver a controlled substance in violation of ORS 161.450 and ORS 475.752;

6.- Attempt to unlawfully deliver an imitation controlled substance, in violation of ORS 161.405 and ORS 475.752;

7.- Criminal conspiracy to unlawfully deliver an imitation controlled substance in violation of ORS 161.450 and ORS 475.912; or

8.- Unlawful delivery of an imitation controlled substance, in violation of ORS 475.912.

B.- A one ~~(1)~~ year exclusion from any public ~~right of way~~ right-of-way and park within a drug-free zone ~~shall~~ takes effect ~~upon the~~ day after conviction for any of the offenses enumerated in Subsection A ~~of this Section~~ if that offense was committed within that drug-free zone and the person was both given actual notice prior to the exclusion that the City would impose a one-year exclusion upon conviction and notified of the right of appeal and including the process for initiating an appeal.

C.- A person excluded from a drug-free zone under authority of this Section may not enter that drug-free zone except to travel to and from and be present at the events and locations listed below:

1.- Attend a meeting with an attorney;

2.- Attend a scheduled initial interview with a social service provider;

- 3.- Comply with court-or corrections-ordered obligations;
- 4.- Contact criminal justice personnel at a criminal justice facility;
- 5.- Attend any administrative or judicial hearing relating to an appeal of:
 - a.- the person's notice of exclusion; or
 - b.- the denial, revocation, or amendment of the person's variance;
- 6.- Travel through that drug-free zone on a ~~Tri-Met~~TriMet vehicle; or
- 7.- Travel through that drug-free zone on the I-5, I-84 or I-405 freeways within its boundaries;
- 8.- Reside in a dwelling or facility;
- 9.- Satisfy, or attempt to satisfy an essential need by accessing a public or private place that provides an essential need or service when the essential need cannot reasonably be satisfied by the excluded person without entering the drug-free zone;
- 10.- Obtain social services when:
 - a.- the excluded person is in need of social services;
 - b.- the social services are sought for reasons relating to the health or well-being of the excluded person; and
 - c.- the social services agency has written rules and regulations prohibiting the unlawful use and sale of controlled substances by their clients.
- 11.- Obtain education by:
 - a.- ~~e~~Enrolling as a student at an educational facility; or
 - b.- ~~a~~attending school at an educational facility;
- 12.- Work as the owner, principal, agent or employee at a place of lawful employment;
- 13.- Perform work directly related to lawful employment; or
- 14.- Be present at any place or event as specified by a variance issued by the Chief of Police or designee pursuant to Subsection 14B.20.060 B.

D.- An exclusion is valid only if the person to be excluded received actual notice of the exclusion as required by [Section 14B.20.050](#); including notice of the limitations to the exclusion contained in [Section 14B.20.020](#).

E.- An exclusion is not valid if the probable cause on which it is based consists of mere use or effects of use of controlled substances rather than criminal acts concerning controlled substances as defined by Oregon statute, whether or not the person subject to exclusion pursues an appeal of the exclusion.

14B.20.035 Violation of an exclusion - penalties.

A.- It is unlawful for a person to enter or remain in a drug-free zone in violation of a valid exclusion imposed pursuant to this Code.- For violation of this ~~s~~[Subsection](#), a court may impose a fine of no more than \$500 or imprisonment of no more than 30 days, or both.

B.- A person who enters or remains in a drug-free zone in violation of a valid exclusion issued pursuant to this Code is subject to arrest for Criminal Trespass (ORS 164.245).

14B.20.040 Issuance of Exclusion Notices.

The Chief of Police and/or designees are the persons in charge of the public rights of way and parks in the drug-free zones for purposes of issuing notices of exclusion in accordance with this Chapter.

14B.20.050 Procedure.

A.- If a person is arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the offenses enumerated in ~~Subsection A. of Section~~ [14B.20.030 A.](#) within a drug-free zone, the Chief of Police and/or designees may exclude that person from that drug-free zone. -Every person excluded ~~shall~~[must](#) be provided a notice of exclusion and variances substantially similar to Exhibit -C attached to Ordinance No. 179995. Additions to the notice of exclusion that increase the scope of the exclusion from that described in Exhibit C render the notice and the exclusion invalid.

B.- At the time a person is issued a notice of exclusion from a drug-free zone, the Chief of Police and/or designees may discuss with the excluded person whether the person has a plausible need for a variance and may issue a variance pursuant to the process described in ~~s~~[Subsection B of Section](#) [14B.20.060 B.](#)

C.- The notice of exclusion ~~shall~~[must](#) be in writing and a copy delivered to the excluded person. -The notice of exclusion ~~shall~~[must](#) include the following:

- 1.- A description of the areas designated as a drug-free zone in Section 14B.20.070 from which that person is excluded; ~~and~~
- 2.- Information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code; ~~and~~
- 3.- Notice that conviction of the offense for which the person was arrested and excluded will result in a one-year exclusion and information concerning the right to appeal a conviction-based exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

14B.20.060 Appeal, Review and Variances.

A.- A ~~ninety (90)~~ day exclusion ~~wi~~shall take effect at 12:01 a.m. on the 22nd calendar day following issuance of the notice of exclusion if the person issued the notice of exclusion has not filed an appeal as provided in this Chapter and a Code Hearing Officer has reviewed a police report documenting the exclusion notice and has found that the report presents credible evidence that supports probable cause to believe the person:

- 1.- ~~C~~committed any of the offenses enumerated in Subsection ~~A of Section~~ 14B.20.030 ~~A.~~ within a drug-free zone; ~~and~~
- 2.- ~~R~~received the notice required by Subsection 14B.20.050 A.

B.- If a person issued a notice of exclusion files an appeal as provided in this Chapter, imposition of a ~~ninety (90)~~ day exclusion ~~shall will~~ be stayed pending a final, enforceable decision upholding the exclusion.

C.- ~~APPEAL~~ppeal.- A person to whom notice of exclusion is issued ~~shall have~~ a right to appeal as follows:

- 1.- Appeals ~~shall~~ must be made to the Code Hearings Officer of the City of Portland. ~~Any hearings regarding such appeals wi~~shall be conducted in accordance with Chapter 22.10 of this Code; ~~;~~
- 2.- Copies of documents in the City's control which are intended to be used at the hearing ~~shall will~~ be made available, upon request, to the appellant; ~~;~~
- 3.- An appeal of a ~~ninety (90)~~ day notice of exclusion must be filed, in writing, by 5:00 p.m. of the fifteenth calendar day following issuance of the notice of exclusion; ~~;~~
- 4.- An appeal of a one ~~(1)~~ year conviction-based exclusion must be filed, in writing, by 5:00 p.m. of the fifth business day following the date of conviction; ~~;~~

5.- An appeal of:

- a. ~~a~~ denial of a request for a variance; ~~or~~
- b. ~~a~~ denial of a request for an amendment to a variance; or
- c. ~~a~~ revocation or amendment of a variance must be filed, in writing, by 5:00 p.m. of the fifth business day following the action regarding the variance; ~~;~~

6.- A ~~ninety (90)~~ day exclusion ~~shall~~will not take effect during the time that an appeal of the ninety (90) day exclusion is pending; ~~;~~

7.- A one ~~(1)~~ year conviction-based exclusion ~~shall~~will take effect at 12:01 a.m. on the calendar day following the date of conviction and, notwithstanding an appeal of the exclusion, ~~shall~~will remain in effect unless the Code Hearings Officer issues a contrary decision; ~~;~~

8.- At the hearing on an appeal of a ~~ninety (90)~~ day exclusion, the City ~~shall~~havehas the burden to show by a preponderance of the evidence that the appellant committed any of the offenses enumerated in Subsection ~~A. of Section~~ 14B.20.030 A., and that the conduct supporting the exclusion occurred within a drug-free zone; ~~;~~

9.- At the hearing on an appeal of a one ~~(1)~~ year conviction-based exclusion, the City ~~shall~~havehas the burden to show by a preponderance of the evidence that the appellant was convicted of any of the offenses enumerated in Subsection ~~A. of Section~~ 14B.20.030 A., and that the conduct supporting the conviction occurred within a drug-free zone; ~~;~~

10.- At the hearing on an appeal of a denial of a request for a variance as provided in Subsection 14B.20.060 C.5.a., the City ~~shall~~havehas the burden to show by a preponderance of the evidence that the denial was in accordance with this Section; ~~;~~

11.- At the hearing on an appeal of a denial of a request for an amendment to a variance as provided in Subsection 14B.20.060 C.5.b., the City ~~shall~~havehas the burden to show by a preponderance of the evidence that the denial was in accordance with this Section; ~~;~~

12.- At the hearing on an appeal of a revocation or amendment of a variance as provided in Subsection 14B.20.060 C.5.c., the City ~~shall~~havehas the burden to show by a preponderance of the evidence that any of the conditions enumerated in this Section supporting revocation or amendment existed at the time of revocation or amendment; ~~;~~

13.- At the hearing on an appeal of a ~~ninety (90)~~ day exclusion, the following ~~shall be~~ prima facie evidence that the exclusion was based on probable cause to believe that the appellant committed any of the offenses enumerated in Subsection 14B.20.030 A.:

a.- ~~a~~ determination by a court having jurisdiction over the offense that forms the basis for the exclusion, that probable cause existed to arrest the person to whom the initial ~~ninety (90)~~ day notice of exclusion was issued for violation of any of the offenses enumerated in Subsection 14B.20.030 A.; or

b.- ~~a~~An accusatory instrument charging the person to whom a ~~ninety (90)~~ day notice of exclusion was issued, for violation of any of the offenses enumerated in Subsection 14B.20.030 A.; ~~and~~

14.- At the hearing on an appeal of a one ~~(1)~~-year conviction-based exclusion, a judgment of conviction for any of the offenses that formed the basis for the exclusion, as enumerated in Subsection 14B.20.030 A., ~~shall be~~ conclusive evidence that the described conduct occurred, but, absent a finding of fact by the court of conviction, is not conclusive evidence that the conduct occurred in a drug-free zone.

D. -~~VARIANCES~~Variances. Variances modify an exclusion, and ~~shall will~~ be granted, denied, amended, or revoked in accordance with the following provisions:

1.- All variances ~~shall will~~ be in writing and ~~shall~~ state the purpose for which they are granted and the period of time during which they are effective. -A variance that does not describe its period of effectiveness is effective for the duration of the exclusion. -A variance allows relief from an exclusion only for travel to and from specified locations, activities or events, and presence at specified locations, activities, and events within a drug-free zone.;

2.- All Police Bureau Precincts ~~shall must~~ receive and process requests for Drug-Free or Prostitution Free Zone variances during regular business hours if they are otherwise open to the public. - This capability will be maintained at the main precinct station or at a sub-station.;

3.- ~~Variance.~~ The Chief of Police and/or designees may, for any reason, grant an excluded person a variance from an exclusion at any time during an exclusion period. - Except as described in Subsection 14B.20.050 B., the Chief of Police and/or designees ~~shall will~~ grant an appropriate variance to an excluded person who presents a plausible need to engage in any non-criminal activity that is not associated with the behavior supporting the person's exclusion. -A variance granted under this Subsection allows travel within the drug-free zone only in accordance with the terms specified in the variance. -The Chief of Police or designees will ask a person requesting a variance to provide and update an

address through which the person can be reached for the duration of the variance in the event the City determines there is a need to amend or revoke the variance.

E.- ~~REVOCATION OR AMENDMENT OF VARIANCES~~ Revocation or amendment of variances. A variance may be revoked or amended for the following reasons and in the following manner:

- 1.- The excluded person provided false information in order to obtain the variance;
- 2.- There is probable cause to believe the person has committed any of the offenses enumerated in Subsection 14B.20.030 A. in the drug-free zone subsequent to the issuance of the variance;
- 3.- The circumstances giving rise to the issuance of the variance no longer support a continuation of the variance or a term thereof;
- 4.- If the person presents new circumstances that would support amending the variance; or
- 5.- A revocation or amendment of a variance becomes effective at 5:00 p.m. of the fifth business day following mailing of notice of the action to the excluded person at the address provided pursuant to Subsection 14B.20.060 B.1. unless the excluded person appeals the determination by following the procedures in Subsection 14B.20.060 A.5.c.

14B.20.070 Listing of Drug-Free Zones.

~~(Amended by Ordinance 180125, effective May 10, 2006)~~

The following descriptions ~~shall~~ comprises the boundaries of the drug-free zones listed, and the drug-free zones ~~shall~~ will include the entire area on and within the listed boundaries.

A.- Central Zone: Beginning at a point on the north edge of the Steel Bridge directly above the west shore of the Willamette River; thence westerly along the north edge of the Steel Bridge and continuing along the north edge of the northern most off-ramp from the Steel Bridge until it intersects with the east curb line of N-W- ~~3rd-rd~~ Avenue; thence northerly along an extension of the east curb line of N-W- ~~3rd-rd~~ Avenue until that line intersects with an extension of the north curb line of N-W- ~~Hoyt Street~~ Hoyt Street; thence westerly along the extension of the north curb line of N-W- ~~Hoyt Street~~ Hoyt Street until it intersects with the east curb line of N-W- ~~4th-th~~ Avenue; thence in a northwesterly direction along the east curb line becoming the north curb line of N-W- ~~4th-th~~ Avenue as it intersects with N-W- ~~5th-th~~ Avenue and becomes N.W. ~~Irving Street~~ Irving Street; thence continuing westerly along the north curb line of N-W- ~~Irving Street~~ Irving Street until it intersects with the west

curb line of N-W Broadway Avenue; thence southerly along the west curb line of N-W Broadway Avenue until it intersects with the north curb line of N-W Hoyt Street; thence westerly along the north curb line of N-W Hoyt Street until it intersects with the west curb line of N-W 15th Avenue; thence southerly along the west curb line of N-W 15th Avenue until it intersects with north curb line of N-W Glisan Street; thence westerly along the north curb line of N-W Glisan Street until it intersects with the east curb line of N-W 16th Avenue; thence northerly along the east curb line of N-W 16th Avenue until it intersects with the north curb line of N-W Irving Street; thence westerly along the north curb line of N-W Irving Street until it intersects with the west curb line of N-W 23rd Avenue; thence southerly along the west curb line of N-W 23rd Avenue until it intersect with the south curb line of West Burnside Street; thence easterly along the south curb line of West Burnside Street until it intersects with the west curb line of S-W King Avenue; thence southerly along the west curb line of S-W King Avenue until it intersects with the south curb line of S-W Salmon Street; thence easterly along the south curb line of S-W Salmon Street until it intersects with the west curb line of S-W 14th Avenue; thence southerly along the west curb line of S-W 14th Avenue until it intersects with the south curb line of S-W Columbia Street; thence easterly along the south curb line of S-W Columbia Street until it intersects with the west curb line of S-W 13th Avenue; thence southerly along the west curb line of S-W 13th Avenue until it intersects with the south curb line of S-W Market Street; thence easterly along the south curb line of S-W Market Street to a point where the extension of the south curb line of S-W Market Street intersects with the east curb line of S-W Naito Parkway; thence easterly from that point continuing in a direct line due east to the west shore of the Willamette River; thence northerly along the west shore of the Willamette River until it intersects with the south edge of the Hawthorne Bridge; thence easterly along the south edge of the Hawthorne Bridge until it intersects with the east edge of the area known as the East Bank Esplanade, including the circular ramp on the east end and south side of the Hawthorne Bridge; thence northerly along the east edge of the area known as the East Bank Esplanade, including all of its floating walkways, until it intersects with the south side of the East Bank Esplanade pedestrian overpass to N-E Lloyd Boulevard; thence easterly along the south edge of the area known as the East Bank Esplanade pedestrian overpass, including the walking ramp, until it intersects with the west curb line of N-E Lloyd Boulevard; thence southeasterly along the south curb line of N-E Lloyd Boulevard until it intersects with the west curb line of N-E Martin Luther King Boulevard; thence southerly along the west curb line of N-E Martin Luther King Boulevard until it intersects with the north curb line of N-E Davis Street; thence westerly along the north curb line of N-E Davis as it crosses N-E 3rd Avenue and projects in a straight line to a point on the west curb of N-E 2nd Avenue; thence southerly along the west curb line of N-E 2nd Avenue as it passes under the Burnside Bridge, including the entire Burnside Bridge, until it intersects with the south curb line of S-E Belmont Street; thence easterly along the south curb line of S-E Belmont Street until it intersects with the east curb line of S-E 12th Avenue; thence northerly along the east curb line of S-E 12th Avenue as it crosses E Burnside Street and becomes N-E 12th Avenue; thence northerly along the east curb line of N-E 12th Avenue until it intersects with the south curb line of

N-E- Lloyd Boulevard; thence easterly along the south curb line of N-E- Lloyd Boulevard until it becomes N-E- 16th Avenue; thence northerly along the east curb line of N-E- 16th Avenue until it becomes N-E- 15th Avenue; thence northerly along the east curb line of N-E- 15th Avenue until it intersects with the north curb line of N-E- Halsey Street; thence westerly along the north curb line of N-E- Halsey Street until it intersects with the west curb line of N-E- Martin Luther King Boulevard; thence southerly along the west curb line of N-E- Martin Luther King Boulevard until it intersects with the north curb line of N-E- Multnomah Street; thence westerly along the north curb line of N-E- Multnomah Street as it merges onto the Steel Bridge; thence westerly along the north edge of the Steel Bridge to a point above the west shore of the Willamette River and continuing down to the point of the beginning.

B.- East Zone:- Beginning at a point 1000 feet west of the intersection of the north curb line of N-E- Killingsworth and the west curb line of N-E- 82nd Avenue; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of N-E- 82nd Avenue as it crosses E- Burnside Street and becomes S-E- 82nd Avenue; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of S-E- 82nd Avenue to a point that is 1000 feet to the west of the southwest corner of S-E- Crystal Springs Boulevard; thence easterly along the south curb line of S-E- Crystal Springs Boulevard to a point that is 1000 feet to the east of the southeast corner of S-E- Crystal Springs Boulevard; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of S-E- 82nd Avenue as it crosses E- Burnside Street and becomes N-E- 82nd Avenue; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of N-E- 82nd Avenue to a point that is 1000 feet east of the north curb line of N-E- Killingsworth; thence westerly along the north curb line of N-E- Killingsworth continuing to the point of beginning.

C.- North Zone: Beginning at a point on the southwest corner of N- Fremont Street as it intersects with N- Missouri Avenue; thence easterly along the south curb line of N- Fremont Street until it intersects with the west curb line of N- Vancouver Avenue; thence southerly along the west curb line of N- Vancouver Avenue until it intersects with the south curb line of N- Stanton Street; thence easterly along the south curb line of N- Stanton Street as it crosses N- Williams Avenue and becomes N-E- Stanton Street; thence easterly along the south curb line of N-E- Stanton Street until it intersects with the west curb line of N-E- Rodney Avenue; thence southerly along the west curb line of N-E- Rodney Avenue until it intersects with the south curb line of N-E- San Rafael Street; thence easterly along the south curb line of N-E- San Rafael Street until it intersects with the east curb line of N-E- 7th Avenue; thence northerly along the east curb line of N-E- 7th Avenue until it intersects with the south curb line of N-E- Wygant Street; thence easterly along the south curb line of N-E- Wygant Street until it intersects with the east curb line of N-E- 14th Avenue; thence northerly along the east curb line of N-E- 14th Avenue until it intersects with the south curb line of N-E- Wygant Street; thence easterly along the south curb line of N-E- Wygant Street until it intersects with the east curb line of N-E- 20th Avenue; thence northerly along the east curb line of N-E- 20th Avenue until it intersects with the north

curb line of N-E Killingsworth Street; thence westerly along the north curb line of N-E Killingsworth Street until it intersects with the east curb line of N-E 15th Avenue; thence northerly along the east curb line of N-E 15th Avenue until it intersects with the north curb line of N-E Ainsworth Street; thence westerly along the north curb line of N-E Ainsworth Street until it intersects with the east curb line of N-E 10th Avenue; thence northerly along the east curb line of N-E 10th Avenue until it intersects with the north curb line of N-E Portland Boulevard; thence westerly along the north curb line of N-E Portland Boulevard until it intersects with the west curb line of N-E 6th Avenue; thence southerly along the west curb line of N-E 6th Avenue until it intersects with the north curb line of N-E Portland Boulevard; thence westerly along the north curb line of N-E Portland Boulevard until it intersects with the west curb line of N-E Martin Luther King Jr. Boulevard; thence southerly along the west curb line of N-E Martin Luther King Jr. Boulevard until it intersects with the north curb line of N-E Ainsworth Street; thence westerly along the north curb line of N-E Ainsworth Street as it crosses N Williams Avenue and becomes N Ainsworth Street; thence westerly along the north curb line of N Ainsworth Street until it intersects with the west curb line of N Missouri Avenue; thence southerly along the west curb line of N Missouri Avenue until it intersects with the north curb line of N Killingsworth Street; thence westerly along the north curb line of N Killingsworth Street until it intersects with the west curb line of N Concord Avenue; thence southerly along the west curb line of N Concord Avenue, including all of the Going Street Pedestrian Bridge until it intersects with the south curb line of N Skidmore Street; thence easterly along the south curb line of N Skidmore Street until it intersects with a point extending in a straight line from the west curb line of N Missouri Avenue where it meets Interstate 5; thence southerly along the west curb line of N Missouri Avenue to the point of beginning.

Chapter 14B.30 Prostitution-Free Zones

~~(Chapter replaced by Ordinance 179996, effective April 14, 2006)~~

14B.30.010 Prostitution-Free Zones.

A.- For the purposes of this Chapter, the following definitions apply:

- 1.- **Arrest:** means to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging that person with an offense.
- 2.- **Essential needs:** means food, physical care, and medical attention.
- 3.- **Reside:** means to occupy one's principal dwelling; including transient occupancy in a hotel or motel.

4.- Travel: means the movement on foot or within or upon a vehicle within a prostitution-free zone from one point to another without delay other than to obey traffic control devices.

B.- Prostitution-free zones are those areas of the City as designated by the City Council under Chapter 14B.30 of this Code, which are areas where the number of arrests where there was probable cause to believe a person has committed any of the offenses enumerated in Section 14B.30.030 for a ~~twelve (12)~~ month period within the ~~eighteen (18)~~ months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within a prostitution-free zone.

14B.30.020 Designation of Prostitution-Free Zones.

~~(Amended by Ordinance 180885, effective April 11, 2007.)~~

A.- If the City Council designates an area meeting the criteria of Section 14B.30.010 of this Code to be a prostitution-free zone, Council ~~shall~~ must do so by ordinance.- The designation ~~shall be~~ is valid -for a period of three ~~(3)~~ years.

B.- The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ~~ninety (90)~~ days before the end of the period referred to in section 14B.30.020 A., as to whether there is a need to re-configure the prostitution-free zones enumerated in Section 14B.30.070.

C.- This Chapter, and the procedures and exercise of exclusion authority it contains, are valid until September 30, 2007.

D.- The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ~~ninety (90)~~ days before the expiration of this Chapter as to whether there is a need to re-authorize this Chapter.

14B.30.030 Civil Exclusions.

A.- A person is subject to exclusion under the process described in this chapter for a period of ~~ninety (90)~~ days from any public ~~right-of-way~~ right-of-way and park within a prostitution-free zone designated in Code Chapter 14B.30 if that person has been arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the following offenses within that prostitution-free zone, unless the offense was committed entirely within a private residence:

1.- Attempted prostitution, in violation of ORS 161.405 and ORS 167.007;

2.- Prostitution, in violation of ORS 167.007;

3.- Attempted promoting prostitution, in violation of ORS 161.405 and ORS 167.012;

4.- Promoting prostitution, in violation of ORS 167.012;

5.- Attempted compelling prostitution, in violation of ORS 161.405 and ORS 167.017;

6.- Compelling prostitution, in violation of ORS 167.017;

7.- Loitering to solicit prostitution, in violation of Portland City Code Section 14A.40.040; or

8.- Unlawful prostitution procurement activity, in violation of Portland City Code Section 14A.40.050.

B.- A one ~~(4)~~ year exclusion from any public ~~right-of-way~~ right-of-way and park within a prostitution-free zone ~~shall take~~ effect upon the day after conviction for any of the offenses enumerated in Subsection A. of this Section if that offense was committed within that prostitution-free zone, ~~and~~ the person was ~~both~~ given prior notice ~~prior to the exclusion~~ that the City would impose a one-year exclusion upon conviction, ~~and was~~ notified of the right of appeal ~~and including~~ the process for initiating an appeal.

C.- A person excluded from a prostitution-free zone under authority of this Section may not enter that prostitution-free zone except to travel to and from and be present at the events and locations listed below:

1. -Attend a meeting with an attorney;
2. -Attend a scheduled initial interview with a social service provider;
3. -Comply with court-or corrections-ordered obligations;
4. -Contact criminal justice personnel at a criminal justice facility;
5. -Attend any administrative or judicial hearing relating to an appeal of:
 - a. -the person's notice of exclusion; or
 - b. -the denial, revocation, or amendment of the person's variance;
6. -Travel through that prostitution-free zone on a ~~Tri-Met~~ TriMet vehicle;
7. -Travel through that prostitution-free zone on the I-5, I-84, I-205 or I-405 freeways within its boundaries;

8.- Reside in a dwelling or facility;

9.- Satisfy, or attempt to satisfy an essential need by accessing a public or private place that provides an essential need or service when the essential need cannot reasonably be satisfied by the excluded person without entering the prostitution-free zone;

10.- Obtain social services when:

a.- the excluded person is in need of social services;

b.- the social services are sought for reasons relating to the health or well-being of the excluded person; and

c.- the social services agency has written rules and regulations prohibiting the unlawful use and sale of controlled substances by their clients;

11.- Obtain education by:

a.- ~~e~~Enrolling as a student at an educational facility; or

b.- ~~a~~Attending school at an educational facility;

12.- Work as the owner, principal, agent or employee at a place of lawful employment;

13.- Perform work directly related to lawful employment; or

14.- Be present at any place or event as specified by a variance issued by the Chief of Police or designee pursuant to Subsection 14B.30.060 B.

D.- An exclusion is valid only if the person to be excluded received actual notice of the exclusion as required by Section 14B.30.050; including notice of the limitations of the exclusion contained in Section 14B.30.020.

14B.30.035 Violation of an exclusion - penalties.

A.- It is unlawful for a person to enter or remain in a prostitution-free zone in violation of an exclusion imposed pursuant to this Code. ~~For~~ violation of this subsection, a court may impose a fine of no more than \$500 or imprisonment of no more than 30 days, or both.

B.- A person who enters or remains in a prostitution-free zone in violation of an exclusion issued pursuant to this Code is subject to arrest for Criminal Trespass (ORS 164.245).

14B.30.040 Issuance of Exclusion Notices.

The Chief of Police and/or designees are the persons in charge of the public rights of way and parks in the prostitution-free zones for purposes of issuing notices of exclusion in accordance with this Chapter.

14B.30.050 Procedure.

A.- If a person is arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the offenses enumerated in Subsection 14B.30.030 A. within a prostitution-free zone, the Chief of Police and/or designees may exclude that person from that prostitution-free zones. -Every person excluded ~~shall~~must be provided a notice of exclusion and variances substantially similar to Exhibit C attached to Ordinance ~~No.~~ 179996. Additions to the notice of exclusion that increase the scope of the exclusion from that described in Exhibit C render the notice and the exclusion invalid.

B.- At the time a person is issued a notice of exclusion from a prostitution-free zone, the Chief of Police and/or designees may discuss with the excluded person whether the person has a plausible need for a variance and may issue a variance pursuant to the process described in Subsection 14B.30.060 B.

C.- The notice of exclusion ~~shall~~will be in writing and a copy delivered to the excluded person. The notice of exclusion ~~shall~~must include the following:

- 1.-** A description of the area designated as a prostitution-free zone in Section 14B.30.070 from which that person is excluded;
- 2.-** Information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code; and
- 3.-** Notice that conviction of the offense for which the person was arrested and excluded will result in a one-year exclusion and information concerning the right to appeal a conviction-based exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

14B.30.060 Appeal, Review and Variances.

A.- A ~~ninety (90)~~ day exclusion ~~shall~~will take effect at 12:01 a.m. on the 22nd calendar day following issuance of the notice of exclusion if the person issued the notice of exclusion has not filed an appeal as provided in this Chapter and a Code Hearings Officer has reviewed a police report documenting the exclusion notice and has found that the report presents credible evidence that supports probable cause to believe the person:

1.- ~~C~~ommitted any of the offenses enumerated in Subsection ~~A of Section~~ 14B.30.030 ~~A.~~, and;

2.- ~~R~~received the notice required by Subsection 14B.30.050 A.

B.- If a person issued a notice of exclusion files an appeal as provided in this chapter, imposition of a ~~ninety (90)~~ day exclusion ~~shall be~~ shall be stayed pending a final, enforceable decision upholding the exclusion.

C.- ~~APPEAL~~appeal.- A person to whom a notice of exclusion is issued ~~shall~~ will have a right to appeal as follows:

1.- Appeals ~~shall~~ must be made to the Code Hearings Officer of the City ~~of Portland~~.- Any hearings regarding such appeals ~~shall~~ will be conducted in accordance with Chapter 22.10 of this Code;-

2.- Copies of documents in the City's control which are intended to be used at the hearing ~~shall~~ will be made available, upon request, to the appellant;-

3.- An appeal of a ~~ninety (90)~~ day notice of exclusion must be filed, in writing, by 5:00 p.m. of the fifteenth calendar day following issuance of the notice of exclusion;-

4.- An appeal of a one ~~(1)~~ year conviction-based exclusion must be filed, in writing, by 5:00 p.m. of the fifth business day following the date of conviction;-

5.- An appeal of:

a.- a denial of a request for a variance; ~~or~~

b.- a denial of a request for an amendment to a variance; or

c.- a revocation or amendment of a variance must be filed, in writing, by 5:00 p.m. of the fifth business day following the action regarding the variance;-

6.- A ~~ninety (90)~~ day exclusion ~~shall~~ will not take effect during the time that an appeal of the ~~ninety (90)~~ day exclusion is pending;-

7.- A one ~~(1)~~ year conviction-based exclusion ~~shall~~ will take effect at 12:01 a.m. on the calendar day following the date of conviction and, notwithstanding an appeal of the exclusion, ~~shall~~ remain in effect unless the Code Hearings Officer issues a contrary decision;-

8.- At the hearing on an appeal of a ~~ninety (90)~~ day exclusion, the City ~~shall~~ have the burden to show by a preponderance of the evidence that the

appellant committed any of the offenses enumerated in Subsection 14B.30.030 A., and that the conduct supporting the exclusion occurred within a prostitution-free zone~~;~~

9.- At the hearing on an appeal of a one ~~(1)~~-year conviction-based exclusion, the City ~~shall have~~has the burden to show by a preponderance of the evidence that the appellant was convicted of any of the offenses enumerated in Subsection 14B.30.030 A., and that the conduct supporting the conviction occurred within a prostitution-free zone~~;~~

10.- At the hearing on an appeal of a denial of a request for a variance as provided in Subsection 14B.30.060 C.5.a., the City ~~shall have~~has the burden to show by a preponderance of the evidence that the denial was in accordance with this Section~~;~~

11.- At the hearing on an appeal of a denial of a request for an amendment to a variance as provided in Subsection 14B.30.060 C.5.b., the City ~~shall have~~has the burden to show by a preponderance of the evidence that the amendment was in accordance with this section~~;~~

12.- At the hearing on an appeal of a revocation or amendment of a variance as provided in Subsection 14B.30.060 C.5.c., the City ~~shall have~~has the burden to show by a preponderance of the evidence that any of the conditions enumerated in this Section supporting revocation or amendment existed at the time of revocation or amendment~~;~~

13.- At the hearing on an appeal of a ~~ninety~~(90) day exclusion, the following ~~shall be~~is prima facie evidence that the exclusion was based on probable cause to believe that the appellant committed any of the offenses enumerated in Subsection 14B.30.030 A.:

a.- a determination by a court having jurisdiction over the offense that forms the basis for the exclusion, that probable cause existed to arrest the person to whom the initial ~~ninety~~(90) day notice -of exclusion was issued for violation of any of the offenses enumerated in Subsection 14B.30.030 A.; or

b.- An accusatory instrument charging the person to whom a ~~ninety~~(90) day notice of exclusion- was issued, for violation of any of the offenses enumerated in Subsection 14B.30.030 A~~;~~ and

14.- At the hearing on an appeal of a one ~~(1)~~-year conviction-based exclusion, a judgment of conviction for any of the offenses that formed the basis for the exclusion, as enumerated in Subsection 14B.30.030 A., ~~shall is~~be conclusive evidence that the described conduct occurred but, absent a finding of fact by the

court of conviction, is not conclusive evidence that the conduct occurred in a prostitution-free zone.

D.- ~~VARIANCES~~Variances. Variances modify an exclusion, and ~~shall will~~ be granted, denied, amended, or revoked in accordance with the following provisions:

1.- All variances ~~shall must~~ be in writing, ~~and shall~~ state the purpose for which they are granted, and the period of time during which they are effective.- A variance that does not describe its period of effectiveness is effective for the duration of the exclusion.- A variance allows relief from an exclusion only for travel to and from specified locations, activities or events, and presence at specified locations, activities and events within a prostitution-free zone;-

2.- All Police Bureau Precincts ~~shall must~~ receive and process requests for ~~Drug-Free or~~ Prostitution-Free Zone variances during regular business hours if they are otherwise open to the public.- This capability will be maintained at the main precinct station or at a sub-station; ~~and-~~

3.- ~~Variance~~. The Chief of Police and/or designees may, for any reason, grant an excluded person a variance from an exclusion at any time during an exclusion period. -Except as described in Subsection 14B.30.050 B., the Chief of Police and/or designees ~~shall will~~ grant an appropriate variance to an excluded person who presents a plausible need to engage in any non-criminal activity that is not associated with the behavior supporting the person's exclusion. -A variance granted under this Subsection allows travel within the prostitution-free zone only in accordance with the terms specified in the variance. -The Chief of Police or designees will ask a person requesting a variance to provide and update an address through which the person can be reached for the duration of the variance in the event the City determines there is a need to amend or revoke the variance.

E.- ~~REVOCATION OR AMENDMENT OF VARIANCES~~Revocation or amendment of variances. Variances may be revoked or amended for the following reasons and in the following manner:

1.- The excluded person provided false information in order to obtain the variance;

2.- There is probable cause to believe the person has committed any of the offenses enumerated in Subsection 14B.30.030 A. in the prostitution-free zone subsequent to the issuance of the variance;

3.- If the circumstances giving rise to the issuance of the variance no longer support a continuation of the variance or a term thereof;

4. If the person has new circumstances that would support amending the variance; or

5. A revocation or amendment of a variance becomes effective at 5:00 p.m. of the fifth business day following mailing of notice of the action to the excluded person at the address provided pursuant to [Subsection 14B.30.060 B.1.](#) unless the excluded person appeals the determination by following the procedures in [Subsection 14B.30.060 A.5.c.](#)

14B.30.070 Listing of Prostitution-Free Zones.

The following descriptions ~~shall~~ comprises the boundaries of the prostitution-free zones listed, and the prostitution-free zones ~~shall~~ will include the entire area on and within the listed boundaries.

A.- West Prostitution-Free Zone: Beginning at a point on the northeast corner of N-W- 14th Avenue as it intersects with N-W- Johnson Street; thence westerly along the north curb line of N-W- Johnson until it intersects with the west curb line of N-W- 23rd Avenue; thence southerly along the west curb line of N-W- 23rd Avenue as it crosses West Burnside Street and becomes S-W- Vista Avenue; thence southerly in a straight line to a point that is 500 feet from the intersection of the south curb line of West Burnside Street and the west curb line of S-W- Vista Avenue; thence easterly following a line that is at all times parallel to and 500 feet from the south curb line of West Burnside Street until it intersects with the east curb line of N-W- 14th Avenue; thence northerly along the east curb line of N-W- 14th Avenue continuing along to the point of the beginning.

B.- East Prostitution-Free Zone:- Beginning at a point at the intersection of the west curb line of N-E- 82nd and the north curb line of N-E- Skidmore; thence westerly along the north curb line of N-E- Skidmore to a point 1000 feet from the point of beginning; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of N-E- 82nd Avenue as it crosses E- Burnside Street and becomes S-E- 82nd Avenue; thence southerly following a line that is at all times parallel to and 1000 feet from the west curb line of S-E- 82nd Avenue to a point that is 1000 feet to the west of the southwest corner of S-E- Crystal Springs Boulevard; thence easterly along the south curb line of S-E- Crystal Springs Boulevard to a point that is 1000 feet to the east of the southeast corner of S-E- Crystal Springs Boulevard; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of S-E- 82nd Avenue as it crosses E- Burnside Street and becomes N-E- 82nd Avenue; thence northerly following a line that is at all times parallel to and 1000 feet from the east curb line of N-E- 82nd Avenue to a point that is 500 feet to the south of the south curb line of N-E- Sandy Boulevard; thence easterly following a line that is at all times parallel to and 500 feet from the south curb line of N-E- Sandy Boulevard until it intersects with the west curb line of N-E- 92nd Avenue; thence northerly along the west curb line of N-E- 92nd Avenue until it intersects with the north curb line of N-E- Sandy Boulevard; thence easterly along

the north curb line of N-E- Sandy Boulevard to a point that is 200 feet to the east of the centerline of N-E- 92nd Avenue; thence southerly along a line that is at all times parallel to and 200 feet to the east from the centerline of N-E- 92nd Avenue to a point that is 500 feet from the south curb line of N-E- Sandy Boulevard; thence easterly following a line that is at all times parallel to and 500 feet from the south curb line of N-E- Sandy Boulevard to the east curb line of N-E- 122nd Avenue; thence northerly along the east curb line of N-E- 122nd Avenue to a point 500 feet north of the north curb line of N-E- Sandy Boulevard; thence westerly following a line that is at all times parallel to and 500 feet from the north curb line of N-E- Sandy Boulevard until it intersects with the west curb line of N-E- 82nd; thence southerly along the west curb line of N-E- 82nd to the point of beginning.

Chapter 14B.40 Impoundment and Investigation for DUI

14B.40.010 Impoundment.

A vehicle used by a person arrested in the City of Portland for the offense of Driving Under the Influence of Intoxicants may be seized and impounded. The period of impoundment ~~shall~~must be sufficient to give the ~~Bureau of Police~~Portland Police Bureau a reasonable period of time to determine whether the person arrested has been previously convicted of or forfeited bail or security for Driving Under the Influence of Intoxicants in violation of the laws of Oregon or of any other jurisdiction, or has been previously convicted of or forfeited bail or security for murder, manslaughter, criminally negligent homicide or assault that resulted from the operation of a motor vehicle in Oregon or another jurisdiction. The vehicles of persons with such a criminal record are subject to forfeiture under state law.

14B.40.020 Investigation.

The ~~Bureau of Police~~Portland Police Bureau is authorized to initiate an investigation in pertinent state and national records databases for information relevant to making the determination described in Section 14B.40.010 and to compile that information in a readily accessible database.

14B.40.030 Administration and Fees.

The ~~Bureau of Police~~Portland Police Bureau is authorized to develop implementing procedures under this Chapter and to develop a fee structure which ensures that to the extent possible, the Bureau's costs and expenses in undertaking impoundment and investigation are paid by the person arrested for DUI, or other person or entity seeking to recover the vehicle.

Chapter 14B.50 Forfeiture

14B.50.010 Certain Vehicles as Nuisances.

~~(Amended by Ordinances 184197 and 184648, effective June 8, 2011.)~~

The following motor vehicles are hereby declared to be nuisances and subject to seizure and in rem civil forfeiture:

A.- A motor vehicle operated by a person whose operator's license is criminally suspended or revoked under ORS 811.182~~;~~

B.- A motor vehicle used to commit Driving Under the Influence of Intoxicants in violation of ORS 813.010, to the extent forfeiture of such vehicle is permitted under state law~~;~~

C.- A motor vehicle used to commit prostitution as defined in ORS 167.007~~(1)(b); or;~~

D.- A motor vehicle used to commit Fleeing or Attempting to Elude Police under ORS 811.540.

14B.50.020 Forfeiture Proceedings.

~~(Amended by Ordinances 180260 and 184197, effective October 27, 2010.)~~

All civil forfeitures conducted pursuant to this Chapter are subject to the procedures and limitations set forth in ORS Chapter 131A except that the distribution of proceeds in ORS 131A.360 is not applicable.

14B.50.030 Prostitution.

~~(Amended by Ordinances 184197 and 184648, effective June 8, 2011.)~~

Conduct involving violation ~~of~~including, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 167.007~~2~~ to 167.027, excluding 167.007~~(1)(a)~~ is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of Section 14B.50.020.

14B.50.035 Disbursement of Proceeds from Prostitution Forfeiture.

~~(Replaced by Ordinance 184648, effective June 8, 2011.)~~

A.- Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.030 ~~shall~~must be separately accounted for.

B.- After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.030, the forfeiting agency ~~shall~~must distribute or apply the proceeds in the following order:

- 1.- To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;
- 2.- To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to:
 - a.- the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;
 - b.- special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and
 - c.- expenses arising in connection with the sale of any forfeited property;
- 3.- The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this Subsection.

C.- After payment of costs under Subsection 14B.50.035 B., the forfeiting agency ~~shall~~will use seventy-five percent of the remaining proceeds to provide services, including but not limited to shelter services, for victims of human trafficking. The remaining twenty-five percent of the proceeds from any assets forfeited under or Section 14B.50.030 may be used by the Portland Police Bureau for law enforcement purposes relating to the provisions of ORS ~~167.002~~, 167.007 ~~(1)(b)~~, 167.012, and 167.017.

14B.50.040 Gambling.

Conduct involving violation ~~including~~including, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 167.11~~87~~87 to 167.16~~46~~46 is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of Section 14B.50.020.

14B.50.050 Money Laundering.

~~(Added by Ordinance 185503, effective August 17, 2012.)~~

Conduct involving a violation ~~of~~including, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 164.170 and 164.172 is hereby declared to

be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of Section 14B.50.020.

14B.50.055 Distribution of Proceeds from Money Laundering Forfeiture.

~~(Added by Ordinance 185503, effective August 17, 2012.)~~

A. Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.050 ~~shall~~must be separately accounted for.

B. After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.050, the forfeiting agency ~~shall~~must distribute or apply the proceeds in the following order:

1.- To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;

2.- To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to:

a.- the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;

b.- special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and

c.- expenses arising in connection with the sale of any forfeited property.

C. To the extent not addressed by a claim filed under ORS 131A.165, restitution awarded under ORS 137.105 ~~to 137.1093 et seq.~~ and compensatory fines awarded under ORS 137.101 ~~shall~~will be paid to any victim of the prohibited conduct or similar crime.

D. After payment of costs under Subsection 14B.50.055 B. and C., the forfeiting agency ~~shall~~may use any remaining proceeds for law enforcement purposes.

14B.50.060 Unlawful Operation of Private For-Hire Vehicle.

~~(Added by Ordinance 187092, effective April 21, 2015.)~~

Conduct involving violation of Portland City Code ~~Subsections~~ 16.40.090 A., ~~Sections~~ 16.40.130 ~~A.~~, 16.40.150 ~~A.~~, 16.40.190 ~~A.~~, 16.40.190 ~~B.~~, 16.40.560, 16.40.720, 16.40.730, or 16.40.740 is hereby declared to be prohibited conduct, and any property

that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of [Section 14B.50.020](#). A motor vehicle may be seized for forfeiture under this ~~s~~Section if the person operating the vehicle is arrested or issued a citation for Sections 16.40.090 ~~A.~~, 16.40.130 ~~A.~~, 16.40.150 ~~A.~~, 16.40.190 ~~A.~~, 16.40.190 ~~B.~~, 16.40.560, 16.40.720, 16.40.730, or 16.40.740 and the person, within three years prior to the arrest or issuance of the citation, has twice been convicted of any of the listed offenses at either a misdemeanor or violation-level.

14B.50.065 Disbursement of Proceeds from Unlawful Operation of Private For-Hire Vehicle Forfeiture.

~~(Added by Ordinance [187092](#), effective April 21, 2015.)~~

A.- Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.060 ~~shall~~ will be separately accounted for.

B.- After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.060, the forfeiting agency ~~shall~~ must distribute or apply the proceeds in the following order:

1.- To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;

2.- To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to:

a.- the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;

b.- special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and

c.- expenses arising in connection with the sale of any forfeited property.

C.- After payment of costs under Subsection B., the forfeiting agency ~~shall~~ may use any remaining proceeds for enforcement of the provisions of [Portland City Code](#) Chapter 16.40.

Chapter 14B.60 Chronic Nuisance Property

14B.60.010 Definitions.

For the purposes of this Chapter, the following definitions apply:

A.- Chronic ~~N~~uisance ~~P~~roperty means:

- 1.- Property on which three or more Nuisance Activities exist or have occurred during any ~~thirty~~(30) day period; ~~or,~~
- 2.- Property on which or within 200 feet of which any Person Associated With the Property has engaged in three or more Nuisance Activities during any ~~thirty~~(30) day period; ~~or,~~
- 3.- Property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, 475.005 through 475.285 and/or 475.940 through 475.995- has occurred within the previous ~~thirty~~(30) days, and the Chief of Police or a Precinct Commander has determined that the search warrant was based on evidence of continuous or repeated ~~N~~uisance ~~A~~activities at the ~~P~~roperty; ~~or,~~
- 4.- Property on which continuous or repeated ~~N~~uisance ~~A~~activities as defined in Portland City Code Subsections 14B.60.010 D.7.,_8.,_13., and/or 14. exist or have occurred.

~~**B.- Commissioner in Charge. The Portland City Commissioner assigned responsibility for the Bureau of Police.**~~

~~**BC.- Control means t.**~~The ability to regulate, restrain, dominate, counteract or govern Property, or conduct that occurs on a Property.

~~**CD.- Nuisance ~~A~~activities. means a**~~Any of the following activities, behaviors or conduct:

- 1.- Harassment as defined in ORS 166.065(1)(a)(~~A~~) and (~~B~~);
- 2.- ~~Intimidation-Bias~~ as defined in ORS 166.155 through 166.165~~;~~
- 3.- Disorderly conduct as defined in ORS 166.025~~;~~
- 4.- Assault or menacing as defined in ORS 163.160 through ORS 163.190~~;~~
- 5.- Sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as defined in ORS 163.415 through ORS 163.445~~;~~
- 6.- Public indecency as defined in ORS 163.465~~;~~

7.- Prostitution or related offenses as defined in ORS 167.007 through ORS 167.017_;

8.- Alcoholic liquor violations as defined in ORS ~~Chapter~~ 471.105 through 471.482_;

9.- Offensive littering as defined in ORS 164.805_;

10.- Criminal trespass as defined in ORS 164.243 through 164.265_;

11.- Theft as defined in ORS 164.015 through 164.140_;

12.- Arson or related offenses as defined in ORS 164.315 through 164.335_;

13.- Possession, manufacture, or delivery of a controlled substance or related offenses as defined in ~~ORS 167.203,~~ ORS 475.005_; ~~through 475.285, 4and/or 475.752940 and through 475.91295;~~

14.- Illegal gambling as defined in ORS 167.117, and/or ORS 167.122 through ORS 167.127_;

15.- Criminal mischief as defined in ORS 164.345 through 164.365_;

16.- Any attempt to commit (as defined in ORS 161.405), and/or conspiracy to commit (as defined in ORS 161.450), any of the above activities, behaviors or conduct_;

17.- Fire or discharge of a firearm as defined in ~~Portland City Code~~Section 14A.60.020_;

18.- Unlawful operation of sound producing or reproducing equipment as defined in ~~Portland City Code~~Section 14A.30.010 and/or excessive noise as defined in Portland City Code Chapters 18.04 and/or 18.14_;

19.- Unlawful drinking in public places as defined in Portland City Code 14A.50.010_;

20.- Curfew as defined in ~~Portland City Code~~Section 14A.80.010_; ~~or-~~

21.- Indecent exposure as defined in ~~Portland City Code~~Section 14A.40.030.

DE. Person means- ~~a~~Any natural person, agent, association, firm, partnership, corporation_; or other entity capable of owning, occupying_; or using ~~P~~property in the City of ~~Portland~~.

EF. Person Associated With— means aAny Pperson who, on the occasion of a Nnuisance Aactivity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a Pproperty or Pperson present on a Pproperty, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a Pproperty, Person in Charge, or owner of a Pproperty.

FG. Person in Charge m—eans aAny Pperson, in actual or constructive possession of a Pproperty, including but not limited to an owner or occupant of Property under ~~his or her~~their ownership or Ccontrol.

GH. Precinct Commander means- aAny Commander of the Portland Police Bureau in charge of a Precinct.

HI. Property means a—Any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, -building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For Pproperty consisting of more than one unit, Pproperty may be limited to the unit or the portion of the Pproperty on which any Nnuisance Aactivity has occurred or is occurring, but includes areas of the Pproperty used in common by all units of Pproperty including without limitation other structures erected on the Pproperty and areas used for parking, loading and landscaping.

14B.60.020 Violation.

A.- Any Property determined by the Chief of Police or a Precinct Commander to be Cchronic Nnuisance Pproperty is in violation of this Chapter and subject to its remedies.

B.- Any Person in Charge of Pproperty determined by the Chief of Police or a Precinct Commander to be a Cchronic Nnuisance Pproperty is in violation of this Chapter and subject to its remedies.

14B.60.030 Procedure.

A.- When the Chief of Police or a Precinct Commander receives two or more police reports documenting the occurrence of Nnuisance Aactivities on or within 200 feet of a Pproperty, the Chief of Police or Precinct Commander ~~shall~~will independently review such reports to determine whether they describe the activities, behaviors or conduct enumerated under ~~Portland City Code~~Subsections 14B.60.010 D.1.-through 21.- Upon such a finding, the Chief of Police or a Precinct Commander may notify the Person in Charge in writing that the Pproperty is in danger of becoming Cchronic Nnuisance Pproperty. The notice ~~shall~~must contain the following information:

1.- The street address or a legal description sufficient for identification of the ~~P~~roperty;

2.- A statement that the Chief of Police or Precinct Commander has information that the ~~P~~roperty may be ~~C~~hronic ~~N~~uisance ~~P~~roperty, with a concise description of the ~~N~~uisance ~~A~~activities that exist, or that have occurred.- The Chief of Police or the Precinct Commander ~~shall~~will offer the Person in Charge an opportunity to propose a course of action that the Chief of Police or the Precinct Commander agrees will abate the ~~N~~uisance ~~A~~activities giving rise to the violation; ~~and~~;

3.- Demand that the Person in Charge respond to the Chief of Police or the Precinct Commander within ~~ten~~(10) days to discuss the ~~N~~uisance ~~A~~activities.

B.- When the Chief of Police or Precinct Commander receives a police report documenting the occurrence of additional ~~N~~uisance ~~A~~activity on or within 200 feet of a ~~P~~roperty after notification as provided by ~~Portland City Code Subsection~~ 14B.60.030 A-4; or, in the case of ~~C~~hronic ~~N~~uisance ~~P~~roperty as defined in ~~Portland City Code Subsections~~ 14B.60.010 A.3. or 4., for which notice under ~~Portland City Code Subsection~~ 14B.60.030A is not required, the Chief of Police or the Precinct Commander ~~shall~~must notify the Person in Charge in writing that the Property has been determined to be a ~~C~~hronic ~~N~~uisance ~~P~~roperty.- The notice ~~shall~~will contain the following information:

1.- The street address or a legal description sufficient for identification of the Property;

2.- A statement that the Chief of Police or the Precinct Commander has determined the Property to be ~~C~~hronic ~~N~~uisance ~~P~~roperty with a concise description of the ~~N~~uisance ~~A~~activities leading to ~~his/her~~the determination;

3.- Demand that the Person in Charge respond within ~~ten~~(10) days to the Chief of Police or the Precinct Commander and propose a course of action that the Chief of Police or the Precinct Commander agrees will abate the ~~N~~uisance ~~A~~activities giving rise to the violation;

4.- Service ~~shall~~must be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the Person in Charge at the address of the Property determined to be a ~~C~~hronic ~~N~~uisance ~~P~~roperty, or such other place which is likely to give the Person in Charge notice of the determination by the Chief of Police or the Precinct Commander; ~~and~~

5.- A copy of the notice ~~shall~~must be served on the owner at the address shown on the tax rolls of the county in which the Property is located; and/or on the occupant at the address of the ~~P~~roperty, if these ~~P~~ersons are different than the

Person in Charge, ~~and Service shall will~~ be made either personally or by first class mail, postage prepaid.

C.- If the Person in Charge fails to respond as required by ~~Portland City Code Subsection~~ 14B.60.030 B.3., the Chief of Police or the Precinct Commander may refer the matter to the ~~Commissioner in Charge~~ City Administrator and the City Attorney. Prior to referring the matter to the ~~Commissioner in Charge and the City Attorney~~, the notice required by ~~Portland City Code Subsection~~ 14B.60.030 B. ~~shall must also~~ be posted at the property.

D.- If the Person in Charge responds as required by ~~Portland City Code Subsection~~ 14B.60.030 B.3. and agrees to abate ~~Nn~~uisance ~~Aa~~ctivities giving rise to the violation, the Chief of Police or the Precinct Commander may postpone referring the matter to the ~~Commissioner in Charge~~ City Administrator and the City Attorney. If an agreed course of action does not result in the abatement of the ~~Nn~~uisance ~~Aa~~ctivities within ~~sixty (60)~~ days; or, if no agreement concerning abatement is reached within ~~sixty (60)~~ days, the Chief of Police or the Precinct Commander may refer the matter to the ~~Commissioner in Charge~~ City Administrator and the City Attorney.

E.- When a Person in Charge ~~makes a response~~ se to the Chief of Police or the Precinct Commander as required by ~~Portland City Code Subsections~~ 14B.60.030 A.3. or B.3. any conduct or statements made in connection with the furnishing of that response ~~shall does~~ not constitute an admission that any ~~Nn~~uisance ~~Aa~~ctivities have occurred or are occurring.- This Subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.

F. The failure of any ~~Pp~~erson to receive notice as provided by ~~Portland City Code Subsections~~ 14B.60.030 A. or B. ~~shall will~~ not invalidate or otherwise affect the proceedings under this Chapter.

14B.60.040 Commencement of Actions; Remedies; Burden of Proof.

A.- The ~~Commissioner in Charge~~ City Administrator may authorize the City Attorney to commence legal proceedings in the Circuit Court to abate ~~Ec~~hronic ~~Nn~~uisance Property and to seek closure, the imposition of civil penalties against any or all of the Persons in Charge thereof, and, ~~any~~ other relief deemed appropriate.

B.- If the Court determines ~~Pp~~roperty to be ~~Ec~~hronic ~~Nn~~uisance ~~Pp~~roperty, the Court ~~shall will~~ order that the ~~Pp~~roperty be closed and secured against all unauthorized access, use and occupancy for a period of not less than six ~~(6)~~ months, nor more than one ~~(1)~~ year. The order ~~shall must~~ be entered as part of the final judgment. The Court ~~shall~~ retains jurisdiction during any period of closure.

C.- If the Court determines a ~~Pp~~roperty to be ~~Ec~~hronic ~~Nn~~uisance ~~Pp~~roperty, the Court may impose a civil penalty of up to \$100 per day for each day ~~Nn~~uisance

Activities occurred on the Property, following notice pursuant to ~~Portland City Code~~Subsection 14B.60.030 B.; or, the cost to the City to abate the Nuisance Activities at the ~~P~~property whichever is greater.- The amount of the civil penalty ~~shall will~~ be assessed against the Person in Charge and/or the ~~P~~property and may be included in the City's money judgment.

D.- If satisfied of the good faith of the Person in Charge, the Court ~~shall~~may not award civil penalties if the Court finds that the Person in Charge at all material times could not, in the exercise of reasonable care or diligence, determine that the ~~P~~property had become ~~C~~hronic ~~N~~uisance ~~P~~property.

E.- In establishing the amount of any civil penalty, the Court may consider any of the following factors and ~~shall~~must cite those found applicable:

- 1.- The actions taken by the Person in Charge to mitigate or correct the ~~N~~uisance ~~A~~activities at the ~~P~~property;
- 2.- The financial condition of the Person in Charge;
- 3.- Repeated or continuous nature of the problem;
- 4.- The magnitude or gravity of the problem;
- 5.- The cooperation of the Person in Charge with the City;
- 6.- The cost to the City of investigating and correcting or attempting to correct the ~~N~~uisance ~~A~~activities; and
- 7.- Any other factor deemed relevant by the Court.

F.- The City ~~shall have~~has the initial burden of proof to show by a preponderance of the evidence that the ~~P~~property is ~~C~~hronic ~~N~~uisance ~~P~~property.

G.- Evidence of a ~~P~~property's general reputation and/or the reputation of persons residing in or frequenting it ~~shall be~~is admissible.

14B.60.050 Summary Closure.

Any summary closure proceeding ~~shall~~must be based on evidence showing that ~~N~~uisance ~~a~~Activities exist or have occurred on the ~~P~~property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of summary closure ~~shall be~~are governed by the provisions of ORCP 79 for obtaining temporary restraining orders. In the event of summary closure, the City is not required to comply with the notification procedures set forth in ~~Portland City Code~~Subsections 14B.60.030 A. and B.

14B.60.060 Enforcement.

A.- The Court may authorize the City to physically secure the Property against all unauthorized access, use or occupancy in the event that the Person in Charge fails to do so within the time specified by the Court. In the event that the City is authorized to secure the Property, the City shall will recover all costs reasonably incurred by the City to physically secure the Property as provided by this Section. The City Bureau(s) physically securing the Property shall will prepare a statement of costs and the City shall may thereafter submit that statement to the Court for its review as provided by ORCP 68.

B.- The Person in Charge shall will pay reasonable relocation costs of a tenant ~~as defined by ORS 90.100(28)~~, if, without actual notice, the tenant moved into the Property after either:

1.- A Person in Charge received notice of the determination of the Chief of Police or any Precinct Commander pursuant to Portland City Code Subsection 14B.60.030 B.; or

2.- A Person in Charge received notice of an action brought pursuant to Portland City Code Section 14B.60.050.

C.- A lien shall will be created against the Property for the amount of the City's money judgment. In addition, any Person who is assessed penalties under Portland City Code Subsection 14B.60.040 C. and/or costs under Portland City Code Subsection 14B.60.060 A. ~~shall be is~~ personally liable for payment thereof to the City.- Judgments imposed by this Chapter shall will bear interest at the statutory rate.

14B.60.070 Attorney Fees.

The Court may, in its discretion, award attorneys' fees to the prevailing party.

Chapter 14B.70 Short Term Motel Rental

14B.70.010 Definitions.

For the purposes of this Chapter Section, the following definitions shall apply:

A.- Person in control means: an employee or owner with the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on or at the motel, hotel, inn, or other facility designed for overnight rental.

B.- Customer means: any person who pays valuable consideration to occupy any room or rooms in a motel, hotel, inn, or other facility designed for overnight rental.

C.- Employee means :-any officer, director, agent, or employee of a motel, or any independent contractor who works on or at the rental property.

D.- Fee means :-the consideration charged by the operator for the occupancy of space in a motel, valued in money, goods, labor, credits, or other consideration.

E.- Motel means :-any structure, or portion of any structure, which is occupied or intended or designed for dwelling, lodging, or sleeping purposes and includes but is not limited to any hotel, inn, tourist home, studio hotel, bachelor hotel, lodging house, and rooming house.

F.- Occupancy means :-the use or possession, or the right to the use or possession, for lodging or sleeping purposes of any –room or rooms in a motel.

G.- Operator means :-the person who is the proprietor of the motel in any capacity.

H.- Owner means :-any person, agent, firm, or corporation having a legal or equitable interest in a motel, and includes, but is not limited to a mortgagee in whom possession is vested all or part of the legal title to the property or all or part of the beneficial ownership and a right to present use and enjoyment of the property.

I.- Renting by the hour means:- the use or possession of any room for lodging or sleeping purposes ~~of any room~~ for an amount less ~~than~~ that ~~than~~ one-half of the minimum daily rental rate.

14B.70.020 Rental of Rooms

A.- A motel becomes a public nuisance when any motel employee or person in control permits on three or more occasions during any ~~thirty (30)-~~ thirty (30)- day period or ~~twelve (12)-~~ twelve (12)- month period, a customer to rent a room designed for dwelling, lodging, or sleeping purposes, by the hour, or rents the same room more than twice within a 24-hour period.

B.- Any motel which becomes a public nuisance is subject to the remedies provided for in this Chapter.

14B.70.030 Procedure.

A. When the City believes the motel property has become a public nuisance as defined in this Chapter, the City ~~shall will~~ attempt to notify the owner(s) of record and the person, firm, or corporation in possession of the property, in writing that the property has been determined to be a public nuisance. The notice ~~shall~~ must contain the following information:

1A. The street address and a legal description sufficient for identification of the property;

2B. A statement that the City has found the property to be a public nuisance, together with a concise description of the events or conditions leading to this finding, including the date and time of the events or conditions; ~~and~~

3C. Demand that the owner or rightful possessor of the motel property respond within ~~twenty (20)~~ days to the Chief of Police or the Precinct Commander and appeal the City's determination or propose an abatement plan that the Chief of Police or the Precinct Commander agrees will abate the nuisance activities giving rise to the violation.

BD. The City ~~shall~~ will attempt to serve a copy of the notice personally on the owner, rightful possessor, or agent, if known, at least ~~ten (10)~~ days before the commencement of any judicial action by the City. In addition, the notice ~~shall~~ will be mailed certified mail, return receipt requested, postage prepaid, and addressed to the owner of the business at the address of the property believed to be a public nuisance and to such other address as is shown on Multnomah County tax rolls, or such other place which is believed to give the owner of the business and of the property actual notice of the City's determination; ~~and~~

CE. The failure of any person or owner to receive actual notice of the funding of a public nuisance as defined in this Chapter ~~shall~~ does not invalidate or otherwise affect the proceedings under this Chapter.

14B.70.040 Appeals Process

A.- If the owner, business, agent, or rightful possessor of the property disagrees with the City's findings and determination, the owner or other rightful possessor may file an appeal with ~~Bureau of Police~~ Portland Police Bureau within ~~twenty (20)~~ days of the City's determination that the motel property is a public nuisance.

B.- The request for the appeal ~~shall~~ must be in writing, and include the owner or rightful possessor's full name, street address and legal description sufficient for identification of the property determined a public nuisance, and the reason(s) for disagreement with the City's findings and determination.

C.- Should the owner or rightful possessor of the property be dissatisfied with the outcome of the appeal, the owner or rightful possessor may issue a further appeal to the City Code Hearings Officer pursuant to Chapter 22.10 of this Code.

14B.70.050 City Remedies.

A.- The Chief of Police or the Precinct Commander may refer the matter to the City Attorney where:

1.- The owner or rightful possessor fails to respond within ~~twenty (20)~~ days from the determination that the motel property constitutes a public nuisance by the

Chief of Police or Precinct Commander, either by appealing the City's determination or by submitting a proposed abatement plan as provided in this Chapter;

2.- No agreeable written abatement plan for abatement is reached within ~~thirty~~ (30) days from determination of a public nuisance by the Chief of Police or the Precinct Commander;

3.- The owner or rightful possessor fails to execute commencement of the abatement plan within a reasonable amount of time, not to exceed ~~sixty~~ (60) days of the plan's enactment; or

4.- The owner or rightful possessor fails to comply and maintain compliance with all conditions of the written abatement plan for one year.

B.- Failure to respond or failure to propose an abatement plan ~~shall be~~ prima facie evidence of the owner or rightful possessor's lack of cooperation. Failure to execute or comply with any abatement plan ~~shall be~~ prima facie evidence of lack of good faith in mitigating or correcting the situation.

C.- When the owner or rightful possessor makes a response to the Chief of Police or the Precinct Commander as required by this Chapter, any conduct or statements made in connection with the response does not constitute an admission that any nuisance activities have occurred or are occurring. This Subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.

D.- If a court determines a motel to be a public nuisance within the meaning of this Chapter, the court may order any remedy it deems appropriate to abate the nuisance, including ~~a~~ civil penalties not to exceed \$500 for the first occasion and not to exceed \$2,500 for the second occasion, and closure of the motel for up to six months for the third occasion.

Chapter 14B.80 Graffiti Nuisance Property

14B.80.010 Declaration of Purpose.

A.- It is the purpose and intent of this ordinance to provide for a procedure for removal of graffiti from buildings, walls, and other structures in order to reduce social deterioration within the City and to promote public safety and health.

B.- The Manager may adopt procedures, forms, and written policies for administering and implementing the provisions of this Chapter.

14B.80.020 Graffiti Nuisance Property.

A.- Any property, building, or structure within the City ~~of Portland~~ which becomes a graffiti nuisance property is in violation of this Chapter and is subject to its remedies.

B.- Any person who permits property under their control to become a graffiti nuisance property ~~shall will~~ be in violation of this Chapter and subject to its remedies.

14B.80.030 Definitions.

For the purposes of this Chapter, the following definitions ~~shall~~ apply:

A.- Graffiti means: ~~a~~Any unauthorized markings of paint, ink, chalk, dye or other similar substance which is visible from premises open to the public, and that have been placed upon any real or personal property such as buildings, fences, structures, or the unauthorized etching or scratching of such described surfaces where the markings are visible from premises open to the public, such as public rights of way or other publicly owned property.

B.- Manager means: ~~t~~The Graffiti Abatement Manager is the City official, or ~~-~~designated representative, who is responsible for the administration of the Graffiti Nuisance Abatement program under this Chapter. In accordance with adopted procedures, the Manager may appoint such officers, employees and agents as ~~shall be~~ are authorized and necessary to enforce the provisions of this Chapter.

C.- Graffiti Nuisance Pproperty means: ~~p~~Property upon which graffiti has been placed and such graffiti has been permitted to remain for more than ~~ten (10)~~ days after the property owner of record has been issued written notification pursuant to Subsection 14B.80.040 B.

D.- Occupant: means ~~a~~Any person or sublessee, successor or assignee who has control over property.

E.- Owner: means ~~a~~Any person, agent, firm or corporation having a legal or equitable interest in a property and includes but is not limited to:

1.- A mortgagor in possession in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and a right to present use and enjoyment of the premises; or

2.- An occupant who has control over the property/premises.

F.- Permit: means ~~k~~Knowingly to suffer, allow, or acquiesce by any failure, refusal or neglect to abate.

G.- Property: means aAny real or personal property and that which is affixed incidental or appurtenant to real property but not limited to any premises, house, building, fence, structure or any separate part thereof, whether permanent or not.

H.- Unauthorized: means wWithout the consent of the owner or the occupant.

14B.80.040 Procedures.

~~(Amended by Ordinances 178352 and 191628, effective February 14, 2024.)~~

A.- Required Graffiti Removal.- The owner or occupant of any property in the City ~~shall must~~ remove any graffiti from such property within ~~ten (10)~~ days of the graffiti's appearance.

B. Notification.

1.- Whenever the Manager determines that graffiti exists on any structure in the City of Portland, the Manager may issue an abatement notice.

2.- The Manager ~~shall will~~ cause the notice to be served upon the property owner and any occupant. The owner or occupant ~~shall have~~ has ~~ten (10)~~ days after the date of service of the notice in which to remove the graffiti. The Graffiti Abatement Manager ~~shall have~~ has the sole discretion to grant the property owner the option of giving the City written permission to enter on the property and remove the graffiti.

3.- Service ~~shall will~~ be accomplished by addressing the notice to the owner and occupant and sending it by personal service, registered mail or certified mail. -Service on the occupant may also be accomplished by posting the notice in a clearly visible location on the subject property.

4.- If graffiti is not removed or written permission is not given to the City to remove the graffiti, the costs of removal may be assessed to the owner and will become a lien on the affected property. For each instance of graffiti abatement, the Manager ~~shall will~~ keep an accurate account of all expenses incurred, including an overhead charge of 25 percent for program administration and a civil penalty of \$250 for each abatement. In the event that the measures taken are deemed by the Code Hearings Officer to be appropriate, the cost for the same may be made as an assessment lien upon the property.

C.- Appeal.

1.- Within ~~ten (10)~~ days of the receipt of the notice, the property owner or occupant may appeal the notice from the Manager to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10 of this Code.

2.- Upon receipt of the appeal request, the Code Hearings Officer ~~shall~~must set the matter for hearing within ~~ten~~(10) business days.- If the Code Hearings Officer finds the property to be a ~~G~~graffiti ~~N~~nuisance ~~P~~property, and the owner or responsible party has been given notice in accordance with Subsection B. above, the Code Hearings Officer ~~shall~~will specify when and under what conditions the graffiti ~~shall~~must be abated.

D.- Removal of ~~G~~graffiti.

1.- The Manager may summarily abate any graffiti on any utility poles and cabinets, on exterior walls and fences immediately abutting public streets or property, or on any public property, including but not limited to traffic signs and lights.

2.- Whenever the Manager has reasonable cause to believe that there exists upon any building or structure any graffiti requiring abatement under this Chapter, the Manager may enter upon the graffiti nuisance property at all reasonable times to perform any duty imposed on the Manager under this Chapter, and to enforce the provisions of this Chapter.- Upon the failure to comply with the notice of abatement by the designated compliance date, and if the property owner or occupant has not appealed the notice as provided under Subsection C., the following steps may be taken if the graffiti nuisance property is plainly enclosed to create privacy and prevent access by unauthorized persons:

a.- ~~if~~ the graffiti nuisance property is occupied, the Manager ~~shall~~will first present proper credentials and demand entry to cause the graffiti to be abated. If entry is refused, the Manager may attempt to secure entry by any legal means;~~:-~~ or

b.- ~~if~~ the graffiti nuisance property is unoccupied, the Manager ~~shall~~will first make a reasonable attempt to locate the owner or occupant and demand entry. Such demand may be included in the initial notice sent to the owner or occupant under Subsection B. above. If entry is refused, the Manager may attempt to secure entry by any legal means.

(1)- If the Manager has first obtained an administrative search warrant to secure entry onto the graffiti nuisance property to abate the graffiti, no owner or occupant ~~shall~~may refuse, fail or neglect, after proper request, to promptly permit entry by the Manager to abate the graffiti.

(2)- It ~~shall~~be unlawful for any owner or occupant to refuse to permit entry by the Manager to abate graffiti under this Chapter after an administrative search warrant has been obtained. Any violation of this Subsection is punishable upon conviction by a fine

of not more than \$500 and a jail sentence of up to ~~six months~~6 months.

c.- If the graffiti is not removed and abated, or cause shown, as specified above, the Manager may cause the graffiti to be removed and abated upon issuance of an Administrative Search warrant.

(1)- Graffiti Aabatement.- If the graffiti is not removed and abated, or cause shown, as specified above, the Manager may cause the graffiti to be removed and abated.

(2)- Warrants.- The Manager may request any Circuit Court judge to issue a graffiti abatement warrant whenever entry onto private property is necessary to remove and abate any graffiti.

(3)- Grounds for Issuance of Graffiti Aabatement Wwarrants; Aaffidavit.

(a)- Affidavit.- A graffiti abatement warrant ~~shall~~will be issued only upon cause, supported by affidavit, particularly describing:- the applicant's status in applying for the warrant;- the ordinance or regulation requiring or authorizing the removal and abatement of the graffiti; the building or property to be entered; the basis upon which cause exists to remove or abate the graffiti, and a statement of the graffiti to be removed or abated.

(b)- Cause.- Cause ~~shall~~will be deemed to exist if there is reasonable belief that a graffiti violation exists, as defined in this Chapter, with respect to the designated property, and that the property owner has been given notice and an opportunity to abate the graffiti, and has not responded in a timely fashion.

(4) Procedure for ~~i~~ssuance of a Graffiti Aabatement Wwarrant.

(a)- Examination.- Before issuing a graffiti abatement warrant, the judge may examine the applicant and any other witness under oath and ~~shall~~be satisfied of the existence of grounds for granting such application.

(b)- Issuance.- If the judge is satisfied that cause for the removal and abatement of any graffiti nuisance exists and that the other requirements for granting the application are satisfied, the judge ~~shall~~will issue the graffiti abatement warrant, particularly describing the person or persons

authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.- The warrant ~~shall~~will contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

(c)- Police ~~A~~assistance.- In issuing a graffiti abatement warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of the bureau in any way necessary to enter the property and, remove and abate the graffiti.

(5)- Execution of ~~G~~raffiti ~~A~~abatement ~~W~~warrants.

(a)- Occupied ~~P~~property.- Except as provided in Subsection 14B.80.040 D.2., in executing a graffiti abatement warrant, the person authorized to execute the warrant ~~shall~~will, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.- A copy of the warrant ~~shall~~must be left with the occupant or the person in possession.

(b)- Unoccupied ~~P~~property.- In executing a graffiti abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in Subsection 14B.80.040 D.2.c.(5)(a), but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the graffiti abatement warrant ~~shall~~must be conspicuously posted on the property.

(c) -Return.- A graffiti abatement warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this ~~s~~Subsection, the warrant unless executed is void.

E. -Graffiti ~~A~~abatement ~~C~~consent ~~F~~forms.

1.- The Manager ~~shall~~will develop consent forms allowing the Manager to enter onto property to abate the graffiti without prior notice from the Manager.- The Manager ~~shall~~will make these consent forms available to the public.

2.- Property owners and occupants may request and sign consent forms for allowing graffiti abatement.- The Graffiti Abatement Manager ~~shall~~will renew the consent forms at least biannually.

F.- To enforce any of the requirements of this Title, the Manager may gain compliance by instituting an action before the Code Hearings Officer as set out in Title 22 of City code in addition to any other available remedies.

Chapter 14B.85 Graffiti Materials and Sales

~~(Chapter added by Ordinance 181231, effective September 28, 2007.)~~

14B.85.010 Definitions

For the purposes of this Chapter, ~~the terms used in this Chapter shall be defined as provided in this Section~~the following definitions apply:

A. ~~-Manager:~~ means the Manager is the City official, or designated representative, responsible for the administration of the Graffiti Nuisance Abatement program under Chapter 14B.80.

B. ~~-Paint pen.~~means a tube, marker, or other pen-like instrument with a tip of ~~one-quarter (1/4)~~ inch in diameter or greater that contains paint or a similar fluid and an internal paint agitator.

C. ~~-Graffiti material.~~means ~~A~~any can of spray paint, spray paint nozzle, paint pen, glass cutting tool, or glass etching tool or instrument.

D. ~~-Spray paint.~~ means aAny aerosol container that is made or adapted for the purpose of applying paint or other substance capable of defacing property.

E. ~~-Spray paint nozzle.~~ means a~~A~~ nozzle designed to deliver a spray of paint of particular width or flow from a can of spray paint.

14B.85.020 Sale and Display of Graffiti Materials.

A. ~~-Picture~~ identification and ~~T~~tracking.

1. -Any person who owns, conducts, operates, or manages a business where graffiti materials are sold ~~shall~~must obtain current and acceptable identification when selling graffiti material to any person.- The purchaser ~~shall~~must sign a sales form that tracks the graffiti material by lot number.- The seller completing the transaction ~~shall~~must initial the sales form, confirming that the purchaser is presenting acceptable identification that belongs to and is the same person as the purchaser.- The entire sales form is subject to disclosure pursuant to Oregon Public Records Law.

2.- The seller ~~shall~~must maintain a log of all sales of graffiti materials.- The log ~~will~~shall include the names of purchasers, a description of the graffiti material sold to the purchaser, the invoice or sales form number for the sale and the date of the sale.- The seller ~~shall~~must maintain the log for a period of two years from the date of the sale.- Upon presentation of official identification, any representative of the Portland Police Bureau or any designated representative of the Manager may enter the business location of a business where graffiti materials are sold to ensure compliance with the provisions of this Chapter.- The inspection ~~shall be~~is for the limited purpose of inspecting the business location, and the log maintained by the seller to determine compliance with the requirements of this Chapter.- Any inspection under this Section ~~shall is~~be authorized to occur only during normal business hours of the business location.

3.- For purposes of this Chapter, “**acceptable identification**” ~~shall~~means either a valid driver’s license, a State of Oregon Identification Card issued by the Department of Motor Vehicles, or a valid government-issued identification card and a second piece of identification one of which has a photograph of the purchaser.- The employee completing the transaction must visually confirm that the photograph on the identification document is of the person presenting the identification and to whom the graffiti materials are being sold.

B. -Display and ~~S~~sstorage.- ~~As of November 1, 2007, it shall be~~is unlawful for any person who owns, conducts, operates, or manages a business where graffiti materials are sold or who sells or offers for sale any graffiti material to store or display, or cause to be stored or displayed graffiti material in an area that is accessible to the public without employee assistance in the regular course of business pending legal sale or other disposition.- This Ordinance ~~shall~~should not be construed to preclude or prohibit the storage or display of graffiti material in an area viewable by the public so long as such items are not accessible to the public without employee assistance.

14B.85.030 Civil Penalties.

A.- The Manager may file a complaint with the Code Hearings Officer, as provided under Portland City Code Section 22.03.020, for any violation of the provisions of this Chapter, asking the Code Hearings Officer to impose civil penalties as provided in this Section.- Having made a determination to ask that the Code Hearings Officer

to impose civil penalties as provided by this Section, the Manager ~~shall~~must give the person written notice of the determination by causing notice to be served upon the person at their business or residence address.- Service of the notice ~~shall~~may be accomplished by mailing the notice by regular mail, or at the option of the Manager, by personal service in the same manner as a summons served in an action at law.- Mailing of the notice by regular mail ~~shall be~~is prima facie evidence of receipt of the notice.- Service of notice upon the person apparently in charge of a business during its hours of operation ~~shall~~will constitute prima facie evidence of notice to the business owner.

B.- The Code Hearings Officer may impose civil penalties of up to \$5,000 for any person's first violation of this Chapter.- The Code Hearings Officer may impose civil penalties of up to \$15,000 for second violations of this Chapter by the same person.- The Code Hearings Officer may impose civil penalties of up to \$25,000 for third or additional violations of this Chapter by the same person.

C.- In determining the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Code Hearings Officer ~~wi~~shall consider:

- 1.- The extent and nature of the person's involvement in the violation;
- 2.- The economic or financial benefit accruing or likely to accrue as a result of the violations;
- 3.- Whether the violations were repeated or continuous, or isolated and temporary;
- 4.- The magnitude and seriousness of the violation;
- 5.- The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
- 6.- Any other factors the Code Hearings Officer may deem to be relevant.

D.- The Manager's decision to file a complaint under ~~s~~Subsection A seeking civil penalties for any violations of this Chapter ~~shall be~~is an exclusive choice of remedies for enforcement of the requirements of this Chapter for those violations. In such cases, no criminal penalties may be imposed under Section 14B.85.040.

14B.85.040 Criminal Penalties.

Except as provided in Section 14B.85.030, the intentional or knowing violation of any provision of this Chapter is punishable upon conviction by a fine of not more than \$500 or by imprisonment for not more than ~~six~~6 months, or both.

Chapter 14B.90 Secondhand Dealers

~~(Chapter replaced by Ordinance 181303, effective October 26, 2007.)~~

14B.90.010 Purpose.

~~(Amended by Ordinance 188976, effective June 29, 2018.)~~

The Council's purpose in adopting this Chapter is to regulate certain business activities that present an extraordinary risk of being used by criminals to dispose of stolen property. The Council finds that this risk is present despite the best efforts of legitimate secondhand dealer businesses because these businesses process large volumes of goods and materials that are frequently the subject of theft. This Chapter is intended to reduce this type of criminal activity by providing timely police awareness of such property transactions and by regulating the conduct of Persons engaged in this business activity. The Council finds that these regulations are necessary and the need for the regulations outweighs any anti-competitive effect that may result from their adoption.

14B.90.020 Definitions.

~~(Amended by Ordinances 186746, 188976 and 191134, effective February 17, 2023.)~~

For the purposes of this Chapter, the following definitions apply ~~As used in this Chapter,~~ unless the context requires otherwise:

A. "Acceptable Identification" means either:

- 1.- A current driver's license or a State of Oregon Identification Card issued by the Department of Motor Vehicles; ~~or~~
- 2.- Two current United States, state or local government-issued identification cards, one of which has a photograph of the Seller; or
- 3.- One of the following, when the transaction report includes the Seller's thumbprint:
 - a.- aA current United States, state, or local government-issued identification card which has a photograph of the Seller; ~~or~~
 - b.- aA current passport from any country; or
 - c.- aA current Consulate Identity Card. ~~or~~

B. "Acquire" means to take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales; consignments; memoranda between a Ddealer and a private party Seller; leases; trade-ins; loans; and abandonments. Any acquisition of Regulated Property by a Ddealer will be

presumed to be an acquisition on behalf of the ~~S~~secondhand ~~D~~dealer business. Notwithstanding the foregoing, "**acquire**" does not include:

- 1.- Any loans made in compliance with state laws by ~~P~~persons licensed as Pawnbrokers by the State of Oregon; ~~or~~-~~or~~
- 2.- Memoranda between a Dealer and a ~~P~~person engaged in the business of selling ~~R~~regulated ~~P~~property; ~~-~~

C.- "Business Location" means any physical location where the ~~D~~dealer conducts business.

D.- "Chief of Police" means the Chief of the Portland Police Bureau or designee; ~~-~~

E.- "Consulate Identity Card" means a Mexican Matricula Consular issued after 2014 or an identity card issued by a foreign consulate located in the United States with an application process and cards that meet the following criteria:

- 1.- The applicant must be a citizen of the country served by the consulate and must apply for the card in person; and
- 2.- In addition to fingerprints and digital photographs, the applicant must provide:
 - a.- ~~a~~A birth certificate from the country served by the consulate; and
 - b.- ~~a~~An official identification from that country, such as a voter identification card; and
 - c.- ~~p~~Proof of address within the issuing consulate's consular district; ~~-~~
- 3.- The consulate's identification database must be linked to a national security database in the home country; ~~and~~
- 4.- The issuance of the consulate identification card is supported by a centralized system to avoid duplications and confirm the authenticity of required documents and information; ~~and~~
- 5.- Consulates must have access to an electronic consular identification database; ~~and~~ ~~-~~
- 6.- The identity cards must be printed on plastic and incorporate security features including but not limited to:
 - a.- Visible and invisible marks;
 - b.- A background design with high quality print and micro test frames;

- c.- Text with different colors of ink;
- d.- Embedded identity data on a cryptographic chip;
- e.- A clear photograph; and
- f.- A laser engraved unique card number.

A Ddealer should contact the Portland Police Bureau if there are questions about whether an identity card from a country other than Mexico will serve as Aacceptable Iidentification for Ssecondhand transactions.

F.- "Criminal Aarrests or Cconvictions" refers to any offense defined by the statutes of the State of Oregon or ordinances of the City ~~of Portland~~, unless otherwise specified. Any arrest or conviction for conduct other than that denoted by the statutes of the State of Oregon or ordinances of the City ~~of Portland~~, as specified herein, will be considered to be equivalent to one of such offenses if the elements of such offense for which the Pperson was arrested or convicted would have constituted one of the above offenses under the applicable Oregon statutes or Portland ordinance provisions.

G.- "Dealer".

1.- Means any:

a.- sSole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business and that:

b.- eEither:

(1)- Acquires Rregulated Pproperty at or from Bbusiness Llocations within the City of Portland, or on behalf of such a business regardless of where the acquisition occurs, or

(2)- Offers for sale Rregulated Pproperty;:-

2.- Dealers that acquire or offer for sale not more than 50 items of Rregulated Pproperty in any one-year period will be categorized as an "Occasional Ssecondhand Ddealer." The term "Ddealer" in this Chapter and all regulations herein refer to Ssecondhand Ddealers, Occasional Ssecondhand Ddealers and Ppawnbrokers unless specifically stated otherwise;:-

3.- "Ddealer" does not include:

a.- ~~a~~A ~~P~~business whose acquisitions of ~~R~~regulated ~~P~~property consist exclusively of donated items and/or purchases from 501(c)3 organizations;
~~or~~

b.- ~~a~~A ~~P~~person whose only business transactions with ~~R~~regulated ~~P~~property in ~~the City of~~Portland consist of the sale of personal property acquired for household or other personal use; or

c.- ~~a~~A ~~P~~person whose only business transactions with ~~R~~regulated ~~P~~property in the City ~~of Portland~~ consist of a display space, booth, or table maintained for displaying or selling merchandise at any ~~T~~rade ~~S~~show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any calendar year.~~;~~

~~H.~~ **"Director"** means ~~the Director of the Bureau of Revenue and Financial Services Revenue Division or designee.~~

~~H~~I.- **"Held ~~P~~property"** means any ~~R~~regulated ~~P~~property that cannot be sold, dismantled or otherwise disposed of for a proscribed period of time as more specifically enumerated in Section 14B.90.090.

~~I~~J.- **"Investment ~~P~~purposes"** means the purchase of personal property by businesses and the retention of that property in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.

~~J~~K.- **"Medication"** means any substance or preparation, prescription or over-the-counter, used in treating or caring for ailments and/or conditions in humans or animals.

~~K~~L.- **"New"** means anything conspicuously not Used.

~~L~~M.- **"Pawnbroker"** means any business required by ~~Oregon Revised Statute~~ ORS 726.040 to hold an Oregon Pawnbroker's license. Pawnbrokers are required by Chapter 14B.90 to have a ~~S~~secondhand ~~D~~dealer ~~P~~permit. As a ~~D~~dealer, all transactions occurring within their business (loans, buys, or consignments) are subject to all requirements within this Chapter unless otherwise stated.

~~M~~N.- **"Person"** means a natural ~~P~~person.

~~N~~O.- **"Principal"** means any ~~P~~person who will be directly engaged or employed in the management or operation of the ~~S~~secondhand ~~D~~dealer business, including any owners and any shareholders with a five5 percent or greater interest in the company.

~~O~~P.- **"Receive"** means to take property into the inventory, possession, or control of a ~~D~~dealer.

PQ. "Reporting system" means the computer system or database **D**dealers are required to use to report acquisitions of **R**regulated **P**roperty to the Police Bureau.

QR. "Registered Bbusiness" means an entity that is:

- 1.- Registered with the Oregon Secretary of State Corporation Division or its equivalent in the state where the business is located; and
- 2.- Compliant with the City of **P**ortland Tax Division business registration requirements.

RS. "Regulated Pproperty" means property of a type that has been determined by the Portland Police Bureau to be property that is frequently the subject of theft, including **N**ew items as defined in Section 14B.90.020 as well as **U**used items such as precious metals, precious gems, watches, sterling silver, electronic equipment, photography equipment, tools, musical instruments and cases, firearms, sporting equipment, and household appliances. A list of **R**regulated **P**roperty is included in the **a**Administrative **r**Rules and may be updated at any time in order to enhance the Bureau's ability to reduce property crimes and recover stolen goods.

ST. "Remanufactured" means that an item has been altered to the degree that the main components are no longer identifiable as the original item.

TU. "Seller" means any **P**erson who:

- 1.- Offers items of **R**regulated **P**roperty in exchange for money or other property; or as collateral for a loan; or
- 2.- Donates or abandons items of **R**regulated **P**roperty.

UV. "Trade Sshow" means an event open to the public, held in a venue other than a **D**dealer's **B**business **L**ocation, at which vendors of a specific type of merchandise may exhibit, buy, sell, or trade items that may include **R**regulated **P**roperty.

Events commonly known as flea markets or swap meets, in which goods of many types are exhibited, sold or traded, are not considered **T**rade **S**shows for the purpose of this Chapter.

VW. "Transaction Rreport" means the record of the information required by **Subsection** 14B.90.080, transmitted to the Police Bureau by the means required in the **a**Administrative **r**Rules.

WX. "Used" means anything that has been put into action or service.

14B.90.030 Permit Required.

~~(Amended by Ordinances 186746 and 188976, effective June 29, 2018.)~~

A.- No Person or business ~~shall~~may engage in, conduct or carry on a secondhand dealer business in the City without a valid Ssecondhand Ddealer Ppermit issued by the Revenue Division.

B.- Upon acquiring or offering for sale more than 50 items of Regulated Property during any one-year period, an Occasional Ssecondhand Ddealer ~~shall~~must apply for and obtain a Ssecondhand Ddealer Ppermit before acquiring any more items of Regulated Property.

C.- Any Person or business that advertises or otherwise holds ~~him/herself~~themselves out to be acquiring or offering for sale Regulated Property within the City will be presumed to be operating as a Ddealer subject to the terms of Chapter 14B.90.

D.- The sale of Regulated Property at events commonly known as "garage sales," "yard sales," or "estate sales," is exempt from these regulations if all of the following are present:

- 1.- No sale exceeds a period of 72 consecutive hours; and
- 2.- No more than four sales are held at the same location in any twelve-month period.

14B.90.035 Minimum Standards.

~~(Amended by Ordinance 188976, effective June 29, 2018.)~~

A.- No Person or business may operate as a Ddealer within the City ~~of Portland~~ unless the Person or business maintains a fixed physical Business Location, and is a Registered Business.

B.- Dealers ~~shall~~must comply with all applicable federal, state, and local regulations.

14B.90.040 Application for Permit.

~~(Amended by Ordinances 186746 and 188976, effective June 29, 2018.)~~

A.- An applicant for a Ssecondhand Ddealer Ppermit ~~shall~~must complete and submit an application (including required personal history forms) that sets forth the following information:

- 1.- The name, address, telephone number, birth date and principal occupation of all owners and any Person who will be directly engaged or employed in the management or operation of the business or the proposed business;

2.- The name, address and telephone number of the business or proposed business and a description of the exact nature of the business to be operated;

3.- The web address of all web pages used to acquire or offer for sale ~~R~~regulated ~~P~~property on behalf of the ~~D~~dealer, and any and all internet auction account names used to acquire or offer for sale ~~R~~regulated ~~P~~property on behalf of the ~~D~~dealer.

4.- Written proof that all ~~P~~principals are at least 18 years of age;

5.- Each ~~P~~principal's business occupation or employment for the ~~3~~three years immediately preceding the date of application;

6.- The business license and permit history of the applicant in operating a business identical to or similar to those regulated by Chapter 14B.90;

7.- A brief summary of the applicant's business history in any jurisdiction including:

a.- ~~t~~he business license or permit history of the applicant; and,

b.- ~~w~~hether the applicant or any ~~P~~principal has ever had any business-related license or permit revoked or suspended, the reasons therefor, and the business activity or occupation of the applicant or ~~P~~principal subsequent to the suspension or revocation;

8.- Whether the applicant will be a sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business;

a.- If a partnership, the application must set forth the names, birth dates, addresses, telephone numbers, and principal occupations, along with all other information required of any individual applicant, of each partner, whether general, limited, or silent, and the respective ownership shares owned by each;

b.- If a corporation, or limited liability company, the application must set forth the corporate or company name, copies of the articles of incorporation or organization and the corporate by-laws or operating agreement, and the names, addresses, birth dates, telephone numbers, and principal occupations, along with all other information required of any individual applicant, of every officer, director, members or managers, and shareholder (owning more than five percent of the outstanding shares) and the number of shares held by each;

9.- If the applicant does not own the business premises, a true and complete copy of the executed lease (and the legal description of the premises to be permitted) must be attached to the application;

10.- All ~~E~~riminal ~~A~~rrests or ~~C~~onvictions of each ~~P~~principal enumerated in ~~paragraphs Subsections~~ 1 through 7 ~~of this Subsection~~;

11.- Upon request, ~~P~~principals and employees ~~shall~~will submit fingerprints and passport size photographs to the Portland Police Bureau. ~~Principals and employees must submit new photos if requested to do so by the Portland Police Bureau; and~~

12.- Any other information that the ~~Director~~City Administrator may reasonably feel is necessary to accomplish the goals of this Chapter.

B.- The ~~D~~dealer ~~shall~~must notify the Revenue Division of any changes in the information required in Subsection A. within ~~10~~ten business days.

C.- New employees of ~~D~~dealers ~~shall~~must complete and submit the personal history form as required in Subsection A. ~~Employees may not acquire Rregulated Pproperty until all required information has been reviewed and approved by the Portland Police Bureau. The criteria used to review a new employee will be the same as those used in the review of an initial application in Subsection 14B.90.050 B.~~

D.- The personal and business information contained in the application forms required pursuant to Subsection 14B.90.040 A. are subject to the requirements of the Oregon Public Records Law, ORS 192.~~311440 et seq~~through 192.405.

14B.90.050 Issuance and Renewal of Permit.

~~(Amended by Ordinances 186746 and 188976, effective June 29, 2018.)~~

A.- Upon the filing of an application for a permit and payment of the required fee, the Chief of Police ~~shall~~will conduct an investigation of the applicant and all principals and employees listed according to the requirements in Subsection 14B.90.040 A. The ~~Director~~City Administrator ~~shall~~will issue the permit within 90 days of receiving the application if no cause for denial exists.

B.- Except as provided in Subsection 14B.90.050 C. the ~~Director~~City Administrator ~~shall~~must deny an application for a permit if any of the following apply:

1.- The applicant, or any ~~P~~person who will be directly engaged in the management or operation of the business, or any ~~P~~person who owns a five percent or more interest in the business, has previously owned or operated a business regulated by Chapter 14B.90; and

a.- the license or permit for the business has been revoked for cause that would be grounds for revocation pursuant to Chapter 14B.90; or

b.- the business has been found to constitute a public nuisance and abatement has been ordered;

2.- Any ~~P~~person listed on the initial application or renewal application has been convicted of one or more of the offenses listed below or has violated any ~~s~~Section of Chapter 14B.90. The offenses include:

a.- ~~a~~Any felony; or

b.- ~~a~~Any misdemeanor or violation involving either bribery, controlled substances, deception, dishonesty, forgery, fraud, or theft, or any attempt or conspiracy to commit any of the listed offenses;

3.- The ~~Director~~City Administrator finds by a preponderance of the evidence that the applicant or any Principal or employee has committed any offense relating to fraud, theft or any attempt or conspiracy to commit theft, or any offense listed in Section 14B.90.120;

4.- The ~~Director~~City Administrator finds by a preponderance of the evidence that the applicant or any ~~P~~principal or employee who will be involved in the business has violated any law where the elements of such law are equivalent to the provisions of Chapter 14B.90;

5.- Any statement in the application is false or any required information is withheld; or

6.- The ~~Director~~City Administrator finds by a preponderance of the evidence that the applicant, or any person who will be directly engaged or employed in the management or operation of the business, or any ~~P~~person who owns a five percent or more interest in the business, has previously owned or operated a business regulated by Chapter 14B.90 or any laws or statutes equivalent to the provisions of Chapter 14B.90, and the business has violated applicable ~~s~~State, ~~f~~Federal or local requirements, including permitting requirements.

C.- Notwithstanding Subsection 14B.90.050 B., the ~~Director~~City Administrator may grant a permit after consulting with the Chief of Police despite the presence of one or more of the enumerated factors if the applicant establishes to the ~~Director's~~City Administrator's reasonable satisfaction that:

1.- The behavior evidenced by such factor is not likely to recur; ~~or,~~

2.- The behavior evidenced by such factor is remote in time; ~~or,~~

3.- The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to the purpose of Chapter 14B.90.

D.- Permits are valid for a term of one year and expire on the first anniversary of their issuance. The permits are nontransferable and are valid only for a single ~~B~~business ~~L~~location. When the ~~B~~business ~~L~~location is to be changed, the permit holder ~~shall~~will provide the address of the new location in writing to the Revenue Division for approval at least 14 days prior to the change.

E.- Permits must be displayed at the ~~B~~business ~~L~~location in a manner readily visible to patrons.

F.- Upon denial of an application for a permit, the ~~Director~~City Administrator ~~shall~~must give the applicant written notice of the denial.

1.- Service of the notice will be accomplished by mailing the notice to the applicant by certified mail, return receipt requested.

2.- Mailing of the notice will be prima facie evidence of receipt of the notice.

3.- The denial will be effective the date the notice is sent.

G.- Denial of a permit may be appealed by filing written notice of an appeal within 10 days of the date of denial in accordance with Section 14B.90.150.

14B.90.060 Permit Fees.

~~(Amended by Ordinance 186746, effective August 6, 2014.)~~

Every ~~D~~dealer ~~shall~~must complete and submit all required forms to the Revenue Division and pay a nonrefundable fee as required by the ~~a~~Addministrative ~~r~~Rules.

14B.90.070 Subsequent Locations.

~~(Amended by Ordinances 186746 and 188976, effective June 29, 2018.)~~

A.- Dealers must file an application for a permit for a subsequent or additional ~~b~~Business ~~L~~location with the Revenue Division and pay a non-refundable fee as set forth in the ~~a~~Addministrative ~~r~~Rules ~~of Chapter 14B.90~~, provided the information required for the subsequent or additional ~~B~~business ~~L~~location is identical to that provided in the application for the prior location with the exception of that required by Subsection 14B.90.040 A.2.

B.- Permits issued for subsequent or additional ~~B~~business ~~L~~locations will be subject to all the requirements of this Chapter, and the term of the permit issued for a subsequent or additional location will expire on the same date as the initial permit.

14B.90.080 Reporting of Secondhand Dealer Transactions.

~~(Amended by Ordinance 188976, effective June 29, 2018.)~~

A.- Dealers ~~shall~~must provide to the Portland Police Bureau all required information as described in the ~~a~~Administrative ~~r~~Rules for each ~~R~~regulated ~~P~~property transaction (not including sales). The Chief of Police may designate the format for the transfer of this information and may direct that it be communicated by means of mail, the internet, or other computer media as provided in the ~~a~~Administrative ~~r~~Rules.

1.- In any such case that the Chief directs that the information be transmitted via computer media, the Chief may also direct the system that will be utilized in order to ensure conformity among all ~~D~~dealers.

2.- If, after establishing the format and requirements for the transmission of computerized reports of transactions, the Chief of Police alters the required format, ~~D~~dealers will be given at least 60 days to comply with the new format requirements. If unable to implement the reporting system before the deadline, a ~~D~~dealer must submit a written request for additional time to the Chief of Police before the deadline.

3.- Upon approval by the Chief of Police, a ~~D~~dealer that acquires less than 25 items of ~~R~~regulated ~~P~~property in a year may use forms provided by the Portland Police Bureau to report transactions.

4.- Pawnbrokers are required to report only new transactions. Loan renewals do not need to be reported.

B.- The Declaration of Proof of Ownership will be considered to be included in references in this Chapter to the transaction record, as appropriate.

14B.90.090 Regulated Property Sale Limitations.

~~(Amended by Ordinances 186746, 188976 and 191134, effective February 17, 2023.)~~

A.- Regulated ~~P~~property is subject to the following limitations:

1.- Holding ~~P~~period: ~~R~~regulated ~~P~~property acquired by any ~~D~~dealer must be held for a period of 30 full days from the date of acquisition. Pawnbroker loan transactions are exempt from the 30-day hold requirements of Section 14B.90.090 because of the redeemable nature of the loans and the holding

requirements in ORS 726.010 through 726.450. However, if the loan is converted to a buy by the pawnbroker within 30 days from the date of the pawn transaction, the difference between the original date of the pawn and the buy will count toward the 30-day hold requirement. All other provisions of Section 14B.90.090 remain in effect.

2.- Requirements of Hheld Pproperty: All Hheld pProperty must remain in the same form as when received, must not be sold, dismantled, or otherwise disposed of, and must be kept separate and apart from all other property during the holding period to prevent theft or accidental sale and to allow for identification and examination by the Revenue Division or Police Bureau. Held Pproperty must be kept at the Bbusiness Llocation during this holding period so that it can be inspected during normal business hours (as provided in Section 14B.90.110). Held pProperty, other than property on Police Hold, may be held in a place within public view, as long as the other requirements of the Subsection are met.

B.- Notwithstanding Subsection 14B.90.090 A., the ~~Director~~City Administrator may determine that certain types of transactions pose a reduced risk of being an outlet for the sale of stolen property and therefore may modify the hold period and/or reporting requirements for those types of transactions. Those transactions and the modified requirements are described in the ~~a~~Administrative ~~r~~Rules.

C.- Upon reasonable belief that an item of Rregulated Pproperty is the subject of a crime, any peace officer may provide notice to any Ddealer that a specifically described item of Rregulated Pproperty must be held in a separate Police Hold area for a period not to exceed 30 days from the date of notification, and is subject to the requirements of Subsection 14B.90.090 A.2 above. The hold may be extended an additional 30 days upon notice provided to the Dealer that additional time is needed to determine whether a specific item of Regulated Property is the subject of a crime. The Ddealer ~~shall~~must comply with the hold notice and notify the Chief of Police of the hold notice not later than five calendar days from the day the notice was received, either by telephone, fax, email, or in person. A Ddealer must notify the Chief of Police of their intent to dispose of any item of Rregulated Pproperty under Police Hold at least 10 days prior to doing so.

1.- A Police Hold area must meet the following criteria:

- a.- ~~L~~Located out of public view and access; ~~and~~
- b.- ~~m~~Marked "Police Hold~~d~~;" and
- c.- ~~c~~Contain only items that have been put on Police Hold.

2.- Dealers may maintain up to three Police Hold areas as necessary for the safe storage of high value items, physically large items, and general merchandise put on Police Hold.

3.- If it is not possible or practical to move an item to or store an item in the Police Hold area, a **D**dealer may submit a written request to the Chief of Police for approval to keep the item with other **H**held **P**roperty. Approval may be granted with the understanding that the item will be clearly marked as being on Police Hold and kept from public view and access.

D.- Upon probable cause that an item of property is the subject of a crime, the Chief of Police may take physical custody of the item or provide written notice to any **D**dealer to hold such property for a period of time as determined by the Chief of Police, not to exceed the statute of limitations for the crime being investigated. Any property placed on hold pursuant to this **s**Subsection is subject to the requirements found in Subsection 14B.90.090 A.2., and will be maintained in the Police Hold area unless seized or released by the Police. Seizure of property will be carried out in accordance with Oregon Revised Statutes.

E.- If a **D**dealer acquires **R**regulated **P**roperty with serial numbers, personalized inscriptions or initials, or other identifying marks which have been destroyed or are illegible due to obvious normal use, the **D**dealer must continue to hold the property at the **B**usiness **L**ocation for a period of 90 full days after acquisition. The **D**dealer must notify the Portland Police Bureau by adding "90-day hold" to the description of the item in the transaction record, along with a notation of what kind of information has been destroyed or is illegible. The **H**held **P**roperty must conform to all the requirements found in Subsection 14B.90.090 A.2.

F.- If a **D**dealer receives information that leads to an objectively reasonable basis to believe that any property already at their **B**usiness **L**ocation has been previously lost or stolen, they must report that belief to the Portland Police Bureau by day's end. The notice must include the reporting system item number and any additional information regarding the name of the owner, if known.

G.- If a peace officer seizes any property from a **D**dealer; the **D**dealer must notify the Portland Police Bureau of the seizure not later than five calendar days from the day the seizure occurs.- The **D**dealer must provide the name of the agency, the name of the peace officer, the number of the receipt left for the seizure, and the seized property information. Notification to the Police Bureau may be given by telephone, fax, email, or in person.

14B.90.095 Release of Held or Seized Property.

~~(Added by Ordinance 188976, effective June 29, 2018.)~~

Items held or seized under Subsection 14B.90.090 D. may not be released to anyone other than the **D**dealer unless the property is released to:

A.- Another law enforcement agency that has provided documentation to the satisfaction of the Chief of Police of the stolen status of the property, or

B.- A Person who reported the property as stolen; and

1.- A stolen property report has been filed with a law enforcement agency where making an untruthful report is a violation of the law, and

2.- A notice has been delivered to the Ddealer holding the property or from whom the property was seized.

a.- The required notice will state that the property will be released to the Person who has filed the stolen property report unless the Ddealer or pawnor/Sseller files a motion for return of seized property within 10 days of the date of the notice and in the manner set forth in the notice.

b.- The notice will be sent electronically with a request for acknowledgement, or delivered in person to the Ddealer at the email or physical address shown on the Ddealer's permit application or most recent permit renewal application, and to the pawnor/Sseller at the address shown in the transaction report required by Section 14B.90.080.

c.- The notice will provide the information necessary to submit a motion for return of seized property.

d.- The failure of any Person to receive the required notice will not invalidate or otherwise affect the proceedings of this Section.

14B.90.100 Tagging Regulated Property for Identification.

~~(Amended by Ordinances 188976 and 191134, effective February 17, 2023.)~~

Dealers ~~shall~~ must affix a tag to every item of regulated Property, which must contain a unique, legible number. That unique number must either be the item number from the reporting system transaction record or be referenced to the Transaction Report required by the Portland Police Bureau. After the hold period has expired, the unique number must remain identifiable on the property until the sale of the property.

A.- After the applicable hold period has expired, hand tools, or items that are sold with other like items and have no identifiable numbers or markings need not remain tagged.

B.- After the applicable hold period has expired, items that are Remanufactured need not remain tagged.

14B.90.110 Inspection of Property and Records.

~~(Amended by Ordinance 186746 and 188976, effective June 29, 2018.)~~

Upon presentation of official identification, a Ddealer must allow any representative of the Portland Police Bureau or the Revenue Division to enter the Business Location to ensure compliance with the provisions of Chapter 14B.90. The inspection will be for the limited purpose of inspecting the Business Location, Regulated Property, and related records as provided in this Chapter and the aAdministrative rRules. Except by mutual agreement with the Ddealer or by court order, any inspection under this Section will occur only during the Ddealer's normal business hours.

14B.90.120 Prohibited Acts.

~~(Amended by Ordinance 188976, effective June 29, 2018.)~~

A.- It is unlawful for any Person regulated by Chapter 14B.90:

1.- To receive any property from any Person:

a.- ~~k~~Known to the Pprincipal, employee or Ddealer to be prohibited from selling by a court order;

b.- under the age of 18 years unless the Person's parent or guardian complete the applicable information on the Declaration of Proof of Ownership;

c.- aAbout whom the Pprincipal, employee or Ddealer has been given notice by law enforcement as having been convicted of burglary, robbery, theft or possession of or receiving stolen property within the past ten years whether the Person is acting in ~~his or her~~their own behalf or as the agent of another who meets the above criteria;

2.- To receive property prohibited by this Chapter or the aAdministrative rRules, including:

a.- mMedications;

b.- pProperty with serial numbers, personalized inscriptions or initials or other identifying marks that appear to have been intentionally altered or rendered illegible;

3.- To receive property that a reasonable Person under similar circumstances would believe is more likely than not stolen, except as allowed by the aAdministrative rRules. A later determination regarding whether or not an item is found to be stolen will not be used as a factor to determine whether a Ddealer has violated this Subsection.

B.- Any violation of Subsection 14B.90.120 A. is punishable, upon conviction, by a fine of not more than \$500 and a jail sentence of up to six months.

C.- Notwithstanding Subsection 14B.90.120 A., a Ddealer may receive property for which the Ddealer has an objectively reasonable basis to believe is more likely than not stolen if the Ddealer is doing so with the intention of recovering the item for a specifically identified victim. The Ddealer must notify the Portland Police Bureau of the acquisition and the name of the specific Pperson or entity believed to be the victim by the end of the business day that the acquisition is made. Notification may be made by phone or email. An item acquired under this Subsection must be immediately placed under a 30-day Police Hold.

14B.90.130 Penalties.

~~(Amended by Ordinance 188976, effective June 29, 2018.)~~

A.- The DirectorCity Administrator may assess civil penalties in an amount up to \$500 for each violation of Chapter 14B.90.

B.- Procedure.

1.- The DirectorCity Administrator, having made a determination to seek civil penalties as provided by this Section, ~~shall~~ will give the Ddealer written notice of the determination.

2.- Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.

3.- Mailing of the notice will be prima facie evidence of receipt of the notice.

4.- The civil penalty will be due ten days from the date of the notice unless such civil penalty is appealed in accordance with Section 14B.90.150.

C.- Any Pprincipal of a Ddealer that has been assessed civil penalties in excess of \$2,000 in the previous 12 months who subsequently violates Chapter 14B.90 may be punished, upon conviction, by a fine of up to \$500 and a jail sentence of up to 6six months.

14B.90.140 Revocation or Suspension of Permit.

~~(Amended by Ordinances 186746 and 188976, effective June 29, 2018.)~~

A.- Along with the other regulatory enforcement authority granted under this Chapter, the DirectorCity Administrator may, after consulting with the Chief of Police, revoke or suspend any permit issued pursuant to this Chapter:

1.- For any cause that would be grounds for denial of a permit; ~~or~~

2.- Upon a finding that any violation of the provisions of this Chapter, federal, state or other local law has been committed and the violation is connected with the operation of the permitted ~~B~~business ~~L~~location so that the ~~P~~person in charge of the ~~B~~business ~~L~~location knew, or should reasonably have known, that violations or offenses were permitted to occur at the location by the ~~D~~dealer or any ~~P~~principal or employee engaged or employed in the management or operation of the ~~B~~business ~~L~~location;~~or~~

3.- A lawful inspection has been refused;~~or~~

4.- If payment of civil penalties has not been received by the Revenue Division within ten business days after the penalty becomes final; or

5.- If any statement contained in the application for the permit is false.

B.- The ~~Director~~City Administrator, upon revocation or suspension of any permit issued pursuant to this Chapter, ~~shall~~must give the ~~d~~Dealer written notice of the revocation or suspension.

1.- Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.

2.- Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.

C.- Revocation will be effective and final ~~ten~~10 days after the giving of notice unless the revocation is appealed in accordance with Section 14B.90.150.

D.- Suspension will be effective immediately upon the giving of notice, for the period of time set in the notice not to exceed 30 days.

E.- Any ~~P~~principal of a ~~D~~dealer whose permit has been revoked who subsequently violates Chapter 14B.90 may be punished, upon conviction, by a fine of up to \$500 and a jail sentence of up to ~~6~~six months.

14B.90.150 Appeals.

~~(Amended by Ordinances 186746 and 188976, effective June 29, 2018.)~~

A.- Any ~~D~~dealer or ~~P~~person whose initial application or renewal application for a ~~D~~dealer permit has been denied, or whose permit has been revoked or suspended, or who has been directed to pay a civil penalty by the ~~Director~~City Administrator, may appeal the action of the ~~Director~~City Administrator to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10 of the Portland City Code. Requests for appeal hearings must be filed with the Code Hearings Office or as specified by Section 22.10.030.

B.- The filing of a notice of appeal of revocation or suspension of a permit, or of a civil penalty imposed by the ~~Director~~City Administrator under this Chapter, will stay the effective date of the action until the Code Hearings Officer issues an opinion.

14B.90.170 Authority of ~~Director~~City Administrator to Adopt Rules, Procedures and Forms.

~~(Amended by Ordinance 186746, effective August 6, 2014.)~~

A.- The ~~Director~~City Administrator may adopt rules, procedures, and forms to implement the provisions of this Chapter.

B.- The City Administrator may adopt administrative rules as authorized by Charter Adoption of Rules.

~~1. The Director may adopt rules pertaining to matters within the scope of this Chapter.~~

~~2. Before the Director adopts a rule, a public hearing must be conducted. The Director must give notice of the public hearing in a reasonable manner not less than ten nor more than 30 days before the hearing. The notice must include the place and time of the hearing; where copies of the full text of the proposed rules may be obtained; and a brief description of the proposed rules.~~

~~3. The Director will consider oral and/or written testimony during the public hearing. The Director shall adopt the proposed rule, modify, or reject the proposed rule, based on the testimony received. Unless otherwise stated, all rules are effective upon adoption by the Director and will be kept on file at the Revenue Division. Copies of all rules will be made available to the public upon request.~~

~~4. Notwithstanding paragraphs 2 and 3 of this Section, the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly would result in serious prejudice to the public interest. In so doing, the Director must include the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph will be effective for a period of not longer than 180 days.~~

Chapter 14B.100 Liquor License Recommendations

14B.100.010 Purpose.

~~(Amended by Ordinance 191813, effective August 2, 2024.)~~

The purpose of this Chapter is to establish a fair, effective and efficient process which shall will be used by the Chief of Police in making recommendations to the Oregon Liquor & Cannabis Commission (OLCC) for liquor licenses for premises within the City limits. This Chapter is necessary to ensure that all premises licensed to sell or dispense

liquor in any form meet the high expectations of this community and that all licensed premises are conducted in a lawful manner that does not unreasonably disturb the peace and tranquility of this City and its neighborhoods.

14B.100.020 Delegation of Application Recommendation Authority.

In order to expedite service to license applicants and the citizens of the City, the Council, as the governing body of the City, hereby delegates to the Chief of Police its authority to make liquor license application recommendations to the OLCC. Any responsibility delegated to the Chief of Police by this Chapter may also be performed by the designee of the Chief of Police.

14B.100.030 Application Procedure.

~~(Amended by Ordinances 179351, 189078, 191208, 191736 and 191813, effective August 2, 2024.)~~

A.- Any applicant for any license who is required by the OLCC to have a recommendation from the City of Portland concerning the suitability of the application ~~shall~~will present the license application forms prescribed by the OLCC to the Portland Permitting & Development, or its designee, for the purpose of obtaining the recommendation of the Chief of Police concerning the license.

B.- The Portland Permitting & Development ~~shall~~may accept liquor license applications only when the following conditions are met:

1.- All required forms are properly completed and in order; and

2.- The processing fee has been paid. Fees ~~shall~~will be in the maximum amount allowed by Oregon law and ~~shall be~~are nonrefundable.

C.- The Portland Permitting & Development ~~shall~~will forward completed liquor license applications and required documentation to the Chief of Police or their designee within two business days.

D.- Except for applications for new licensed premises for railroads, public passenger carriers or boats, health care facilities, or all OLCC wholesale type licenses, in addition to the posting of a conspicuous notice on the licensed premises as required by the OLCC, Portland Permitting & Development ~~shall~~will:

1.- Notify the public that an application has been filed by posting relevant information on the liquor program website;~~;~~

2.- Require the applicant to post the proposed new licensed premises with a notice indicating the process for public comment; ~~and~~;

3.- Request a response in writing, via mail or electronic delivery, from the public and allow at least 20 days after posting of notification as provided in this Section, to provide a response in writing to Portland Permitting & Development.

E.- The Chief of Police ~~wi~~shall conduct an investigation of each application for the purpose of determining the recommendation that ~~shall~~will be made to the OLCC. In addition to the information required by the OLCC application forms, the Chief of Police is authorized to require from the applicant any other pertinent information that the Chief of Police deems appropriate.

F.- The Chief of Police ~~shall~~will coordinate with Portland Permitting & Development prior to issuance of a recommendation to determine if there is substantial community concern or opposition to the application.

1.- If the Chief of Police finds that there are valid grounds to make an unfavorable recommendation to OLCC as provided by Oregon liquor laws, the Chief of Police ~~shall~~must make an unfavorable recommendation. This recommendation will be sent to the Portland Permitting & Development and the OLCC.

2. If there is substantial community concern or opposition to the application, but the Chief of Police, because of time constraints or other factors, does not find sufficient basis for an unfavorable recommendation as provided by Oregon liquor laws, the Chief of Police ~~shall~~will make a no endorsement recommendation with supporting documentation of community concern or opposition as provided by Portland Permitting & Development, and- may request that the OLCC hear testimony from the community. This recommendation will be sent to the Portland Permitting & Development and the OLCC. Portland Permitting & Development ~~shall~~will coordinate community testimony for OLCC hearings.

3. If the Chief of Police finds no basis for an unfavorable recommendation as provided by Oregon liquor laws, and there is no substantial community concern or opposition at the licensed premises, the Chief of Police ~~shall~~must make a favorable recommendation. This recommendation will be sent to the Portland Permitting & Development and the OLCC. The Chief of Police may also attach conditions or restrictions to a favorable recommendation, such as allowing sales only during limited hours, restricting the sale of alcoholic beverages associated with street drinkers, or other conditions or restrictions consistent with the Oregon liquor laws.

G.- Portland Permitting & Development- ~~shall~~will notify the applicant of the recommendation.

H.- The process for renewal applications ~~shall~~will be as provided by this Section except that the notification requirements of Subsection D ~~wi~~shall not apply.

I.- If Portland Permitting & Development believes a good neighbor agreement will alleviate substantial neighborhood concern or opposition, Portland Permitting & Development ~~shall~~will attempt to work with the licensed premises and the neighborhood to achieve a good neighbor agreement. -Portland Permitting & Development ~~shall~~will notify the Chief of Police and the OLCC of any completed good neighbor agreements, or, of its attempts to achieve a good neighbor agreement, in the event Portland Permitting & Development is unable to complete a good neighbor agreement within a reasonable period of time.

14B.100.040 Reconsideration of Applications.

Except as provided by this Section, after having made a recommendation other than favorable on any new license application, the Chief of Police ~~shall~~will not reconsider an application for the same location by the same or substantially the same applicant for a period of at least ~~6~~six months, or during the period the applicant has an appeal relating to the license pending in court or in a state administrative agency, whichever is longer. However, the Chief of Police may reconsider an application in less than ~~6~~six months if no appeal relating to the license is pending in court or in a state administrative agency, and the Chief of Police reasonably determines that the circumstances which caused the Chief of Police to make a recommendation other than favorable have substantially changed.

~~14B.100.050 Notification of OLCC Proceedings.~~

~~(Repealed by Ordinance 191813, effective August 2, 2024.)~~

14B.100.060 Impact Areas.

A.- It ~~shall be~~is the responsibility of the Chief of Police to review, from time to time, the locations, types and quantities of liquor licenses that have been issued for premises located in geographical areas, neighborhoods or sectors of the City. If the Chief of Police, upon inquiry, or at the request of citizens or groups finds: that some area of the City is saturated with certain types of licensed premises selling or serving alcoholic beverages and that the placement of additional licensed premises within that area will likely be deleterious to that area; or, that excessive criminal acts, traffic congestion, or litter problems are present or will increase due in part to the licensed premises; or, additional licensed premises are not justified by public interest or convenience, then the Chief of Police ~~will~~shall make a recommendation to Council that the area be designated as an impact area, and that liquor licenses of certain types should not be granted or renewed in that area for a specific period of time, or until the number of current licenses is reduced to the point that licensed premises can be permitted that will not be deleterious to the area, or, will not lead to additional criminal acts, traffic congestion or litter problems, or, are justified by public interest or convenience.

B.- If Council declares an area to be an impact area based upon findings that valid grounds exist as provided by Oregon liquor laws, the Chief of Police ~~shall~~will notify OLCC so that OLCC may ensure that liquor license applicants are put on notice of the impact area.

C.- Within any area declared to be an impact area as provided by this Chapter, the Chief of Police is authorized, on behalf of Council:

1.- To present an unfavorable recommendation to the OLCC on any application for a new licensed premises located in the impact area; or,

2.- To present a favorable recommendation for any existing licensed premises located in the impact area, subject to certain conditions or restrictions, such as allowing liquor sales only during limited hours, restricting the sale of alcoholic beverages associated with street drinkers, or other restrictions consistent with the Oregon liquor laws.

D.- Impact area recommendations ~~shall~~will not apply to licensed premises wherein the sale of alcoholic beverages is incidental to full-service restaurant facilities, with meals prepared on the licensed premises, provided that the liquor license applicant(s) and the restaurant owner(s) are one and the same.

E.- The following areas are declared by Council to be impact areas:

1. -Burnside District Impact Area.- The Burnside District, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises.- For purposes of this Section, the Burnside District is defined as that area bounded by the Willamette River on the East and North, by NW Ninth Avenue to West Burnside Street, by West Burnside Street to SW Fourth Avenue, by SW Fourth Avenue to SW Ankeny Street, by SW Ankeny Street to the Willamette River.

2. -Central Eastside Industrial District Impact Area.- The portion of the Central Eastside Industrial Area, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises.- For the purposes of this Section, the Central Eastside Industrial Area is defined as that area bounded by the Banfield Freeway to the North, by SE 12th Avenue to the East, by SE Clay Street to the South, and by the Willamette River on the West.

3. -Inner North/Northeast Neighborhood Impact Area.- The Inner North/ Northeast Neighborhood, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises.- For purposes of this Section, the Inner North/Northeast Neighborhood is defined as that area bounded by NE Columbia Blvd. on the North, NE Broadway Blvd. on the South, and Interstate 5 on the West. The area's boundary on the East is NE 42nd Avenue

from NE Columbia Blvd. to NE Prescott Street, NE 23rd Avenue from NE Prescott Street to NE Mason Street, NE 21st Avenue from NE Mason Street to NE Fremont Street and NE 7th Avenue from NE Fremont Street to NE Broadway Blvd.

Chapter 14B.110 Amusement Devices, Games and Machines

14B.110.010 Purpose.

The purpose of this Chapter is to provide for the strict regulation of amusement devices, games and machines in order to reduce the potential for unlawful gambling, adverse neighborhood impacts, and adverse impacts on the welfare and education of children in the City, and to raise revenue.

14B.110.020 Definitions.

~~(Amended by Ordinance 186746, effective August 6, 2014.)~~

For the purposes of this Chapter, the following definitions apply ~~As used in this Chapter,~~ unless the context requires otherwise:

A.- “Amusement device” means any machine, device, or game, including foosball or table soccer games, billiards or pool tables, shuffleboard, shooting gallery devices, miniature bowling games, electronic games of skill, video games, and other similar machines, devices, or games:

- 1.- Which are made available for display or operation; and,
- 2.- Which require the payment of money or other valuable consideration;
- 3.- “Amusement device” ~~shall~~ does not include:
 - a.- ~~p~~Ping-pong tables, music devices, vending machines, or any rides where no element of chance, bonus, or prize is involved; or
 - b.- ~~v~~Video lottery games, game terminals and equipment operated directly by the Oregon Lottery Commission as a state agency.

B.- “Amusement Center” means any location where a person makes seven or more amusement devices available for operation or play at any one time, but excluding any location that:

- 1.- Derives at least 50 percent of its gross income from the sale of food; ~~or,~~

2.- Possesses a current, valid license authorizing the on-premises consumption of alcoholic beverages; or;

3.- Is operated primarily as a movie theater, bowling alley, skating rink, or other similar establishment, which displays or operates amusement devices only during the hours that such establishment makes its primary service or activity available to the public.

~~C. “Director” means the Director of the Bureau of Revenue and Financial Services Revenue Division, or his or her designee.~~

CD. “Display or operation” means to make any amusement device available to the public for use or play, for the purposes of displaying or exercising skill or for amusement, at any public or private location.

DE. “Location” means any business establishment, public or private club, association, or any other site where a person makes any amusement device available for display or operation, excepting only private residences in which such amusement devices are available only for display or operation at no cost to the player.

EF. “Person” means any real person, or any partnership, association, corporation, or other form of business organization.

14B.110.030 Authorization.

A.- Enforcement. The ~~City Administrator~~ ~~Director~~ is authorized to enforce all provisions of this Chapter.

B.- Procedures and forms. The ~~Director~~ City Administrator may adopt procedures and forms to implement the provisions of this Chapter.

14B.110.040 Permits Required for Certain Amusement Devices.

A.- It ~~shall be~~ is unlawful for any person to make available for display or operation any amusement device in which the outcome does not depend in a material degree upon an element of chance, unless all required permits have been obtained, and the display or operation of the amusement device comply with all applicable provisions of this Chapter and of the statutes of the State of Oregon.

B.- The provisions ~~the of~~ this Section ~~shall do~~ not exempt any amusement device from any applicable provisions of the Internal Revenue Code requiring federal gaming device tax stamps, or any applicable provisions of the statutes of the State of Oregon.

14B.110.050 Permits Required, Fees.

A.- It ~~shall be~~ unlawful for any owner of a location to display or make available for operation any amusement device described in Subsection 14B.110.040 without first obtaining a valid Location Permit for the location. Location Permits ~~shall~~ will be classified ~~with respective nonrefundable fees, as follows:~~ as set forth in the administrative rules.

Type of Permit	No. of Devices	Fee Per Location
Class I	1-3	\$50.00
Class II	4-6	\$100.00
Class III	7-9	\$200.00
Class IV	10-19	\$500.00
Class V	20 or more	\$1000.00

B. It ~~shall be~~ unlawful for any owner of an amusement center to display or make available for operation any amusement device described in Subsection 14B.110.040 without first obtaining a valid Amusement Center Permit. Amusement Center Permits ~~shall~~ will be classified as set forth in the administrative rules. ~~with nonrefundable fees according to the number of devices at the location as set forth above.~~

C.- In lieu of all other permits required by this Chapter, any person may make any amusement device described in Section 14B.110.040 available for display or operation, for one continuous time period not exceeding 90 days in any calendar year, by obtaining a ~~T~~emporary ~~L~~ocation ~~P~~ermit, ~~which shall require the payment of a nonrefundable fee of \$250~~ as set forth in the administrative rules.

D.- All permits issued under this Chapter, except ~~T~~emporary ~~L~~ocation ~~P~~ermits, ~~shall be~~ are valid for the calendar year of issue, and ~~shall~~ expire on December 31 of that year. All permits ~~shall~~ must contain information regarding the permittee's identity. No permit issued under this Chapter ~~shall be~~ transferable or assignable under any circumstances.

E.- No provision in this Chapter ~~shall~~ may be construed to permit the use of any amusement device in violation of State or federal law, or of any of the other provisions of this Code other than those specifically referred to herein.

14B.110.060 Permit Application, Issuance, Denial.

~~(Amended by Ordinance 186746, effective August 6, 2014.)~~

A.- Applications for all permits required by this Chapter ~~shall~~must be made to the Revenue Division on forms provided by the Revenue Division.- The applicant ~~shall~~will provide all the information relating to the purposes of this Chapter required on the form by the Revenue Division.- Failure to provide any information requested on this form may be cause to deny the requested permit.

B.- The ~~Director~~City Administrator ~~shall~~may approve issuance of permits after payment of the required fee, completion of the application form and following an investigation of the applicant.- However, the ~~Director~~City Administrator ~~shall~~must deny a permit application if:

- 1.-** The applicant has been convicted of any offense related to minors, juveniles, gambling, obscenity, controlled substances, prostitution or alcoholic beverages;
- 2.-** Any person has been convicted of any offense relating to minors, juveniles gambling, obscenity, controlled substances, prostitution or alcoholic beverages occurring at the location for which the permit is to be obtained;
- 3.-** Any statement in the application is found to be false;
- 4.-** The applicant has been a principal owner, operator, manager or supervisor of an amusement location and the activities or patrons of such business caused a significant increase in harassing, disorderly or violent acts, criminal activity, vandalism, litter, liquor law violations, noise or traffic congestion in or around such business;
- 5.-** In the ~~Director~~City Administrator's opinion, after investigation of the proposed location of an amusement location, the proposed site would be reasonably likely to result in an increase in those acts noted in ~~part (4) of this~~ Subsection 4;
- 6.-** The business operation as proposed by the applicant would not comply with all applicable requirements of this Code, including, but not limited to, the Building, Health, Planning and Zoning and Fire Codes of the City;
- 7.-** The permitted amusement center would be located within 100 feet of any residential zone established by the Planning and Zoning Code or any location within 500 feet of any public or private elementary, junior high or high school or playground, this distance to be measured in a straight line without regard to intervening structures or obstacles from the nearest point of the school property or residential zone to the nearest point of the structure in which the permitted amusement devices would be operated; or;

8.- The proposed location of the business operation requiring a Location Permit, would be a detriment to the immediate vicinity due to congregation of pedestrian or vehicular traffic.

C.- Notwithstanding Subsection B. above, the ~~Director~~City Administrator with the concurrence of the Chief of Police may issue a conditional permit if the applicant establishes to the ~~Director~~City Administrator's satisfaction that:

- 1.- The behavior evidenced by such factor is not likely to recur;
- 2.- The behavior evidenced by such factor is remote in time; or;
- 3.- The behavior evidenced by such factor occurred under circumstances which diminish the seriousness of the factor as it relates to the purpose of this Chapter.
- 4.- Under this Subsection, the ~~Director~~City Administrator may only issue a permit containing conditions directed at ensuring that such factor ~~wi~~shall not recur.

D.- Denial of a permit may be appealed by the applicant by filing written notice of an appeal as provided in Section 14B.110.140.

14B.110.070 Requirements of Permit Holders.

A.- Any person issued any permit for any amusement device ~~shall~~must supervise the use and operation of such device to prevent its use or operation for any purposes ~~s~~ contrary to the provisions of this Chapter or any other violation of the provisions of the City Code or applicable State statutes.

B.- Displaying ~~P~~permits.

1.- All location, amusement center, and temporary location permits issued under this Chapter ~~wi~~shall either be:

- a.- ~~s~~Securely affixed to the permitted amusement device;
- b.- ~~d~~Displayed so as to be visible to the public at all times such device is in a location open to the public; or;
- c.- ~~v~~Visible to the public in the same room as the permitted amusement device.

2.- If affixed to the amusement device, the permit must be visible for inspection without removing any portion of the amusement device, or any other obstacle, and without physically moving the amusement device from its normal operating position.

3.- The entire face of any displayed permit ~~must~~shall be visible. The permit ~~shall~~must be displayed or affixed during its entire term.

C.- Any person issued a ~~L~~location ~~P~~permit, or a permit to operate an amusement center, ~~shall~~must operate, maintain and supervise the permitted business and its premises, including parking facilities, to prevent:

1.- Violations of the provisions of the Portland City Code, state, or federal law, relating to juveniles, minors, alcoholic beverages, gambling, obscenity, controlled substances, prostitution, or crimes against persons or property as defined by the Oregon Revised Statutes, that are connected in a time and manner with the operation and proximity of such premises;

2.- Harassing or disorderly acts on, in, or around such premises; and,

3.- Any significant increase in litter, noise, vehicular or pedestrian traffic congestion, or other locational problems in the area around such business.

14B.110.080 Inspection of Amusement Devices, Records, and Premises.

~~(Amended by Ordinance 186746, effective August 6, 2014.)~~

A.- Any person issued permits under this Chapter, or who controls any location in which a permitted amusement device is located, ~~must~~shall permit any Revenue Division representative or ~~Bureau of Police~~Portland Police Bureau officer upon presentation of official identification, to enter such location for the limited purposes of inspecting all records, amusement devices and premises regulated under this Chapter, to which the public has access, to ensure compliance with the provisions of this Chapter.

B.- Inspections under this Section ~~shall be~~is authorized only during normal business hours.

C.- Failure to permit an inspection authorized under this Section ~~shall be~~is grounds for suspension or revocation of any permit required under this Chapter.

14B.110.090 Prohibited Conduct.

A.- It ~~shall be~~is unlawful for any person to make an amusement device available for use or operation without first obtaining all permits required pursuant to this Chapter.

B.- It ~~shall be~~is unlawful for any person in control of an amusement device to display an expired permit.

C.- It ~~shall be~~is unlawful for any person to possess or control an amusement device which has any paper, sticker, tag or other device affixed, attached or placed on the

device which purports to be a permit issued by the City or implies that the City has issued a permit when the paper, sticker, tag or other device was not issued by the City.

D.- It ~~shall be~~ unlawful to knowingly or intentionally use or permit the use or operation of an amusement device for any gambling purposes, whether by operation of the amusement device or based upon results obtained through use or operation of the device.

E.- It ~~shall be~~ unlawful for any owner to transfer ownership of any amusement location permitted under this Chapter without first removing the permit from the location.

F.- It ~~shall be~~ unlawful for any person to sell, rent, give, loan or otherwise assign or transfer any permit issued under this Chapter.

G.- It ~~shall be~~ unlawful for any person to operate an amusement center without having a permit issued pursuant to this Chapter.

14B.110.100 Permit Suspension, Revocation.

A.- The ~~Director~~City Administrator may suspend or revoke any permit issued under this Chapter upon finding reasonable grounds to believe, based upon an investigation, that:

1.- Cause exists which would otherwise be grounds for the denial of such permit;

2.- An intentional or knowing violation by the permittee of any provision of this Chapter has occurred; or,

3.- Any violation by any person of any City ordinance or state or federal statute has occurred relating to gambling while using, operating or playing any such amusement device.- Persons holding permits ~~wi~~shall be considered to be responsible for any gambling activity of any employee relating to any permitted amusement device.- Pursuant to this Section, permits may be suspended or revoked for any violation of law relating to gambling activity relating to permitted amusement devices or premises.

B.- A suspension or revocation ordered by the ~~Director~~City Administrator ~~shall will~~ not become effective until the permittee is served with written notice of the suspension or revocation, the reasons therefor, and the limited right of appeal pursuant to Section 14B.110.140, either personally or by delivery or posting of the notice at the location of the involved amusement device or business.- The suspension or revocation may be appealed by filing written notice of an appeal as provided in Section 14B.110.140.

14B.110.110 Violations, Sealing Prohibited Amusement Devices.

~~(Amended by Ordinance 186746, effective August 6, 2014.)~~

A.- Upon a determination that any provision of this Chapter has been violated, the ~~Director~~City Administrator ~~shall will~~ issue a written ~~n~~Notice of ~~v~~Violation and assess civil penalties. The notice ~~shall~~ must state the nature of the violation, the date of the violation, and the date by which such violation must be corrected and any civil penalties which must be paid to prevent the amusement device from being sealed. ~~The person responsible for the violations~~ wi~~shall~~ be allowed 5 days in which to correct the violation.

B.- Sealing of ~~A~~amusement ~~D~~devices.

1.- If a violation is not corrected and civil penalties paid within the time period allowed in Subsection A. above, the ~~Director~~City Administrator may seal the coin slot of any amusement device involved in the violation. If an amusement device is sealed, the ~~Director~~City Administrator may remove the seal only if the person responsible for the violations has corrected the violations and paid any penalties imposed under this Chapter.

2.- It ~~shall be~~is unlawful for any other person other than the ~~Director~~City Administrator or their designee to remove or alter a seal. If a seal is unlawfully removed or altered, the sealed amusement device wi~~shall~~ be subject to seizure and destruction pursuant to this Section.

3.- If within a single calendar year, a permittee has been issued a Notice of Violation, the ~~Director~~City Administrator may seal any amusement device and impose penalties for all further violations by that permittee within that calendar year without first issuing a Notice of Violation or allowing time to correct the violations.

C.- A sealed amusement device ~~shall be~~is subject to seizure and destruction as a public nuisance if:

1.- The violation is not corrected and all penalties paid within 5~~five~~ days of sealing; or

2.- Upon the occurrence of any subsequent violations of this Section by any one owner or lessor within any calendar year.

D.- The ~~Bureau of Police~~Portland Police Bureau ~~shall will~~ assist the Revenue Division in the seizure of the amusement device. The City Attorney is authorized to bring any suit or action for the destruction of the amusement device as a public nuisance.

E.- The owner of any amusement device seized for destruction may, within 10 days of the permittee being served with written notice of such seizure, file a written notice of appeal as provided in Section 14B.110.140.

14B.110.120 Civil Penalties.

A.- The ~~Director~~City Administrator may impose civil penalties for violations of the provisions of this Chapter according to the following schedule:

1.- Sealed amusement device removed from location: the penalty ~~shall~~may be up to \$50 per amusement device.

2.- Failure to obtain proper location permit: ~~the~~ penalty ~~shall~~may be up to \$50 per amusement device.

3.- The unlawful removal of seal from amusement device: the amusement device ~~shall be~~is subject to seizure and destruction pursuant to Section 14B.110.110.

B.- Calculation of ~~C~~civil ~~P~~penalties.

1.- In calculating the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the ~~Director~~City Administrator ~~shall~~must consider:

a.- The extent and nature of the person's involvement in the violation;

b.- The economic or financial benefit accruing or likely to accrue as a result of the violations;

c.- Whether the violations were repeated or continuous, or isolated and temporary;

d.- The magnitude and seriousness of the violation;

e.- The City's costs of investigating the violations and correcting or attempting to correct the violation; and,

f.- Any other factor the ~~Director~~City Administrator deems to be relevant.

2.- The ~~Director~~City Administrator ~~shall~~must provide notice of the assessment of civil penalties in the Notice of Violation under Subsection 14B.110.110 A.

C.- No person assessed a penalty under this Section ~~shall~~will be issued a permit under this Chapter until all such penalties have been paid in full.

D.- Civil penalties imposed pursuant to this Section ~~shall~~will be the only penalties authorized for such violations.

E.- Any person assessed a penalty may, within 10 days of receiving such written order, file a written notice of appeal as provided in Section 14B.110.140.

14B.110.130 Criminal Penalties.

Except as provided in Section 14B.110.120, the intentional or knowing violation of any provision of this Chapter is punishable upon conviction by a fine of not more than \$500 or by imprisonment for not more than ~~6~~six months, or both.

14B.110.140 Appeals.

A.- The filing of a notice of appeal to the Code Hearings Officer, as set out in Chapter 22.10 of this Code, of revocation or suspension of a permit, or of any civil penalty imposed by the ~~Director~~City Administrator under this Chapter, or of any seizure of an amusement device for destruction, ~~shall~~ stays the effective date of the action until the appeal is determined by the Code Hearings Officer.

B.- The notice of appeal ~~shall~~must be in writing. The notice ~~shall~~must state the name and address of the appellant to which all required notices may be mailed. The notice ~~shall~~must also indicate the reasons why the appealed action was wrong and what the correct determination should be.

Chapter 14B.120 Time, Place and Manner Regulation of Establishments that Sell and Serve Alcoholic Beverages

~~(Chapter added by Ordinance 178201, effective March 19, 2004.)~~

14B.120.010 Purpose.

The Oregon Legislature has authorized Oregon cities and counties to adopt reasonable time, place and manner regulations of the nuisance aspects of establishments serving alcoholic beverages, ORS 471.164. In adopting the provisions of this Chapter, the City Council's intent is to provide for reasonable time, place and manner regulations of the nuisance aspects of those establishments that serve alcoholic beverages where adverse effects occur with regard to the surrounding community. By requiring that the nuisance violations be brought before the Code Hearings Officer, the City Council's intent is that there will be specific findings made regarding the occurrence of adverse effects. The City Council also intends that the remedies imposed by the Code Hearings Officer under the authority of this Chapter will solely address the time, place and manner aspects of the nuisance activities. In addition, to create the most effective program, this Chapter establishes the Responsible Neighbor Program. The purpose of the Responsible Neighbor Program is to encourage the owners of establishments

serving alcoholic beverages to act to ensure that the operation of their establishment does not create nuisances and thereby negatively impact neighborhood livability.

14B.120.020 Definitions.

~~(Amended by Ordinances 184870, 189078, 191208 and 191736, effective July 1, 2024.)~~

~~For the purposes of this Chapter, the following definitions apply As used in this Chapter,~~
unless the context requires otherwise:

A.- "Alcoholic Beverage" means any liquid or solid containing more than one-half of one-percent alcohol and capable of being consumed by a human being.

B.- "Director" means the Director of the Portland Permitting & Development, or the Director's designee.

C.- "Chief of Police" means the Chief of Police of the Portland Police Bureau.

D.- "Licensee" means any person holding a license issued by the Oregon Liquor Control Commission.

E.- "Establishment" means any location licensed under ORS Chapter 471 and includes all enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas where patrons are permitted to be present. **"Establishment"** also includes areas outside of a building that the Oregon Liquor Control Commission has specifically approved for serving alcoholic beverages.

F.- "Nuisance activity" means any of the following:

1.- Operation of sound producing equipment, as prohibited by ~~City Code~~ Section 14A.30.020.

2.- Disorderly conduct as defined in ORS 166.025 ~~(2003)~~.

3.- Offensive littering as defined in ORS 164.805 ~~(2003)~~.

4.- Drinking on public rights of way, unless officially authorized, as prohibited by ~~City Code~~ Section 14A.50.010.

5.- Interference with vehicle ingress and egress as prohibited by ~~City Code~~ Section 14A.50.035.

6.- Alcoholic beverage violations in parks, as prohibited by ~~City Code~~ Section 20.12.040, where the violation relates to a specific licensee.

7.- Discharge of a firearm at the establishment, as prohibited by ~~City Code~~ Section 14.A.60.020.

8.- Illegal Drug activity as defined by ORS Chapter 475.~~840 sections (1) — (4)~~752.

9.- Unlawful ~~P~~rostitution ~~P~~rocurrency ~~A~~activities or loitering for the purpose of prostitution as defined in ~~City Code~~ Sections 14A.40.040 or 14A.40.050 or Illegal prostitution as defined in ORS 167.007.

10.- Criminal homicide as defined in ORS 163.005~~(2)~~ and 163.095 through - 163.149.

11.- Assault by means of a weapon or motor vehicle as defined in ORS 163.160~~(1)(b)~~, 163.165~~(1)(a)~~, ~~163.165(1)(c)~~, 163.175~~(b)-(c)~~, and 163.185~~(a) and 163.185(d)~~.

12.- Assault that causes serious physical injury as defined in ORS 163.165~~(b)~~ and 163.175~~(a)~~.

13.- Recklessly endangering another person as defined in ORS 163.195.

14.- Any felony sexual offense in the first degree as defined in ORS 163.375-163.427.

15.- Unlawful Use of a Weapon as defined in ORS 166.220.

G.- "Serve" or "serving" means to furnish, provide or supply alcoholic beverages to patrons or customers.

14B.120.025 Authority to Adopt Rules, Procedures and Forms.

The Director and Chief of Police are authorized to adopt rules, procedures and forms to implement the provisions of this Chapter.

14B.120.030 Nuisance Activity Violations.

~~(Amended by Ordinance 184870, effective September 14, 2011.)~~

It ~~shall be~~is a violation of this Chapter if:

A.- During any continuous ~~sixty (60)~~ day period, any combination of three or more nuisance activities as defined in Subsections 14B.120.020 F.1. - through 9. occurs that is related to or arising out of an establishment that serves alcoholic beverages.

B.- One or more nuisance activities as defined in Subsections 14B.120.020 F.10-~~through~~ 15. occur that are related to or arising out of an establishment that serves alcoholic beverages.

14B.120.040 Notice.

~~(Amended by Ordinance 184870, effective September 14, 2011.)~~

A.- The Director and the Chief of Police ~~shall~~will appoint a Liquor License Team to review and substantiate the occurrences of nuisance activities.

B.- If the Director or the Chief of Police determines that a nuisance activity has occurred at an establishment, the Director or the Chief of Police will send a written notice to the licensee. The notice ~~shall~~must contain a description of the nuisance activity, the date and the time of its occurrence.

C.- Upon determining that there is reasonable belief that a violation of this Chapter has occurred as provided under Section 14B.120.030, the Director or the Chief of Police ~~shall~~will send written notice to the licensee. The written notice ~~shall~~must contain at least the following information:

1.- The street address or legal description of the establishment, as reflected in the records of the Oregon Liquor Control Commission;

2.- A concise statement setting forth the date and time of nuisance activities, and the possible remedies that may be imposed under this Chapter by the Code Hearings Officer; ~~and;~~

3.- A request that the licensee provide a written response within ~~ten~~(10) business days either disputing the occurrence of the nuisance activities or providing specific proposals to abate the nuisance activities and preventing such nuisance activities from reoccurring.

D.- If the licensee's response does not satisfy the Director or the Chief of Police's concerns, they may attempt to develop a nuisance abatement plan with the licensee. The Director or the Chief of Police may file a complaint with the Code Hearings Officer as provided under Section 14B.120.060 if:

1.- The licensee refuses to actively and meaningfully participate in the process of developing a nuisance abatement plan; ~~or;~~

2.- The effort by the Director or the Chief of Police to develop a nuisance abatement plan with the licensee fails.

14B.120.050 Nuisance Abatement Plan.

A.- If the licensee responds to the Director or the Chief of Police within ~~ten (10)~~ business days of the date of the notice, with a proposed course of action for abating the nuisance activities, the Director or the Chief of Police ~~shall~~will review the proposal. -If the Director or the Chief of Police determines that the proposal will reasonably abate the nuisance activities, the Director or the Chief of Police and the licensee ~~shall~~may enter into an enforceable agreement, subject to the approval of the City Administrator, specifying the terms and conditions of the abatement plan.

B.- At a minimum, the agreement ~~shall~~will identify the nature of the nuisance activities, the specific steps the licensee will undertake to abate the nuisance activity and the related resources the licensee will commit to the abatement, if applicable, and a mechanism for the Director or the Chief of Police to monitor compliance with the plan.

C.- Any such agreement ~~shall~~must be executed by the licensee and the ~~Director or the Chief of Police~~City Administrator or their designee within ~~thirty (30)~~ days of the date of the licensee's written response to the Director or the Chief of Police's notice. -The Director or the Chief of Police may, upon request, extend this thirty-day period if it appears that the parties are working diligently to come to agreement.

14B.120.055 Responsible Neighbor Program.

~~(Amended by Ordinance 178898, effective November 24, 2004.)~~

Qualified licensees may request to participate in a Responsible Neighbor Program as administered by the Director.

A.- The Director ~~shall~~will approve a licensee for participation in the Responsible Neighbor Program, if the licensee meets all of the following qualifications:

1. The licensee is licensed solely for off premises sales; -and
2. The licensee is currently certified for participation in the Responsible Vendor Program provided in ORS 471.344 ~~(2003)~~.

B.- If any licensee participating in the Responsible Neighbor Program has ~~three (3)~~ nuisance activities in violation of Section 14B.120.030, or fails to comply with any of the qualifications under Subsection 14B.120.030 A., the Director ~~shall~~will issue a written notice to the licensee and initiate a proceeding before the Code Hearings Officer as set out in Chapter 22.03 of the City Code for suspension of the licensee from participation in the Responsible Neighbor Program for a period of one year.

C.- If a licensee is removed from the Responsible Neighbor Program, any subsequent nuisance activity violations under Section 14B.120.030, the Director or the Chief of Police will follow the processes and remedies as provided in Sections 14B.120.040 through 14B.120.080

14B.120.060 Enforcement.

~~(Amended by Ordinance 184870, effective September 14, 2011.)~~

Upon making a determination that a violation of this Chapter has occurred as provided under Section 14B.120.030, the Director or the Chief of Police may file a complaint before the Code Hearings Officer to initiate a code enforcement proceeding only if any of the following have first occurred:

- A.-** The licensee has failed to submit a timely written response to the Director or the Chief of Police's notice; ~~or~~
- B.-** The licensee fails to propose or enter into an abatement plan that is acceptable to the Director or the Chief of Police; ~~or~~
- C.-** The licensee does not operate the establishment in compliance with the written abatement plan; ~~or~~ or
- D.-** The licensee has been found to be in violation of this Chapter within the preceding 12 months.

14B.120.070 Hearings.

The initiation and procedures of any code enforcement proceeding to determine whether nuisance activities have occurred as provided in Section 14B.120.030 and to impose remedies under Section 14B.120.080 ~~shall~~ will follow the provisions of Chapter 22.03 of the City Code.

14B.120.080 Remedies.

~~(Amended by Ordinance 184870, effective September 14, 2011.)~~

If the Code Hearings Officer determines that a violation has occurred, as provided in Section 14B.120.030, the Code Hearings Officer ~~shall~~ must make findings regarding the occurrence of the nuisance activities and any related adverse effects. Time, place and manner abatement remedies imposed by the Code Hearings Officer to address the occurrence of the nuisance activities may include any of the following:

- A.-** Limiting the hours or days during which the establishment may operate; ~~or~~
- B.-** Requiring the establishment to provide resources to monitor, control and respond to patron behavior at and around the establishment, including but not limited to, hiring adequate security personnel to patrol the establishment; ~~or~~

C.- Restricting the activities at the establishment to prevent the reoccurrence of nuisance activities, including but not limited to restrictions upon the time and manner in which entertainment is offered; ~~or~~

D.- Ordering the licensee to undertake other actions reasonably necessary to abate the nuisance activities or mitigate the effects thereof, including but not limited to, modifying the establishment to include noise insulation to prevent and abate nuisance activities related to noise.

Chapter 14B.130 Marijuana Regulatory License Procedure and Requirements

~~(Chapter added by Ordinance 187359, effective September 30, 2015.)~~

14B.130.010 Purpose.

The purpose of this Chapter is to protect and preserve the public health, safety, and general welfare of Portland communities by setting requirements for the licensing and siting of businesses that produce, process, sell or transfer marijuana and marijuana items. The standards and procedures exercise the City's authority in accordance with applicable Oregon statutes and administrative rules. This Chapter is adopted pursuant to authority under Oregon statutes, as well as in exercise of the City Charter home rule authority, to regulate business operations in producing, processing, selling or transferring marijuana and marijuana items within the City. Nothing in this Chapter is intended to promote or condone the sale, transfer, distribution, possession or use of marijuana in violation of applicable laws.

14B.130.020 Definitions.

~~(Amended by Ordinances 187557, 188178, 188329, 188602, 189078, 189183, 190943, 191208 and 191736, effective July 1, 2024.)~~

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

A. **"Applicant"** means any individual that is directly involved in the management and operation of, or has at least 10 percent ownership interest in, the marijuana business or medical dispensary in the City.

B. **"Cannabinoid concentrates"** means a substance obtained by separating cannabinoids from marijuana by:

1. A mechanical extraction process;

2. A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;
3. A chemical extraction process using the solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or
4. Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.

C. “Cannabinoid edibles” means food or potable liquids into which a cannabinoid concentrate, extract, or dried marijuana leaves or flowers have been incorporated.

D. “Cannabinoid extracts” means a substance obtained by separating cannabinoids from marijuana by:

1. A chemical extraction process using hydrocarbon-based solvent, such as butane, hexane, or propane;
2. A chemical extraction process using the solvent carbon dioxide, if the process uses high heat or pressure; or
3. Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.

E. “Cannabinoid Product” means an edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contain cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include:

1. Usable marijuana by itself;
2. A concentrate by itself;
3. A cannabinoid extract by itself; or
4. Industrial Hemp, as defined in ORS 571.269.

F. “Consumer” means a person who purchases, acquires, owns, holds, or uses marijuana seeds, immature marijuana plants, marijuana or marijuana items other than for the purpose of resale.

G. “Director” means the Director of the Portland Permitting & Development, or the Director's designee.

H. “Financial consideration” or **“For consideration”** means value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions, or donations.

I. “License Fee Reduction Applicant” means a Marijuana Business that qualifies for Marijuana Regulatory License fee credit pursuant to this Chapter’s License Fee Reduction Program.

J. “Licensee” means a person who holds a license issued under PCC Chapter 14B.130.

K. “Licensee representative” means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.

L. “Licensed premises” means all public and private enclosed areas at the location that are used for the business operated at the location, including offices, kitchens, rest rooms and storerooms; all areas outside a building that the City has specifically licensed for the production, processing, wholesale sale, retail sale or transfer of marijuana and marijuana items.

M. “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. **“Marijuana”** does not include industrial hemp, as defined in ORS 571.269.

N. “Marijuana Business” means any business located within the City that is licensed or has submitted or is required to submit an application to be licensed by the Oregon Liquor Control Commission as any of the following:

1. “Marijuana micro-producer tier I” means a person who produces marijuana in the City with an indoor canopy size of up to 625 square feet in the City.

2. “Marijuana micro-producer tier II” means a person who produces marijuana in the City with an indoor canopy size 626 to 1250 square feet in the City.

3. “Marijuana micro-wholesaler” means a person that only purchases or receives seeds, immature plants or usable marijuana from a producer with a micro tier I or tier II canopy for resale to a person other than a consumer in the City.

4. “Marijuana processor” means a person who processes marijuana items in this City.

a. a marijuana processor may only process and sell cannabinoid products, concentrates, or extracts if the processor has received an

endorsement from the Director for that type of processing activity.
Endorsements types are:

- (1) ~~c~~Cannabinoid edible processor;
- (2) ~~c~~Cannabinoid topical processor;
- (3) ~~c~~Cannabinoid concentrate processor;
- (4) ~~c~~Cannabinoid extract processor; and
- (5) ~~m~~Micro-tier processor;

b. An applicant must request an endorsement upon submission of an initial application but may also request an endorsement at any time after being licensed by the Director;

c. In order to apply for a processing endorsement an applicant or licensee must submit a form prescribed by the Director that includes a description of the type of products to be processed, a description of equipment to be used, and any solvents, gases, chemicals or other compounds proposed to be used to create extracts or concentrates;

5. **“Marijuana producer”** means a person who produces marijuana in the City;

6. **“Marijuana retailer”** means a person who sells or makes available for purchase marijuana or marijuana items in the City;

7. **“Marijuana retail courier”** means a marijuana retailer who sells or makes available for purchase marijuana or marijuana items only by delivery to residences located within the City; and

8. **“Marijuana wholesaler”** means a person who purchases marijuana or marijuana items in this State for resale to a person other than a consumer.

O. **“Marijuana items”** means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

P. **“Marijuana ~~L~~aboratory”** means any person who is conducting tests of marijuana under Oregon law.

Q. **“Marijuana ~~R~~egulatory ~~L~~icense”** means a license issued by the City to produce, process, sell or transfer marijuana and marijuana items.

R. **“Medical ~~D~~ispensary”** means a business located within the City that is registered with the Oregon Health Authority under ORS 475~~C.8333~~14 and

authorized to transfer usable marijuana, marijuana items and immature marijuana plants, or a site for which an applicant has submitted an application for registration under ORS 475C.314833.

S. “Micro-T~~tier~~ P~~ro~~cessor” means a Marijuana Micro-Producer Tier I or Marijuana Micro-Producer Tier II holding an active producer micro-tier processing endorsement issued by the Oregon Liquor Control Commission.

T. “Primary C~~on~~tact” means the person designated in the application who has authority to conduct business with the City on behalf of the applicant or licensee.

U. “Processor” means the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

V. “Produces” means the planting, cultivation, or growing of marijuana.

W. “Research C~~er~~tificate H~~o~~lder” means any person authorized under Oregon law to receive marijuana items for the purpose of medical or public health and safety research.

X. “Sale” or “S~~a~~les” means any transfer, exchange or barter, in any manner or by any means, for consideration, and includes all sales made by any person including gifts for the purposes of advertising by marijuana businesses.

14B.130.030 License Required.

~~(Amended by Ordinances 189078, 191208 and 191736, effective July 1, 2024.)~~

A.- No person ~~shall~~may establish, conduct, maintain or operate a medical dispensary or marijuana business in the City without a valid marijuana regulatory license issued by the Portland Permitting & Development.

B.- Any person that advertises or otherwise holds themselves to be producing, processing or offering marijuana or marijuana items for sale or financial consideration within the City will be presumed to be a medical dispensary or marijuana business subject to the terms of Chapter 14B.130.

C.- No medical dispensary or marijuana business may lawfully exist in the City absent the issuance of a state license and full regulatory oversight of the marijuana establishment by the State as well as the City. -Compliance with the requirements of this Chapter does not provide a defense to criminal prosecution under otherwise applicable law.

14B.130.040 Minimum Standards.

(Amended by Ordinances 187391, 187557, 188178, 188602, 189078, 189183, 190943, 191208 and 191736, effective July 1, 2024.)

A. A marijuana regulatory license may only be issued for a specific, fixed location which shall will be considered the licensed premises. The licensed premises must be within a building or structure subject to a building or zoning permit.

B. If the location is a medical dispensary, the location may be no closer than 1,000 feet of another medical dispensary. The distance between the dispensaries shall will be computed by direct measurement of the nearest portion of the building in which one medical dispensary is located to the nearest portion of the building in which the other medical dispensary is located.

C. Except for marijuana retail couriers, if the location is a marijuana retailer, the location may be no closer than 1,000 feet of another marijuana retailer. The distance between the retailers shall will be computed by direct measurement of the nearest portion of the building in which one marijuana retailer is located to the nearest portion of the building in which the other marijuana retailer is located.

D. Distance Restrictions for Dispensaries and Retailers.

1. Except for marijuana retail couriers, a marijuana regulatory license will not be granted for a medical dispensary or a marijuana retailer that is within 1,000 feet of another medical dispensary or another marijuana retailer. The distance between the dispensaries and retailers shall will be computed by direct measurement of the nearest portion of the building in which one medical dispensary or marijuana retailer is located to the nearest portion of the building in which the other medical dispensary or marijuana retailer is located.

2. The distance requirement in Subsection 14B.130.040 D.1. shall will not apply for applications for medical dispensary licenses received by the Director between November 1, 2015 and January 29, 2016, that meet the following criteria:

a. the medical dispensary has been:

(1) rRegistered, operating and in good standing with the Oregon Health Authority since on or before July 1, 2015 and had a valid City of Portland Business License on or before July 1, 2015; or:

(2) rRegistered and in good standing with the Oregon Health Authority since on or before September 30, 2015, if the Director finds that the applicant demonstrates that they incurred significant financial obligations prior to that date, such as entering a lease, hiring employees, or obtaining fixtures and equipment, and had a valid City of Portland Business License on or before September 30, 2015;:-

b. ~~t~~The medical dispensary has no outstanding compliance issues pending with the Oregon Health Authority;

c. ~~t~~The application for the medical dispensary has not submitted for or obtained a marijuana regulatory license for a marijuana retailer within 1,000 feet of the location to be licensed under this exception; and

d. ~~t~~The applicant meets all other requirements of this Chapter.

3. The requirements of Subsection D.1. ~~shall do~~ not apply to current, valid renewal applications for medical dispensary licenses issued under Subsection D.2.

4. The distance requirement in Subsection 14B.130.040 D.~~1~~, ~~shall will~~ not apply for applications for marijuana retail licenses received by the Director that meet the following criteria:

a. ~~t~~The application is from an existing medical dispensary licensee operating under a current, valid medical dispensary located within the City of Portland;

b. ~~t~~The marijuana retail license application is for the same address at which the medical dispensary is currently operating;

c. ~~t~~The medical dispensary has no outstanding compliance issues pending with the Oregon Health Authority;

d. ~~u~~Upon issuance of a marijuana retail license from the State an applicant, under conditional approval for a marijuana retailer license, may operate without a Marijuana Regulatory License for a period of no longer than 5 business days to allow for the transition from the medical market to the recreational market; ~~and~~

e. ~~t~~The applicant meets all other requirements of this Chapter.

E. No medical dispensary, marijuana retailer or marijuana retail courier may locate its licensed premises for business operations within 1,000 feet of:

1. ~~a~~Any public elementary or secondary school for which attendance is compulsory under ORS 339.020 ~~(2013)~~; or

2. ~~a~~ private or parochial elementary or secondary school, teaching children as described in ORS 339.030 ~~(1)(a)(2013)~~.

3. The distance from a school to a medical dispensary or a marijuana business retailer ~~shall will~~ be computed by direct measurement from the nearest property

line of the land used for the school to the nearest portion of the building in which the medical dispensary or marijuana retail business is located.

4. If a school described in Subsection 14B.130.040 D. that has not previously been attended by children is established within 1,000 feet of a medical dispensary, marijuana retailer or marijuana retail courier for which a license has been issued under Chapter 14B.130, the medical dispensary, marijuana retailer or marijuana retail courier located at that premises may remain at that location unless:

- a.** The Portland Permitting & Development revokes the license of the marijuana business under Section 14B.130.110; or
- b.** A new application is required.

F. No medical dispensary, marijuana business, marijuana laboratory, or research certificate holder may be located in residential zones RF through RM4 and RMP or where otherwise not allowed per City Code.

G. A marijuana retail courier may not operate their licensed premises as being generally open to the public for business. All sales must be conducted off-site by delivery to consumers in accordance with the standards established in OAR 845-025-2880, as in effect on December 1, 2016.

H. A person or business operating a medical dispensary, marijuana business, marijuana laboratory, or research certificate holder must comply with all state and local regulations that apply.

14B.130.050 Application Procedure.

~~(Amended by Ordinances [188178](#), [188602](#), [189078](#), [189183](#), [190943](#), [191208](#) and [191736](#), effective July 1, 2024.)~~

A. Applications for marijuana regulatory licenses will be processed in the order they are received by the Director. The application ~~shall~~will not be considered received until all the required information and documentation has been submitted and the application fee has been paid. An applicant for a marijuana regulatory license ~~shall~~must complete an application that includes the following information:

1. All completed forms fully executed and signed, including:

- a.** ~~p~~Personal history forms, as developed by the Portland Permitting & Development, for any person with ownership greater than 10 percent or who will be directly involved in the management or operation of the proposed medical dispensary or marijuana business for review of the application under Subsection 14B.130.070 C.~~;~~

b. ~~a~~An information form, as developed by the Portland Permitting & Development that includes a description of the planned business operations and a security plan describing how the applicant intends to comply with the requirements of Section 14B.130.080; ~~and~~

c. ~~i~~If the application is for a medical dispensary or marijuana retailer, a Marijuana Control Plan to address security protocols, potential nuisance activities and other public safety concerns; ~~i~~

2. A Business License Certificate of Compliance as provided in Section 7.02.300 ~~of this Code; and~~

3. Documentation of having an existing security system, security alarm permit from the Portland Police Bureau, and electrical permit or equivalent from the Portland Permitting & Development as needed for the premise; ~~i~~

4. Documentation of having an existing air filtration system or proof of application submittal for applicable permits to ensure odor impacts upon neighboring properties are minimized; ~~i~~

5. Proof of ownership or legal possession of the premises to be licensed for the term of the proposed license. If the licensed premises will be leased, the application ~~shall~~must include, a true and complete copy of the executed lease showing the property owner has authorized the use as a medical dispensary or marijuana business; ~~i~~

6. Marijuana producers and processors must provide documentation showing that an applicable commercial building permit has been issued or obtained. ~~-~~ Marijuana processors of cannabinoid extracts must also provide documentation showing that the applicable commercial building permit, mechanical permit(s) for extraction equipment, and tank permit(s) from the City Fire Marshal's Office have been obtained and received final inspection approval. The documentation for a commercial building permit may include a temporary Certificate of Occupancy; ~~i~~

7. A non-refundable application fee as stated in the fee schedule adopted by City Council. Fees will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Portland Permitting & Development; ~~i~~

8. The Director may, at the Director's discretion, require additional documentation associated with the application as may be relevant to the requirements of this Chapter. To the extent any materials have been included with the applicant's state license application and forwarded to the City by the state licensing authority, the Director may rely upon the information forwarded from the state

without requiring submittal of the same materials in conjunction with the marijuana regulatory license application; ~~and~~;

9. The licensee ~~shall~~must notify the Portland Permitting & Development of any changes in the information required in Subsections 14B.130.050 A.1.a.through - c. within 10 business days of the change. If ownership of the licensed entity changes by 51 percent or more, a new application is required.

B. Applications for renewal of marijuana regulatory licenses must demonstrate compliance with Subsections 14B.130.050 A.1. through -9. on a form provided by the Portland Permitting & Development and pay an annual fee as stated in the fee schedule adopted by City Council.

14B.130.055 License Fee Reduction Program.

~~(Added by Ordinance 189183; amended by Ordinances 190943, 191208 and 191736, effective July 1, 2024.)~~

A. Applicants may request participation in the License Fee Reduction Program by demonstrating qualifications on a request form provided by the Portland Permitting & Development.

1. To qualify as a ~~L~~icense F~~ee R~~eduction A~~pplicant~~, the applicant must demonstrate at least one of the following qualifying factors:

a. ~~a~~Applicant provides opportunities to individuals directly impacted by criminal prosecutions during cannabis prohibition as demonstrated by:

(1) 25 percent or greater of ownership is represented by individuals with a federal or state conviction for a criminal offense committed prior to July 1, 2015 in which possession, delivery or manufacture of marijuana or marijuana items is an element, whether misdemeanor or felony; or

(2) 20 percent or greater of staff hours are represented by individuals with a federal or state conviction for a criminal offense committed prior to July 1, 2015 in which possession, delivery or manufacture of marijuana or marijuana items is an element, whether misdemeanor or felony;~~;~~

b. ~~a~~Applicant is a small business as demonstrated by:

(1) ~~t~~The business entity seeking the license and all business entities, including any parent companies, associate companies, subsidiaries or affiliates, with an ownership interest of 10 percent or

greater, have a combined annual total income less than \$750,000 in the preceding calendar year; and

(2) ~~if~~ in total, no more than two other state recreational or medical cannabis licenses are pending for or have been obtained by the business entity seeking the license and all individuals and entities with 10 percent or greater ownership interest, including any parent companies, associate companies, subsidiaries or affiliates business entity owners;

c. ~~a~~Applicant is a small business, as defined by Portland City Code Subsection 14B.130.055 A.1.b., and contracts with an ancillary industry vendor(s) certified by the State of Oregon as an emerging small business, pursuant to OAR 123-200-16700, and/or as socially and economically disadvantaged, pursuant to OAR 123-200-1210;

(1) ~~if~~ the application is for a new license, the entity seeking the license must have paid the vendor(s) a total of at least \$30,000 during the 24 months immediately preceding license issuance, for expenses directly related to the marijuana business seeking the license; ~~or~~

(2) ~~if~~ the application is for a renewal license, the entity seeking the license must have paid the vendor(s) a total of at least \$30,000 during the most recent licensing period, for expenses directly related to the marijuana business seeking the license; ~~and~~

(3) The marijuana business, or any owners, including any parent companies, associate companies, subsidiaries or affiliates, must not have any shared ownership with the ancillary industry vendor(s) or its parent companies, associate companies, subsidiaries or affiliates.

2. A ~~L~~icense ~~F~~ee ~~R~~eduction ~~A~~pplicant that meets one of the qualifying factors ~~shall~~ will receive ~~M~~marijuana ~~R~~egulatory ~~L~~icense fee credits as follows:

a. 15 percent credit from the ~~M~~marijuana ~~R~~egulatory ~~L~~icense fee; and

b. ~~if~~ the application is for a producer or processor marijuana regulatory license, the ~~L~~icense ~~F~~ee ~~R~~eduction ~~A~~pplicant will receive credit in the form of a license fee credit for documented payments to Portland Permitting & Development for related Life Safety Preliminary Meetings and Early Assistance Meetings, or substantially similar assistance programs available at Portland Permitting & Development. The license fee credit will be up to the lesser of \$750 or the total license fee.

c. Requests for credit should be directed to the Portland Permitting & Development, Property Compliance Division's Cannabis Program. All such credits will be deducted from the ~~M~~marijuana ~~R~~regulatory ~~L~~icense fees.

3. A ~~L~~icense ~~F~~ee ~~R~~eduction ~~A~~pplicant that meets at least two of the qualifying factors ~~shall-will~~ receive ~~M~~marijuana ~~R~~regulatory ~~L~~icense fee credit as follows:

a. 25 percent credit from the ~~M~~marijuana ~~R~~regulatory ~~L~~icense fee; and

b. If the application is for a producer or processor marijuana regulatory license, the ~~L~~icense ~~F~~ee ~~R~~eduction ~~A~~pplicant will receive credit in the form of a license fee credit for documented payments to Portland Permitting & Development for related Life Safety Preliminary Meetings and Early Assistance Meetings, or substantially similar assistance programs available at Portland Permitting & Development. The license fee credit will be up to the lesser of \$1,500 or the total license fee.

c. Requests for credit should be directed to the Portland Permitting & Development, Property Compliance Division's Cannabis Program. All such credits will be deducted from the ~~M~~marijuana ~~R~~regulatory ~~L~~icense fees.

~~14B.130.060 Notice.~~

~~(Repealed by Ordinance 190943, effective July 28, 2022.)~~

14B.130.070 Issuance and Renewal of the License.

~~(Amended by
Ordinances 188178, 188329, 188602, 189078, 189183, 190943, 191208 and 191736,
effective July 1, 2024.)~~

A. Upon filing of an application and payment of the required application fee, the Director ~~shall-will~~ ensure that the location proposed to be licensed or registered meets the minimum standards as defined in Section 14B.130.040. If the proposed location meets the minimum standards the Director ~~shall-will~~ proceed with processing the application. If the location does not meet the minimum standards the Director ~~shall-must~~ deny the application.

B. If the proposed location meets the minimum standards as defined in Section 14B.130.040, the Director ~~shall-swill~~ conduct an investigation of the application and all principals listed according to the requirements in Subsection 14B.130.050 A. If no cause exists for denial, the Director ~~shall-must~~ issue the license after the following has been received~~;~~:

1. Proof that a state license or registration has been issued~~;~~:-

2. The license fee as stated in the fee schedule adopted by City Council. Fees, including late fees, will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Portland Permitting & Development.

a. Applicant may request a license fee deferred payment plan by submitting a form provided by the Portland Permitting & Development to demonstrate financial need.

b. If the applicant's deferred payment plan request is approved by the Director, fees must be paid as follows:

(1) ~~a~~Any marijuana micro-producer tier I, marijuana micro-producer tier II, marijuana micro-wholesaler, or marijuana courier must make an initial payment of \$250 before the Director issues the license. The licensee must pay the remaining license fee of \$750 within ~~6~~six months of the license effective date; ~~or-~~

(2) ~~a~~Applicants for all other license types must make an initial payment of \$500 before the Director issues the license. The licensee must pay the remaining license fee of \$3,000 within ~~6~~six months of the license effective date.

c. For any marijuana micro-producer tier I, marijuana micro-producer tier II, marijuana micro-wholesaler, or marijuana courier, payments made up to 30 days after the ~~6~~six-month due date must include a late fee of \$100. Payments made after 30 days and up to 60 days after the ~~6~~six-month due date must include a late fee of \$200.

d. For all other license types, payments made up to 30 days after the 6-month due date must include a late fee of \$250. Payments made after 30 days and up to 60 days after the ~~6~~six-month due date must include a late fee of \$500.

e. Failure to pay the total licensing fee, including late fees, within 60 days after the ~~6~~six-month due date constitutes a violation and the Director may impose civil penalties, license suspension, and/or license revocation.

f. Failure to pay the total licensing fee, including late fees, within 60 days after the ~~6~~six-month due date constitutes shown non-compliance and the Director may deny future requests for deferred payments.

C. Except as provided for in Subsection 14B.130.070 D., the Director ~~shall~~will deny an initial or renewal application for a marijuana regulatory license if any of the following apply:-

1. The applicant, or any person engaged in the direct management and operation of the medical dispensary or marijuana business, or anyone with 10 percent or more interest in the business has previously owned or operated a business regulated by Chapter 14B.130; and

a. ~~t~~The license has been revoked for cause that would be grounds for revocation pursuant to Chapter 14B.130; or

b. ~~t~~The Director has determined that the business has contributed to crime or livability incidents in the area where the medical dispensary or marijuana business is located.

2. Any statement in the application is false or any required information is withheld;

3. If the application is for a medical dispensary, the location is not registered with the state under ORS 475~~CB.858833~~;

4. If the application is for a marijuana business, the location is not licensed with the Oregon Liquor Control Commission; or

5. The Director finds by preponderance of the evidence that the applicant or any person directly engaged in the management and operation of the medical dispensary or marijuana business has violated local or ~~s~~State law including a permitting or licensing requirement.

D. Notwithstanding Subsection 14B.130.070 B., the Director may grant a license despite the presence of one or more factors as outlined in Subsection 14B.130.070 C., if the applicant establishes to the Director's satisfaction that:

1. The behavior evidenced by such factor is not likely to reoccur;

2. The behavior evidenced by such factor is remote in time; or

3. The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to this Chapter.

E. Marijuana regulatory licenses are valid for a term of ~~4~~one year and a renewal schedule will be established by rule. The license is non-transferable upon a change of ownership and valid only for a single fixed location.

1. When the business location is to be changed, the licensee ~~must~~shall provide the address of the new location in writing to the Director to review for compliance with the requirements of this Chapter at least 60 days prior to the change.

2. A person with multiple dispensaries or business locations must apply for and obtain a license for each separate location.

F. Upon denial of an application for a marijuana regulatory license, the Director ~~shall~~ will give the applicant written notice of the denial in accordance with the minimum requirements of Chapter 3.130 of ~~Portland City~~ this Code.

1. Service of the notice ~~shall~~ will be by mail or electronic delivery to the address of the primary contact for the application on file with the Director. In addition, the Director may also send notices to other addresses known for the applicant or person including electronic delivery.

2. Mailing of the notice ~~will be~~ is prima facie evidence of receipt of the notice.

G. The denial will be effective the date the notice is sent.

H. Denial of a marijuana regulatory license may be appealed by filing written notice of an appeal within 10 business days of the date of denial in accordance with Section 14B.130.120.

14B.130.080 Requirements.

~~(Amended by Ordinances 187391, 187611, 188178, 189183 and 190943, effective July 28, 2022.)~~

A. A marijuana regulatory licensee must comply with the following regulations:

1. Licensee must display the marijuana regulatory license at the business location in a manner readily visible to patrons~~;~~.

2. Licensee may not allow consumption of marijuana or marijuana items on the premises licensed under Chapter 14B.130, except as specifically authorized by Oregon law for employees of medical marijuana dispensaries who are valid, current registry identification cardholders~~;~~.

3. Licensee must install and maintain in proper working order at the licensed premises a security system including alarms, safes, and surveillance cameras~~;~~.

a. ~~L~~icensee must maintain camera surveillance data backup.

b. ~~L~~icensee must retain camera surveillance data for a minimum of 30 days~~;~~ and

4. Licensee must correct any violations and comply with any stop work orders issued by any City Bureau.

B. Any person with a marijuana regulatory license for a medical dispensary or marijuana retailer must comply with the following regulations:

1. Licensee must designate personnel at the entrance intended for consumers to require all persons entering the premises to produce an approved form of identification according to ORS ~~614.24.1.a-e~~ 475C.217 in order to ensure that no one under the age of 21 is allowed on the premises, ~~except~~ as provided for under ORS 475~~CB.8~~ 3358;
2. Licensee must maintain hours of operation no earlier than 7:00 a.m. and no later than 10:00 p.m.; ~~and~~;
3. Licensee must not make marijuana or marijuana items available for sale from a vendor cart, temporary structure, or satellite location, or through exterior openings of the licensed premises, such as drive-thru facilities or walk-up windows.

C. Any person with a marijuana regulatory license for a marijuana retailer must comply with the following regulations:

1. Licensee may provide delivery of marijuana and marijuana items to a residence in Portland in accordance with OAR 845-025-2880, as in effect on December 1, 2016 and subject to compliance with the requirements of this Chapter; ~~and~~;
2. Licensee may sell marijuana items for medical purposes in accordance with OAR 845-025-2900, effective December 1, 2016.

D. Any person with a processor marijuana regulatory license or micro-tier processor endorsement must comply with the following requirements:

1. Licensee must not allow the licensed location to be open to the general public; ~~and~~;
2. Licensee must adhere to applicable state and local regulations for food production, ensuring that marijuana items made for consumption by eating or drinking are processed in a licensed facility.

E. Any person with a marijuana micro-producer tier I, marijuana micro-producer tier II, marijuana producer tier I or tier II, marijuana retail courier, marijuana micro-wholesaler or marijuana wholesaler marijuana regulatory license must ~~comply with the following requirements:~~

- ~~1. Licensee must~~ not allow the licensed location to be open to the general public.

14B.130.090 Inspection of Property and Records.

(Amended by Ordinances 188178, 188602, 189078, 191208 and 191736, effective July 1, 2024.)

A.- Upon presentation of proper credentials, an Applicant or Licensee ~~shall~~must allow any representative of the ~~Bureau of Police~~Portland Police Bureau or the Portland Permitting & Development to enter the business location to ensure compliance with the provisions of Chapter 14B.130. The inspection will be for the limited purpose of inspecting the property and related records as provided in this Chapter and the administrative rules. Except by mutual agreement with the Applicant or Licensee or by court order, any inspection under this Section may occur only during the business' normal business hours.

1.- The Director ~~shall~~will first present proper credentials and demand entry to the property. If entry is refused, the Director may attempt to secure entry by any legal means.

2.- If the Director has first obtained an inspection warrant to secure entry onto the property, no owner or occupant ~~shall~~may refuse, fail, or neglect, after proper request, to promptly permit entry by the Director to the property.

B.- It ~~shall be~~is unlawful for any owner or occupant to refuse to permit entry by the Director to inspect the property under this Chapter after an inspection warrant has been obtained.

C.- Grounds for issuance of inspection warrants.

1.- Affidavit. An inspection warrant ~~shall~~may be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit ~~shall~~must contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

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

D.- Procedure for issuance of inspection warrants.

1.- Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and ~~shall~~ be satisfied of the existence of grounds for granting such application.

2.- Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge ~~shall~~ will issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant ~~shall~~ will contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

3.- Police ~~a~~ Assistance. In issuing an inspection warrant on unoccupied property, including inspection warrants pursuant to Section 14B.130.090, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to ensure the safety of the Director or representative of the bureau in completing the inspection.

E.- Execution of inspection warrants.

1.- Occupied ~~p~~ Property. Except as provided in Subsection 2. of this Section, in executing an inspection warrant, the person authorized to execute the warrant ~~shall~~ must, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

2.- Unoccupied ~~P~~ property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in Subsection 1. of this Section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant ~~shall~~ must be conspicuously posted upon the property.

3.- Return. An inspection warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this Subsection, the warrant unless executed is void.

14B.130.100 Penalties.

~~(Amended by Ordinances 187557, 188178 and 190943, effective July 28, 2022.)~~

A. The Director may assess civil penalties in an amount up to \$5,000 for any violation of this Chapter.

B. Procedure.

1. Having made a determination that a violation of this Chapter has occurred, the Director ~~shall~~will give written notice of a decision to assess civil penalties. The Director's written notice ~~shall~~will be in accordance with the minimum requirements of Chapter 3.130 of the Portland City Code.

2. Service of the notice ~~shall~~will be by mail or electronic delivery to the address of the primary contact for the ~~L~~Licensee on file with the Director. In the case of a person operating without a ~~M~~Marijuana ~~R~~Regulatory ~~L~~License, service of the notice ~~shall~~will be by mail to such address as the Director has on file for that person, or is otherwise available to the Director. In addition, the Director may also send notices to other addresses known for the person including electronic delivery.

3. Mailing or electronic delivery of the notice will be prima facie evidence of receipt of the notice.

4. The civil penalty will be due 10 business days from the date of the notice unless appealed in accordance with Section 14B.130.120.

C. In determining the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Director ~~wi~~shall consider:

1. The extent and nature of the person's involvement in the violation;
2. The economic or financial benefit accruing or likely to accrue as a result of the violations;
3. Whether the violations were repeated or continuous, or isolated and temporary;
4. The magnitude and seriousness of the violation;
5. The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
6. Any other factors the Director may deem to be relevant.

14B.130.110 Revocation or Suspension of License.

~~(Amended by Ordinances 188178, 189078, 190943, 191208 and 191736, effective July 1, 2024.)~~

A. The Director may revoke or suspend any license issued pursuant to this Chapter.

1. For any cause that would be grounds for denial of a license; or,
2. Upon finding that any violation of the provisions of this Chapter, sSState, or local law has been committed and the citation is connected with the operation of the licensed business location so that the person in charge of the business location knew, or should reasonably have known, that violations or offenses were permitted to occur at the location.
3. If payment of civil penalties has not been received within 10 business days by the Portland Permitting & Development.

B. The Director, upon revocation or suspension of any license issued pursuant to this Chapter, shall will give the Licensee written notice of the revocation or suspension in accordance with the minimum requirements of Chapter 3.130 of Portland City Code.

1. Service of the notice shall will be by mail or electronic delivery to the address of the primary contact for the Licensee on file with the Director. In addition, the Director may also send notices to other addresses known for the applicant or person including electronic delivery.
2. Mailing or electronic delivery of the notice by regular mail will be prima facie evidence of receipt of the notice.

C. Revocation will be effective and final 10 business days after the date of notice unless the revocation is appealed in accordance with Section 14B.130.120.

D. Suspension will be effective immediately upon the date of the notice, for the period of time set in the notice not to exceed 180 days.

14B.130.120 Review by the Director and Appeals to the Code Hearings Officer.

(Amended by Ordinances 188178 and 190943, effective July 28, 2022.)

A. Any determination issued pursuant to Sections 14B.130.070, 14B.130.100 or 14B.130.110 believed to be made in error may be reviewed by the Director if requested by the recipient. The request must be submitted in writing within 10 business days of the determination, and must include all evidence that supports the request. Service of notice of the determination shall will be by mail or electronic delivery to the address for the primary contact for the application on file with the Director. The Director's determination shall will be served by regular mail or electronic delivery. Mailing or electronic delivery of the notice of determination will be prima facie evidence of receipt of the notice. In addition, the Director may also send

notice of the determination to other addresses known for the applicant or person including electronic delivery.

B. The Director's determination may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of Portland City Code.

C. The filing of a notice of appeal of revocation or suspension of a license, or of a civil penalty imposed by the Director under this Chapter, will stay the effective date of the action until the Code Hearings Officer issues an opinion.

14B.130.130 Severability.

If any ~~s~~Section, ~~s~~Subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, void, illegal or unconstitutional, either on its face or as applied, such decision ~~shall~~will not affect the applicability, constitutionality, legality or validity of any remaining portions of this chapter. The Council hereby declares its intention to have adopted this chapter, and each ~~s~~Section, ~~s~~Subsection, sentence, clause, and phrase of this chapter, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid, void, illegal or unconstitutional, and that the same would have been adopted by the Council had such invalid, void, illegal or unconstitutional ~~s~~Sections, ~~s~~Subsections, sentences, clauses, or phrases, if any, not been included in this Chapter.

Chapter 14C.10 Police Duties to Inventory Property

14C.10.010 Purpose.

This Chapter is meant to apply exclusively to the process for conducting an inventory of the personal property in an impounded vehicle and the personal possessions of a person in police custody and ~~wi~~shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search or seize possessions for other purposes.

14C.10.020 Definitions.

For the purpose of this Chapter, the following definitions~~shall~~ apply:

A.- "Valuables" means:

- 1.- Cash money of an aggregate amount of \$50 or more; or
- 2.- Individual items of personal property with a value of \$500 or more.

B.- "Open container" means a container which is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.

C.- “Closed container” means a container whose contents are not exposed to view.

D.- “Police custody” means either:

- 1.- The imposition of restraint as a result of an ‘arrest’ as that term is defined at ORS 133.005(1);
- 2.- The imposition of actual or constructive restraint by a police officer pursuant to a court order;
- 3.- The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 430, or Chapter 419B; or
- 4.- The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement or detaining of persons pursuant to Oregon Revised Statute or this Code.

E.- “Police officer” means any police officer employed or acting at the direction of ~~or in collaboration with the Portland Bureau of Police~~ Portland Police Bureau and any officer of the Port of Portland Police Department.

14C.10.030 Inventories of Impounded Vehicles.

A.- The contents of all vehicles impounded by a police officer will be inventoried. The inventory ~~shall~~ must be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:

- 1.- If there is reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, a required inventory will be done as soon as safely practical; or
- 2.- If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.

B.- The purpose for the inventory of an impounded vehicle will be to:

- 1.- Promptly identify property to establish accountability and avoid spurious claims to property;
- 2.- Assist in the prevention of theft of property;
- 3.- Locate toxic, flammable or explosive substances; or

4.- Reduce the danger to persons and property.

C.- Inventories of impounded vehicles will be conducted according to the following procedure:

1.- An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats;

2.- In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:

a.- ~~a~~Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked car- top containers; and

b.- ~~a~~Any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks and locked car-top containers, if either the keys are available to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle~~;~~

3. -Unless otherwise provided in this Chapter, closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes~~;~~

4.- Upon completion of the inventory, the police officer will complete a report as directed by the Chief of such officer's department~~;~~ ~~and~~;

5.- Any valuables located during the inventory process will be listed on a property receipt.- A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present.- The valuables will be dealt with in such manner as directed by the Chief of the police officer's department.

14C.10.040 Inventories of Persons ~~I~~n Police Custody.

A.- A police officer will inventory the personal property in the possession of a person taken into police custody and such inventory will be conducted whenever:

1.- Such person will be either placed in a secure police holding room or transported in the secure portion of a police vehicle; or

2.- Custody of the person will be transferred to another law enforcement agency, correctional facility, or “treatment facility” as that phrase is used in ORS ~~43026.439960~~ or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statute.

B.- The purpose of the inventory of a person in police custody will be to:

1. -Promptly identify property to establish accountability and avoid spurious claims to property; ~~or~~
2. -Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the police officer for safekeeping; ~~or~~
3. -Assist in the prevention of theft of property; ~~or~~
4. -Locate toxic, flammable or explosive substances; ~~or~~
5. -Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; or
6. -Reduce the danger to persons and property.

C.- Inventories of the personal property in the possession of such persons will be conducted according to the following procedures:

- 1.- An inventory will occur prior to placing such person into a holding room or a police vehicle, whichever occurs first.- However, if reasonable suspicion to believe that the safety of either the police officer(s) or the person in custody or both are at risk, an inventory will be done as soon as safely practical prior to the transfer of custody to another law enforcement agency or facility.
- 2.- To complete the inventory of the personal property in the possession of such person, the police officer will remove all items of personal property from the clothing worn by such person.- In addition, the officer will also remove all items of personal property from all open containers in the possession of such person.
- 3.- A closed container in the possession of such person will have its contents inventoried only when:
 - a.- The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room;
 - b.- Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or

c.- The closed container is designed for carrying money and/or small valuables on or about the person including, but not limited to, closed purses, closed coin purses, closed wallets and closed fanny packs.

D.- Valuables found during the inventory process will be noted by the police officer in a report as directed by the Chief of such officer's department.

E.- All items of personal property neither left in the immediate possession of the person in custody nor left with the facility or agency accepting custody of the person, will be handled in the following manner:

1.- A property receipt will be prepared listing the property to be retained in the possession of the respective police department and a copy of that receipt will be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person; and

2.- The property will be dealt with in such manner as directed by the Chief of such officer's department.

F.- All items of personal property neither left in the immediate possession of the person in custody nor dealt with as provided in Subsection 14.10.040 E. above, will be released to the facility or agency accepting custody of the person so that they may:

1.- Hold the property for safekeeping on behalf of the person in custody, and

2.- Prepare and deliver a receipt, as may be required by ORS 133.455, for any valuables held on behalf of the person in custody.

Chapter 14C.20 Police Bureau Property/Evidence Division Duties

14C.20.010 Maintenance of Property/Evidence Division.

The ~~Bureau of Police~~Portland Police Bureau ~~shall~~will maintain a property/evidence division which will~~shall~~ keep the following:

A.- Property of all persons arrested by Portland Police and incarcerated in a Multnomah County Jail, except any- personal items kept at the jailer's discretion for the prisoners;

B.- Evidence seized by officers or other persons in the process of making an arrest; and

C.- Contraband, illegal items, or miscellaneous property which comes into possession of members of the ~~Bureau of Police~~Portland Police Bureau.

14C.20.020 Receipts for Property.

Officers and other authorized persons ~~shall~~will issue a receipt for all seized property, a duplicate copy of which ~~shall~~will be retained by the property/evidence division custodian. The receipt and any copy therefrom ~~shall~~must bear the signature of the person depositing the property and contain a description of the property.

14C.20.030 Records.

The property/evidence division custodian ~~shall~~will keep an accurate record of all property received by the property/evidence division and ~~shall~~will keep current records showing the disposition of all property.

14C.20.040 Evidence Property.

~~(Amended by Ordinance 186355, effective November 27, 2013.)~~

A.- All property received by the property/evidence division as evidence ~~shall~~will be held subject to use as evidence in the appropriate court(s).- Currency received by the division may be held as cash or deposited into a trust fund.- Upon final disposition of the case(s) for which such property was seized as evidence, the ~~Bureau of Police~~Portland Police Bureau ~~shall~~will make a reasonable attempt to return all lawful property still held by the property/evidence division to its legal owner or rightful possessor.- The property/evidence division may return currency in the form of cash.

B.- The ~~Bureau of Police~~Portland Police Bureau ~~shall~~will make a reasonable attempt to give notice to the legal owner or rightful possessor that the property will be released to him or her.- The notice ~~shall~~must state that the legal owner or rightful possessor has 60 days within which to claim the property at the ~~Bureau of Police~~Portland Police Bureau. All property received from the property/evidence division requires the signature of the legal owner or rightful possessor.

C.- Upon attempted notice, if property is not claimed within 60 days, the property may be disposed of by the ~~Bureau of Police~~Portland Police Bureau in the manner provided by law.- Payment on disputed claims ~~wish~~shall be authorized either by an appropriate court order approved by the City Attorney or by ordinance.

14C.20.060 Found Property.

All found property in the custody of the ~~Bureau of Police~~Portland Police Bureau will be held, and a reasonable attempt will be made to return the property to the owner. If the owner of found property held by the Bureau of Police cannot be determined, or

no owner comes forward to claim the property, the property may be disposed after 30 days from the date the property was taken into custody by the ~~Bureau of Police~~Portland Police Bureau in the manner provided by law.

Chapter 14C.30 General Procedures and Authority of the ~~Bureau of Police~~Portland Police Bureau

14C.30.010 Authority to Restrict Access to Certain Areas.

A.- Whenever a threat to the public health or safety is created by any emergency, a Portland police officer may restrict or deny access to any persons to the area where such threat exists, for the duration of such threat, when the officer reasonably believes the presence of such persons would constitute a danger to themselves or others or would substantially interfere with the performance of the police or other emergency services. For purposes of this Section, an emergency includes, but is not limited to an escaped prisoner, a natural disaster, a fire, an explosion, an accident, a riot, the presence of an armed person, a hostage incident or a bomb threat.

B.- Whenever it appears to be reasonably necessary to investigate, or to preserve or collect evidence of criminal acts, a police officer may restrict or deny access to any area.

C.- As used in this Section, "**restrict or deny access**" means that a police officer has the authority to regulate or prohibit the presence or movement of persons or vehicles to, from, and within any area, to evacuate persons and to move or remove any property therefrom, until the reason for such restriction or denial of access no longer exists.

D.- It is unlawful for any person to enter or to refuse to leave any area closed or restricted in access pursuant to Subsections ~~(A)~~2 or ~~(B)~~2 above, unless such person has specific statutory authority, or the permission of the on-scene ranking police officer, to be within such area.

E.- In accordance with the authority granted by this Section, and in consideration of the law enforcement and emergency services needs involved, provision ~~will~~shall be made for reasonable access to such areas by members of the media for the purpose of news gathering and reporting.

14C.30.020 Other Police Officers Authorized to Arrest, Cite, or Take Other Enforcement Action for Violations of City Code Provisions.

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

Police officers, as defined in this Title, are authorized to arrest, issue a citation, or take other enforcement action for violations of the following Portland City Code provisions:

- A.- All provisions of Title 11, Tree Regulations;
- B.- All provisions of Title 14, Public Order and Police;
- C.- All provisions of Title 16, Vehicles and Traffic;
- D.- All provisions of Title 18, Noise Control; and
- E.- All provisions of Title 20, Parks and Recreation.

14C.30.030 Authority to Direct Traffic on Public Rights of Way.

Officers and reserve officers of the Portland Police Bureau are authorized to direct pedestrian and vehicular traffic on any public right-of-way.

14C.30.040 Seizure and Disposition of Weapons.

A.- The ~~Bureau of Police~~Portland Police Bureau may seize and take possession of any dangerous or deadly weapon that is possessed unlawfully, or used unlawfully, or used for an unlawful purpose.- The weapon ~~shall~~will be held subject to disposal as provided in this Section.

B.- If it is determined that the weapon was not possessed, carried, or used unlawfully, the weapon ~~shall~~will be released to the lawful owner if ~~he or she~~they files a timely written claim with the Bureau.

1.- A claim is timely if it is filed:

a.- Within 60 days after the weapon was seized, if it was not held for use as evidence, or

b.- Within 60 days after it was released by directive of the Chief of Police or court order, if it was held for use as evidence.

2.- If there is a question as to ownership or right to possession, the weapon ~~wi~~shall be released as ordered by the court.

C.- If the name and address of a person entitled to claim possession of a weapon under Subsection B. is known to the ~~Bureau of Police~~Portland Police Bureau, the Bureau ~~shall~~will give that person notice as provided in ~~Portland City Code~~Chapter 14C.20.

D.- If the weapon is not claimed under the provisions of Subsection B. or was possessed, carried, or used unlawfully by the owner, it is a nuisance.- Subject to a court order to the contrary, the weapon ~~shall~~will be disposed of as provided in Subsections ~~E.~~ ~~through~~to G.

E.- Subject to approval of the, Property/Evidence Division, if the weapon is a firearm suitable for use by the ~~Bureau of Police~~Portland Police Bureau, it ~~shall~~may be added to the inventory of the Bureau.

F. -Subject to Subsection C. if the weapon is a shotgun or rifle, it ~~shall~~will be delivered to the Property/Evidence Division, which ~~shall~~will dispose of it in the same manner as surplus property.- However, disposal ~~shall~~will be only to persons who have prequalified with the Property/Evidence Division as being licensed to sell firearms at retail.

G.- Any weapon described in Subsection D. that is not disposed of as ordered by the court, or as provided in Subsection E. or F., ~~shall~~must be destroyed by the Property/Evidence Division.

14C.30.050 Seizure of Dangerous and Deadly Weapons for Safekeeping.

If a police officer reasonably believes that a dangerous or deadly weapon may be used to cause serious harm to any person, the police officer may temporarily seize the weapon for safekeeping. If an officer seizes a weapon under this Section, ~~he or she~~they ~~shall~~must promptly turn the weapon into the ~~Bureau of Police~~Portland Police Bureau Property/Evidence Division.

14C.30.060 Caretaking of Property.

At the discretion of a police officer, property may be received for safekeeping or the prevention of crime.

14C.30.070 Authority of ~~Tri-Met~~TriMet to Prohibit Misuse of Transit Shelters and Loading Platforms on City Property.

A. ~~Tri-Met~~TriMet may make and enforce such ordinances and regulations as it deems necessary regarding misuse of transit shelters and transit loading platforms for the purpose of exclusion and criminal trespass.

B. -For the purposes of this Section, the following definitions apply:

1. -~~Transit S~~shelter means: the area within the drip line of any transit shelter within the limits of the City of Portland, except the Pioneer Square North and South stations.

2. -**Transit loading platform** means: the area that extends the entire length of the tactile bricks where ~~Tri-Met~~TriMet operated trains and trolleys load and unload within the limits of the City of Portland. This area extends from the tracks to one foot past the rear of the ~~Tri-Met~~TriMet ticket vending machines, or to the farthest drip line of the transit shelter, whichever is farthest from the tactile bricks.

14C.30.080 Appeal of Designation as a Gang Affiliate.

A.- Any person who is to be designated as a gang affiliate by the Police Bureau following the administrative hearing provided for in the Portland Police Bureau Manual of Policy and Procedure or who has unsuccessfully challenged a gang affiliate designation at such a hearing, has a right of appeal to the Code Hearings Officer.

B.- The appeal authorized by this Section ~~wish~~all be conducted in accordance with the procedures and under the conditions set forth in Chapter 22.10 of this Code.

Title 26 Electrical Regulations

Chapter 26.01 Title and Scope

26.01.010 Title.

This Title ~~shall be~~ known as Title 26, Electrical Regulations and will be referred to ~~herein~~ this Title as “this Title.”

26.01.020 Purpose.

The purpose of this Title is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of all electrical systems within the City ~~of Portland~~'s area of regulatory responsibility.

26.01.030 Code Adoption.

The provisions of the State of Oregon Electrical Specialty Code, ~~2023-2023~~ Edition, as published by the National Fire Protection Association (NFPA) and known as the NFPA 70, National Electrical Code (NEC) ~~2023-2023~~ Edition and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, including the appendices and Electrical Standards adopted by the State of Oregon, are ~~hereby~~ adopted by this reference.

These codes and standards are on file in the Development Services Center ~~of the City of Portland~~.- This Title ~~shall~~ will prevail except where specifically prohibited by the Oregon Revised Statutes and the Oregon Administrative Rules.

Chapter 26.02 Definitions

26.02.010 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 singular.- Words used in the masculine gender include the feminine and the feminine the masculine.- Terms, words, phrases and their derivatives used in this Title, but not specifically defined in ~~this Title, or if not herein defined this Chapter~~, ~~shall~~ have the meanings commonly accepted in the community.

26.02.020 Approved.

Approved means electrical installations, equipment, product or materials acceptable under ORS 479 to the City ~~of Portland~~, Portland Permitting & Development.

26.02.030 Portland Permitting & Development.

The Bureau ~~shall means the City of Portland~~ Portland Permitting & Development, ~~hereinafter which may be~~ referred to in this Chapter as “the Bureau,” ~~which~~ may be represented by any duly authorized employee.

26.02.040 ~~Director~~ Building Official.

~~Director~~ Building Official ~~shall means the Director of Building Official for the City the Portland Permitting & Development or a duly authorized representative charged with the administration and enforcement of the State Electrical Code of the Director.~~ - The Building Official ~~Director~~ serves as ~~the Building Official and~~ the authority having jurisdiction ~~for purposes of over the Electrical Code for enforcement of this Title.~~

26.02.050 Electrical Code.

The Electrical Code ~~shall means~~ the current State of Oregon Electrical Specialty Code, (including appendices and Electrical Standards) as adopted by the State of Oregon.

26.02.060 Electrical Inspection Supervisor.

Electrical Inspection Supervisor ~~shall means~~ the supervisor of ~~the~~ Portland Permitting & Development's Commercial Electrical Section.

26.02.070 Emergency Electrical Work.

Emergency electrical work is an acute, unplanned and immediate need for electrical repair or replacement involving an existing electrical installation or product or both.

26.02.080 Inspector.

Inspector means a person certified by the State of Oregon as competent in electrical code regulation and employed by the Bureau ~~for enforcement of this Title.~~

26.02.090 OAR.

~~The~~ **OAR** ~~shall means~~ the Oregon Administrative Rules.-

26.02.100 ORS.

~~The~~ **ORS** ~~shall means~~ the Oregon Revised Statutes.-

26.02.110 Owner.

Owner is the person whose name and address is listed as the owner of the property by the County Tax Assessor on the County Assessment and Taxation records.

26.02.120 Supervising Electrician.

A **Supervising Electrician** is a person possessing a valid general or limited supervising electrician's license issued by the State of Oregon.

26.02.130 Unanticipated Electrical Work.

Unanticipated electrical work is electrical work, including a new installation, requested by a customer where the timing of a request for commencement of work does not reasonably allow the contractor time to obtain an electrical permit before starting the work.- Unanticipated electrical work includes, but is not limited to, additional work assigned at the work site as well as preassigned work when the customer requests service at an unplanned date or time.- Unanticipated electrical work does not include electrical work where a permit already exists covering all or part of the work.

Chapter 26.03 Organization and Enforcement

26.03.010 Building OfficialOrganizationDirector.

~~The Director of the Portland Permitting & Development serves as the Building Official and will be referred to herein as the Director. The Director~~ City Administrator and the Building Official shall be ~~is~~ responsible for the enforcement of this Title except to the extent the Building Code, as that term is defined in Subsection 24.10.075 A.1., empowers and requires the Building Official to act.- The Building Official ~~City Administrator~~ Director ~~City Administrator shall~~ appoints technical officers, certified inspectors and other employees necessary to enforce this Title.- The City Administrator ~~Building Official~~ Director ~~City Administrator shall have the power to~~ may render interpretations of this Title and the Electrical Code and ~~to~~ adopt and enforce supplemental regulations in order to clarify the application of requirements.- Such interpretations, rules and regulations ~~shall~~ will be in conformance with the intent and purpose of the Electrical Code.

26.03.020 Right of Entry.

The City Administrator ~~Building Official~~ Director ~~City Administrator~~ may enter and inspect any building or premises when:

A. It is necessary to enforce the requirements of this Title; or,

B. There is reasonable cause to believe a dangerous, hazardous or unsafe condition exists ~~which~~ that is in violation of this Title.

The ~~City Administrator~~~~Building Official~~ ~~Director~~ ~~City Administrator~~ may inspect occupied buildings or premises at reasonable times by presenting credentials to the occupant(s) and requesting entry.- To request entry to and inspect unoccupied buildings or premises, the ~~City Administrator~~~~Building Official~~ ~~Director~~ ~~shall~~~~City Administrator~~ ~~will~~ first make a reasonable effort to locate the owner or other persons controlling the property.- If entry is refused or if the owner or persons controlling the property cannot be located, the ~~Director~~ ~~City Administrator~~ ~~shall~~ ~~will~~ have recourse to the remedies provided by law to secure entry.

26.03.030 Conformity Required.

Any electrical equipment, product or material used or intended to be used under the scope this Title must be approved under ORS [Chapter 479](#).- To be accepted by the Bureau, such equipment, product or material ~~must~~~~shall~~ be installed, constructed, altered, renovated, repaired and maintained in compliance with the requirements of this Title.

Nothing in this Title is intended to permit the design, construction, installation, quality of materials, location, operation and maintenance of equipment ~~which~~~~that~~ is not in accordance with any applicable sections of Title 24 (Building Regulations), Title 25 (Plumbing Regulations), Title 27 (Heating and Ventilating Regulations), Title 28 (Floating Structures) and Title 32 (Signs and Awnings) of ~~this~~ ~~Code of the City of Portland~~.

Any portion of any installation, construction, alteration, renovation, or repair made in violation of this Title ~~must~~~~shall~~ be removed or corrected to comply with the requirements of this Title.

Whenever there is insufficient evidence of compliance with any of the requirements of this Title or evidence that any equipment, product, material or construction does not conform to the requirements of this Title, the ~~City Administrator~~~~Building Official~~ ~~City Administrator~~ ~~Director~~ may require tests as proof of compliance.- All tests ~~must~~~~shall~~ be made by an agency approved by the State of Oregon Electrical and Elevator Board as meeting the testing standard requirements for electrical safety as required by ORS 479.510 through 479.855 and Oregon Administrative Rules.- The tests ~~must~~~~shall~~ be made at no expense to the City.- Test methods ~~must~~~~shall~~ be as specified by the Electrical Code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed equipment, product, material, or construction, the ~~City Administrator~~~~Building Official~~ ~~City Administrator~~ ~~Director~~ ~~shall~~ ~~may~~ determine test procedures.- Reports of such tests ~~shall~~ ~~will~~ be retained by the ~~City~~ ~~Director~~ for the period required for the retention of public records.

26.03.040 Qualifications Required.

Any person, other than the owner, performing any electrical work regulated by this Title ~~must~~~~shall~~ possess appropriate State of Oregon electrical license(s) and/or

registration(s) indicating qualifications appropriate to the type of work involved.- If requested, the required license(s), and/or registration(s) ~~must~~shall be shown to the ~~Director~~City Administrator~~Building Official~~.

26.03.050 Violations and Penalties.

A. ~~Violations.~~

- 1.- ~~It shall be~~is unlawful for any person to fail to comply with the provisions of this Title.
- 2.- It ~~shall be~~is unlawful for any person to remove correction notices, proceed with electrical work, or cover defective work prior to approval by the Bureau.
- 3.- ~~It shall be~~is unlawful for any person to continue unauthorized work after issuance or posting of a stop work notice unless authorized by the City Administrator~~Building Official~~City Administrator~~Director~~.
- 4.- ~~It shall be~~is unlawful for any person to reconnect power to any structure, installation or equipment after issuance of a notice to disconnect or after such power was disconnected by the City Administrator~~Building Official~~City Administrator~~Director~~, unless authorized by the City Administrator~~Building Official~~City Administrator~~Director~~.
- 5.- ~~It shall be~~is unlawful for any person to remove, alter or destroy any notice to stop work or to disconnect power.
- 6.- It ~~shall be~~is unlawful for any person to overfuse any conductor, motor or apparatus in excess of the amount allowed by this Title.- It ~~shall be~~is unlawful for any person to install any substitute for an approved fuse or circuit breaker or to interfere with or alter any circuit or automatic device so as to remove or reduce the required factor of safety as identified in OAR 918.251 through 918.311.
- 7.- ~~Electrical equipment which that~~ was unlawful at the time of installation, and ~~which that~~ would be unlawful under this Title if installed after the effective date of this Title, ~~shall~~constitutes a continuing violation of this Title.

B. ~~Penalties.~~

- 1.- ~~In the event the property owner or permit holder, or the agent of the owner or permit holder, fails or neglects to carry out any requirement, or fails to correct any noted violations of this Title, the~~ Director~~City Administrator~~ may gain compliance by any of the remedies outlined in Chapter 3.30 of this ~~Code of the City of Portland~~.

2.- Any person, firm or corporation found guilty of violating any of the requirements of this Title ~~shall be~~is subject to civil penalties. Penalty amounts ~~shall be~~are those established in ORS, OAR, ~~and/or this~~the Code ~~of the City of Portland~~.

3.- When electrical work requiring a permit under this Title is commenced prior to obtaining a permit, the ~~Bureau shall~~City Administrator~~City Administrator~~Building Official may conduct an investigation and may issue a stop work order in accordance with Section 26.03.080.- (Exceptions to permit requirements are found in Chapter 26.04.)- The investigation may involve inspecting the site for violations, checking Bureau files, and notifying applicable parties.- The ~~Bureau~~City Administrator~~City Administrator~~Building Official 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 Electrical Code and this Title. The ~~City Administrator~~Building Official~~City Administrator~~Bureau will conduct an investigation before any permit is issued for the work.- The ~~City Administrator~~Building Official~~City Administrator~~Bureau's investigation may include determining the nature and extent of the work, checking the work for compliance with the Electrical Code and this Title, checking ~~Bureau~~City records and notifying applicable parties of the investigation results, including required corrections. -An investigation and investigation fee ~~shall be~~is required for any work done under a temporary permit when an electrical permit application and fee are not received or mailed within the time lines set in Section 26.04.070.

26.03.055 Severability Clause.

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.

26.03.060 Portland Permitting & Development Administrative Appeal Board.

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 Building Official.- The Administrative Appeal Board may:

1.- ~~review~~review appeals of the Bureau's application and interpretation of this Title and the Electrical Code;

2.- review requests for modifications to the strict application of ~~this Title and~~ the Electrical Code; and

3.- review requests to use an alternative method.

B.- Appeals to the Administrative Appeal Board and Final Decisions.- Any person aggrieved by a decision of the ~~Building Official Bureau City Administrator~~ related to the application and interpretation of the Electrical Code ~~or this Title~~ or who wants to request consideration of an alternative method may file an appeal with the Administrative Appeal Board.- Such an appeal must be filed within 180 days of the ~~Bureau City Administrator~~ decision being appealed; provided, however, the ~~provisions of this Title and the~~ Electrical Code in effect at the time the ~~Bureau City Administrator~~ 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 ~~this Title or~~ the Electrical Code was not correctly interpreted or applied;

2.- grant requests for modifications to the strict application of ~~this Title or~~ the Electrical Code where it is assured that the modification provides equivalent safety; or

3.- approve an alternative method if the Administrative Appeal Board finds that any such alternative complies with the intent of ~~this Title and~~ the Electrical Code and that the method offered is, for the purpose intended, at least the equivalent of that prescribed in ~~this Title and~~ the Electrical Code in safety.- The Administrative Appeal Board may not waive the requirements of ~~this Title or~~ the Electrical Code.- 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.- 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.

C.- Reconsideration of fFinal dDecisions and aAppeals to the Electrical 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 Electrical Code Board of Appeal in accordance with Section 26.03.070 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 Electrical Code Board of Appeal.- The ~~provisions of this Title and the~~ Electrical Code in effect at the time of the final decision being reconsidered or appealed will be applied to the reconsideration or subsequent appeal to the Electrical Code Board of Appeal.

D. -Fees for ~~a~~Appeals.- The fees for administrative appeals ~~shall be~~are 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.

26.03.070 Electrical Code Board of Appeal.

A.- Appointment of Electrical Code Board of Appeal.- ~~In order to hear appeals of final decisions of the Building Official made under Section 26.03.060, there has been created~~is an Electrical Code Board of Appeal, consisting of three members and one alternate 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 Electrical Code.- One member and one alternate member shall~~must be Oregon licensed signing supervisor journeymen electricians whose experience and training provide expertise on matters contained in the Electrical Code and this Title.- One member ~~must~~shall be Oregon registered electrical engineers with substantial experience in electrical design and construction subject to the requirements of the Electrical Code and this Title.- One member ~~must~~shall be electrical contractors experienced in electrical design and construction subject to requirements of the Electrical Code and this Title.

2.- ~~Electrical Code Board of Appeal appointments are~~shall be for a ~~three~~3-year term.- Appeal Board members may serve no more than two ~~three~~3-year terms.- ~~However,~~board members may serve a third term if their board hasn't convened in the board member's first two terms. ~~or~~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.- ~~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 the 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 Electrical Code Board of Appeal~~ mustshall comply with the State ethics laws applicable to public officials.

5.- ~~Members of the Electrical Code Board of Appeals~~ mustshall serve in a voluntary capacity and without pay.

B.- ~~Appeals to the Electrical Code Board of Appeal.- The Electrical 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 Electrical Code.- The Electrical 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 Electrical Code Appeal Board.- A panel of three Electrical Code 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~~imitations of ~~a~~Authority of the Electrical Code Board of Appeal.- The Electrical Code Board of Appeal may provide reasonable interpretations of the requirements of ~~this Title and~~ the Electrical Code 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 Electrical Code;
- 2.- ~~grant~~ requests for modifications to the strict application of ~~this Title or~~ the Electrical Code where it is assured that the modification provides equivalent safety; or
- 3.- approve an alternative method if the Electrical Code Board of Appeal finds that any such alternative complies with the intent of ~~this Title or~~ the Electrical Code and that the method offered is, for the purpose intended, at least the equivalent of that prescribed in the Electrical Code in safety.- The Electrical Code Board of Appeal may not waive the requirements of ~~this Title or~~ the Electrical Code.

Any person aggrieved by a final decision of the Electrical 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.

26.03.080 Stop Work Orders.

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~~City Administrator or Building OfficialDirector's determination in accordance with Portland City Code Section 3.30.080.

26.03.090 Electrical Power Disconnect.

A. ~~The City Administrator Building Official~~City Administrator~~Director~~ may order the person or entity who controls the electrical power to disconnect the power to the structure, installation, portions of the installation, or product if the Bureau determines that an electrical installation or product:

1. ~~Fails~~ to comply with minimum safety standards; or,
2. ~~Was~~ installed without an electrical permit; or,
3. ~~Is~~ not in accordance with the requirements of the Electrical Code or this Title.

Prior to the power disconnection, the ~~City Administrator Building Official~~City Administrator~~Director~~ ~~shall will~~ provide written notice to the property owner and the person(s) affected by the power disconnection. The notice ~~shall will~~ contain a proposed disconnection date.

B. If the condition of an electrical installation or product constitutes an immediate hazard to life or property, personnel authorized by the ~~City Administrator Building Official~~City Administrator~~Director~~ may cut or disconnect any conductor(s) necessary to remove such hazard. As soon as practical, the ~~City Administrator Building Official~~City Administrator~~Director~~ ~~shall will~~ provide written notice to the property owner and the person(s) affected by the power disconnection.

C. ~~The City Administrator Building Official~~City Administrator~~Director~~ ~~shall will~~ ~~thereupon~~ attach a notice to the structure, in writing, that the conductors or product will be (or have been) disconnected because the installation or product is unsafe to life or property. The notice of disconnection ~~shall may~~ not be removed by any person except the ~~City Administrator Building Official~~City Administrator~~Director~~.

D. ~~When~~ any wiring or product in any building has been disconnected or ordered disconnected by the ~~City Administrator Building Official~~City Administrator~~Director~~ or Portland Fire & Rescue, the wiring or product ~~shall may~~ not be reconnected until placed in a safe and secure condition, and inspected and approved by the ~~City Administrator Building Official~~City Administrator~~Director~~. Unauthorized reconnection of power may result in penalties as outlined in this Title.

26.03.100 Maintenance.

All existing electrical installations ~~shall must~~ be maintained in a safe condition. All required devices or safeguards ~~must shall~~ be maintained in conformance with the Electrical Code and this Title. To determine compliance with this Section, the ~~City Administrator Building Official~~City Administrator~~Director~~ may inspect any electrical installation.

26.03.110 Electrical Fences.

A. -Where ~~p~~Permitted.-

1. -Locations in industrial use categories as defined in Title 33 may have hardwired electrically charged fences if the installation meets the requirements of the Electrical Code and this Title.
2. -Hardwired electrical fences and obstructions are prohibited at all other locations.
3. -Battery-charged fences may be located on property not zoned or used for residential use per conditions outlined in ORS 195.870.
4. -Battery-charged fences are prohibited on property zoned or used for residential use.

B.- Standards for hardwired electrical fences.- Hardwired electrical fences mustshall comply with the following standards:

- 1.- The product mustshall be listed by a State of Oregon approved testing laboratory.
- 2.- The product mustshall be installed and used in accordance with the testing laboratory listing.
- 3.- Electrical permits and inspections shall beare required for the installation.
4. -Warning signs which-that notify individuals of a dangerous fence must shall be posted on the fence, at intervals not to exceed 50 feet. The statement, "DANGER - Electrified Fence," (or an equivalent statement) mustshall be on the warning signs.

26.03.120 Liability.

The City Administrator and Building OfficialDirector, acting in good faith and without malice in the discharge of the duties required by this Title, shall-will not thereby be rendered personally liable for any damage that may occur to persons or property as a result of any act or by reasons of any act or omission in the discharge of such duties.- Any suit brought against the City Administrator and Building OfficialDirector or duly authorized representative of the or Building OfficialDirector because of such act in the scope of their duties or omission performed by them in the enforcement of any provision of this Title or other pertinent laws or ordinances implemented and enforced by the City shall-will be defended by the City until final termination of such proceedings, and any judgement resulting therefrom shall-will be assumed by the City.

This Title shall-may not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any electrical installation equipment or product

for any damages to persons or property caused by defects, nor ~~shall~~will the Bureau or City be held as assuming any such liability by reason of the inspections authorized by this Title or any permits or certificates issued under this Title.

Chapter 26.04 Permits

26.04.010 Permit Required.

~~A.~~1. An electrical permit ~~must~~shall be obtained prior to commencing any work for which an electrical permit is required.

~~Exception~~XCEPTION: Emergency or unanticipated electrical work may be started under a temporary permit provided the nature of the work, and the procedure followed by the contractor, meet the requirements of ORS 479.550 and OAR 918-309-0080.

~~B.~~2. Electrical permits are not required for the following electrical installations:

- ~~1.~~1. Work performed under a valid electrical Master Permit (Industrial Plant) Program in accordance with OAR Chapter 918 and Chapter 26.08 of this Title;
- ~~2.~~2. Work defined as a minor installation in OAR Chapter 918 for which a minor label has been obtained from the Bureau;
- ~~3.~~3. Repair or replacement of light fixtures, light switches, lighting ballast, electrical outlets or smoke detectors in a building used for housing purposes that is owned, leased, managed or operated by a housing authority;
- ~~4.~~4. Repair, alteration or replacement of existing electrical products at an industrial plant, a commercial office building, a building that is owned, leased, managed or operated by the state or a local government entity or other facilities designated by the Electrical and Elevator Board when the owner, operating manager or electrical contractor of the facility who meets the provisions of ORS 479.630(1) and (2) obtains a master permit for inspection under ORS 479.560(3).
- ~~5.~~5. Replacing light bulbs, fluorescent tubes, or approved fuses, or connecting approved portable electrical equipment to permanently installed and properly wired receptacles;
- ~~6.~~6. Experimental electrical work or testing of electrical products in testing laboratories of electric shops, educational institutions, industrial plans, or recognized testing laboratories;
- ~~7.~~7. Installing heating, ventilating, air conditioning and/or refrigeration components exempted by OAR 918-261-0020, Exemption for HVAC/R Electrical Components.

8. Any other work exempted from permit requirements under ORS and OAR.

26.04.020 Electrical Permit Application.

Applications for electrical permits ~~must~~ be made on forms furnished by the Bureau. For one- and two-family dwellings, the electrical subcontractor inspection sticker ~~shall~~ be considered part of the application form. The applicant ~~must~~ provide all information required in a complete and legible manner. The application ~~must~~ be signed by the appropriate person as required by OAR. Permit fees and/or plan review fees ~~must~~ be paid at the time of application. Failure to properly complete the permit application may result in a delay or prevention of permit issuance until required information has been submitted.

~~Exception~~ **XCEPTION:** Any jurisdiction's electrical permit application may be used for temporary permits (see Section 26.04.070) as long as fees are paid in accordance with Title 26.

26.04.030 Permit to Owner.

A permit to perform electrical work in or about a residential or farm building may be issued to the owner of that building, subject to the following conditions:

A. All wiring ~~must~~ be installed in accordance with the Electrical Code and this Title.

B. All work done under such permit ~~must~~ be performed by the owner or by a member of the immediate family of the owner as defined in the OAR.

C. The owner does not intend to sell, exchange, lease or rent the property. If the ~~City Administrator or Building Official~~ **Director** determines that the property is offered for sale, exchange, lease or rent within ~~six~~ 6 months of final approval of permitted work, this ~~shall~~ create a rebuttable presumption that the owner intended to offer the property for sale, exchange, lease or rent at the time the permit was issued. In such case the ~~City Administrator or Building Official~~ **Director** may assess a penalty of up to \$500.

D. If any of the above conditions are not met, the permit may be revoked in accordance with Section 26.04.090.

26.04.040 Plans and Specifications.

A. Installations ~~r~~ Requiring Plan Review. Plans and specifications ~~must~~ be submitted to the ~~City Administrator Building Official~~ **City Administrator** ~~Director~~ for all complex structures as set forth in OAR 918-311-0040 (1), cert ef. 10-01-06.

B. ~~Submittal Requirements.~~ When plan review is either required or requested, prior to the issuance of a building permit, two sets of electrical plans and specifications providing the information as prescribed by the ~~City Administrator Building Official~~City Administrator~~Director~~ ~~must~~shall be filed with the Electrical Section, Portland Permitting & Development. Plans ~~must~~shall be of sufficient clarity to indicate the location, nature and extent of the work proposed.

26.04.050 Permit Issuance.

When the ~~City Administrator Building Official~~City Administrator~~Director~~ finds that the work described in the permit application, plans and specifications and other data filed therewith conforms to all requirements of this Title, that the electrical permit application has been signed as required, and that the specified fees have been paid, the ~~Bureau~~City Administrator Building Official~~City Administrator~~shall ~~may~~ issue an electrical permit to the applicant. All permits issued ~~shall~~will be subject to the following conditions:

A. ~~Plans, specifications and other data approved at permit issuance shall~~may not be altered without the ~~City Administrator Building Official~~City Administrator~~Director's~~ authorization.

B. ~~All work must~~shall be done in accordance with approved plans.

C. ~~The issuance of a permit and/or approval of plans and specifications shall~~will not prevent the ~~City Administrator Building Official~~City Administrator~~Director~~ from thereafter requiring the correction of errors or omissions in plans, specifications, other data, actual electrical work or installations when in violation of this Title or other laws and ordinances.

26.04.060 Partial Permits.

The permit for an electrical installation requiring plan review will not be issued, nor may work proceed, until the plans are approved by an electrical plan examiner. However, the ~~City Administrator Building Official~~City Administrator~~Director~~ may authorize the issuance of a partial permit before the entire plans and specifications are submitted or approved. Adequate information ~~must~~shall be submitted showing the areas of work to be covered by the partial permit and compliance with pertinent portions of the Electrical Code. Applicants will be notified in writing of which portions of the work may proceed and of the conditions under which work may proceed. Issuance of a partial permit, or authorization to commence an installation, ~~shall~~will not constitute assurance to the applicant that a permit on the entire installation will be issued, or that corrections will not be required on the portions of the installation granted preliminary authorization.

26.04.070 Temporary Permits.

The ~~Bureau~~City Administrator Building Official ~~will~~may issue temporary permits for emergency electrical work or unanticipated electrical work as those terms are defined in

and pursuant to OAR 918-309-0080, provided all of the requirements in OAR 918-309-0080 are met.- Temporary permits will only be issued to licensed electrical contractors.- Temporary permits are valid for seven~~7~~ days.

When work is done under a temporary permit, the permit application and fees must either be received by the Bureau within seven~~7~~ calendar days of the start of work, or, if mailed, be postmarked within seven~~7~~ calendar days of the start of work.

26.04.080 Life of Permit Limited.

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~~Building Official~~'s sole discretion. Extension requests must be in writing and must be 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~~Building Official~~'s sole discretion. Reactivation requests must be in writing and received by ~~the~~ Portland Permitting & Development within 180 days after permit abandonment 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~~Building Official~~'s sole discretion. Extension requests must be in writing and must be 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~~~~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.

26.04.090 Permit Suspension or Revocation.

The ~~City Administrator~~ ~~Building Official~~~~City Administrator~~~~Director~~ may, in writing, suspend or revoke a permit issued under requirements of this Title whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any law, ordinance, or requirement of this Title.

Chapter 26.05 Fees

26.05.010 Permit Fees.

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.

26.05.020 Refund of Fees.

When permit or plan review fees were paid incorrectly due to an error on the part of the City, permit and plan check fees will, as a general rule, be refunded in full when the services covered by the fees have not commenced.- When a permit applicant requests a refund, but the City was not at fault in accepting payment, fees ~~shall~~will 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.- Refund requests ~~must~~shall be made within ~~6~~six months of payment or permit issuance, whichever is later.- Refunds ~~shall~~will be made to the same person or firm

who paid the fee.- Fees will be refunded within 3three months of receipt of the refund request.- Exceptions to the above requirements may be made by the City Administrator~~Director~~.

~~26.05.030 Investigation Fees.~~

~~(Repealed by Ordinance 174721, effective August 21, 2000.)~~

~~26.05.040 Permit Fees.~~

~~(Repealed by Ordinance 174721, effective August 21, 2000.)~~

~~26.05.050 Electrical Master Permit (Industrial Plant) Program Fees and Master Permit/Annual Facilities Program Fees.~~

~~(Repealed by Ordinance 174721, effective August 21, 2000.)~~

~~26.05.060 Refund of Fees.~~

~~(Repealed by Ordinance 174721, effective August 21, 2000.)~~

Chapter 26.06 Inspections

26.06.010 Required Inspections.

All electrical installations requiring an electrical permit ~~shall be~~are subject to inspection.- Work ~~shall~~may not be covered prior to inspection.- The ~~Bureau~~City Administrator~~Building Official~~ may inspect electrical installations at such times deemed necessary to obtain compliance with the Electrical Code and this Title in accordance with OAR 918-271.

26.06.020 Other Inspections.

In addition to the required inspections specified in Section 26.06.010, the City Administrator ~~Building Official~~City Administrator~~Director~~ may make or require other inspections of any electrical installation to ascertain compliance with the Electrical Code and this Title.

26.06.030 Scope of Inspectors' Duties.

Inspectors inspect electrical installations and provide public information on the meanings or applications of Electrical Code provisions, but do not lay out work or act as consultants for electrical contractors, property owners or users.

26.06.040 Inspection Requests.

It is the responsibility of the person doing the work authorized by the permit to notify the Bureau when the work is ready for inspection.- A person requesting an inspection ~~must~~shall ensure access and means for the Bureau to perform the required inspection.- ~~Neither the City, the Building Official, Director nor and the City shall will not~~ be liable for expenses incurred in removing or replacing any material required to conduct any inspection.

26.06.050 Notice of Inspection Results and Corrections.

A.- The Bureau ~~shall~~will provide notice of the inspection results and corrections required to be made to defective electrical installations in accordance with OAR 918-271-0020. -Corrections of defective electrical installations ~~must~~shall be completed and an inspection requested within 20 calendar days of the correction notice being given in accordance with OAR 918-271-0020.- Extensions may be granted by the Bureau for reasonable cause.- Failure to complete corrections and request an inspection within the time provided may result in the Bureau gaining compliance by:

- 1.-** Any of the remedies outlined in Portland City Code Chapter 3.30; or,
- 2.-** Revoking the permit.

B. If the premises affected become vacant, the premises ~~shall~~may not be occupied for dwelling purposes until necessary permits are obtained, corrections are completed, and the corrections are inspected and approved by the ~~Bureau~~City AdministratorBuilding Official.-

26.06.060 Electrical Connections.

Connecting electrical installations to an electrical supply source ~~shall~~may be done only after approval by the ~~Bureau~~City AdministratorBuilding Official.- Such inspection approval is identified by the ~~City of Portland's~~ Electrical Inspection Record initialed by the ~~City AdministratorBuilding Official City AdministratorDirector~~ and posted on the panel box or other conspicuous place.

Exceptions: An electrical installation under this Title may be legally energized prior to inspection provided:

- A.-** A licensed supervising electrician qualified pursuant to ORS 479.630 (2) submits a written Request to Energize form to which the appropriate electrical permit has been attached; or,
- B.-** The electrical contractor is performing minor electrical work utilizing a valid minor installation label or when the installation is under an Electrical Master Permit (Industrial Plant) Program.

26.06.070 Electrical Reconnections.

When a building has been vacant and the power has been off for ~~6~~six months, the ~~City Administrator~~~~Building Official~~ ~~City Administrator~~~~Director~~ ~~will~~shall inspect the building prior to reconnection of power.- A reconnection permit fee ~~must~~shall be paid prior to the inspection.

26.06.080 Reinspection.

A reinspection may be required, and a reinspection fee may be assessed, if any of the following conditions exist:

- ~~A.-~~ Access to the work to be inspected is unobtainable or denied upon arrival of the ~~Building Official~~~~City Administrator~~~~Director~~; ~~or~~,
- ~~B.-~~ Unapproved installation has been covered in a manner ~~that~~which prevents the ~~City Administrator~~ ~~Building Official~~~~City Administrator~~~~Director~~ from determining compliance with this Title; ~~or~~,
- ~~C.-~~ Corrections required from a previous inspection have not been completed; ~~u~~ or,
- ~~D.-~~ Work has not been started or is substantially incomplete.

26.06.090 Inspections in Other Jurisdictions of Custom-Built Electrical Products.

Electrical products intended for use within the City ~~must~~shall meet the requirements of this Title even when fabricated in another jurisdiction.- The ~~City Administrator~~ ~~Building Official~~~~City Administrator~~~~Director~~ may require in-plant or on-site inspection of the fabricating process to ensure acceptability of the finished fabrication for use within the City.

Such in-plant or on-site inspection costs as determined by the ~~City Administrator~~ ~~Building Official~~~~City Administrator~~~~Director~~ ~~must~~shall be paid by the product fabricator prior to Bureau authorization for product use within the City.

Chapter 26.07 Registration of Electrical Contractors

~~(Chapter repealed by Ordinance 187432, effective December 4, 2015.)~~

Chapter 26.08 Electrical Master Permit (Industrial Plant) Program

26.08.010 Program.

The Bureau ~~shall~~will conduct an Electrical Master Permit (Industrial Plant) Program as identified in OAR 918-309-0100.- This program ~~shall~~will regulate repair, alteration or replacement of existing electrical products in qualified facilities and electrical installations ~~that~~which are part of a tenant remodel or construction within a covered facility involving a mechanical, plumbing or structural master permit.- Electrical product replacement includes installing a product in place of another that does not exceed the capacity or design of the existing electrical system.- The following types of facilities are allowed to be registered for the Master Permit (Industrial Plant) Program:

~~A.-~~ Industrial producer or servicer;

~~B.-~~ School;

~~C.-~~ Hospital;

~~D.-~~ Sewer plant;

~~E.-~~ Water plant;

~~F.-~~ Commercial office building;

~~G.-~~ Buildings owned, leased, managed or operated by a state or local government entity;

~~H.-~~ Institution;

~~I.-~~ Any other category of facility designated by the State Electrical and Elevator Board.

26.08.020 Application Requirements.

Applicants for registration in the Electrical Master Permit (Industrial Plant) Program ~~must~~shall be the owner, building operations manager or electrical contractor responsible for all electrical installations in the facility.- Each registration ~~must~~shall be limited to a single facility, which may be more than one building in a complex of buildings.- Applicants with multiple facility locations on non-contiguous lots ~~must~~shall obtain a registration for each facility.

26.08.030 Application Form.

An application for a registration ~~must~~shall be made on the form furnished by the Bureau.- The applicant ~~must~~shall provide all information required in a complete and legible manner.- Registration fees ~~must~~shall be paid at the time of application.

26.08.040 License Requirements.

Electrical work ~~shall~~may not be done beyond the scope of the license held.- Applicants with Limited Maintenance Electricians or Limited Building Maintenance Electricians on staff are not required to hold an Electrical Contractor's License or to employ a Supervising Electrician for work within the scope of these limited license categories.- Before registration will be granted, applicants ~~must~~shall either:

A. ~~Employ~~Employ one or more persons possessing an Oregon Limited Maintenance Electrician's License, a Limited Building Maintenance Electrician's License, or other Oregon electrical license as allowed by the OAR; or,

B. ~~Contract~~Contract for electrical work with a licensed electrical contractor employing a signing supervising electrician.

26.08.050 No Separate Permit Required.

When a facility is registered in the Electrical Master Permit (Industrial Plant) Program, no separate permit is required for repair, alteration or replacement of existing electrical products.- Any electrical work not covered by the Electrical Master Permit (Industrial Plant) Program requires the completion and submission of an electrical permit application to the Bureau prior to performing such work.- Any installation outside the scope of the Electrical Master Permit (Industrial Plant) Program ~~must~~shall be installed by appropriately licensed electricians and ~~must~~shall be inspected by the City Administrator~~Building Official~~Bureau.

26.08.060 Registration Suspension and Termination.

If any registrant refuses or neglects to comply with the requirements of this Title or a related regulation (all regulations pertaining to building construction, remodeling or alteration are related regulations) within 30 calendar days after the Bureau has sent the written correction notice, the Bureau may suspend or terminate the registration.- In addition, the penalty provided for in this Title may be enforced, and all work ~~must~~shall be corrected and made to comply with the requirements of this Title.- A new registration ~~shall~~will not be issued or suspension lifted until all violations cited have been corrected.

26.08.070 Appeal of Suspension or Termination Order.

If the Bureau orders the suspension or termination of a Master Permit (Industrial Plant) registration, the registrant aggrieved may appeal, in writing, to the Electrical Board of Appeal within 15 calendar days after such order.- The registrant ~~shall~~will be given not less than 15 calendar days' notice of the hearing.- The Board ~~shall~~will proceed to hear and determine the appeal.- Any suspension of a registration by the Electrical Board of Appeal may be on such conditions as the Board may order. In all cases, decisions of the Board ~~shall~~be final.

Chapter 26.09 Minor Installation Label Program

26.09.010 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 statewide minor labels program. Implementation rules are found in Oregon Administrative Rules 918-100-000 through 918-100-060. The Bureau will operate the Minor Electrical Label Program in accordance with the Oregon Administrative Rules. The Minor Installation Label Program utilizes minor labels in lieu of regular electrical permits.

26.09.020 Requirements for Minor Labels.

Minor Electrical Labels may be used in all occupancies (including commercial, industrial, apartment, multi-family and one and two family residence installations). As provided by Oregon law, the Tri-County Service Center sells minor electrical labels. The Bureau will refer all requests for minor electrical labels to the Tri-County Service Center.

26.09.030 Inspection and Enforcement Authority.

The [Building OfficialBureauCity Administrator](#), in accordance with Oregon Administrative Rule 918-100-0060, ~~shall~~ will conduct inspections and issue necessary correction notices for labels issued by the Tri-County Service Center.

26.09.040 Violations.

It is unlawful to violate the requirements of this section. Any violation of this section may be sanctioned by application of the remedies provided in [Portland City Code](#) Section 3.30.040.

Chapter 26.10 Certified Electrical Product Requirements

26.10.010 Electrical Products to be Approved.

No person, firm, or corporation ~~shall~~ may sell, transfer or otherwise dispose of any electrical product, material or device ~~that~~ which is used or intended to be used in the installations regulated by this Title, unless such product, material or device has been certified or listed as per ORS 479.760.

26.10.020 Exempt Product Inspections.

Some products are exempted from certification by ORS 479.540.- The Bureau ~~shall~~ will inspect the installation of any exempt product to ensure that Electrical Code requirements are met.-

Title 29 Property Maintenance Regulations

Chapter 29.05 Title, Purpose and Scope

29.05.010 Title.

~~This Title 29 of Portland City Code shall be~~is known as the “Property Maintenance Regulations.”

29.05.020 Purpose.

The purpose of this Title is to protect the health, safety and welfare of Portland's citizens, to prevent deterioration of existing housing and the exterior of non-residential structures, and to contribute to vital neighborhoods by:

- A. Establishing and enforcing minimum standards for residential structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.
- B. Establishing and enforcing minimum standards of maintenance for outdoor areas and adjacent rights of way.
- C. Regulating and abating dangerous and derelict buildings.
- D. Establishing and enforcing minimum standards for the exterior maintenance of non-residential structures.

29.05.030 Scope.

The provisions of this Title ~~shall~~ apply to all property in the City except as otherwise excluded by law.

29.05.040 Application of Titles 24, 25, 26, 27, 28, and 33.

Any alterations to buildings or properties—or changes of their use, ~~which that~~ may be a result of the enforcement of this Title ~~shall must~~ be done in accordance with Portland City Code applicable Sections of Titles 24 (Building Regulations), Title 25 (Plumbing Regulations), Title 26 (Electrical Regulations), Title 27 (Heating and Ventilating Regulations), Title 28 (Floating Structures), and Title 33 (Planning and Zoning) of the Code of the City of Portland and other applicable regulations.

~~29.05.050 Use of Summary Headings.~~

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

Chapter 29.10 Definitions

29.10.010 General.

For the purpose of this Title, certain abbreviations, terms, phrases, words and their derivatives ~~must~~shall be construed as specified in this Chapter.- “And” indicates that all connected items or provisions apply.- “Or” indicates that the connected items or provisions may apply singly or in combination.- Terms, words, phrases and their derivatives used, but not specifically defined in this Title, either ~~shall~~ have the meanings defined in Portland City Code Title 24, or, if not defined there, ~~shall~~ have their commonly accepted meanings.

29.10.020 Definitions.

The definitions of words with specific meaning in this Title are as follows:

~~A.-~~ Abatement of a nuisance.- The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

~~B.-~~ Accessory sStructure.- Any structure not intended for human occupancy ~~which~~that is located on residential or non-residential property. Accessory structures may be attached to or detached from the residential or non-residential structure.- Examples of accessory structures include: garages, carports, sheds, and other non-dwelling buildings; decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways, and other exterior structures on the property.

~~C.-~~ Adjacent right-of-way.- The sidewalks and planting strips that border a specific property as well as the near half of the streets, alleys, or other public rights of way that border a specific property.

~~D.-~~ Apartment hHouse.- See ~~dD~~dwelling ~~cC~~Classifications.

~~E.-~~ Approved.- Meets the standards set forth by applicable Portland City Code including any applicable regulations for electric, plumbing, building, or other sets of standards included by reference in this Title.

~~F.-~~ Basement.- The usable portion of a building ~~that~~which is below the main entrance story and is partly or completely below grade.

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

H.— Building. Any structure used or intended to be used for supporting or sheltering any use or occupancy.

I.— Building, eExisting. Existing building is a building erected prior to the 1972 adoption of the building code by the City of Portland, or one for which a legal permit has been issued.

J.— Ceiling hHeight. The clear distance between the floor and the ceiling directly above it.

K.— Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

L.— Dangerous bBuilding. See dDangerous sStructure.

M.— Dangerous sStructure. Any structure thatwhich has any of the conditions or defects described in Section 29.40.020, to the extent that life, health, property, or safety of the public or its occupants are endangered.

N.— Demolition wWarrant. An order from the Circuit Court authorizing the demolition of a dangerous structure as authorized by this Title, including disposal of all debris in an approved manner, and returning the lot to a clean and level condition.

O.— Derelict bBuilding. Any structure thatwhich has any of the conditions or defects described in Subsection 29.40.010 A.

P.— Director. Is as defined in Portland City Code Section 24.15.070.

Q.— Disabled vehicle. Any vehicle thatwhich is or appears to be inoperative, wrecked or dismantled, or partially dismantled.

R.— Duplex. See dDwelling cClassifications, “tTwo-fFamily dDwelling.”

S.— Dwelling. Any structure containing dwelling units, including all dwelling classifications covered by the Title.

T.— Dwelling cClassifications. Types of dwellings covered by this Title include:

1.— Single-fFamily dDwelling. A structure containing one dwelling unit.

2.— Two-fFamily dDwelling. A structure containing two dwelling units, also known as a “duplex.”

3.— Apartment hHouse. Any building or portion of a building containing three or more dwelling units, thatwhich is designed, built, rented, leased, let, or hired out to be occupied for residential living purposes.

4. Hotel. Any structure containing six or more dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by residents on a daily, weekly, or monthly basis.

5. Motel. For purposes of this Title, a motel ~~shall be~~ defined the same as a hotel.

6. Single-Room Occupancy Housing Unit. A one-room dwelling unit in a hotel providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.

7. Manufactured Dwelling. The term “manufactured dwelling” includes the following types of single-family dwellings as noted below. Manufactured Dwelling does not include any unit identified as a recreational vehicle by the manufacturer:

a. Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.

b. Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

c. Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.

8. Floating Home. A floating structure used primarily as a dwelling unit. Application of this Title ~~shall~~ will be modified for floating homes, when appropriate, by nautical application and tradition as defined in [Portland City Code Section 28.01.020](#).

U. Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation.

V.—. Eradication.— Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant.— The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

W.—. Exit. (mMeans of eEgress.)— A continuous, unobstructed means of escape to a public way, including intervening doors, doorways, exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, passageways, exterior courts and yards.

X.—. Exterior pProperty aArea.— The sections of residential property ~~that~~which are outside the exterior walls and roof of the dwelling.

Y.—. Extermination.— The control and elimination of insects, rodents, vermin or other pests by eliminating their harborage places; by removing or making inaccessible those materials that serve as a source of food or water; or by other approved pest elimination methods.

Z.—. Floor aArea.— The area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.

AA.—. Guard or gGuardrail.— A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

BB.—. Habitable rRoom (sSpace).— Habitable room or space is a structure for living, sleeping, eating or cooking.— Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

CC.—. Handrail.— A horizontal or sloping rail intended for grasping by the hand for guidance or support.

DD.—. Hotel.— See dDwelling cClassifications.

EE.—. Immediate dDanger.— Any condition posing a direct immediate threat to human life, health, or safety.

FF.—. Infestation.— The presence within or around a structure of insects, rodents, vermin or other pests to a degree that is harmful to the dwelling or its occupants.

GG.—. Inspection.— The examination of a property by the City Administrator or Director—for the purpose of evaluating its condition as provided by this Title.

HH.—. Inspection wWarrant.— An order from the Circuit Court authorizing a safety or health inspection or investigation to be conducted at a designated property.

II.—_Inspector.- An authorized representative of the [City Administrator or Director](#) whose primary function is the inspection of properties and the enforcement of this Title.

JJ.—_Interested pParty.- Any person or entity that possesses any legal or equitable interest of record in a property including but not limited to the holder of any lien or encumbrance of record on the property.

KK.—_Kitchen.- A room used or designed to be used for the preparation of food.

LL.—_Lavatory.- A fixed wash basin connected to hot and cold running water and the building drain and used primarily for personal hygiene.

MM.—_Lawn area.- Any area of a property, including vacant lots, where lawn grasses are used as ground cover, or where the ground covering vegetation does not permit passage to substantial portions of the property without walking directly on the vegetation.

NN.—_Lawn grass.- Varieties of grass that were planted, or are commonly sold, for the purpose of maintaining a mowed lawn.

OO.—_Maintenance.- The work of keeping property in proper condition to perpetuate its use.

PP.—_Maintained compost area.- A small portion of a property set aside for the purpose of encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer for the soil on the property.- A maintained compost area shows clear indicators that the yard debris placed there is being actively managed to encourage its rapid decomposition.- Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture.- A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition is not a maintained compost area.

QQ.—_Manufactured dDwelling.- See [dDwelling cClassifications](#).

RR.—_Motel.- See [dDwelling cClassifications](#).

SS.—_Naturescape.- Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

TT.— Nuisance Abatement Warrant.— An order from the Circuit Court authorizing the removal and abatement of any nuisance as authorized by this Title, including disposal of the nuisance items removed in an appropriate manner.

UU.— Occupancy.— The lawful purpose for which a building or part of a building is used or intended to be used.

VV.— Occupant.— Any person (including an owner or operator) using a building, or any part of a building, for its lawful, intended use.

WW.— Operator.— Any person who has charge, care or control of a building or part of a building in which dwelling units are let or offered for occupancy.

XX.— Outdoor area.— All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

YY.— Owner.— The person whose name and address isare listed as the owner of the property by the County Tax Assessor on the County Assessment and Taxation records.

ZZ.— Plumbing or pPlumbing fFixtures.— Plumbing or plumbing fixtures mean any water heating facilities, water pipes, vent pipes, garbage or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connection to water, gas, sewer, or vent lines.

AAA.— Property.— Any real property and all improvements, buildings or structures on real property, from property line to property line.

BBB.— Public right-of-way.— Any sidewalk, planting strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use.

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

DDD.— Resident.— Any person (including owner or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.

EEE.— Residential pProperty.— Real property and all improvements or structures on real property used or intended to be used for residential purposes including any residential structure, dwelling, or dwelling unit as defined in this chapter and any mixed-use structures thatwhich have one or more dwelling units. Hotels that are used exclusively for transient occupancy, as defined in this Title, are excluded from this definition of residential property.

FFF.— Residential rRental pProperty.— Any property within the City on which exist one or more dwelling units ~~that~~^{which} are not occupied as the principal residence of the owner.

GGG.— Residential sStructure.— Any building or other improvement or structure containing one or more dwelling units as well as any accessory structure. This includes any dwelling as defined in this Title.

HHH.— Shall or Must.— ~~As~~^{As} used in this Title, is mandatory.

III.— Single-fFamily dDwelling.— See ~~dD~~^{dD}welling ~~cC~~^{cC}lassifications.

JJJ.— Single-rRoom oOccupancy hHousing uUnit.— See ~~dD~~^{dD}welling ~~cC~~^{cC}lassifications.

KKK.— Sink.— A fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.

LLL.— Sleeping rRoom.— Any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.

MMM.— Stagnant wWater.— Any impoundment of water in which there is no appreciable flow of water through the impoundment and the level of water does not vary during any 48-hour period.

NNN.— Street.— Includes any street, avenue, boulevard, alley, lane, bridge, bicycle path, road, walk, public thoroughfare or public way, and any land over which a right of way has been obtained, or granted and accepted for any purpose of public travel, including all area between property lines, and area dedicated to street use.

OOO.— Structure.— That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

PPP.— Summary aAbatement.— Abatement of a nuisance by the City, or by a contractor hired by the City, without obligation to give prior notice of the abatement action to the owner or occupant of the property.

QQQ.— Supplied.— Installed, furnished or provided by the owner or operator.

RRR.— Swimming pPool.— Any structure intended for swimming or recreational bathing that contains water over 24 inches deep.— This includes in-ground, above ground and on-ground swimming pools, hot-tubs and spas.

SSS.— Toilet. A flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.

TTT.— Toilet cCompartment. A room containing only a toilet or only a toilet and lavatory.

UUU.— Transient oOccupancy. Occupancy of a dwelling unit in a hotel where the following conditions are met:

- 1.- Occupancy is charged on a daily basis and is not collected more than six days in advance;
- 2.- The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy;
- 3.- The period of occupancy does not exceed 30 days; and
- 4.- If the occupancy exceeds five days, the resident has a business address or a residence other than at the hotel.

VVV.— Two-fFamily dDwelling. See dDwelling cClassifications.

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

XXX.— Vehicle. Any device in, on, upon, or by which any person or property is or may be transported or drawn upon a public highway, except a device moved by human power or used exclusively upon stationary rails or tracks, including but not limited to a body, an engine, a transmission, a frame, or other major part.

YYY.— Warehousing. Securing a structure against vandalism, deterioration, and unauthorized entry pending its return to active use or occupancy.

ZZZ.— Yard. An open, unoccupied space, other than a court, unobstructed from the ground to the sky, and located between a structure and the property line of the lot on which the structure is situated.

Chapter 29.20 Property Nuisances

29.20.010 Outdoor Maintenance Requirements.

It is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas of the property and adjacent rights of way in a manner that complies with the following requirements:

A.- Holes, tanks, and child traps.- Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition ~~that~~which may endanger neighboring property or the health or safety of the public or the occupants of the property.

B.- Unsecured structures.- Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any structure so as to prevent access by unauthorized persons through such openings.

C.- Rat harborage.- Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

D.- Emergency access routes.- Remove and keep removed all brush, vines, overgrowth and other vegetation located within ~~5~~five feet of a structure or within ~~five~~five feet of a property line ~~that~~which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.

E.- Thickets that conceal hazards.- Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

1.- ~~Concealing~~ trash and debris; or

2.- ~~Creating~~ rat harborage; or

3.- ~~Creating~~ harborage for people involved in criminal activity or for products used for criminal activity.

F.- Overgrown lawn areas.- Cut and remove and keep cut and removed all weeds and grass that are located in lawn areas and have a prevailing height of more than 10 inches.

G.- Nuisance ~~p~~Plants.- Eradication, as defined in Subsection 29.10.020 V., is required of all plants identified on the Nuisance Plants List.- The City Administrator~~Director~~ ~~shall~~will adopt administrative rules detailing implementation and enforcement of this provision.-

H.- Trash and debris.- ~~Remove~~, and keep removed, unless specifically authorized by ordinance to do otherwise:

1.- ~~All~~ garbage, offal, dead animals, animal and human waste, and waste materials- (All garbage ~~must~~shall be stored as specified in Section 29.30.140);

2. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;

3. All dead bushes, dead trees, and stumps with the exception of such material thatwhich:

a. Is being maintained as part of a naturescaped property;

b. Does not result in a nuisance as otherwise defined in this chapter; and

c. Is located on a property thatwhich is otherwise substantially in compliance with this eChapter;

4. All trees thatwhich are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in Portland City Code Title 11;

5. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and

6. Accumulations of clothing and any other items not designed for outdoor storage.

I. Storage of non-trash items. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

1. Accumulations of wood pallets.

2. Any woody debris from Elm trees and all firewood that is not stacked and useable. - "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. - Elmwood thatwhich is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in Portland City Code Title 11, Trees.

3. Accumulations of vehicle parts or tires.

4. All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.

5. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.

6. All indoor furniture ~~except, that which~~ unless it is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.

7. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well-maintained manner.

8. All other non-trash items ~~that which~~:

a. Are of a type or quantity inconsistent with normal and usual use; or

b. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

J. Disabled vehicles. Neither store nor permit the storing of a disabled vehicle for more than ~~seven~~ 7 days unless the vehicle is enclosed within a legally permitted building or unless it is stored by a licensed business enterprise dealing in junked vehicles lawfully conducted within the City. Removal and disposition of such disabled vehicles ~~must~~ shall be in accordance with the provisions of Section 16.30.320, 16.30.340, 16.30.350 and 16.30.500 of the Code to the extent that such provisions are applicable.

K. Obstructions to sidewalks, streets, and other rights of way. Keep the adjacent rights of way free of anything that obstructs or interferes with the normal flow of pedestrian or vehicular traffic, unless specifically authorized by permit or ordinance to do otherwise. This responsibility includes, but is not limited to, removal of earth, rock, and other debris, as well as projecting or overhanging bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles. This responsibility also includes, but is not limited to, the obligation to maintain all rights of way referenced in this Subsection to meet the following minimum clearances:

1. Sidewalks. All sidewalks must be clear of obstructions by earth, rock, or vegetation from edge to edge and to an elevation of 7-1/2 feet above sidewalk level. For example, bushes that encroach on or over any part of a sidewalk area must be cut back or removed and limbs of trees that project over the sidewalk area at an elevation of less than 7-1/2 feet above the sidewalk level must be removed. Pruning Street Trees and tree removal is subject to the requirements of Portland City Code Title 11, Trees.

2. Improved streets. On any improved street designated as a Regional Trafficway, Major City Traffic Street, District Collector, or a one-way street where parking has been prohibited, branches must be trimmed to a height of 14 feet above the crown of the street. Moreover any other improved streets must be clear of obstructions to vehicle movement and parking from edge to edge and to an elevation of 11 feet above street level. For example, bushes that encroach on

or over any part of a street must be cut back or removed; limbs of trees that project over a street at an elevation of less than 11 feet above street level must be removed; and no wires or other things ~~shall~~may be maintained over the street level at any elevation less than 11 feet.- Pruning Street Trees and tree removal is subject to the requirements of [Portland City Code](#) Title 11, Trees.

3.- Alleys and unimproved rights of way.- All alleys, unimproved streets, and other public rights of way must be clear of obstructions that may hinder the normal flow of traffic or render the right of way unsafe for its current and necessary use.

29.20.020 Other Endangering Conditions.

It is the responsibility of the owner of any property, improved or unimproved, to remove or repair:

A.- Any damage to or failure of an on-site sewage disposal system, private or common private sewer lines, rain drain system, or non-conforming sewers, and

B.- Any other substance, material or condition that is determined by the [City Administrator or Director](#) to endanger neighboring property, the health or safety of the public, or the occupants of the property.

29.20.030 Nuisance Defined, Summary Abatement Authorized.

All conditions in violation of Sections 29.20.010 and 29.20.020 of this Title ~~shall~~ constitute a nuisance.- Any person whose duty it is to correct such conditions and who fails to do so ~~shall~~will be subject to charges according to the Fee Schedule approved by the City Council.- In cases where the [City Administrator or Director](#) determines that it is necessary to take immediate action in order to meet the purposes of this Title, summary abatement of such nuisances is authorized.

Chapter 29.30 Housing Maintenance Requirements

29.30.005 General.

A.- An owner may not maintain or permit to be maintained, in violation of this Chapter, any residential property.

B.- All residential property ~~must~~shall be maintained to the building, mechanical, plumbing and electrical code requirements in effect at the time of construction, alteration, or repair.

C.- Where construction, alteration or repair has been made to a residential property illegally without benefit of a permit, all work ~~must~~shall ~~be required to~~ meet current

requirements of the applicable Oregon Specialty Code as adopted in [Portland City Code](#) Sections 24.10.040, 25.01.020, 26.01.030 and 27.01.030 ~~of the City Code~~.

D.- The specific minimum maintenance standards set forth in Section 29.30.250 only apply to residential hotels and apartment houses that were constructed, altered or repaired before January 1, 1973.

29.30.010 Display of Address Number.

Address numbers posted [mustshall](#) be the same as the number listed on the County Assessment and Taxation Records for the property. All dwellings [mustshall](#) have address numbers posted in a conspicuous place so they may be read from the listed street or public way. Units within apartment houses [mustshall](#) be clearly numbered, or lettered, in a logical and consistent manner.

29.30.020 Accessory Structures.

All accessory structures on residential property [mustshall](#) be maintained structurally safe and sound and in good repair. Exterior steps and walkways [mustshall](#) be maintained free of unsafe obstructions or hazardous conditions.

29.30.030 Roofs.

The roof [mustshall](#) be structurally sound, tight, and have no defects [thatwhich](#) might admit rain. Roof drainage [mustshall](#) be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and [mustshall](#) channel rainwater in an approved manner to an approved point of disposal.

29.30.040 Chimneys.

Every masonry, metal, or other chimney [mustshall](#) remain adequately supported and free from obstructions and [mustshall](#) be maintained in a condition [thatwhich](#) ensures there will be no leakage or backup of noxious gases. Every chimney [mustshall](#) be reasonably plumb. Loose bricks or blocks [mustshall](#) be rebonded. Loose or missing mortar [mustshall](#) be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

29.30.050 Foundations and Structural Members.

A.- Foundation elements [mustshall](#) adequately support the building and [mustshall](#) be free of rot, crumbling elements, or similar deterioration.

B.- The supporting structural members in every dwelling [mustshall](#) be maintained structurally sound, showing no evidence of deterioration or decay [thatwhich](#) would substantially impair their ability to carry imposed loads.

29.30.060 Exterior Walls and Exposed Surfaces.

A.- Every exterior wall and weather-exposed exterior surface or attachment mustshall be free of holes, breaks, loose or rotting boards or timbers and any other conditions thatwhich might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.

B.- All exterior wood surfaces mustshall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to earth mustshall be treated wood or wood having a natural resistance to decay.

C.- Exterior metal surfaces mustshall be protected from rust and corrosion.

D.- Every section of exterior brick, stone, masonry, or other veneer mustshall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

29.30.070 Stairs and Porches.

Every stair, porch, and attachment to stairs or porches mustshall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and mustshall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

29.30.080 Handrails and Guardrails.

Every handrail and guardrail mustshall be firmly fastened, and mustshall be maintained in good condition, capable of supporting the loads to which it is subjected, and meet the following requirements:

A.- Handrails and guardrails required by building codes at the time of construction mustshall be maintained or, if removed, mustshall be replaced.

B.- Where not otherwise required by original building codes, exterior stairs of more than three risers thatwhich are designed and intended to be used as part of the regular access to the dwelling unit mustshall have handrails. Interior stairs of more than three risers mustshall have handrails. When required handrails are installed they mustshall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.

C.- Where not otherwise required by original building codes, porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below mustshall have guardrails. Open sides of stairs with a total rise of more than 30

inches above the floor or grade below ~~mustshall~~ have guardrails. When required guardrails are installed, they ~~mustshall~~ be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.

29.30.090 Windows.

A.— Every habitable room ~~mustshall~~ have at least one window facing directly to an exterior yard or court.- The minimum total glass area for each habitable room ~~mustshall~~ be 6.8 percent of the room's floor area, except for basement rooms where the minimum ~~mustshall~~ be ~~five~~ 5-percent.- The glazed areas need not be provided in rooms where artificial light is provided capable of producing an average illumination of ~~three~~ 3 foot-candles over the area of the room measured at a height of 30 inches above the floor and the minimum ventilation requirements in Subsection B. below are satisfied.

B.— Except where another approved ventilation device is provided, the total openable window area in every habitable room ~~mustshall~~ be equal to at least one-fortieth (2.5~~percent~~%) of the area of the room. The glazed areas need not be openable where the opening is not required for emergency escape and an approved mechanical ventilation system is provided capable of producing 0.35 air changes per hour in the room.

C.— Every bathroom or toilet room or compartment ~~mustshall~~ comply with the light and ventilation requirements for habitable rooms as required by Subsections 29.30.090 A. and B., except that no window ~~shall be~~ is required in bathrooms or toilet compartments equipped with an approved ventilation system.

D.— Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Subsection 29.30.230 A. ~~mustshall~~ have a sill height of no more than 44 inches above the floor or above an approved, permanently installed step.- The step must not exceed 12 inches in height and must extend the full width of the window. The top surface of the step must be a minimum of six feet from the ceiling above the step.

E.— Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Subsection 29.30.230 A. ~~mustshall~~ have a minimum net clear opening of at least 20 inches wide and at least 22 inches high.

F.— Every window required for ventilation or emergency escape ~~mustshall~~ be capable of being easily opened and held open by window hardware.- Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

G.— All windows within 10 feet of the exterior grade that open must be able to be securely latched from the inside as well as be openable from the inside without the use of a key or any special knowledge or effort.- This same requirement ~~shall~~

applies to all openable windows that face other locations that are easily accessible from the outside, such as balconies or fire escapes, regardless of height from the exterior grade.

H. Every window must be substantially weather-tight, must be kept in sound condition and repair for its intended use, and must comply with the following:

1. Every window sash must be fully supplied with glass windowpanes or an approved substitute without open cracks and holes.

2. Every window sash must be in good condition and fit weather-tight within its frames.

3. Every window frame must be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling.

29.30.100 Doors.

A. Every dwelling or dwelling unit must have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors must be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.

B. In hotels and apartment houses, exit doors in common corridors or other common passageways must be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.

C. Every door to the exterior of a dwelling unit must be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.

D. Every exterior door must comply with the following:

1. Every exterior door, door hinge, door lock, and strike plate must be maintained in good condition.

2. Every exterior door, when closed, must fit reasonably well within its frame and be weather-tight.

3.- Every doorframe ~~must~~ shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.

E.- Every interior door and doorframe ~~must~~ shall be maintained in a sound condition for its intended purpose with the door fitting within the doorframe.

29.30.110 Interior Walls, Floors, and Ceilings.

A.- Every interior wall, floor, ceiling, and cabinet ~~must~~ shall be maintained in a clean, sanitary, safe, and structurally sound condition, free of large holes and serious cracks, loose plaster or wallpaper, flaking, peeling or scaling paint.

B.- Every toilet compartment, bathroom, and kitchen floor surface ~~must~~ shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

29.30.120 Interior Dampness.

The ~~City Administrator~~ Director will adopt administrative rules detailing implementation and enforcement of this provision.

A.- To prevent conditions conducive to decay, deterioration, or mold growth within a structure, every dwelling, including basements, attics, and crawl spaces, must be maintained reasonably free from dampness such that:

1.- There are no sources of moisture intrusion from either exterior or interior sources; and

2.- There is no visible or otherwise demonstrable growth of mold or mildew in the interior of any building.

B.- When visible or otherwise demonstrable growth of mold or mildew is found to exist within a residential unit, the property owner must remediate and treat the affected and identified areas in accordance with the requirements set forth in the administrative rules.

C.- When visible or otherwise demonstrable growth of mold or mildew exceeding a total of one square foot is present within a residential unit, an approved ventilation system for reducing moisture may be required for each bathroom with bathing facilities that does not have an approved mechanical ventilation system.- The new mechanical ventilation system must be installed and be sized to provide ventilation per the requirements of the Oregon Residential Specialty Code for one and two-family dwellings or the Oregon Mechanical Specialty Code for commercial structures.

D.- When visible or otherwise demonstrable growth of mold or mildew exceeding a total of one square foot is present within a residential unit, any existing, approved mechanical ventilation systems in bathrooms with bathing facilities must meet the requirements set forth in the administrative rules. Any existing ventilation system that fails to meet these criteria and cannot be repaired or retrofitted must be replaced according to the specifications for new ventilation systems listed in Subsection 29.30.120 C.

29.30.130 Insect and Rodent Harborage.

The ~~City Administrator~~Director will adopt administrative rules detailing implementation and enforcement of this provision. -Every structure ~~must~~shall be kept free from insect, rodent, vermin or other pest infestation, and where found, infestations ~~must~~shall be promptly exterminated as set forth in the administrative rules.- After extermination, proper precautions must be taken to prevent reinfestation.

29.30.140 Cleanliness and Sanitation.

A.- All exterior property areas must be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.- All household garbage must be stored in receptacles ~~that~~which are free from holes and covered with tight fitting lids. -Receptacles must be of sufficient capacity to prevent the overflow of garbage and rubbish from occurring.

B.- The interior of every dwelling must be maintained in a clean and sanitary condition and free from any accumulation of rubbish or garbage so as not to breed insects and rodents, or produce dangerous or offensive gases, odors and bacteria, or any other unsanitary conditions, or create a fire hazard.

C.- The owner of a residential rental property of four or fewer dwelling units must provide for each dwelling unit, or subscribe to and pay for weekly recycling and composting service and every-other-week garbage removal service by a franchisee as defined in Portland City Code Chapter 17.102 ~~of the Code of the City of Portland~~, where each dwelling unit is provided with at least one 20 gallon receptacle into which garbage and rubbish may be emptied for storage and collection. Receptacles and lids ~~must~~shall be watertight and provided with handles.

D.- The owner of a residential rental property of five or greater dwelling units must subscribe to and pay for recycling and garbage removal service by a refuse collection permittee or franchisee as defined in Portland City Code Chapter 17.102 ~~of the Code of the City of Portland~~.- Collection must occur at least weekly.

E.- The owner of any owner-occupied residential property must subscribe to and pay for weekly recycling and composting service and every-other-week garbage removal service by a refuse collection permittee or franchisee as defined in Portland City Code Chapter 17.102 ~~of the Code of the City of Portland~~ if the property has been

posted two or more times within one year for violation of Subsection 29.20.010 H.1. or 2.

29.30.150 Bathroom Facilities.

Except as otherwise noted in this Section, every dwelling unit ~~must~~shall contain within its walls in safe and sanitary working condition:

~~A.~~ A toilet located in a room that is separate from the habitable rooms and that allows privacy;

~~B.~~ A lavatory basin; and

~~C.~~ A bathtub or shower located in a room that allows privacy.

In hotels and apartment houses where private toilets, lavatories, or baths are not provided, there ~~must~~shall be on each floor at least one toilet, one lavatory, and one bathtub or shower each provided at the rate of one for every twelve residents or fraction of twelve residents. Required toilets, bathtubs, and showers ~~must~~shall be in a room, or rooms, that allow privacy.

29.30.160 Kitchen Facilities.

~~A.~~ Every dwelling unit ~~must~~shall contain a kitchen sink apart from the lavatory basin required under Section 29.30.150, with the exception of single-room occupancy housing units, which ~~must~~shall comply with Subsection 29.30.290 B.

~~B.~~ Except as otherwise provided for in Subsections 29.30.290 B. and C., every dwelling unit ~~must~~shall have approved service connections for refrigeration and cooking appliances.

29.30.170 Plumbing Facilities.

~~A.~~ Every plumbing fixture or device ~~must~~shall be properly connected to a public or an approved private water system and to a public or an approved private sewer system.

~~B.~~ All required sinks, lavatory basins, bathtubs and showers ~~must~~shall be supplied with both hot and cold running water and have a water pressure of at least 15 psi. - Every dwelling unit ~~must~~shall be supplied with water heating facilities ~~that~~which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all required sinks, lavatory basins, bathtubs and showers. -Water heating facilities ~~must~~shall be capable of heating water enough to permit an adequate amount of water to be drawn at every required facility at a temperature of at least 120 degrees at any time needed.

C.— In every dwelling all plumbing or plumbing fixtures mustshall be:

- 1.—** Properly installed, connected, and maintained in good working order;
- 2.—** Kept free from obstructions, leaks, and defects;
- 3.—** Capable of performing the function for which they are designed; and
- 4.—** Installed and maintained so as to prevent structural deterioration or health hazards.

D.— All plumbing repairs and installations mustshall be made in accordance with the provisions of Portland City Code Title 25 (Plumbing Regulations).

29.30.180 Heating and Ventilation Equipment and Facilities.

A.— All heating and ventilation equipment, including that used for cooking, water heating, dwelling heat, and clothes drying mustshall be:

- 1.—** Properly installed, connected, and maintained in safe condition and good working order;
- 2.—** Free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards; and
- 3.—** Capable of performing the function for which they are designed.

B.— Every dwelling mustshall have a heating facility capable of maintaining a room temperature of 68 degrees Fahrenheit at a point three 3-feet from the floor in all habitable rooms.

1.— Portable heating devices may not be used to meet the dwelling heat requirements of this Title.

2.— No inverted or open flame fuel-burning heater shall be is permitted. All heating devices or appliances mustshall be of an approved type.

C.— All mechanical repairs and installations mustshall be made in accordance with the provisions of Portland City Code Title 27 (Heating and Ventilating Requirements.)

29.30.190 Electrical System, Outlets, and Lighting.

All buildings used for residential purposes mustshall be connected to an approved source of electric power.- Every electric outlet and fixture mustshall be maintained and safely connected to an approved electrical system.- The electrical system mustshall not

constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, lack of access to a dwelling unit's breaker or disconnect switch or similar reasons.

In addition to other electrical system components that may be used to meet cooking, refrigeration, and heating requirements listed elsewhere in this Title, the following outlets and lighting fixtures are required:

A.— Every habitable room mustshall contain at least two operable electric outlets or one outlet and one operable electric light fixture.

B.— Every toilet compartment or bathroom mustshall contain at least one supplied and operable electric light fixture and one outlet.- Every laundry, furnace room, and all similar non-habitable spaces located in a dwelling mustshall have one supplied electric light fixture available at all times.

C.— Every public hallway, corridor, and stairway in apartment houses and hotels mustshall be adequately lighted at all times with an average intensity of illumination of at least one foot candle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least ½-foot candle at other points.- Measurement of illumination mustshall be taken at points not more than 4four feet above the floor.

D.— All electrical repairs and installations mustshall be made in accordance with the provisions of Portland City Code Title 26 (Electrical Regulations.)

29.30.200 Ceiling Heights.

Habitable rooms in existing one- and two-family dwelling buildings mustshall have a clear ceiling height of at least seven 7-feet.- Habitable rooms in other existing buildings mustshall have a clear ceiling height of at least seven 7-feet 6six inches.- The following height exceptions may be used for the one- and two-family dwelling ceiling height requirements:

A.— Flat ceilings.- Where the ceiling is flat, ceiling heights may be a minimum of six 6-feet eight8 inches.- Pipes, ducts, beams, or similar objects projecting from the ceiling may be as follows:

1.— Ceiling projections may be as low as six 6-feet where they are located within 2two feet from the wall; or

2.— Ceiling projections may be as low as six 6-feet two 2-inches where they do not occupy more than 10 percent of the floor area in the room where they are located.

B.— Sloped ceilings.

1.— General.— Where the ceiling is sloped, the height may be as follows:

a.— The minimum ceiling height must be at least ~~six 6~~-feet ~~eight 8~~-inches over an area comprising at least 50 ~~percent~~% of the overall room area; and

b.— Portions of the room with a ceiling height less than ~~five 5~~-feet ~~shall~~ may not be counted toward the overall room area.

2.— Bathrooms.— In bathrooms with sloped ceilings not more than 75 ~~percent~~% of the floor area of a bathroom is permitted to have a sloped ceiling less than ~~seven 7~~-feet in height, provided an area of 21 inches by 24 inches in front of toilets and lavatories has a minimum of ~~six 6~~-feet ~~four 4~~-inches in height.— An area of 24 inches by 30 inches in front of and inside a tub or shower ~~must~~shall have a minimum of ~~six 6~~-feet ~~4~~four inches in height.

C.— These exceptions to the current building codes ~~shall~~do not apply where any occupancy has been changed, or the occupant load has been increased, contrary to the provisions of this Title.

29.30.210 Sleeping Room Requirements.

Every room used for sleeping purposes:

A.— ~~Shall~~Must be a habitable room as defined in this title;

B.— ~~Shall~~May not be a kitchen;

C.— ~~Must~~Shall have natural light, ventilation, and windows or other means for escape purposes as required by this Title; and

D.— ~~Must~~Shall comply with the following minimum requirements for floor area:

1.— ~~Must~~Shall have a minimum area of at least 70 square feet of floor area, except that where more than two persons occupy a room used for sleeping purposes, the required floor area ~~shall~~must be increased at the rate of 50 square feet for each person in excess of two. No portion of a room measuring less than ~~five 5~~-feet from the finished floor to the finished ceiling ~~shall~~must be included in any computation of the room's minimum area.

2.— Any dwelling or portion of any dwelling constructed pursuant to permit or lawfully constructed prior to permit requirements ~~shall~~will be deemed in compliance with respect to sleeping room area provided that the deficiency in floor area is no more than 15 percent of that required by Subsection 29.30.210 D.
1. This subsection ~~shall~~does not apply where any occupancy has been changed,

or the number of occupants has been increased, contrary to the provisions of this Title.

3.- Floor area requirements for single-room occupancy housing units ~~must~~ shall be in accordance with Section 29.30.290 of this Title.

29.30.220 Overcrowding.

No dwelling unit ~~shall~~ may be permitted to be overcrowded. A dwelling unit ~~shall be~~ is considered overcrowded if there are more residents than one plus one additional resident for every 100 square feet of floor area of the habitable rooms in the dwelling unit.

29.30.230 Emergency Exits.

A.- Every sleeping room ~~must~~ shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full clear opening without the use of special knowledge, effort, or separate tools.- Windows used to meet this requirement ~~must~~ shall meet the size and sill height requirements described in Subsections 29.30.090 D. and E.- All below-grade windows used to meet this requirement ~~must~~ shall have a window well the full width of the window, constructed of permanent materials with a minimum ~~three~~ 3-foot by ~~3-~~ three foot clearance in front of the window measured perpendicular to the outside wall.- If the bottom of the window well is more than 44 inches" below the ground level, approved steps or an approved permanently attached ladder ~~must~~ shall be used.

B.- Required exit doors and other exits ~~must~~ shall be free of encumbrances or obstructions that block access to the exit.

C.- All doorways, windows and any device used in connection with the means of escape ~~must~~ shall be maintained in good working order and repair.

D.- In addition to other exit requirements, in hotels and apartment houses:

1.- All fire escapes ~~must~~ shall be kept in good order and repair and painted so as to prevent corrosion of metal, in a manner approved by the Fire Marshal.

2.- Every fire escape or stairway, stair platform, corridor or passageway ~~that which~~ may be one of the regular means of emergency exit from the building ~~must~~ shall be kept free of encumbrances or obstructions of any kind.

3.- Where doors to stair enclosures are required by City Ceode to be self-closing, the self-closing device ~~must~~ shall be maintained in good working order and it ~~shall be~~ is unlawful to wedge or prop the doors open.

4.- Windows leading to fire escapes ~~must~~shall be secured against unwanted entry with approved devices.

5.- Every apartment house and hotel ~~must~~shall have directional signs in place, visible throughout common passageways, that indicate the way to exit doors and fire escapes.- Emergency exit doors and windows ~~must~~shall be clearly labeled for their intended use.

29.30.240 Smoke Alarms or Detectors.

Smoke detectors sensing visible or invisible particles of combustions or alarms ~~shall be~~are required in all buildings ~~where-in which~~ a room or area ~~therein~~is designated for sleeping purposes either as a primary use or use on a casual basis.- Smoke detectors or alarms ~~must~~shall be installed in each sleeping room or area, in the immediate vicinity of the sleeping rooms and on each additional story of the dwelling, including basements and attics with habitable space.- All detectors or alarms ~~must~~shall be approved, ~~must~~shall be installed in accordance with the manufacturer's instructions, ~~must~~shall plainly identify the testing agency that inspected or approved the device, and ~~must~~shall be operable.

29.30.245 Carbon Monoxide Alarms.

A.- Existing rental dwelling units must have one or more carbon monoxide (CO) alarm(s) installed in compliance with state Fire Marshal rules and the state building code and maintained per the Oregon Revised Statutes 90.317, if the rental dwelling unit:

1.- Contains a carbon monoxide source; or

2.- Is located within a structure that contains a carbon monoxide source and the dwelling unit is connected to the room in which the carbon monoxide source is located by a door, ductwork, or a ventilation shaft.

B.- All existing dwelling units, including rental dwelling units, ~~will be required to~~must have a carbon monoxide (CO) alarm(s) installed in compliance with the current Oregon Residential Specialty Code Section R315, only:

1.- At such time as a carbon monoxide source is introduced; or

2.- When interior work requiring a structural permit occurs.

C.- All detectors or alarms installed must be approved, properly functioning, and installed in accordance with the manufacturer's instructions.

D.- In accordance with state building code, all carbon monoxide detectors or alarm(s) required to be installed per this section must be located as follows:

- 1.- In each bedroom or within 15 feet outside of each bedroom door;
- 2.- For bedrooms on separate floor levels in a structure with two or more stories, each story must have separate carbon monoxide alarms; and
- 3.- Where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm ~~must~~shall be installeded within the bedroom.

29.30.250 Fire Safety Conditions for Apartment Houses and Hotels of More than Two Stories.

In addition to other fire safety requirements of this title, hotels and apartment houses of more than two stories in height ~~must~~shall meet the following requirements:

~~A.-~~ For structures built prior to January 1, 1973, minimum fire safety standards ~~shall be~~are as provided per Appendix Chapter 13, Section 1313, of the 1973 edition of the Uniform Building Code.- (As previously adopted by Ordinance ~~No.~~ 135236 effective September 7, 1972 & Ordinance ~~No.~~ 139124 effective November 20, 1974.)

~~B.-~~ Residential ~~h~~High-~~r~~Rise ~~b~~Buildings constructed in accordance with the high-rise building requirements of the Oregon Structural Specialty Code ~~must~~shall maintain all the required fire and life safety systems and equipment in good repair and working order.- Upon request of the ~~Director~~City Administrator, the owner ~~must~~shall produce proof that required fire and life safety systems are fully operational.

29.30.260 Hazardous Materials.

~~A.-~~ Any paint(s), veneers, varnishes, or similar pigmented sealers or finishes applied to any surface of a residential structure must be lead free, in compliance with the Federal Consumer Product Safety Commission's 1978 ban on the use of paint containing lead in residential properties.

The ~~City Administrator~~Director will adopt administrative rules detailing requirements and enforcement of this provision.

~~B.-~~ Residential property must be free of dangerous levels of hazardous materials, contamination by toxic chemicals, or other hazardous conditions that would render the property unsafe.- Where a governmental agency authorized by law to make the determination, has verified that a property is unfit for use and occupancy as a result of hazardous materials or conditions on the property, the property must also be deemed to be in violation of this Title.- Any such property must remain in violation of this Title until such time as the authorizing agency has approved the remediation of the hazardous materials or conditions.- The ~~City Administrator or Director~~City Administrator may order such property vacated pursuant to Section 29.60.070 of this Title.

C.— No residential property may be used as a place for the storage and handling of highly combustible or explosive materials or any articles ~~that~~which may be dangerous or detrimental to life or health.- No residential property may be used for the storage or sale of paints, varnishes or oils used in the making of paints and varnishes, except as needed to maintain the dwelling.

D.— Residential property must be kept free of friable asbestos.

29.30.270 Maintenance of Facilities and Equipment.

In addition to other requirements for the maintenance of facilities and equipment described in this Chapter:

A.— All required facilities in every dwelling must be constructed and maintained to properly and safely perform their intended function.

B.— All facilities or equipment present in a dwelling and supplied by the landlord must be maintained and able to perform their intended function to prevent structural damage to the building or hazards of health, sanitation, or fire.

29.30.280 Swimming Pool Enclosures.

Swimming pool enclosures must comply with the provisions of the applicable building code in effect at the time of the pool installation.

29.30.290 Special Standards for Single-Room Occupancy Housing Units.

In addition to meeting requirements for residential structures defined elsewhere in this Title, hotels containing single-room occupancy housing units ~~must~~shall comply with the following:

A.— The unit ~~must~~shall have at least 100 square feet of floor area, except that any single-room occupancy housing unit constructed pursuant to permit or lawfully constructed prior to permit requirements ~~shall~~will be deemed in compliance with respect to floor area provided it has at least 85 square feet of floor area.- This exception ~~shall~~does not apply where any occupancy has been changed or increased contrary to the provisions of this Title.

B.— Either a community kitchen with facilities for cooking, refrigeration, and washing utensils ~~must~~shall be provided on each floor, or each individual single-room occupancy housing unit ~~must~~shall have facilities for cooking, refrigeration and washing utensils. In addition, facilities for community garbage storage or disposal ~~must~~shall be provided on each floor.

C.— Where cooking units are provided in individual single-room occupancy housing units, they ~~must~~shall conform to the requirements set forth below.

1.—. All appliances ~~must~~shall be hard-wired and on separate circuits or have single dedicated connections;

2.—. All cooking appliances ~~must~~shall be fixed and permanent;

3.—. The Mechanical Specialty Code, as adopted by [Portland City Code](#) Section 27.01.030, ~~shall~~will be used for setting standards for cooking appliances.- Cabinets over cooking surfaces ~~must~~shall be 30 inches above the cooking surface, except that this distance may be reduced to 24 inches when a heat shield with ~~one~~4-inch airspace and extending at least ~~six~~ 6-inches horizontally on either side of the cooking appliance is provided.- Cooking appliances are limited to two cooking elements or burners and located with at least a ~~six~~6-inch clear space in all directions from the perimeter of the cooking element or burner.- In lieu of two-burner cooking appliances, standard third-party tested and approved ranges with ovens are acceptable, provided that the units are fixed and hard-wired or have single dedicated connections;

4.—. All cooking appliances ~~must~~shall be installed under permit from ~~the~~ Portland Permitting & Development; and

5.—. All cooking appliances ~~must~~shall be installed so as to provide a minimum clear workspace in front of the appliance of 24 inches.

Chapter 29.35 Maintenance Requirements for the Exterior of Non-Residential Structures.

29.35.010 General.

A. The following requirements ~~shall~~apply to non-residential properties.

B. The exterior of non-residential structures ~~must~~shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair.

C. The specific minimum maintenance standards set forth in ~~Sub~~sections 29.35.020 through 29.35.100 ~~shall~~apply to all non-residential structures.

29.35.020 Accessory Structures.

All accessory structures on non-residential property ~~must~~shall be maintained structurally safe and in good repair and sound condition. Exterior steps and walkways ~~must~~shall be maintained free of unsafe obstructions or hazardous conditions.

29.35.030 Roofs.

The roof mustshall be maintained structurally sound, and have no exterior defects thatwhich might admit rain. Storm water mustshall be channeled in an approved manner to an approved point of disposal.

29.35.040 Chimneys.

Every masonry, metal, or other chimney mustshall remain adequately supported, structurally sound and free from obstructions and mustshall be maintained in good repair and sound condition thatwhich ensures there will be no leakage or backup of noxious gases. Loose bricks or blocks mustshall be rebonded. Loose or missing mortar mustshall be replaced.

29.35.050 Foundations and Structural Members.

A. Foundation elements mustshall be adequately maintained to support the building and mustshall be free of rot, crumbling elements, or similar deterioration.

B. The supporting structural members mustshall be maintained structurally sound, showing no evidence of deterioration or decay thatwhich could substantially impair their ability to carry imposed loads.

29.35.060 Exterior Walls and Exposed Surfaces.

A. Every exterior wall and weather-exposed exterior surface or attachment mustshall be maintained to be free of holes, breaks, loose or rotting boards or timbers and any other conditions thatwhich might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.

B. All exterior wood surfaces mustshall be substantially impervious to the adverse effects of weather and mustshall be maintained in good repair and sound condition. Wood used in repair of permanent structures and located nearer than six inches to earth mustshall be treated wood or wood having a natural resistance to decay.

C. Exterior metal surfaces mustshall be protected from rust and corrosion where applicable.

D. Every section of exterior brick, stone, masonry, or other veneer mustshall be maintained structurally sound.

29.35.070 Stairs and Porches.

Every stair, porch, and attachment to stairs or porches mustshall be maintained so as to be safe to use and capable of supporting the loads to which it is subjected, and mustshall be maintained in good repair and sound condition, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear, are broken, warped or loose.

29.35.080 Handrails and Guardrails.

Every handrail and guardrail mustshall be firmly fastened, and mustshall be maintained in good repair and sound condition capable of supporting the loads to which it is subjected, and meet the following requirement:

A. Handrails and guardrails required by the building codes at the time of construction mustshall be maintained or, if removed, mustshall be replaced.

29.35.090 Windows.

Every window mustshall be substantially weather-tight, maintained in good repair and sound condition for its intended use and mustshall comply with the following:

A.- Every window mustshall be fully supplied with glass window panes or an approved substitute without open cracks and holes.

B.- Every window sash mustshall be in good repair and sound condition and fit weather-tight within its frames.

C.- Every window frame mustshall be maintained so as to exclude rain as completely as possible and to substantially exclude wind from entering the building.

29.35.100 Doors.

Every exterior door mustshall comply with the following:

A. Every exterior door, door hinge, door lock, and strike plate mustshall be maintained in good working condition.

B. Every exterior door mustshall be maintained in good repair and sound condition and be weather-tight.

C. Every doorframe mustshall be maintained so as to substantially exclude rain and wind from entering the building.

29.35.110 Cleanliness and Sanitation.

All exterior property areas mustshall be maintained in a clean and sanitary condition free from any significant accumulation of rubbish or garbage. All garbage mustshall be stored in receptacles thatwhich are watertight and free from holes and covered with tight fitting lids at all times.

29.35.120 Enforcement.

The ~~City Administrator's and Director's~~ authority to enforce the requirements of this Title 29 ~~shall be~~ the sole and exclusive means of enforcement of the provisions of this Title 29 as those provisions apply to non-residential structures. There ~~shall be~~ no separate private right of enforcement action arising from any violation of this Title 29 as those provisions apply to non-residential structures. This limitation does not restrict the exercise of any private legal rights that may arise under contract or other applicable law.

Chapter 29.40 Dangerous and Derelict Structures

29.40.005 Generally.

No property ~~shall~~ may contain any dangerous structure or derelict building as described in this chapter. All such structures ~~must~~ shall be repaired or demolished.

29.40.010 Derelict Buildings.

~~A.~~ A derelict building ~~shall be~~ considered to exist whenever any building, structure, or portion thereof ~~that~~ which is unoccupied meets any of the following criteria or any residential structure ~~that~~ which is at least 50 ~~percent~~ % unoccupied meets any of the following two criteria:

- ~~1.~~ Has been ordered vacated by the ~~City Administrator or Director~~ pursuant to Chapter 29.60;
- ~~2.~~ Has been issued a correction notice by the ~~City Administrator or Director~~ pursuant to Section 29.60.050;
- ~~3.~~ Is unsecured;
- ~~4.~~ Is boarded;
- ~~5.~~ Has been posted for violation of Chapter 29.20 more than once in any two-year period; or
- ~~6.~~ Has, while vacant, had a nuisance abated by the City pursuant to this Title.

~~B.~~ Any property ~~which~~ that has been declared by the ~~City Administrator or Director~~ to include a derelict building ~~shall be considered~~ is in violation of this Title until:

- ~~1.~~ The building has been lawfully occupied;
- ~~2.~~ The building has been demolished and the lot cleared and graded under building permit, with final inspection and approval by the City Administrator ~~Director~~; or

3.—. The owner has demonstrated to the satisfaction of the ~~City Administrator~~Director that the property is free of all conditions and in compliance with all notices listed in the definition of a derelict building in this Section.

29.40.020 Dangerous Structures.

Any structure ~~which~~that has any or all of the following conditions or defects to the extent that life, health, property, or safety of the public or the structure's occupants are endangered, ~~shall be~~is deemed to be a dangerous structure and such condition or defects ~~must~~shall be abated pursuant to Sections 29.60.050 and 29.60.080 of this Title.

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

B. Weakened or unstable structural members or appendages.

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

2.—. Whenever appendages including parapet walls, cornices, spires, towers, tanks, statuary, 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.

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

D. ~~Vulnerability~~Vulnerability to earthquakes, high winds.

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

2.—. Whenever any portion of a building, or any member, appurtenance, or ornamentation of the exterior thereof is not of sufficient strength or stability, or is

not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Oregon State Structural Specialty Code and Fire and Life Safety Code for such buildings.

E. Insufficient strength or fire resistance—~~Whenever any structure~~ that which, whether or not erected in accordance with all applicable laws and ordinances:

1. ~~Has~~ Has in any non-supporting part, member, or portion, less than 50 percent of the strength or the fire-resisting qualities or characteristics required by law for a newly constructed building of like area, height, and occupancy in the same location; or

2. ~~Has~~ Has in any supporting part, member, or portion less than 66 percent of the strength or the fire-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

This subsection does not apply to strength required to resist seismic loads. For application of seismic requirements see Chapter 24.85.

F. Risk of failure or collapse.

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

2. ~~Whenever the structure, or any portion thereof, is likely to partially or completely collapse as a result of any cause, including but not limited to:~~

a. ~~Dilapidation, deterioration, or decay;~~

b. ~~Faulty construction;~~

c. ~~The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such structure; or~~

d. ~~The deterioration, decay, or inadequacy of its foundation.~~

G. Excessive damage or deterioration—~~Whenever the structure exclusive of the foundation:~~

1. ~~Shows 33 percent or more damage or deterioration of its supporting member or members;~~

2.- 50 percent damage or deterioration of its non-supporting members; or

3.- 50 percent damage or deterioration of its enclosing or outside wall coverings.

H. Demolition remnants on site. -Whenever any portion of a structure, including unfilled excavations, remains on a site for more than 30 days after the demolition or destruction of the structure;

I. Lack of approved foundation. -Whenever any portion of a structure, including unfilled excavations, remains on a site, including:

1.- Where a structure is not placed on an approved foundation and no valid permit exists for a foundation for that structure: or

2.- For more than 90 days after issuance of a permit for a foundation for a structure, where the structure is not placed on an approved foundation.

J. Fire hazard. Whenever any structure is a fire hazard as a result of any cause, including but not limited to: Dilapidated condition, deterioration, or damage; inadequate exits; lack of sufficient fire-resistive construction; or faulty electric wiring, gas connections, or heating apparatus.

K. Other hazards to health, safety, or public welfare.

1. Whenever, for any reason, the structure, or any portion thereof, is manifestly unsafe for the purpose for which it is lawfully constructed or currently is being used; or

2.- Whenever a structure is structurally unsafe or is otherwise hazardous to human life, including but not limited to whenever a structure constitutes a hazard to health, safety, or public welfare by reason of inadequate maintenance, dilapidation, unsanitary conditions, obsolescence, fire hazard, disaster, damage, or abandonment.

L. Public nuisance.

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

2.- Whenever the structure has been so damaged by fire, wind, earthquake or flood or any other cause, or has become so dilapidated or deteriorated as to become:

a.- An attractive nuisance, or

b.- A harbor for vagrants or criminals.

M. Chronic dereliction. ~~Whenever a derelict building, as defined in this Title, remains unoccupied for a period in excess of six 6 months or period less than six 6 months when the building or portion thereof constitutes an attractive nuisance or hazard to the public.~~

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

29.40.030 Abatement of Dangerous Structures.

All structures or portions ~~thereof~~ them that ~~which~~ are determined after inspection by the ~~City Administrator~~ Director to be dangerous as defined in this Title are ~~hereby~~ declared to be public nuisances and ~~shall will~~ be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified ~~herein~~ this Title. If the ~~City Administrator~~ Director determines that a structure is dangerous, as defined by this Title, the ~~City Administrator~~ Director may commence proceedings to cause the repair, vacation, demolition, or warehousing of the structure.

Chapter 29.50 Other Requirements

29.50.010 Permits Required.

No person, firm or corporation ~~shall may~~ construct, alter, repair, move, improve, or demolish any structure without first obtaining applicable building permits as required by ~~City of~~ Portland City Code. No person, firm or corporation ~~shall may~~ prune or remove a tree without first obtaining applicable tree permits as required by Portland City Code Title 11, Trees.

29.50.020 Inspections Required.

~~All buildings, structures, dwelling units, or other improvements within the scope of this Title, or within the requirements of code enforcement programs created under the authority of this Title or Title 3, as set forth by the City Administrator ~~Director~~ in the administrative rules, and all construction work for which a permit is required will be subject to inspection as required by Portland City ~~the City~~ Code.~~

29.50.030 Requested Inspections for Residential Structures.

Requested inspections that are not part of the City's code enforcement program will be made as soon as practical after payment to Portland Permitting & Development ~~the~~

~~Director~~ of the fee specified in the Property Maintenance Regulations Fee Schedule as approved by City Council.

29.50.040 Occupancy of Property After Notice of Violation.

A. If a notice of violation of Chapters 29.30, 29.35, or 29.40 has been issued, and if the affected structure or any portion thereof is residential or neighborhood commercial use or becomes vacant, it ~~shall be~~ is unlawful:

1. ~~Unlawful to~~ To re-enter the affected structure or any portion thereof for any purpose if the affected structure or any portion thereof is found to be substantially dangerous or unsafe, unless authorized in writing by the ~~City Administrator or Director; or~~ City Administrator;
2. ~~Unlawful to~~ To re-enter the affected structure or portion thereof for any purpose other than work associated with the correction of violations noted in the Notice of Violation.

B. In addition to any civil penalties imposed pursuant to Portland City Code Subsection 22.05.010 A.5. or Subsection 29.70.020 D., and as collected through a municipal lien process, any person unlawfully occupying any such affected structure or portion thereof ~~shall may~~ upon conviction be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or both.

29.50.050 Illegal Residential Occupancy.

Residential occupancy of structures or spaces not intended for permanent residential use or occupancy is unlawful, including but not limited to structures placed, constructed or converted without permit; tents, campers, motor homes, recreational vehicles, and other vehicles.

~~A.~~ A. Exceptions:

1. ~~Individual sleeping accommodations within outdoor shelters legally established in conformance with Portland City Code Chapters 33.285 or 33.815, or allowed as temporary occupancies under Portland City Code Chapter 33.296;~~
2. ~~Vehicles on institutional property as allowed by Oregon Revised Statutes, Chapter 203, Section 082;~~
3. ~~Recreational vehicles within in a manufactured dwelling park or mobile home park as provided by Oregon Revised Statutes, Chapter 197, Section 493;~~
4. ~~Motor homes and recreational vehicles within a recreational vehicle park allowed as a commercial use by Portland City Code Chapters 33.130 or 33.140; and~~

5.- One occupied recreational vehicle provided:

a._The recreational vehicle is on a site with a house, attached house, or manufactured home. See Portland City Code Chapter 33.260.

b._The recreational vehicle is a travel trailer, park model recreational vehicle, camper or motor home.

c.- A permanent recreational vehicle utility hookup that includes an electrical outlet, a water connection, and a sanitary sewer dump is provided on the site. A water connection and sanitary sewer dump is not required if the vehicle lacks internal plumbing.

6.- Camping under circumstances not prohibited by Portland City Code Sections 14A.50.140, 14A.50.150, 14A.50.160, authorized by Portland City Code Section 33.296.030, or authorized by declaration by the Mayor.

B.- When a property has an illegal residential occupancy, the use ~~must~~shall be abated or brought into compliance with the current regulations for a space of the same occupancy.

29.50.060 Interference with Repair, Demolition, or Abatement Prohibited.

It is unlawful for any person to obstruct, impede, or interfere with any person lawfully engaged in:

A._The work of repairing, vacating, warehousing, or demolishing any structure pursuant to the provisions of this Title;

B._The abatement of a nuisance pursuant to the provisions of this Title; or

C._The performance of any necessary act preliminary to or incidental to such work as authorized by this Title or directed pursuant to it.

29.50.070 Warehousing of Structures.

A._When the ~~City Administrator~~Director determines that a structure is suitable, due to its historic designation or other significant features, the owner may be permitted to warehouse such structure, as defined in this Title, for a period of up to 30 months. An extension for one further period of ~~4~~one year may be permitted by the ~~City Administrator~~Director, provided that the condition of the warehoused structure is determined by inspection, to be satisfactory.

B._The ~~City Administrator and Director shall have the authority to~~may adopt and enforce written rules concerning the maintenance and monitoring of warehoused

structures. The requirements for the warehousing of each structure under the rules ~~shall~~will be recorded in the files of ~~the~~ Portland Permitting & Development.

C. ~~_~~All work necessary in warehousing a structure ~~must~~shall be carried out under permits required by City Codes.

D. ~~_~~Owners of a warehoused structure ~~shall~~will continue to be subject of the penalties set forth in Chapter 29.70 to pay ~~the~~ Portland Permitting & Development for the cost of regular inspections of their buildings during the warehousing period.

Chapter 29.60 Administration and Enforcement

29.60.010 Administration Authority and Responsibility.

The ~~City Administrator and Director are~~is hereby authorized to administer~~s~~ and enforces~~s~~ all of the provisions of this Title. In accordance with approved procedures, the ~~City Administrator and Director~~ may employ qualified officers, inspectors, assistants, and other employees as ~~shall~~may be necessary to carry out the provisions of this Title. The authority of the ~~City Administrator and Director~~ to enforce the provisions of this Title is independent of and in addition to the authority of other City officials to enforce the provisions of any other Title of ~~Portland City~~the City Code.

29.60.020 Authorization to Inspect.

The ~~City Administrator and Director are~~is authorized to make ~~may~~ inspection ~~of~~ property for the purposes of enforcing this Title. Wherever possible, inspections made by the personnel of ~~the~~ Portland Permitting & Development or ~~the Portland~~ Fire ~~Bureau~~ shall ~~will~~ be coordinated in order to avoid the issuance of multiple or conflicting orders.

29.60.030 Enforcing Compliance.

To enforce any of the requirements of this Title, the ~~City Administrator or Director~~ may ~~gain compliance by~~:

A. ~~_~~Institute~~ing~~ an action before the Code Hearings Officer as set out in ~~Portland City Code~~ Title 22 ~~of City code~~;

B. ~~_~~Cause ~~aning~~ appropriate action to be instituted in a court of competent jurisdiction; or

C. ~~_~~Take~~ing~~ other action as the ~~City Administrator or Director~~ in the exercise of the ~~City Administrator or Director's~~ discretion deems appropriate.

29.60.040 Right of Entry; Inspection Warrants.

A. ~~Right of e~~Entry. The ~~City Administrator or Director~~ may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any building regulations, or whenever the ~~City Administrator or Director~~ has reasonable cause to believe that there exists in any structure or upon any property any condition ~~which that~~ makes such property substandard as defined in any building regulations. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps ~~shall will~~ be taken:

1. ~~Occupied p~~Property. If any structure on the property is occupied, the ~~City Administrator or Director shall will~~ first present proper credentials and request entry. If entry is refused, the ~~City Administrator or Director~~ may attempt to obtain entry by obtaining an inspection warrant;

2. ~~Unoccupied p~~Property.

a. ~~If the property is unoccupied, the City Administrator or Director shall will~~ contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the ~~City Administrator or Director~~ may attempt to obtain entry by obtaining an inspection warrant.

b. ~~If structures on the property are unoccupied, the City Administrator or Director shall will~~ first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the ~~City Administrator or Director~~ may attempt to obtain entry by obtaining an inspection warrant; or

3. ~~Open, u~~Unoccupied ~~p~~Property. If any structure on the property is unoccupied and open:

a. ~~The City Administrator or Director shall will~~ notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within ~~fifteen~~ (15) days from the date notice is sent, the ~~City Administrator or Director~~ may secure the property as provided in ~~PCC~~ Chapter 29.20.

b. ~~If the City Administrator or Director believes that a hazardous condition exists, the City Administrator or Director may immediately secure the property as provided in PCC Chapter 29.20. Following the summary abatement, the City Administrator or Director shall will~~ notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the ~~City Administrator or~~

~~Director~~ may attempt to obtain entry by obtaining an inspection or abatement warrant.

B. ~~Grounds for i~~ssuance of ~~i~~nspection ~~w~~arrants; ~~a~~ffidavit.

1. ~~A~~ffidavit. An inspection warrant ~~shall~~may be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit ~~shall~~will contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

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

C. ~~P~~rocedure for ~~i~~ssuance of ~~i~~nspection ~~w~~arrant.

1. ~~E~~xamination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and ~~shall~~will be satisfied of the existence of grounds for granting such application.

2. ~~I~~ssuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge ~~shall~~will issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant ~~shall~~will contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

3. ~~P~~olice ~~a~~ssistance. In issuing an inspection warrant on unoccupied property, including abatement warrants pursuant to Section 29.60.060, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the City Administrator or Director or representative of the department inspecting the property in any way necessary to complete the inspection.

D.- Execution of ~~i~~Inspection ~~w~~Warrants

1.- Occupied ~~p~~Property. Except as provided in ~~s~~Subsection 2. of this ~~s~~Section, in executing an inspection warrant, the person authorized to execute the warrant ~~shall~~will, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

2.- Unoccupied ~~p~~Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in ~~s~~Subsection 1. of this ~~s~~Section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant ~~shall~~will be conspicuously posted upon the property.

3.- Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this ~~s~~Subsection, the warrant unless executed is void.

29.60.050 Notice and Order.

A.- Notification ~~r~~Required.- Except in the case of summary abatement or immediate danger, if the ~~City Administrator or Director~~ finds one or more violations of the provisions of this Title on a property or adjacent right of way, the ~~City Administrator or Director~~ ~~shall~~will notify the property owner to repair, remove or take any other action as necessary to correct the violations.- Notification to the property owner ~~shall~~will be accomplished by mailing a notice to the owner, at the owner's address as recorded in the county assessment and taxation records for the property.- The notice may be sent via First Class Mail or certified mail at the ~~City Administrator or Director's~~ discretion.- Notice to the property owner may also be accomplished by posting notice on the property.

In addition to the above notice to the property owner, prior notice before towing a disabled vehicle must be provided by mailing a notice to the registered owner(s) and any other persons who reasonably appear to have an interest in the vehicle within 48 hours, Saturdays, Sundays and holidays excluded, after the notice has been posted on the property.- The ~~City Administrator or Director~~ ~~shall~~will also provide notice to the registered owner and other persons who have an interest in the disabled vehicle by posting written notice on the vehicle.

B.- Content of the ~~n~~Notice.- The notice ~~shall~~will include:

1.- The date of posting (if notice was posted at the property);

2. The street address or a description sufficient for identification of the property;

3. A statement that one or more violations of this Title exist at the property with a general description of the violation(s);

4. Disclosure that penalties, charges, and liens may result from a failure to remedy the violations, and in the case of a disabled vehicle, a statement that the City intends to tow and remove the vehicle if the violation is not corrected;

5. Specification of a response period during which the property may be brought into compliance with this Title before penalties, charges, or liens will be assessed; and

6. Disclose the owner's right to appeal the findings of the notice of violation and a description of the time limits for requesting an administrative review or a hearing, as described in Chapter 29.80 of this Title.

C. Notification by ~~mMail~~. An error in the name of the property owner or address listed in the county assessment and taxation records for the property ~~shall will~~ not render the notice void, but in such case the posted notice, if a notice was posted on the property, ~~shall will~~ be deemed sufficient.

D. Notification ~~fFollowing~~ ~~sSummary~~ ~~aAbatement~~. When summary abatement is authorized by this Title, the decision regarding whether or not to use summary abatement ~~shall will~~ be at the ~~City Administrator or Director's~~ discretion. In the case of summary abatement, notice to the owner or occupant of the property prior to abatement is not required. However, following summary abatement, the ~~City Administrator or Director shall will~~ post upon the property liable for the abatement a notice describing the action taken to abate the nuisance violation. In addition, a Notice of Summary Abatement ~~will shall~~ be mailed to the property owner. The Notice of Summary Abatement ~~will shall~~ include:

1. The date the nuisance on the property was abated;

2. The street address or description sufficient for identification of the property;

3. A statement of the violations of this Title ~~29~~ that existed at the property and were summarily abated;

4. Disclosure that penalties, charges and liens will result from the summary abatement;

5. Disclosure of the owner's right to appeal the findings of the notice.

E. Compliance ~~iInspections~~ and ~~pPenalties~~. The ~~City Administrator~~ ~~Director~~ ~~will shall~~ monitor compliance with the notice through periodic tracking and inspection. Once a

notice has been mailed, the owner ~~will~~shall be responsible for all enforcement penalties associated with the property, as described in Chapter 29.70, until the violations are corrected and the ~~City Administrator or Director~~ has been so notified.- Except in the case of summary abatement, whenever the owner believes that all violations listed in the first or any subsequent notice of violation have been corrected, they ~~shall~~must notify the ~~City Administrator or Director~~.

F.- Time ~~L~~imits for ~~r~~Repair.- The ~~City Administrator or Director~~ may set time limits in which the violations of this Title are to be corrected.- Failure to comply with the time limits ~~shall be~~is a violation of this Title.

G.- Effective ~~d~~ate of ~~n~~Notice.- All notices served pursuant to this section ~~will~~shall be considered served as of the date and time of mailing the notice described in ~~s~~Subsections A. and C. of this section.

H.- Information ~~f~~iled with County Recorder.- If the ~~City Administrator or Director~~ finds violations of this Title on any property, the ~~City Administrator or Director~~ may record with the County Recorder information regarding Portland City Ceode violations and possible liens on the property.

29.60.060 Nuisance Abatement; Warrants.

A.- Abatement.- If, within the time limit set by the ~~City Administrator or Director~~ in the notice of violation, any nuisance described in the notice has not been removed and abated, or cause shown, as specified in Chapter 29.80 of this Title, why such nuisance should not be removed or abated, or where summary abatement is authorized, the ~~City Administrator or Director~~ may cause the nuisance to be removed and abated, including disposal in an approved manner.

B.- Warrants.- The ~~City Administrator or Director~~ may request any Circuit Court judge to issue an nuisance abatement warrant whenever entry onto private property is necessary to remove and abate any nuisance, or whenever the ~~City Administrator or Director~~ has reasonable cause to believe that there exists in any building or upon any property any nuisance ~~which~~that makes such property substandard as defined in any building regulations.

C.- Grounds for ~~i~~ssuance of ~~n~~uisance ~~a~~batement ~~w~~arrants; ~~a~~ffidavit.

1.- Affidavit.- A nuisance abatement warrant ~~shall~~may be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the removal and abatement of the nuisance, the building or property to be entered, the basis upon which cause exists to remove or abate the nuisance, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.

2.— Cause. Cause ~~will~~shall be deemed to exist if reasonable legislative or administrative standards for removing and abating nuisances are satisfied with respect to any building or upon any property, or if there is cause to believe that a nuisance violation exists, as defined in this Title, with respect to the designated property.

D.— Procedure for ~~i~~ssuance of a ~~n~~uisance ~~a~~batement ~~w~~arrant.

1.— Examination. Before issuing a nuisance abatement warrant, the judge may examine the applicant and any other witness under oath and ~~will~~shall be satisfied of the existence of grounds for granting such application.

2.— Issuance. If the judge is satisfied that cause for the removal and abatement of any nuisance exists and that the other requirements for granting the application are satisfied, the judge ~~will~~shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated. The warrant ~~will~~shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

3.— Police ~~a~~ssistance. In issuing a nuisance abatement warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of ~~Portland Permitting & Development~~the bureau in any way necessary to enter the property and, remove and abate the nuisance.

E.— Execution of ~~n~~uisance ~~a~~batement ~~w~~arrants.

1.— Occupied ~~p~~roperty. Except as provided in ~~s~~Subsection 2. of this ~~s~~Section, in executing a nuisance abatement warrant, the person authorized to execute the warrant ~~will~~shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

2.— Unoccupied ~~p~~roperty. In executing a nuisance abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in ~~s~~Subsection 1. of this ~~s~~Section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the nuisance abatement warrant ~~will~~shall be conspicuously posted on the property.

3.—. Return.— A nuisance abatement warrant must be executed within 10 working day of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution.— After the expiration of the time prescribed by this ~~s~~Subsection, the warrant unless executed is void.

F.—. Disposal of ~~n~~Nuisance ~~i~~Items ~~r~~Removed.— The ~~City Administrator or Director~~ may cause the nuisance items removed pursuant to the nuisance abatement warrant to be disposed of in an approved manner whenever the ~~City Administrator or Director~~, in the ~~City Administrator or Director's~~ ~~ir~~sole discretion, finds that the fair and reasonable value of the items at resale would be less than the cost of storing and selling the items.— In making the above determination, the ~~City Administrator or Director~~ may include in the costs of sale the reasonable cost of removing the items to a place of storage, of storing the items for resale, of holding the resale including reasonable staff allowances, and all other reasonable and necessary expenses of holding the sale.

29.60.070 Vacating Structures.

A. —Any structure found to be in violation of Chapter 29.30 or 29.35 to such an extent as to be a hazard or declared a dangerous structure under Chapter 29.40 may be vacated, secured, and maintained against entry by order of the Code Hearings Officer.

B. —If the ~~City Administrator or Director~~ finds violations to the extent that an immediate danger is posed to the health, safety, or welfare of the occupants, or that of the general public, the ~~City Administrator or Director~~ may order part of the structure, or all of the structure, to be vacated or demolished forthwith, if in the ~~City Administrator or Director's~~ discretion, circumstances are found that do not allow time for prior application to the Hearings Officer.

1. —The owner or any tenant of the property, who has been affected by the ~~City Administrator or Director's~~ determination to vacate may appeal that determination to the Code Hearings Officer by following the procedure contained in ~~Portland City Code~~ Section 22.20.030 ~~of City code~~.

2. —Upon receipt of a request for hearing pursuant to Portland City Code Section 22.20.030 ~~of City code~~, the Code Hearings Officer ~~will~~shall schedule and hold an appeal hearing within ~~ten (10)~~ days after the receipt of the request.

C. —Upon vacation of the structure a notice ~~will~~shall be posted at or on each exit of the building. Whenever such notice is posted, the ~~City Administrator or Director~~ ~~will~~shall include in such notice a statement declaring the building unsafe to occupy and specifying the conditions that necessitate the posting.

D. Unless authorized by the ~~City Administrator or Director~~, it is unlawful for any person knowingly to enter or remain in any structure that the ~~City Administrator or~~

~~Director~~ has ordered vacated pursuant to this Section. In addition to any civil penalties imposed pursuant to Portland City Code Subsection 22.05.010A.5. or Chapter 29.70 ~~of City code~~, any person knowingly entering or remaining in such a structure ~~will~~shall upon conviction be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or both.

29.60.080 Referral to the Hearings Officer for Repair or Demolition of Dangerous Structures.

At any time after the City Administrator or Director identifies a property as containing a dangerous structure and has notified the owner as specified in Section 29.60.050, the City Administrator or Director may cause an action to be instituted before the Code Hearings Officer as provided in Portland City Code Title 22 ~~of City code~~. In the event the owner fails or neglects to comply with any order of the Hearings Officer to repair or demolish a structure, the Hearings Officer may authorize ~~the~~ Portland Permitting & Development to carry out such repairs or demolish the structure.

29.60.085 Demolition; Warrants

A. ~~Abatement.~~ If, within the time limit set by the Hearings Officer's Order for Demolition, the dangerous structure described in the Order has not been removed and abated, or cause shown, as specified in Chapter 29.80 of this Title, why such dangerous structure should not be removed or abated, or where summary abatement is authorized, the City Administrator or Director may cause the dangerous structure to be removed and abated, including disposal in an approved manner.

B. ~~Warrants.~~ The City Administrator or Director may request any Circuit Court judge to issue a demolition warrant whenever entry onto private property is necessary to demolish a dangerous structure.

C. ~~Grounds for issuance of demolition warrants; affidavit~~

1. ~~Affidavit.~~ A demolition warrant ~~shall~~may be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the demolition of the dangerous structure, the building or property to be entered, the basis upon which cause exists to demolish the dangerous structure and a general statement describing the structure to be demolished. In addition, the affidavit ~~will~~shall contain a statement describing the conditions under which the demolition is to be completed, including completion of all work on the property within a ~~thirty~~30-day period.

2. ~~Cause.~~ Cause ~~will~~shall be deemed to exist if reasonable legislative or administrative standards are satisfied with respect to the demolition of the dangerous structure.

D. Procedure for issuance of a Demolition Warrant.

1. Examination. Before issuing a demolition warrant, the judge may examine the applicant and any other witness under oath and ~~will~~shall be satisfied of the existence of grounds for granting such application.

2. Issuance. If the judge is satisfied that cause for the demolition of any dangerous structure exists and that the other requirements for granting the application are satisfied, the judge ~~will~~shall issue the demolition warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement describing the structure to be demolished and the work to be performed. The warrant ~~will~~shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

3. Police Assistance. In issuing a demolition warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of Portland Permitting & Development ~~the bureau~~ in any way necessary to enter the property and demolish the dangerous structure.

E. Execution of Demolition Warrants.

1. Execution. In executing the demolition warrant, the person authorized to execute the warrant need not inform anyone of the person's authority or purpose but may promptly enter the designated property if it is or at the time reasonably appears to be a) unoccupied, or b) not in the possession of any person. A copy of the demolition warrant ~~will~~shall be conspicuously posted on the property.

2. Return. A demolition warrant must be executed within 10 working days of its issuance by the judge. The authority to enter into the property and perform the demolition work ~~will~~shall continue for a period of up to 30 days after the date of execution, unless the judge extends this time before it has expired. The executed warrant ~~shall~~must be returned to the judge upon the completion of the demolition or the expiration of the authorized time, whichever occurs first. If the warrant is not executed within 10 days after the issuance by the judge, the warrant ~~will~~shall be void.

F. Disposal of Demolition Debris. The City Administrator or Director may cause the debris to be removed pursuant to the demolition warrant and disposed of in an approved manner whenever the City Administrator or Director, in the City Administrator or Director's sole ~~ir~~ discretion, finds that the fair and reasonable value of the debris would be less than the cost of storing and selling the items. In making the above determination, the City Administrator or Director may include in the costs

of sale the reasonable cost of removing debris to a place of storage, of storing the items for resale, of holding the resale including reasonable allowances for costs of staff, and any other reasonable and necessary expenses of holding a sale.

~~29.60.090 Contracts to Repair or Demolish.~~

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

~~If the Portland Permitting & Development is authorized to repair or demolish a structure by the Hearings Officer pursuant to 29.60.080, the Director is authorized to enter into a contract or contracts for such work on behalf of the City in a sum not to exceed \$18,000 on any single structure.~~

~~Repair or demolition contracts in excess of \$18,000 shall be approved by Council by ordinance. Any sums expended by the City for repair or demolition of any structure pursuant to this Chapter shall be a lien upon the structure and/or real property on which the structure is located pursuant to the provisions of Chapter 22.06 of City code.~~

29.60.100 Exceptions.

~~A.~~ The City Administrator or Director may grant an exception when the enforcement of the requirements of this Title would cause undue hardship to the owner or occupants of the affected property, or whenever the City Administrator or Director deems it necessary in order to accomplish the purpose of this Title.

~~B.~~ To carry out the intent of this Section the City Administrator~~Director~~ will~~shall~~ establish written policies in the form of waivers to explain the exceptions that are available to property owners. The waivers will~~shall~~ include the following information:

- ~~1.~~ An explanation of the purpose of the waiver;
- ~~2.~~ A list of the requirements the owner must meet in order to qualify for the waiver;
- ~~3.~~ An explanation of the period of time during which the waiver will be in effect;
and
- ~~4.~~ A list of the actions the owner must perform to fulfill their responsibilities to maintain the waiver and to prevent the waiver from being cancelled.

~~C.~~ The owner must apply for a waiver in writing. This Section shall~~may~~ not be construed so as to evade the provisions of Portland City Code Title 22.

Chapter 29.70 Costs and Penalties

29.70.005 Generally.

In order to defray the costs of enforcement of, and to encourage compliance with, this Title, the City Administrator or Director shall may impose penalties on those properties which that are found to be in violation of this Title.

29.70.010 Enforcement Fees or Penalties for Nuisance, Housing and Dangerous and Derelict Buildings.

A. The City may charge a penalty in the form of a monthly enforcement fee for each property found in violation of Chapters 29.20, 29.30, 29.35 or 29.40 of this Title that meets the following conditions:

1. The property is a subject of a notice of violation of this Title as described in Section 29.60.050; and

2. A response period of 30 days has passed since the effective date of the initial notice of violation; and

3. The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.

B. The amount of the monthly enforcement fee ~~shall be~~ charged as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council. If all violations are not corrected within three months from the date of the initial notice of violation, subsequent enforcement fees or penalties ~~shall be~~ twice the amount listed in the Enforcement Fee and Penalty Schedule as approved by City Council.

C. Whenever the property owner believes that all violations have been corrected, the property owner ~~must~~ shall so notify the City Administrator or Director. Upon receipt of such notice, the City Administrator or Director shall will promptly schedule an inspection of the property and ~~shall~~ will notify the property owner if any violations remain uncorrected.

D. Once monthly enforcement fees or penalties begin, they ~~shall~~ will continue until all violations have been corrected, inspected and approved.

E. When a property meets the conditions for charging an enforcement fee or penalty, the revenue service and program of the City Administrator ~~City Administrator or Director shall will~~ file a statement ~~with the Revenue Division~~ that identifies the property, the amount of the monthly fee or penalty, and the date from which the charges are to begin. The revenue service and program of the City Administrator ~~Revenue Division shall will~~ then:

- 1.- Notify the property owner(s) of the assessment of enforcement fees or penalties and the 10 percent revenue service and program of the City Administrator~~Revenue Division~~ charge; and
- 2.- Record a property lien in the Docket of City Liens; and
- 3.- Bill the property owner(s) monthly for the full amount of enforcement fees or penalties owing, plus additional charges to cover administrative costs of the revenue service and program of the City Administrator~~Revenue Division~~; and
- 4.- Maintain lien records until:
 - a.- The lien and all associated interest, penalties, charges and costs are paid in full; and
 - b.- The City Administrator or Director certifies that all violations listed in the original or any subsequent notice of violation have been corrected.

F.- When a property meets the conditions for assessment of fees or penalties as described in this Title, the City Administrator or Director may also cause appropriate collection measures, including legal action in a court of competent jurisdiction, to be instituted against the property owner in order to collect the assessed fees or penalties.

29.70.020 Costs and Penalties for Abatement of Nuisances, Disable Vehicles, and Re-occupancy in Violation.

A.- Nuisances.

- 1.- Whenever a nuisance is abated by the City, the City Administrator or Director ~~shall~~will keep an accurate account of all expenses incurred for each nuisance abated including but not limited to abatement costs, civil penalties, fees, administrative costs, recorders fees and title report charges as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council.
- 2.- When the City has abated a nuisance maintained by any owner of real property, for each subsequent nuisance ~~that~~which is abated by the City within two ~~2~~-consecutive calendar years concerning real property, owned by the same person, an additional civil penalty as set forth in the Enforcement Fee and Penalty Schedule ~~shall~~will be added to the costs, charges and civil penalties.- The additional civil penalty ~~shall~~will be imposed without regard to whether the nuisance abated by the City involved the same real property or are of the same character.
- 3.- Costs and penalties resulting from nuisance abatement ~~shall~~may be assessed as a lien upon the real property as provided in Subsection D.

B.- Disabled ~~v~~ehicles.

1.- Whenever a vehicle is removed from real property by the City, the City Administrator or Director shall will keep an accurate account of all expenses incurred for each disabled vehicle removed including but not limited to abatement costs, civil penalties, administrative costs, inspection fees, recording fees, and title report charges as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council.

2.- Whenever a vehicle, ~~which~~ has been tagged by the City, ~~is and~~ removed from real property and placed on the public right-of-way, the owner of the real property ~~shall be is~~ responsible for that vehicle. The City Administrator or Director shall may remove the vehicle from the right-of-way and keep an accurate account of all expenses incurred for each disabled vehicle removed including but not limited to abatement costs, civil penalties, administrative costs, fees, recording fees and title report charges as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council.

3.- Costs and penalties resulting from the abatement of disabled vehicles ~~shall~~ may be assessed as a lien upon the real property as provided in Subsection D.

C.- Occupancy of ~~p~~roperty ~~a~~fter ~~n~~otice of ~~v~~iolation.

1.- Whenever a property owner causes or permits a vacant structure or portion thereof to be occupied in violation of this Title, a penalty as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council ~~shall~~ may be imposed per structure or portion thereof.

2.- Costs and penalties resulting from the occupancy of property after notice of violation ~~shall~~ may be assessed as a lien upon the real property as provided in Subsection D.

D.- When a property meets the conditions for assessment of fees or penalties as described in Subsections A., B. or C. above, ~~the~~ Portland Permitting & Development ~~shall will~~ file a statement of such fees or penalties with the revenue service and program of the City Administrator~~Revenue Division~~. Upon receipt of the statement, the revenue service and program of the City Administrator~~Revenue Division shall will~~ mail an assessment notice to the property owner.- The notice ~~shall will~~ include the amount due plus 10 percent charges to cover the administrative costs of the revenue service and program of the City Administrator~~Revenue Division~~. At the same time the notice is mailed by the revenue service and program of the City Administrator~~Revenue Division~~, the revenue service and program of the City Administrator~~Revenue Division shall will~~ enter the amount due or the amount of the unpaid balance, plus charges to cover the administrative cost of the revenue service and program of the City Administrator~~Revenue Division~~, in the Docket of City Liens.

which ~~shall~~will thereafter constitute a lien against the property.- The property owner is responsible for paying all liens assessed against the property.

E.- When a property meets the conditions for assessment of fees or penalties as described in this Title, the ~~City Administrator or Director~~ may also cause appropriate collection measures, including the legal action in a court of competent jurisdiction, to be instituted against the property owner in order to collect the assessed fees or penalties.

29.70.030 Building Demolition Costs and Penalties.

A.- Whenever a building is demolished by the City, the ~~City Administrator or Director~~shall will keep an accurate account of all expenses incurred for each building demolished, including but not limited to abatement costs, civil penalties, administrative costs, recorders fees and title report charges as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council.

B.- Costs and penalties resulting from demolition by the City of any structure pursuant to this Title plus 10 percent charges to cover the administrative costs of the ~~revenue service and program of the City Administrator~~Revenue Division shall may be assessed as a lien upon the real property on which the structure was located pursuant to the provisions of ~~Portland City Code~~ Chapter 22.06 ~~of City code~~.

C.- When a property meets the conditions for assessment of fees or penalties as described in this Title, the ~~City Administrator or Director~~ may also cause appropriate collection measures, including legal action in a court of competent jurisdiction, to be instituted against the property owner in order to collect the assessed fees or penalties.

29.70.040 Chronic Offender.

A.- A ~~c~~Chronic ~~o~~Offender is any person whose property has accumulated, within any 12-month period, multiple violations under ~~this~~ Title ~~29 that~~which have a negative impact on the public health or welfare and cause repeat inspections and enforcement efforts by the ~~City Administrator or Director~~.

B.- The ~~City Administrator~~Director shall may adopt policies and procedures setting forth the type and number of ~~this~~ Title ~~29~~ violations that result in a ~~c~~Chronic ~~o~~Offender designation.

C.- The ~~City Administrator or Director~~ may pursue any or all of the following actions against a Chronic Offender:

- 1.- Refer the ~~c~~Chronic ~~o~~Offender to the Code Hearings Officer, as provided in ~~Portland City Code~~ Title 22 ~~of the City Code~~, for additional penalties, sanctions,

and the authority to abate unresolved nuisance violations on properties owned by the ~~c~~Chronic ~~o~~ffender; or

2.- Refer the ~~c~~Chronic ~~o~~ffender for Criminal Prosecution and criminal penalties of a fine of up to \$500 per violation or ~~six (6)~~ months in jail as provided for in Portland City Code Chapter 1.01.

Chapter 29.80 Appeals

29.80.010 Administrative Review.

~~A.-~~ Whenever an owner has been given a notice pursuant to this Title and has been directed to make any correction or to perform any act and the owner believes the finding of the notice was in error, the owner may have the notice reviewed by the City Administrator or Director. If a review is sought, the owner ~~must~~shall submit a written request to ~~the~~ Portland Permitting & Development within 15 days of the date of the notice. Such review ~~shall~~will be conducted by the City Administrator or Director. The owner requesting such review ~~shall~~will be given the opportunity to present evidence to the City Administrator or Director. Following the review, the City Administrator or Director shall will issue a written determination.

~~B.-~~ Nothing in this Section ~~shall~~limits the authority of the City Administrator or Director to initiate a proceeding under Portland City Code Title 22.

29.80.020 Appeals to the Code Hearings Officer.

A determination issued pursuant to Section 29.80.010 may be appealed to the Code Hearings Officer along with the payment of a fee as set forth in the Enforcement Fee and Penalty Schedule, as provided for in Portland City Code Chapter 22.10 ~~of City code~~.

29.80.030 Further Appeals.

All appeals from the Code Hearings Officer's determination pursuant to 29.80.020 ~~must~~shall be by writ of review as authorized by Portland City Code Section 22.04.010 ~~of the City Code~~ and ORS 34.010 ~~through~~ 34.100.

Chapter 29.90 Housing Receivership

29.90.010 Purpose and Scope.

The purpose of this Chapter is to establish authority and procedures for the use of the Oregon Housing Receivership Act (ORS 105.420 to 105.455). This Chapter, and shall ~~applies~~ to all residential property.

29.90.020 Authority.

~~A.—~~ When the City Administrator or Director finds that any residential property is in violation of Portland City Code Titles 24, 25, 26, 27, 28, 29, 31, or 33 and believes that violation is a threat to the public's health, safety or welfare, the City Administrator or Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement. As used in this Chapter, "abatement" ~~shall~~ means the removal or correction of any condition at a property that violates any provision of Portland City Code Titles 24, 25, 26, 27, 28, 29, 31, or 33 ~~of the City Code~~ as well as the making of other improvements or corrections as are needed to rehabilitate the property or structure. Abatement may include demolition, but does not include securing a structure against entry.

~~B.—~~ In administering the provisions of this Chapter, the City Administrator or Director's authority ~~shall~~ includes, but is not limited to:

- ~~1.—~~ The selection of properties;
- ~~2.—~~ The selection of appropriate receivers; and
- ~~3.—~~ The establishment of written rules and procedures as are deemed necessary for the administration of this Chapter.

29.90.030 Selection of Properties.

In selecting properties where the City may seek appointment of a receiver, the City Administrator or Director shall will consider those properties that have, at a minimum, the following characteristics:

~~A.—~~ A violation of any provision of Titles 24, 25, 26, 27, 28, 29, 31 or 33 that threatens the public health, safety or welfare;

~~B.—~~ The owner has not acted in a timely manner to correct the violations; and

~~C.—~~ Abatement of the violations on this property would further the Housing Policy of the City ~~of Portland~~ as articulated in Goal 4 of the City's Comprehensive Plan.

29.90.040 Notice ~~t~~To Interested Parties and Application.

~~A.—~~ At least 60 days prior to the filing of an application for appointment of a receiver, the City Administrator or Director shall will cause a notice to be sent by regular mail to all interested parties.

~~B.—~~ The notice ~~shall~~ will give the date upon which the City has the right to file with the court for the receiver, and in addition ~~shall~~ will:

1. State the address and legal description of the property;
2. List the eCode violations ~~that~~which give rise to the proposed application; and
3. Give the name, address and telephone number of a person who can provide additional information concerning the violations and their remedy.

C. If no interested party has taken any action to foreclose their security interest within 60 days of the date of the notice, the ~~City Administrator or Director~~ may thereafter apply for the appointment of a receiver.

29.90.050 Selection of Receivers.

In selecting specific receivers, the ~~City Administrator or Director shall~~will choose either the Housing Authority of Portland, a City bureau, an urban renewal agency, or a private not-for-profit corporation, the primary purpose of which is the improvement of housing conditions within the City. In making the selection, the ~~City Administrator or Director shall~~will consider, at a minimum, the following:

- A. The location of the property relative to other properties owned or managed by the receiver.
- B. The receiver's experience in rehabilitating and managing this type of property.
- C. The receiver's capacity to take on additional property management responsibilities.

29.90.060 Powers of a Receiver.

A receiver appointed by the court pursuant to the Oregon Housing Receivership Act ~~shall~~will have the authority to do any or all of the following, unless specifically limited by the court:

- A. Take possession and control of the property, including the right to enter, modify and terminate tenancies pursuant to ORS Chapters 90 and 105, and to charge and collect rents and apply rents collected to the costs incurred due to the receivership.
- B. Negotiate contracts and pay all expenses associated with the operation and conservation of the property, including, but not limited to all utility, fuel, custodial, repair, and insurance costs.
- C. Pay all accrued property taxes, penalties, assessments, and other charges imposed on the property by a unit of government, as well as any charge of like nature accruing during the pendency of the receivership.

D. Dispose of all abandoned personal property found on the property pursuant to ORS Chapter 90.

E. Enter into contracts and pay for the performance of any work necessary to complete the abatement.

F. Enter into financing agreements with public or private lenders and encumber the property so as to have moneys available to correct the conditions at the property giving rise to the abatement.

G. Charge an administrative fee at an hourly rate approved by the court or at a rate of 15 percent of the total cost of abatement, whichever the court deems more appropriate.

29.90.070 Plan and Estimate.

Within 30 days after appointment by the court, a receiver ~~must~~shall submit to the ~~City Administrator or Director~~ a written plan for the abatement. The ~~City Administrator or Director~~must~~shall~~ approve the plan before the receiver commences work on the abatement.

29.90.080 Record Keeping.

The receiver ~~must~~shall keep a record of all moneys received and expended and all costs and obligations incurred in performing the abatement and managing the property. Records ~~must~~shall be kept in a form as ~~shall be~~ agreed upon by the receiver and the ~~City Administrator or Director~~, and copies ~~must~~shall be provided to the ~~City Administrator or Director~~ upon request.

29.90.090 Purchasing.

All abatement work done under this Chapter is exempt from the purchasing and contracting provisions of ~~Portland City Code Chapters 5.32 and 5.68~~Title 5 of City code.

29.90.100 Liens.

A. All moneys expended and all costs and obligations incurred by the receiver in performing the abatement ~~shall~~may be reviewed by the court for reasonableness and their necessity in performing the abatement. To the extent that the court finds the moneys, costs, or obligations, to be reasonable and necessary, it ~~shall~~may issue an order reciting this fact as well as the amount found to be reasonable and necessary.

B. If the costs and obligations incurred due to the abatement have not been paid, the order of the court ~~shall~~will be filed with the county recorder within 60 days of its filing with the court and ~~shall~~will thereafter constitute a lien on the property.

29.90.110 Foreclosure.

In the event that the lien created pursuant to the terms of this Chapter and the Oregon Housing Receivership Act is not paid in a timely fashion, the receiver or their assignee or other successor in interest may bring a suit or action in foreclosure as provided for by law.

29.90.120 Termination of Receivership.

The receivership authorized pursuant to the terms of this Chapter and the Oregon Housing Receivership Act ~~shall~~will terminate only by an order of the court after a showing by an interested party or the receiver that:

- A.-** The abatement has been completed;
- B.-** The costs and obligations incurred due to the abatement have been paid by an interested party or a lien has been filed pursuant to Section 29.90.100 of this Chapter; and
- C.-** The interested party will manage the property in conformance with the applicable provisions of Portland City Code Titles 24, 25, 26, 27, 28, 29, 31 and 33 ~~of City code~~.