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**Chapter 20.04**

**GENERAL PROVISIONS**

(New Chapter replaced by Ordinance No.  
173530, effective July 30, 1999.)

**Sections:**

- 20.04.010 Definitions.
- 20.04.020 Use Encouraged.
- 20.04.030 Powers of Council.
- 20.04.040 Commissioner to Make Rules and Regulations.

**20.04.010 Definitions.**

(Amended by Ordinance No. 178282, effective April 30, 2004.) As used in this Title, unless the context requires otherwise, the following definitions apply:

- A. “Bureau” or “Portland Parks and Recreation”** means the Bureau of Parks and Recreation of the City of Portland.
- B. “Commissioner”** means the Commissioner in Charge of Portland Parks and Recreation. Wherever this Title grants authority to or places responsibility on the Commissioner, that authority or responsibility may be exercised by any person designated by the Commissioner.
- C. “Council”** means the City Council of the City of Portland, Oregon.
- D. “Director”** means the Director of Portland Parks and Recreation, or the Bureau head, however designated. Wherever this Title grants authority to or places responsibility on the Director, that authority or responsibility may be exercised by any person designated by the Director.
- E. “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.
- F. “Parks Reservation Center”** means the person or persons authorized by the Director to receive, process, issue or deny permits for the use of any Park.

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**G. "Park Officer"** means any of the following, while acting in the scope of employment, agency or duty:

- 1.** Any employee or agent of Portland Parks and Recreation;
- 2.** Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau;
- 3.** Any person providing security services in any Park pursuant to any contract with the City when the contract delegates such exclusion authority, or providing security services pursuant to any contract with any person, firm or corporation managing the Park on the City's behalf;
- 4.** Golf Course concessionaires and their employees;
- 5.** In the South Park Blocks, any public safety employee of Portland State University;
- 6.** Any person specifically designated in writing as a "Park Officer" by the Commissioner or by the Director.

#### **20.04.020 Use Encouraged.**

The Parks are maintained for the recreation of the public and the greatest possible use is encouraged, subject only to such regulation as will preserve the Parks for the purposes for which they are laid out and the enjoyment, convenience, and safety of all concerned.

#### **20.04.030 Powers of the Council.**

The Council, except as herein otherwise provided, shall have the general management and supervision of all Parks, squares, openings, and public grounds surrounding public buildings now owned or hereafter acquired by the City, and also shall have power to regulate and control the planting, trimming, growing, use, preservation, and maintenance of all shade or ornamental trees, shrubs, plants, or flowers in, upon, or over any street, boulevard, path, or sidewalk of the City. The Council may adopt such rules and regulations for the use, management, and supervision of the Parks, squares, openings, public grounds, and grounds surrounding public buildings, bath houses, or other places of recreation, now belonging to the City or hereafter acquired by it, as to the Council may seem reasonable and necessary.

#### **20.04.040 Commissioner to Make Rules and Regulations.**

The Commissioner is authorized to make such rules and regulations not in conflict with the ordinances of the City as the Commissioner finds necessary for the better control and management of the Parks. If any person feels aggrieved by any such rule or regulation, the person may appeal to the Council for its amendment or repeal by filing with the City

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Auditor a petition which shall be presented to the Council at its next regular meeting. Until and unless amended or repealed by the Council, any rule or regulation made by the Commissioner shall be in full force and effect as if it were an ordinance.

**Chapter 20.08**

**PERMITS**

(New Chapter replaced by Ordinance No.  
173530, effective July 30, 1999.)

**Sections:**

- 20.08.010 Permits Required for Park Uses.
- 20.08.020 Applications; Reservation Center to Promulgate Policies and Procedures.
- 20.08.030 Permits to be Exhibited.
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- 20.08.050 Permits Non-Transferrable.
- 20.08.060 Prohibited Conduct at Permitted Events.
- 20.08.070 Non-Park Use of Park Property

**20.08.010 Permits Required for Park Uses.**

It is unlawful for any person to conduct or participate in any activity in a Park, for which a permit is required, unless the Parks Reservation Center has issued a permit for the activity. A permit is required for any activity in a Park under any one or more of the following circumstances:

- A. The activity is intended to involve, is reasonably likely to involve, or actually involves, as participants and/or spectators, at any one time, 150 or more persons;
- B. The activity includes the placement of any temporary or permanent structure, including but not limited to any table, bench, stage, fence, tent or other facility in a Park. No permit is required under this Subsection for the placement of any temporary facility in an area of a Park which the Director has designated for such use without a permit;
- C. The activity requires, or is reasonably likely to require, City services additional to those already provided to the public as a matter of course in the Park, including but not limited to: increased police or fire protection; the turning on or off of

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water; provision of utilities, such as gas, electricity or sewer; placing, removing, opening or closing bollards, gates or fences; or the special preparation of fields or other facilities;

- D.** The person or persons engaged in the activity seek to exclude, or to have the right to exclude, any member of the public from the activity or from any Park or from any area of any Park;
- E.** The activity is conducted in any building in any Park, except for personal use of public restrooms; or
- F.** The activity includes using the Park or Park area in a manner inconsistent with uses designated by the Director for that Park or Park area, or includes conduct that otherwise is prohibited in a Park, including, but not limited to, conducting business, charging admission or otherwise receiving payment for goods or services related to the activity, or possessing, serving or consuming alcoholic beverages.

**20.08.020 Applications; Reservation Center to Promulgate Policies and Procedures.**

- A.** Any person desiring a permit under Section 20.08.010 shall apply with the Parks Reservation Center. The Parks Reservation Center, subject to the Director's approval, shall establish written policies and procedures, including but not limited to fees and standard conditions, for applications and for permits. The written policies and procedures shall be available for public inspection. Every application shall state the purpose for which the Park would be used, the date and time of the proposed use, the name of the Park, and the area thereof that would be used, the anticipated number of persons who would be present and such other information relating to the contemplated use as the Parks Reservation Center may require.
- B.** The Parks Reservation Center shall issue the requested permit if a complete application complying with all adopted policies and procedures is filed and all of the following conditions are met:
  - 1.** The proposed activity is consistent with the size of the Park and any specialized purpose for which it is normally used, or for which specialized facilities have been provided;
  - 2.** The proposed activity will not have an unreasonably adverse impact, from noise, litter or traffic, on the Park or on the surrounding neighborhood;
  - 3.** The proposed activity does not pose an unreasonable risk to public health or safety or to the physical integrity of the Park;



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4. The applicant pays all required fees and agrees to comply with all conditions of the permit;
  5. The proposed use is otherwise lawful, but nothing in this Chapter shall require the issuance of a permit for an activity otherwise prohibited by this Title;
  6. The proposed activity does not conflict with an activity already scheduled for the Park or for which a different permit already has been applied for or issued for the Park;
  7. The applicant, including any person, firm or corporation affiliated with the applicant and with the activity, has not failed to comply with conditions of any permit previously issued by the Parks Reservation Center.
- C.** The Parks Reservation Center may issue a permit for use of a Park during hours when the Park is closed if it approves the application. If the requested use does not meet the criteria of Subsection B of this Section, the Parks Reservation Center may deny the application or may impose restrictions or conditions upon the permit or issue a permit for a different date, time, Park, or Park area so as to meet such criteria. Action by the Parks Reservation Center shall be completed as quickly as reasonably possible, and, at the latest, within seven (7) days after a complete application is filed.
- D.** Any person whose application is denied or who is issued a permit other than as applied for or who objects to restrictions or conditions included in the permit may appeal the matter to the Council by filing within five days after denial or inclusion of restrictions a written notice of appeal with the City Auditor. Upon receiving such a notice the City Auditor shall within 14 days schedule the appeal on the Council Calendar for hearing by the Council. At the hearing, the Council may affirm or modify the decision of the Parks Reservation Center, as the Council may deem necessary, to meet the criteria of Subsection B of this Section.
- E.** In determining whether the criteria of Subsection B of this Section are met, no consideration shall be given to the content of any constitutionally-protected expression connected with the planned activity. No permit shall be required under this Chapter, nor any condition imposed on any permit, if requiring a permit or imposing the condition would violate rights protected by the Constitution of the United States or by the Constitution of the State of Oregon. No permit shall be required under this Chapter in order for any person to participate in any activity programmed by or sponsored by Portland Parks and Recreation.

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- F.** If any portion or provision of this Section is held by a court of competent jurisdiction to be invalid, such portion or provision shall, so far as possible, be held severable, and shall not affect the remainder, which shall continue in full force and effect.

#### **20.08.030 Permits to be Exhibited.**

Any person claiming to have a permit issued under this Chapter shall produce and exhibit such permit upon the request of any authorized person who may desire to inspect the same.

#### **20.08.040 Permits Subject to Ordinances and Regulations; Indemnification.**

All permits issued under this Chapter shall be subject to the City ordinances and the rules and regulations of the Parks. The persons to whom such permits are issued shall be bound by said rules, regulations, and ordinances as fully as though the same were inserted in such permits. Any person or persons to whom such permits shall be issued shall be liable for any loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall be issued, as well as for any breach of such rules, regulations, and ordinances, to the person or persons so suffering damages or injury, and shall indemnify, defend and hold harmless the City and its officers, employees and agents from any and all claims, demands, actions and suits (including all attorney fees and costs, through trial and on appeal) arising from the permittee's use of the Park under the permit.

#### **20.08.050 Permits Non-Transferrable.**

Any permit issued under this Title shall be personal to the permittee, and shall be void if transferred or assigned in any manner, except with the written consent of the Director or the Parks Reservation Center.

#### **20.08.060 Prohibited Conduct at Permitted Events.**

(Replaced by Ordinance No. 179337, effective June 15, 2005.) In addition to any other applicable provision of law, it is unlawful for any person to engage in any of the following conduct at any event for which a permit has been issued in any Park:

- A.** Any conduct that substantially prevents any other person from viewing, hearing or meaningfully participating in the event.
- B.** Any conduct that substantially interferes with the free passage of event participants or attendees by creating an insurmountable obstacle at any entrance, aisle, walkway, stairwell, ramp, esplanade, vendor booth, ride or other area commonly used for public access, egress or ingress.
- C.** Using any facility, structure, fixture, improvement or other thing within the area covered by the permit in a manner contrary to or inconsistent with its intended, designated or safe use. This Subsection does not apply to any person engaged in

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any constitutionally protected expression, unless, and then only to the extent that, in connection with the expression, the person engages in conduct that amounts to misuses of things as proscribed by this Subsection.

- D.** Except as expressly provided for under the terms of the permit, lighting any fire. This prohibition does not apply to smoking devices designed for and used for smoking tobacco, in areas where such smoking is permitted.
- E.** Any sexual conduct, as defined under ORS 167.060, including but not limited to any physical manipulation or touching of a person's sexual organs through, over or under a person's clothing in an act of apparent sexual stimulation or gratification, regardless of the person's subjective intent.
- F.** Operating any bicycle, in-line skates, roller blades or other human-powered form of accelerated propulsion, except in such places as the permittee may provide or allow for such activities.
- G.** Entry into the area subject to the permit without consenting to an inspection of personal belongings for the purpose of preventing the introduction of prohibited items into the event. For purposes of this Subsection, "personal belongings" includes backpacks, duffel bags, sleeping bags, purses, coolers, bulky apparel items and other personal items large enough to conceal or contain prohibited items.
- H.** Bringing into or possessing within the area covered by the permit any prohibited item. For purposes of this Section, "prohibited item" includes any fireworks, laser light, laser pointer, animals of any kind (except for service animals while performing their qualifying services), sound producing or reproducing or audio or video recording equipment (except as authorized by the permittee), glass bottles or containers, alcoholic beverages (except as provided by the permittee in accordance with the permit), furniture or fixtures (except as authorized by the permittee), any thing specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another (except for concealed handguns lawfully carried by persons in accordance with valid concealed handgun permits), and any item whose possession violates any other applicable provision of law.
- I.** Entry into or remaining in any area covered by any permit for any event that is not open to the public without the consent of the permittee, or entry into or remaining in any area covered by any permit for any event that is open to the public only upon the payment of an entry fee or charge, without first paying the applicable entry fee or charge.

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The prohibitions contained in this Section do not apply to conduct by any Park Officer in the performance of duty, or by any person authorized to engage in that conduct in connection with the event in accordance with the permit.

#### **20.08.070 Non-Park Use of Park Property.**

Sections 20.08.010 and 20.08.020 do not apply to non-park use of Park property. Unless authorized in writing by the Director and in accordance with the terms and conditions of said written authorization and with the Council's adopted policy for the non-park use of Park property, it is unlawful for any person to make any non-park use of Park property, including but not limited to excavating for, erecting or installing or doing any act as part of or commencement of excavation, erection, or installation for, a permanent or temporary structure or facility in or on any Park.

## **Chapter 20.12**

### **PROHIBITED CONDUCT**

#### **Sections:**

20.12.010	Conducting Business or Soliciting Charity.
20.12.020	Distributing Printed Material.
20.12.030	Advertising and Decorative Devices.
20.12.040	Alcoholic Liquor.
20.12.050	Parks to be Kept Free of Rubbish.
20.12.060	Vandalism, Possession of Flowers and Shrubs.
20.12.070	Climbing Trees and Statues.
20.12.080	Games of Chance.
20.12.090	Molesting Animals, Birds, and Fish.
20.12.110	Fishing and Bathing.
20.12.115	Unlawful Jumping and Diving.
20.12.120	Sounding Whistles.
20.12.130	Mutilation of Park Notices.
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20.12.180	Public Convenience Station.
20.12.190	Disorder.
20.12.200	Injury to Property.
20.12.205	Use of Skateboard.
20.12.210	Hours of Park Closure.
20.12.215	Parks May be Closed at Any Time if Deemed Necessary.

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- 20.12.220 Parts Closed to Public.
- 20.12.230 Admittance Where.
- 20.12.240 Directions of Park Officers or Officers of the Bureau of Police to be Obeyed.
- 20.12.250 Park Officers and Employees Not Affected.
- 20.12.260 Condition of Parole or Probation.
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- 20.12.300 Reward.
- 20.12.310 Restriction on Exhibitions of Works of Art.
- 20.12.320 Protection of Works of Art.
- 20.12.340 Trespassing on Golf Links.
- 20.12.350 Possession of Golf Equipment Belonging to the City.
- 20.12.360 Trespass upon Swimming Pool Area.
- 20.12.370 Use of River Frontage Along Park Property.
- 20.12.380 Structures in Parks.
- 20.12.390 Use of Certain Devices or Equipment.

**20.12.010 Conducting Business or Soliciting Charity.**

(Amended by Ord. No. 144101; passed and effective July 28, 1977.) It is unlawful for any person to solicit for or conduct any business, or to sell or offer to sell any article or service, or to solicit for a charitable contribution in a park unless that person has been granted a concession or a park permit by the Commissioner In Charge of the Bureau of Parks or by the Council.

**20.12.020 Distributing Printed Material.**

It is unlawful for any person in a park to distribute or offer for sale any written, printed, or graphic material except from a sidewalk or footpath.

**20.12.030 Advertising and Decorative Devices.**

(Amended by Ord. No. 163266, July 18, 1990.)

- A. On any tree, shrub, fence railing, fountain, wall, post, vase, statue, bridge, monument or other structure in any park, it is unlawful for any person to place any structure, sign, bulletin board, or advertising device of any kind, or to erect any post or pole or attach any notice, bill, poster, sign, wire, rod or cord.
- B. The Commissioner In Charge, by a written permit, may allow the erection of temporary decoration on occasions of public celebration or holidays.
- C. Subject to the other provisions of this Code, nothing in this Section shall prohibit the carrying of signs in the parks.

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#### **20.12.040      Alcoholic Liquor.**

(Amended by Ord. No. 139858, 143858, 154529; and 161837, Apr. 26, 1989.) It is unlawful for any person to sell, possess or consume any alcoholic beverage in any park, except by permit issued by the Commissioner In Charge of the Bureau of Parks and Recreation or by the Commissioner's authorized designee. A permit granted under this Section may contain such conditions as, in the discretionary judgment of the Commissioner or the Commissioner's designee, will promote the preservation of the parks for the peaceful enjoyment of the public at large.

#### **20.12.050      Parks to be Kept Free of Rubbish.**

(Amended by Ord. No. 157473; June 13. 1985.)

- A.** It is unlawful for any person to obstruct the free use and enjoyment of any park, or place any straw, dirt, chips, paper, shavings, shells, ashes, swill, or garbage, or other rubbish, or refuse or debris, in or upon any park.
- B.** It is unlawful for any person to enter any park with straw, chips, paper, shavings, shells, ashes, swill, or garbage, or other rubbish or refuse or debris that has originated from outside the park, for the purpose of disposing of any of the rubbish, refuse, or debris in the park; provided, however, the foregoing prohibition shall not apply to the disposal of garbage or refuse that results from the normal use of the park for recreational or other lawful purposes.

#### **20.12.060      Vandalism, Possession of Flowers and Shrubs.**

It is unlawful for any person to remove, destroy, break, injure, mutilate, or deface in any way any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, flower, or other property in any park.

It is unlawful for any person other than an employee of the Bureau of Parks to bring upon any of the parks or have in his possession while therein, any tree, shrub, or plant, or any newly plucked branch or leaf or tree, shrub or plant.

#### **20.12.070      Climbing Trees and Statues; Lying on Tables.**

(Amended by Ord. No. 164207, May 22, 1991.) It is unlawful for any person to climb any tree, or walk, stand, or sit upon the monuments, vases, fountains, railings, or fences, or lie on any picnic table in any park.

#### **20.12.080      Games of Chance.**

It is unlawful for any person to play any game of chance or to carry on betting of any kind within the park boundaries.

**20.12.090 Molesting Animals, Birds, and Fish.**

It is unlawful for any person to use any weapon, stick, stone, or missile of any kind to the destruction, injury, disturbance, or molestation of any wild or domestic animal, fowl, or fish within the park limits.

It is unlawful for any person to give, or offer, or attempt to give any animal within the parks, any tobacco or other known noxious articles, or anything the giving of which is prohibited by printed notices conspicuously posted therein.

**20.12.100 Annoying Children and Others.**

(Repealed by Ord. No. 162950, Apr. 19, 1990.)

**20.12.110 Fishing and Bathing.**

It is unlawful for any person to fish, wade, swim, or bathe in any of the parks except in the places designated by park authorities for such purposes. The Bureau of Parks through the Superintendent thereof and with approval of the Commissioner In Charge, shall have authority to allow fishing in the waters of any park of the City by posting adjacent to such waters a sign or signs stating that such fishing is authorized, and by posting age limits such fishing may be restricted to juveniles or others under the age as designated by the sign, and it is unlawful for any person over the age limit as posted to fish in any such waters of a park of the City.

**20.12.115 Unlawful Jumping and Diving.**

(Added by Ord. No. 156573; effective Sept. 19, 1984.)

- A. It is unlawful for any person to jump or dive from any seawall, pier or dock into the Willamette or Columbia Rivers in a park or an area adjacent to a park.
- B. It is unlawful for any person to jump or dive into the Willamette or Columbia Rivers in a park or an area adjacent to a park that is posted identifying such prohibition by the Commissioner In Charge of the Bureau of Parks.

**20.12.120 Sounding Whistles.**

It is unlawful for any person to sound whistles in any of the parks.

**20.12.130 Mutilation of Park Notices.**

It is unlawful for any person to injure, deface, or destroy any notice of the rules and regulations for the government of the parks, which shall have been posted or permanently fixed by order or permission of the Commissioner In Charge.

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#### **20.12.140 Animals in Parks.**

(Amended by Ord. No. 169019, June 28, 1995.)

- A.** It is unlawful for the owner, possessor, or keeper of any animal to permit such animal to enter any lake, pond, fountain, or stream, or to roam at large in any park, and, if such animal is found in any lake, pond, fountain, or stream or in any park it may be impounded. For purposes of this Section, a dog is deemed to roam at large if it is not held on a leash, except in such parks or portions of parks as the Superintendent of Parks may designate as off-leash areas; provided, however, that a violation of any posted rule established by the Superintendent of Parks governing any designated off-leash area shall be a violation of this Section. Nothing in this Section shall limit the authority of the Superintendent to terminate, alter or amend the designation of any off-leash area.
- B.** Owners of dogs or other animals, damaging or destroying park property, will be held liable for the full value of the property damages or destroyed, in addition to impounding fees and the penalty imposed for violation of this Section.
- C.** No one shall hitch horses or other animals to any tree, shrub, fence, railing, or other structure, except such as are provided for such purpose, or allow horses or other animals to stand unhitched while the driver or attendant is beyond reach of such horse or other animal.
- D.** (Added by Ord. No. 150088; passed and effective July 24, 1980.) This Section does not apply to police officers and their horses during the official performance of their duties.

#### **20.12.150 Emergency Conditions.**

(Amended by Ord. No. 167262, Jan. 12, 1994). In case of an emergency, or in case where life and property are endangered, all persons, if requested to do so by the Superintendent or other park officer or employee, shall depart from the portion of the grounds specified by such officer or employee, and shall remain off the same until permission is given to return. For purposes of this Section, "park officer or employee" includes any person authorized by Section 20.12.265 to issue park exclusions.

#### **20.12.170 Comfort Stations.**

No male person, other than a child with its mother, or a park employee in the discharge of his regular duties, shall enter a public comfort station marked "women," or loiter about the entrances of such comfort stations.

#### **20.12.180 Public Convenience Station.**

(Amended by Ord. No. 164207, May 22, 1991.) It is unlawful to urinate or defecate in any park except in a convenience station designed for that purpose. It is unlawful for any person to blow, spread, or place any nasal or other bodily discharge, or spit, urinate, or



defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public convenience station or in any place in such station, excepting directly into the particular fixture provided for that purpose. Nor shall any person place any bottle, can, cloth, rag, or metal, wood, or stone substance in any of the plumbing fixtures in any such station.

**20.12.190      Disorder.**

It is unlawful for any person to stand or climb on any closet, closet seat, basin, partition, or other furniture or fitting, or to loiter about or push, crowd, or otherwise act in a disorderly manner, or to interfere with any attendant in the discharge of his or her duties, or whistle, dance, sing, skate, swear, or use obscene, loud, or boisterous language within any public convenience station, or at or near the entrance thereof.

**20.12.200      Injury to Property.**

It is unlawful for any person to cut, deface, mar, destroy or break, or write on or scratch any wall, floor, ceiling, partition, fixture, or furniture, or use towels in any improper manner, or waste soap, toilet paper, or any of the facilities provided in any public convenience station.

**20.12.205      Use of Skateboards.**

(Added by Ord. No. 167686, May 18, 1994.) It is unlawful for any person to ride or operate a skateboard on any brickwork, cobblestone or ornamental surface, picnic table, tennis court, fountain area, planter, or sculpture located in a public area.

**20.12.210      Hours of Park Closure.**

(Amended by Ord. No. 150142, 159925, 163888, 165716; and 166381, Mar. 31, 1993.)

**A.** It is unlawful for any person to be in a park during hours of park closure. Unless the Superintendent of Parks designates otherwise for any park, "hours of park closure" means any time between the hours of 12:01 a.m. and the following 5 a.m. with the exception of the following parks:

- 1.** It shall be unlawful to be in Kelley Point Park between the hours of 8 p.m. and the following 8 a.m.
- 2.** It shall be unlawful to be in Pittock Acres Park after 9 p.m. except as authorized by special permit.
- 3.** It shall be unlawful to be in Crystal Springs Rhododendron Garden after 10:00 p.m. and before 6:00 a.m., from April 1 through September 30; it shall be unlawful to be in Crystal Springs Rhododendron Garden after 6:00 p.m. and before 6:00 a.m., from October 1 through March 31.
- 4.** It shall be unlawful to be in Forest Park after 10:00 p.m. and before 5:00 a.m.

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- B.** This Section shall not apply to the following, which are affirmative defenses:
- 1.** Vehicular traffic crossing on a park roadway;
  - 2.** Pedestrians crossing the North or South Park Blocks, Lownsdale Square, Chapman Square, Pettygrove Park, or Lovejoy Park.
  - 3.** Participants or spectators of athletic contests in park areas floodlighted for those contests;
  - 4.** Persons playing golf at a municipal golf course after dawn;
  - 5.** Persons attending a scheduled event in a park building designated as a community center;
  - 6.** Persons at scenic viewpoints in Mt. Tabor and Council Crest Parks, and along Terwilliger Boulevard Parkway, where parking areas are provided;
  - 7.** Pedestrians crossing park area between the two paved portions of one street or boulevard.

**20.12.215 Parks May be Closed at any Time if Deemed Necessary.**

(Added by Ordinance No. 149475, effective April 17, 1980.)

- A.** Notwithstanding Section 20.12.210 of this Chapter, the Commissioner In Charge of Bureaus of Parks or Police, the Superintendent of Parks or his designee, or an officer of the Bureau of Police may close any park, or any part thereof, at any time by erecting barricades prohibiting access to any such park, or part thereof, at appropriate locations. Notices that any park, or park thereof, is closed shall be posted at appropriate locations during the period of such closure, if feasible; however, failure to post such notices shall not invalidate such closure nor shall it be a defense to a charge of violating this Section of the Code.
- B.** The Commissioner In Charge of the Bureaus of Parks or Police, the Superintendent of the Bureau of Parks, or his designee, or an officer of the Bureau of Police, may close any park, or any part thereof, in accordance with this Section, in the interest of public safety and health, and such decision for closure shall be based upon one or more of the following criteria or conditions existing in or near that park:
- 1.** Life or property appear to be endangered and other means cannot reasonably be utilized to eliminate the danger;

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2. The overcrowding of persons or vehicles has occurred so that necessary access to emergency assistance or emergency vehicles is unavailable;
  3. Park property or other property located near the park reasonably appears to be endangered;
  4. That 1) loud and unreasonable noise, 2) fighting, 3) violent or tumultuous or threatening behavior, 4) abusive or obscene language or gestures is occurring and is caused by sufficient numbers of persons so that other means cannot reasonably be utilized to eliminate the condition(s).
  5. A hazardous condition exists;
  6. That violation(s) of criminal offenses or ordinances is occurring and is caused by sufficient numbers of persons so that other means cannot reasonably be utilized to eliminate the conditions;
  7. Other conditions exist such that the safety of persons or property cannot reasonably be assured.
- C. During the period of closure of a park in accordance with this Section, it shall be unlawful for any person to enter such park or any part thereof that has been closed, or to remain in such park, or part thereof, after having been notified of the closure and having been requested to leave by the Commissioner In Charge, the Superintendent or his designee, or an officer of the Bureau of Police. Such closure shall not exceed 18 hours without the written approval of the Commissioners in Charge of Bureau of Police and the Bureau of Parks.

**20.12.220      Parts Closed to Public.**

No person shall ride, drive, or walk on such parts or portions of the parks or pavements as may be closed to public travel or interfere with barriers erected against the public.

**20.12.230      Admittance Where.**

No person shall enter any building, enclosure, or place within any of the parks upon which the words "no admittance" shall be displayed or posted by sign, placard, or otherwise, without the consent of the Superintendent or other officer of the parks.

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**20.12.240 Rules and Regulations, Directions of Park Officers or Officers of the Bureau of Police to be Obeyed.**

(Amended by Ord. No. 139010, 167262; and 168170, Oct. 5, 1994.) No person shall violate any rule or regulation established under the authority of Section 20.04.020 or 20.04.050, nor refuse a request to obey any reasonable direction of the park officers or employees or officers of the Bureau of Police. For purposes of this Section, "park officers or employees" includes any person authorized by Section 20.12.265 to issue park exclusions.

**20.12.250 Park Officers and Employees not Affected.**

Nothing contained herein shall prevent the performance of any act or service by the park officers or employees which has been duly authorized by the Commissioner In Charge.

**20.12.260 Condition of Parole or Probation.**

(Added by Ord. No. 167935, July 27, 1994.) It is unlawful for any person to be in any park when that person is required by any term or condition of the person's parole or probation to stay out of the park.

**20.12.265 Park Exclusions.**

(Replaced by Ordinance No. 178282; amended by 178957, effective January 14, 2005.)

- A.** In addition to other remedies provided for violation of this Code, or of any of the laws of the State of Oregon, any Park Officer may exclude any person who violates any applicable provision of law in any Park from that Park in accordance with the provisions of this Section. Non-supervisory Park employees, other than Park Rangers, and employees of Golf Course concessionaires shall issue exclusion only at the direction of or with the approval of a supervisor or of the manager of the Park in which the exclusion is to be issued. Nothing in this Section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law, shall be subject to exclusion as provided by this Section.
- B.** For purposes of this Section, "applicable provision of law" includes any applicable provision of this Code, of any City ordinance, or of any rule or regulation promulgated by the Commissioner or the Council under this Title, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, any applicable County ordinance or regulation, and any ordinance or regulation adopted by the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) governing any Tri-Met facility in that Park. For purposes of this Section, "applicable" means relating to the person's conduct in the Park.

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- C.** An exclusion issued under the provisions of this Section shall be for thirty (30) days. If the person to be excluded has been excluded from any Park at any time within two years before the date of the present exclusion, the exclusion shall be for ninety (90) days. If the person to be excluded has been excluded from one or more Parks on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.
- D.** Before issuing an exclusion under this Section, a Park Officer shall first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no warning shall be required if the person is to be excluded for engaging in conduct that:
- 1.** Is classified as a felony or as a misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:
    - a.** Chapter 162 - Offenses Against the State and Public Justice;
    - b.** Chapter 163 - Offenses Against Persons;
    - c.** Chapter 164 - Offenses Against Property, except for ORS 164.805, Offensive Littering;
    - d.** Chapter 165 - Offenses Involving Fraud or Deception;
    - e.** Chapter 166 - Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
    - f.** Chapter 167 - Offenses Against Public Health, Decency and Animals;
    - g.** Chapter 475 - Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or
  - 2.** Otherwise involves a controlled substance or alcoholic beverage; or
  - 3.** Has resulted in injury to any person or damage to any property; or
  - 4.** Constitutes a violation of any of the following provisions of this Code:
    - a.** Section 14A.40.030 - Indecent Exposure;

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- b.** Section 14A.40.040 - Loitering to Solicit Prostitution;
    - c.** Section 14A.40.050 - Unlawful Prostitution Procurement Activities;
    - d.** Section 14A.60.010 - Possession of a Loaded Firearm in a Public Place;
    - e.** Section 14A.60.020 - Discharge of a Firearm;
    - f.** Section 14A.60.030 - Tear Gas and Stun Guns;
    - g.** Section 14A.60.040 - Explosives and Bottle Bombs;
    - h.** Section 20.12.080 - Games of Chance;
    - i.** Section 20.12.180 - Public Convenience Station, except if the conduct involves only urination on a permeable surface (such as grass, dirt, mulch or other plant materials) in a Park; or
    - j.** Section 20.12.205 - Use of Skateboards;
  - 5.** Constitutes a violation of the park rule titled “Policy Prohibiting Possession of Weapons in City of Portland Parks”; or
  - 6.** Is conduct for which the person previously has been warned or excluded for committing in any Park.
- E.** Written notice shall be given to any person excluded from any Park under this Section. The notice shall specify the date, length and place of the exclusion, shall identify the provision of law the person has violated and shall contain a brief description of the offending conduct. It shall be signed by the issuing party. Warnings of consequences for failure to comply shall be prominently displayed on the notice.
- F.** A person receiving such notice of exclusion may appeal to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code. The Code Hearings Officer shall uphold the exclusion if, upon the Code Hearings Officer's de novo review, the preponderance of evidence admissible under the provisions of Title 22 of this Code convinces the Code Hearings Officer that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law.

- G.** At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the Commissioner for a waiver of some or all of the effects of the exclusion for good reason. If the Commissioner grants a waiver under this Subsection, the Commissioner shall promptly notify the Portland Police Bureau's Records Division and the Parks Director of such action. In exercising discretion under this Subsection, the Commissioner shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be in the Park during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criterion the Commissioner determines to be relevant to the determination of whether or not to grant a waiver. Notwithstanding the granting of a waiver under this Subsection, the exclusion will be included for purposes of calculating the appropriate length of exclusions under 20.12.265 C. The decision of the Commissioner to grant or deny, in whole or in part, a waiver under this Subsection is committed to the sole discretion of the Commissioner, and is not subject to appeal or review.
- H.** If an appeal of the exclusion is timely filed under Section 20.12.265 F., the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon the issuance of the Hearings Officer's decision, unless the Hearings Officer specifies a later effective date.
- I.** If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion under 20.12.265 C. If the predicate exclusion is set aside, the term of the subsequent exclusion shall be reduced, as if the predicate exclusion had not been issued. If multiple exclusions issued to a single person for a single Park are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.
- J.** No person shall enter or remain in any park at any time during which there is in effect a notice of exclusion issued under this Section excluding that person from that park.

**20.12.270 Swings and Hammocks.**

No swings or hammocks shall be hung or swung in any of the parks, except on the posts erected for the purpose.

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#### **20.12.280 Public Drinking Fountains.**

It is unlawful for any person to willfully mark, scratch, disfigure, deface, or in any manner injure any public drinking fountain in the City, or throw, place, or deposit in any cup or basin of same any cigar stub or cigarette stub, or any other matter or refuse whatever, or obstruct the regular flow of water thereof in any manner whatever.

#### **20.12.290 Damaging Park Property.**

(Amended by Ord. No. 131415; Aug. 27, 1970.) It is unlawful for any person to willfully cut, remove, deface, injure, damage, or destroy any property in any City park, or any fence, gate, or other enclosure, or part thereof, around any City park.

#### **20.12.300 Reward.**

For information leading to the arrest and conviction of any person or persons for the malicious damaging or destruction of light globes on lamp posts, or otherwise located, on property of the Bureau of Parks a reward of \$25 will be paid by the City on any one case. It shall be the duty of the Superintendent of Parks to fully investigate all claims for reward and report the result to the Chief of Police.

#### **20.12.310 Restriction on Exhibitions of Works of Art.**

No work of art shall be placed in any park, or in any other public ground which is subject to the supervision of the Council, without its permission.

#### **20.12.320 Protection of Works of Art.**

It is unlawful for any person to display advertisements or articles for sale on or about any statue, monument, memorial, tablet, fountain, or other ornamental structure in any park, street, avenue, or other public place in the City, nor shall any person solicit fares, alms, subscriptions, or contributions on or about such structures, or step or climb upon, remove, deface, or in any way injure or damage any work of art, statue, monument, memorial tablet, fountain, or any other ornamental structure in any park, street, avenue, or other public place in the City.

#### **20.12.340 Trespassing on Golf Links.**

It is unlawful for any person, other than an officer on lawful business, a park employee, or player, to go or trespass upon any golf links or archery course in the City and fail, neglect, or refuse to depart therefrom immediately and remain away until permitted to return, upon the oral or printed or written order of the owner or person in the lawful occupation or in responsible charge of the golf links, archery course, lands, or premises. A "player" for the purposes of this Section is a person who has purchased a playing ticket for that particular facility on a particular day. Printed or written notices having attached thereto, by authority, the name of the owner or person in the lawful occupation of the golf links, archery course, lands, or premises, and requiring all persons to forbear trespassing on the golf links, archery course, lands, or premises, and to depart therefrom, posted in three conspicuous places on said golf links, archery course, lands, or premises shall be held and deemed to be sufficient prima facie evidence of notice.



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**20.12.350 Possession of Golf Equipment Belonging to the City.**

It is unlawful for any person, other than an authorized employee of the City to take, use, or have in his or her possession any golf ball or other golf equipment belonging to the City outside of the limits of the established golf driving range or ranges of the City.

**20.12.360 Trespass upon Swimming Pool Area.**

It is unlawful for any person other than an employee of the City having authority so to do, to enter any municipal swimming pool or the enclosed area thereof, at any other time than when the pool is regularly open for public use and a qualified life guard or attendant is on duty.

**20.12.370 Use of River Frontage Along Park Property.**

It is unlawful for any person to tie or fasten any log, boat, or other floating equipment to or upon park property bordering upon the Willamette River except temporary mooring of pleasure boats.

**20.12.380 Structures in Parks.**

(Added by Ordinance No. 131550, effective Oct. 26, 1970.) Unless authorized by a written permit from the Commissioner In Charge, and subject to the terms of said permit, it is unlawful for any person to excavate for, to erect or install, or to do any act as part of or commencement of excavation, erection, or installation for, a permanent or temporary structure or facility in or on any park or public property.

This Section shall not be deemed to prohibit the erection of permanent or temporary covering or shelter in places designated by park authorities for such purposes and subject to park regulations applicable to such designated places.

**20.12.390 Use of Certain Devices or Equipment.**

(Added by Ordinance No. 149767, effective June 12, 1980.) It is unlawful for any person to use a beanshooter, slingshot, javelin, shotput, discus, golf equipment, or archery equipment, in or upon any park, except that any of the above equipment or devices may be used in areas specifically designated or provided for that particular use.

**Chapter 20.20**

**MUNICIPAL GOLF COURSE RATES**

**Sections:**

- 20.20.010 Playing Rates.
- 20.20.020 Collection and Use of Fees.
- 20.20.030 Holders of Life Certificates.

## **TITLE 20**

### **PARKS & RECREATION**

20.20.040      Delegation of Authority.

#### **20.20.010      Playing Rates.**

(Replaced by Ordinance No. 173286, effective January 1, 1999.) Green fees shall be charged and collected for the privilege of playing golf at the Eastmoreland, Rose City, Progress Downs and the Greenback and Great Blue courses at Heron lakes. In addition, fees shall be charged and collected for the use of other golf facilities and equipment such as driving ranges and golf carts. The Director of Portland Parks and Recreation or his or her designee shall determine the appropriate rates related to the use of golf courses, their facilities, and equipment. Those rates and charges, as well as other necessary regulations, shall be listed in the "City of Portland Golf Operations Manual."

#### **20.20.020      Collection and Use of Fees.**

(Amended by Ordinance No. 139221, effective Jan. 20, 1975.) It shall be the duty of the concessionaire contracted by the City to collect at the municipal golf courses and account for the fees herein provided. It will be the duty of City employees to collect and account for the fees where no such concessionaire contract is provided. All fees and charges received on account of the issuance of the tickets shall be devoted to administrative purposes of the City's golfing facility with the understanding that participants in the games are subject to prescribed rules and regulations, that they assume their own risks, and that no obligation on the part of the City shall obtain other than what may apply to the City in its governmental capacity.

#### **20.20.030      Holders of Life Certificates.**

(Amended by Ordinance No. 139221, effective Jan. 20, 1975.) Any person who has been employed by the Bureau of Parks in connection with the municipal golf courses for a period of 25 years or more, shall be granted a lifetime certificate entitling him to use without charge and at all times any golf facility operated by the City. Such certificates shall be issued by the Bureau of Parks and shall not be transferable.

The holder of a life certificate, however obtained, possesses no playing rights superior or prior to any person playing on a single green fee or otherwise in accordance with the rules of golf courses.

#### **20.20.040      Delegation of Authority.**

(Added by Ordinance No. 141276, effective Feb. 5, 1976.) The privilege of playing under any rate established herein may be suspended or terminated and cancelled immediately without refund by the Commissioner In Charge for any violation of course rules or regulations, or for any conduct which interferes with the proper administration of the golf course or its enjoyment by the public. The Commissioner In Charge is authorized to delegate his authority to the person in charge of each municipal golf course.

**Chapter 20.24**

**PORTLAND ZOO ADMISSION  
CHARGES**

**Sections:**

- 20.24.010 Rates Established.
- 20.24.020 Portland Zoological Society Members.
- 20.24.030 Group Rates.
- 20.24.040 Special Events.
- 20.24.050 Lifetime Passes.
- 20.24.060 Rates Under Zoo Management Agreement.

**20.24.010 Rates Established.**

(Amended by Ord. No. 131073, 133949, and 141817; passed and effective May 27, 1976.) The following charges shall be collected for admission to the Portland Zoo:

- A.** The Portland Zoological Society, while managing the Portland Zoo during the term of a Zoo management agreement with the City, may provide for free admissions and charge admission fees to the Zoo.

- B.** The prescribed admission fee for residents of the Metropolitan Service District shall be:

Children under 6 years	Free
Children 6 years and older	
but less than 12 years	\$ .25
Persons 12 years or older	
but less than 65 years	\$ .75
Persons 65 years or older	\$ .25

- C.** The prescribed admission fee for nonresidents of the Metropolitan Service District shall be:

Children under 6 years	Free
Children 6 years and older	
but less than 12 years	\$ .75
Persons 12 years or older	
but less than 65 years	\$1.50
Persons 65 years or older	\$ .75

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- D.** Supervised groups of children from schools, institutional homes, and nurseries located within the MSD area shall be admitted free with attending the Zoo as part of a regular child education program. Adults entrusted by the school or institution with custody and supervision of every such group also shall be admitted free, but only to the extent of one adult supervisor for each 10 children in the group.

**20.24.020 Portland Zoological Society Members.**

(Amended by Ord. No. 132931; passed and effective July 1, 1971.) Members of the Portland Zoological Society paying a membership fee shall have free admission to the Portland Zoo under the following conditions:

- A.** The Portland Zoological Society shall pay to the City two children admission fees for each junior membership sold, two adult admission fees for each individual membership sold, and four adult admission fees for each family membership sold. Remittance to the City shall be made monthly by the Society as memberships are sold.
- B.** Junior membership shall be limited to children ages 6 through 15, inclusive.
- C.** Family membership shall be limited to parents and their minor children.

**20.24.030 Group Rates.**

Tickets for admission to the Zoo may be purchased in advance at group rates. The rates shall be less than the charges provided in Section 20.24.010 as follows:

Number of Tickets	Reduction
50 to 99	20 percent
100 to 249	25 percent
250 to 399	30 percent
400 or over	35 percent

Tickets purchased under this Section shall not be redeemable. The preparation of the tickets, the procedure under which they may be purchased and the time limit upon their validity shall be prescribed by the Commissioner In Charge of the Bureau of Parks.

**20.24.040 Special Events.**

The admission fees fixed in this Chapter are waived for special events scheduled by the Zoo operator when a catering fee or service fee is charged which becomes part of the gross annual revenues from concessions and a portion of which is subject to remittance to the City.

**20.24.050      Lifetime Passes.**

The Commissioner In Charge of the Portland Zoo shall have authority to grant to donors who contribute supplies, materials, and exhibits of value in excess of \$1,000, a lifetime pass.

**20.24.060      Rates Under Zoo Management Agreement.**

(Added by Ord. No. 132931; passed and effective July 1, 1971.) Notwithstanding the rates established by this Chapter, the Portland Zoological Society, while managing the Portland Zoo during the term of a zoo management agreement with the City, may establish different charges to be collected for admission to the Portland Zoo, not to exceed the rates set herein.

**Chapter 20.28**

**RENTAL CHARGES FOR CIVIC  
STADIUM**

**Sections:**

- 20.28.010      Basic Rental Charges.
- 20.28.020      Insurance Coverage.
- 20.28.030      Restriction of Use.
- 20.28.040      Collection of Rentals.

**20.28.010      Basic Rental Charges.**

(Amended by Ord. No. 141367; passed and effective March 3, 1976.)

- A.**      Unless specifically fixed by action of the Council or otherwise in this Chapter provided, the basic rental charges for the use of the Civic Stadium shall be as follows:

- 1.**      **CLASS I:**

- For events commercially sponsored directly or indirectly; or for events where admissions are collected through membership, season tickets, or otherwise, the rent shall be 10 percent of the gross sales for the event plus reimbursement for the direct expenses of the event incurred by the City to include but not limited to the following:

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- a.** Wages and payroll expenses of gatemen, ushers, ticket sellers, cleanup crew, special police, electricians, cashiers, and first aid room attendants,
- b.** Expenses of extra electrical or telephone installations and field lighting,
- c.** All expenses occasioned by the preparation of the field and grandstand for the activity, and for restoring the field and grandstand to substantially the same condition as existed prior to preparation for the activity.

**2. CLASS II:**

For events sponsored solely by a nonprofit, religious, charitable, or educational organization where all profits are used solely for a charitable cause, regardless of whether admission is collected, no rent shall be charged but sponsor shall reimburse for the direct expenses of the event incurred by the City to include but not to be limited to the following:

- a.** Wages and payroll expense of gatemen, ushers, ticket sellers, cleanup crew, special police, electricians, cashiers, and first aid room attendants,
- b.** Expenses of extra electrical or telephone installations and field lighting,
- c.** All expenses occasioned by the preparation of the field and grandstand for the activity, and for restoring the field and grandstand to substantially the same condition as existed prior to preparation for the activity.

**3. CLASS III:**

The public use at which no admission is charged but collections are taken in the stadium or any portion thereof in any form or manner; or for private use which is not commercially sponsored directly or indirectly: \$1,500 for the first day plus \$1,000 for each additional day, plus reimbursement for the direct expenses of the event incurred by the City to include but not be limited to the following:

- a.** Wages and payroll expense of gatemen, ushers, ticket sellers, cleanup crew, special police, electricians, cashiers, and first aid room attendants.

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- b. Expenses of extra electrical or telephone installations and field lighting,
  - c. All expenses occasioned by the preparation of the field and grandstand for the activity, and for restoring the field and grandstand to substantially the same condition as existed prior to preparation for the activity.
- B. Basic rental charges set forth above for each Class I, Class II, and Class III include the playing field, dressing room facilities, water, electricity except field lighting and stadium management personnel during normal working hours. Any overtime for management personnel shall be reimbursed by the sponsor at the rate of time and one-half.
- C. (Added by Ord. No. 134014; passed and effective Feb. 3, 1982.) Basic rental charges for Class I sponsored events, which require only the use of the playing field during normal working hours of stadium management personnel and do not require use of normal spectator areas, dressing room facilities or field lighting, will be \$60 per day. Any overtime for stadium management personnel shall be reimbursed by the sponsor at the rate of time and one-half.
- D. (C relettered D by Ord. No. 134014; passed and effective Feb. 3, 1972.) Unless the Commissioner In Charge or the Council takes action otherwise, the Manager of the Stadium is authorized to issue permits for the use of the Stadium subject to provisions of this Chapter.

**20.28.020 Insurance Coverage.**

Sponsors of events in Portland Civic Stadium shall maintain liability insurance against claims for damage or personal injury, including death, which may arise out of its operations in the stadium or in connection therewith. Such insurance shall afford coverage of not less than \$100,000 for personal injury to each person, \$300,000 for each accident or occurrence, and \$50,000 for property damage; such insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured the City, its officers, agents, and employees. Evidence of such insurance shall be furnished the Auditor of the City prior to the event and the same shall be kept in full force and effect throughout the full term of Stadium usage, subject to approval of the City Attorney as to sufficiency of coverage.

**20.28.030      Restriction of Use.**

- A.** Whenever, in the opinion of the Commissioner In Charge of the Civic Stadium or of the Council of the City, any applicant or permittee for the use of the Civic Stadium is likely to or does advocate to any audience in the Stadium the overthrow of the United States government or the government of any state or

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subdivision thereof by force, and when such Commissioner shall file a report with the City Auditor to that effect, or when the Council shall make a finding to that effect, then the application shall be rejected or the permit of such permittee for the rental of said Stadium is hereby declared to be null and void. All permits for the rental of the Civic Stadium hereafter entered into shall be subject to the provisions of this Chapter, and this Chapter shall be a part of such permit of rental. In case of the annulment of any permit as herein provided, the amount of rental paid thereunder, less any expense actually incurred thereunder by the City, shall be refunded to the permittee.

- B.** Use of the Civic Stadium shall be deemed a privilege and not a right. Subject to the approval of the Commissioner In Charge, the Manager of the Civic Stadium may reject any application for rental of all or any portion of the Stadium whenever he finds that the particular event or performance may result in extraordinary risk of damage to the Stadium structure, furnishings, or facilities. If the Commissioner In Charge finds that such risk is of a character that special conditions may adequately protect the people of the City and the City itself from liability and loss, whether by penal bond, money deposit, special security measures at the expense of the applicant for rental, or other device, without other events and rentals, then the Commissioner In Charge may impose such special restrictions and requirements as he finds appropriate and adequate for such protection. The conditions of any such deposit or special requirements and the provisions of any such bond, shall be approved as to form by the City Attorney.

**20.28.040 Collection of Rentals.**

All rental charges and reimbursements for expenses chargeable to sponsors of events shall be due upon billing from the City Auditor.

**Chapter 20.30**

**PORTLAND INDOOR TENNIS CENTER**

(Repealed by Ord. No. 164427; passed  
and effective July 10, 1991.)



**Chapter 20.32**

**PITTOCK MANSION**

**Sections:**

- 20.32.010 Admission Charges for Viewing Interior of Mansion.
- 20.32.030 Pittock Mansion Society.
- 20.32.040 Photography at Pittock Mansion-General Provisions.
- 20.32.050 Fees for Commercial Photography.

**20.32.010 Admission Charges for Viewing Interior of Mansion.**

(Amended by Ord. No. 144250, 147839, 152225, 157277, 157649, 158387 and 161281; effective Oct. 1, 1988.) Fees for admission to Pittock Mansion during its regular viewing hours shall be reviewed by Pittock Mansion Advisory Commission, approved by the Superintendent of Parks and established by rule by the Commissioner In Charge of the Bureau of Parks according to Section 20.04.050.

**20.32.020 Charges for Special Uses of the Mansion.**

(Repealed by Ord. No. 158992 Sept. 11, 1986.)

**20.32.030 Pittock Mansion Society.**

(Amended by Ord. No. 148542; passed and effective Oct. 4, 1979.) Members of the Pittock Mansion Society holding a continuing, annual, or individual membership shall have free admission to the Pittock Mansion. Free Admission to such memberships shall include the member and his family. For each continuing, annual, or individual membership, the Pittock Mansion Society shall pay to the City the following amounts:

- A. Continuing and annual memberships \$3
- B. Individual memberships
  - 1. Husband and wife - \$2
  - 2. Adult - \$1
  - 3. Student - \$.50

Remittance to the City shall be made annually by the Society as memberships are old.

**20.32.040 Photography at Pittock Mansion.**

(Repealed by Ord. No. 165019; Jan. 29, 1992.)

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**20.32.050 Fees for Commercial Photography.**

(Added by Ord. No. 135182; amended by Ord. No. 147839, 151528 and 160657; Apr. 14, 1988.)

- A.** All activity of commercial photographers shall be subject to supervision by the Pittock Mansion staff. The Director of the Pittock Mansion shall designate a staff member to supervise all interior photography. The Director may designate a staff member to supervise exterior photography where deemed necessary.
- B.** Fees for photographer location work done within Pittock Acres Park shall be proposed by the Director of Pittock Mansion and approved by the Superintendent of Parks or designated representative.
- C.** Special fees may be charged for commercial photographic work intended for national dissemination, including television productions and motion pictures, or which involves extraordinary circumstances. Such fees shall be negotiated with the Director of Pittock Mansion and approved by the Superintendent of Parks or designated representative.
- D.** Photographic use requiring major staff time, extraordinary circumstances or inordinate demand on the facilities may be referred to the Advisory Commission for their recommendation.
- E.** At the discretion of the Director of Pittock Mansion, fees may be waived for representatives or students of educational institutions, the news media, and projects of State, county or municipal governments.

**Chapter 20.36**

**PORTLAND INTERNATIONAL  
RACEWAY WEST DELTA PARK**

(Replaced by Ord. No. 135855;  
effective Jan. 11, 1973.)

**Sections:**

- 20.36.010 Authority to Issue Permits.
- 20.36.020 Conditions of Permits.
- 20.36.030 Fees.
- 20.36.040 Additional Charges.

**20.36.010 Authority to Issue Permits.**

(Amended by Ord. No. 165019, Jan. 29, 1992.) The Superintendent of Parks or his or her authorized representatives shall have the authority to allow motor vehicle and motorcycle racing, testing, demonstration, exhibition, or driving training at West Delta Park, hereafter referred to as PIR, and to grant exclusive use of all or part of the park roadways and other facilities in West Delta Park for such events in the park by issuing permits, or by assessing fees as described in Section 20.36.040 or for such other events and uses as the facilities can accommodate.

**20.36.020 Conditions of Permits.**

The permits issued under the authority granted under Section 20.36.010 hereinabove shall be conditioned by rules and regulations of the Bureau of Parks governing use of PIR, and shall include provisions designating the event which may be staged, the courses and areas to be used and the limit, if any, on the number of vehicles or persons that may participate in the permitted event. The permit shall provide that the Superintendent or his authorized representatives have authority to immediately terminate operations under the permit if permittee fails to comply with orders and regulations of the Superintendent or his authorized representatives or the conditions of the permit. The permit shall require that the permittee lock up and secure the racing facility after each event. The Superintendent or his authorized representatives may require a bond or cash deposit to insure compliance with the conditions of the permit. The permittee shall be required to indemnify and save the City, its officers, agents, and employees harmless from claims for damage to persons or property resulting from the use of PIR under the permit.

The Superintendent or his authorized representatives may, depending upon the nature of the event, require the permittee to furnish evidence of liability insurance covering his operations under the permit, which insurance shall provide coverage of not less than \$100,000 for personal injury for each person, \$300,000 for personal injury for each event, and \$50,000 property damage. The City, its officers, agents, and employees shall be named as additional insureds. Such evidence of insurance shall be in form satisfactory to the City Attorney.

**20.36.030 Fees.**

(Amended by Ord. No. 141335, 145146, 148765, 150854, 152673, 156919, 159303, 161474; and 165019, Jan. 29, 1992.) The Superintendent of Parks is authorized to establish, maintain and modify a schedule of fees for the events and uses the Superintendent allows under Section 20.36.010 of this Code. It shall be unlawful for any person to use the facilities described in Section 20.36.010 without first paying the fee established by the Superintendent for that use or event.

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**20.36.040 Additional Charges (No Permit Will Be Issued.)**

(Amended by Ord. No. 139567, 145146, 150854, 152673, 156919, 159303; and 161474 effective Jan. 1, 1989.)

- A.** Testing of cars on the road course, on the days set aside by the Superintendent will be \$100 per car, per day. Testing of cars on the on the drag strip on the days set aside by the Superintendent will be \$75 per car per day. Private testing on nonscheduled test days will be \$650 per day for up to two cars and an additional charge of \$150 per car for each vehicle over two. For C.A.R.T. Indy car teams and I.M.S.A. GTP teams that require private testing, the charge will be \$1200/per day for up to two cars and \$200 per car for each vehicle over two.
- B.** Recreational riding in the motorcycle area on days set aside by the Superintendent will be \$5 per rider per day, persons under 12 years of age will be free.
- C.** For miscellaneous events, not listed above, the Superintendent will set the rental rate according to the size and description of the event and considering the facilities to be provided which shall return to the City at least minimum operational costs.
- D.** Users of the raceway or other facilities who require use of the raceway lights will be charged at the rate of \$65 per day in addition to any other charges or permit fees.
- E.** The Superintendent or his/her authorized representatives is authorized to sell advertising space within the raceway, hereby waiving Section 20.12.030 of the City Code. The rates will vary depending on the size of the sign, the location of the sign, and the length of the agreement, with charges subject to approval by the Commissioner In Charge.
- F.** A \$200 surcharge will be made to any user who violates established raceway noise regulations.

**Chapter 20.38**

**MULTNOMAH CENTER**

(Added by Ord. No. 152710; passed  
and effective Jan. 13, 1982.)

**Sections:**

- 20.38.010 Term Leases and Facilities Use Permits.
- 20.38.020 Authority to Issue Permits for Short Term Use.
- 20.38.030 Rules and Regulations.
- 20.38.040 Conditions of Permits.
- 20.38.050 Charge for Use of Facilities.
- 20.38.060 Waiver of Charges.
- 20.38.070 Policies on Use.
- 20.38.080 Priority for Users.

**20.38.010 Term Leases or Facilities Use Permits.**

The City Council may authorize leases or facilities use permits with non-profit organizations for rental of space in the Center for a period not to exceed 5 years.

**20.38.020 Authority to Issue Permits for Short Term Use.**

(Amended by Ord. No. 153957; effective Dec. 6, 1982.) The Superintendent of Parks or an authorized representative shall have authority to issue permits to non-profit and commercial organizations for short term use of facilities which have not been rented on a long term basis by lease or permit. The purpose of the commercial organizations must be compatible with the community services provided by the Multnomah Center. Issuance of such permits shall be in accordance with the provisions of this Chapter.

**20.38.030 Rules and Regulations.**

The Superintendent of Parks, subject to approval of the Commissioner In Charge, may adopt rules and regulations relating to use of the Center which shall not be inconsistent with the provisions of this Chapter. Such rules and regulations shall not conflict with the provisions of any pre-existing lease or permit.

**20.38.040 Conditions of Permits.**

The permits issued under the authority granted under Section 20.38.020 shall be conditioned by rules and regulations of the Bureau of Parks governing use of the Center, and shall include provisions designating the nature of the use and the areas or facilities to be use. The permit shall provide that the Superintendent or his authorized representatives have the authority to immediately terminate the use under the permit if permittee fails to comply with the rules and regulations or the conditions of the permit. The permittee shall

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be required to indemnify and save the City, its officers, agents, and employees harmless from claims for damages to persons or property resulting from the use of the Center under the permit.

The Superintendent or his authorized representative may, depending on the nature of the use, require the permittee to furnish evidence of liability insurance covering the use under the permit, which insurance shall provide coverage of not less than \$100,000 for personal injury for each person, \$300,000 for personal injury for each occurrence and \$300,000 property damage for each occurrence. The City, its officers, agents, and employees shall be named as additional insureds. Such evidence of insurance shall be in form satisfactory to the City Attorney.

#### **20.38.050 Charge for Use of Facilities.**

(Amended by Ord. No. 153957; and 159171 effective Dec. 15, 1986.) Charges will be made for the use of the following Multnomah facilities by permit issued pursuant to Section 20.38.020: class rooms, conference rooms, kitchenette, gym, auditorium, and kitchen. There will be a minimum charge, a refundable cleaning deposit, a kitchen cleanup deposit, and a liquor deposit. There will be additional staff charges for use of the facility at times other than regular hours of the Multnomah Center operation. Various set-up and take-down charges will be applied if existing table and seating arrangements are altered. Specific charges and fee rules and regulations will be determined and adjusted periodically by the Superintendent of Parks or an authorized representative.

#### **20.38.060 Waiver of Charges.**

The Superintendent of Parks or his authorized representatives may waive the charges specified in Section 20.38.050 for use of multi-purpose rooms by community groups which provide information to the community relating to the community's health, education, or welfare. Such groups shall not charge members of the public to attend any such function and such function shall be open to the public. Groups eligible for fee waiver shall not be commercial, partisan, political, or religious groups and shall not use the Center to advocate for or against any candidate for public office, or for or against any measure or proposition to be voted upon by the voters.

#### **20.38.070 Policies on Use.**

(Amended by Ord. No. 153957; effective Dec. 6, 1982.) The proposed use must be in accordance with the provisions of the City Code and Ordinances and the rules and regulations relating to use of the Multnomah Center established pursuant to this Chapter. Events which involve political, religious, or income generating activities must be approved by the Commissioner In Charge of the Bureau of Parks.

Organizations using Multnomah Center facilities by permit issued pursuant to Section 20.38.020 shall be allowed to serve alcoholic beverages within the Center with the following restrictions:

- A.** Alcoholic beverages served by a licensed and insured caterer; or

- B.** The renting organization must obtain the appropriate OLCC license and provide the Multnomah Center with a certificate of comprehensive general liability insurance for \$300,000 naming as insured the City of Portland, its officers, agents, and employees, and sign a “Hold Harmless” agreement with the City of Portland for any liability; and
- C.** All supplies and materials or other property brought on the premises will be the sole responsibility of the user.

**20.38.080 Priority for Users.**

(Repealed by Ord. No. 159171 effective Dec. 15, 1986.)

**Chapter 20.40**

**STREET TREE AND OTHER PUBLIC  
TREE REGULATIONS**

(Added by Ord. 134330; New Chapter  
substituted by 159490;  
Mar. 12, 1987.)

**Sections:**

20.40.010	Purpose.
20.40.020	Definitions.
20.40.030	Urban Forestry Commission.
20.40.035	Technical Assistance.
20.40.040	Urban Forestry Master Plan.
20.40.045	Superintendent.
20.40.050	City Forester.
20.40.070	Planting of Trees.
20.40.080	Maintenance of Trees.
20.40.090	Removal of Trees.
20.40.100	Permit Requirements and Conditions.
20.40.105	Major Improvements.
20.40.110	New Land Division.
20.40.120	Protection.
20.40.130	New Streets.
20.40.140	Liabilities and Responsibility for Costs.
20.40.150	Heritage Trees.
20.40.160	Disposition of Wood from Trees.

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20.40.170	Nuisances-Abatement Procedure.
20.40.180	Abatement by Owner, Administrative Review, Appeal to the Code Hearings Officer.
20.40.185	Administrative Review.
20.40.190	Abatement by the City.
20.40.195	Notice of Assessment.
20.40.200	Personal Liability of Owner.
20.40.205	Cost of Abatement; Low Income, Elderly Persons.
20.40.210	Criminal Penalty.
20.40.220	Civil Remedies.
20.40.230	Institution of Legal Proceedings.
20.40.235	Notification to Planning Commission.
20.40.240	Severability.

#### **20.40.010 Purpose.**

The purpose of this Chapter is the managing, conserving and enhancing the existing trees located in the parks and public areas owned by the City of Portland and in public rights-of-way, and thereby enhancing the appearance of the City and protecting an important environmental and economic resource for the benefit of the City's residents and visitors, and for the purpose of assisting property owners and public agencies to improve and maintain trees in a manner consistent with adopted City policies.

#### **20.40.020 Definitions.**

As used in this Chapter, the singular includes the plural and vice versa.

- A. Arboriculture** refers to that part of horticulture which deals with the study and care of trees and other woody plants.
- B. City** means the City of Portland.
- C. Commission** means the Urban Forestry Commission.
- D. Engineer** means the City Engineer.
- E. Forester** means the City Forester.
- F. Person** includes any individual, firm, association, corporation, agency, or organization of any kind.
- G. Plan** means the Tree Planting and Maintenance Plan for streets, parks and public areas, also known as the Urban Forestry Plan.



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- H. Pruning** refers to cutting or removing any part of the branching structure of a plant in either the crown, trunk or root areas.
- I. Public** area means City-owned lands not located in the park or street right-of-way.
- J. Removal** refers to the cutting or removing of 50 percent or more of the crown, trunk or root system of a plant, resulting in the loss of aesthetic or physiological viability.
- K. Street** shall have the meaning set forth in Section 9-101 of the City Charter.
- L. Superintendent** means the Superintendent of Parks and Recreation.
- M. Tree** shall include only those trees which are located on public property or those which are assigned to the jurisdiction of the Forester by other City policies, procedures and Code provisions.
- N. Urban Forestry** has as its objective the cultivation and management of trees and related plants for their present and potential contribution to the physiological, sociological and economic well being of urban society. Inherent in this function is a comprehensive program designed to educate the urban populace on the role of trees and related plants in the urban environment. In its broadest sense, urban forestry is one essential component of a multi-managerial system that includes watersheds within the City, wildlife habitats, outdoor recreation opportunities, landscape design, recycling of municipal vegetative wastes and tree care in general.
- O. Utility** means public utilities, businesses or organizations in the business of supplying electrical energy, gas, heat or steam, water, communications, or other services through or associated with telephone or telegraph, sewage disposal and treatment, and other operations for public service, but does not include transportation service, railroad operations, or service otherwise licensed under City Code.

**20.40.030 Urban Forestry Commission.**

(Amended by Ordinance No. 171655, effective November 7, 1997.)

- A.** The Urban Forestry Commission is hereby created. It shall consist of eleven members who have demonstrated an interest in the preservation of trees and the beautification of Portland, appointed by the Mayor in consultation with the Commissioner of Parks and Recreation and confirmed by the City Council. Members shall serve without compensation for terms of 4 years and may be reappointed. At least three members shall have experience and expertise in

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arboriculture, landscape architecture or urban forestry. One member shall be a member of the Board of Trustees of the Hoyt Arboretum. The remaining seven members, insofar as possible, shall represent diverse regions or interests of the community. Two of the three members initially appointed with experience or expertise in arboriculture or urban forestry shall initially serve a term of two years. Two of the members appointed from geographically diverse regions of the City shall initially serve a term of two years. The City Forester and the Commissioner of Parks and Recreation or the Commissioner's designee, and the City Engineer or the City Engineer's designee shall serve as ex-officio members of the Commission.

- B.** The Urban Forestry Commission shall elect its own chair and adopt such rules of procedure as it deems necessary to the conduct of its duties.
- C.** The Commission shall meet at least monthly and may meet more often.
- D.** The Commission shall:
  - 1.** Provide assistance in the development of the Urban Forestry Master Plan, submit the same to the City Council for approval, and review and update such plan periodically.
  - 2.** Advise the Forester, Superintendent and Bureau of Parks and Recreation Budget Advisory Committee on the preparation and contents of the Annual Forestry Unit budget request.
  - 3.** Review plans and policies developed pursuant to other City Code provisions which contain elements or which affect matters related to Urban Forestry and arboricultural concerns in the City and other matters brought forward by the Forester and others.
  - 4.** Prepare and submit to the Commissioner of Parks and Recreation an annual report which shall contain a section or sections specifically dealing with the relations with and concerns of the various City bureaus.

**20.40.035 Technical Assistance.**

- A.** The Forester shall assist the Forestry Commission in the discharge of its duties.
- B.** When requested by the Urban Forestry Commission and Commissioner In Charge, the City may retain the services of a professional review panel of not more than three members, either foresters, arboriculturists, landscape architects or some combination thereof to advise the Commission on the efficiency of proposed actions and planting schemes. At least one member of this panel should

be very familiar with Portland. The Forester shall present a list of qualified names to the Forestry Commission for its review and selection. No member of the professional review panel shall serve if he/she has a conflict of interest.

**20.40.040 Urban Forestry Master Plan.**

- A.** The Urban Forestry Commission shall develop and establish a Comprehensive Urban Forestry Plan for the planting, maintenance and replacement of trees in parks, along streets or in other public areas. When a portion of such plan has been developed and established, it shall be submitted to the City Council for adoption prior to implementation. The Forester shall seek the advice of any bureau which will be affected by the plan.
- B.** The Forester shall maintain a list of approved varieties of trees that may be planted on any street or in any park or public area, consistent with the provisions of the plan.
- C.** All tree planting, maintenance and removal shall comply with and conform to the Plan or such portions thereof as shall have been adopted at the time of the planting, maintenance or removal.

**20.40.045 Superintendent.**

The Superintendent shall have the following responsibilities relating to the Urban Forestry Commission:

- A.** Preserve and enhance the Urban Forest.
- B.** Develop and maintain the Urban Forestry Master Plan.
- C.** Carry out the other responsibilities applicable to the Urban Forestry Commission.
- D.** The Superintendent will meet with the Urban Forestry Commission upon their written request.
- E.** The Superintendent shall administer and monitor the implementation of the Master Plan.
- F.** Upon 15 calendar days' written notice from the City Engineer of impending, non-emergency road or sewer maintenance activities, the Superintendent shall implement and carry out the abatement procedures in Section 20.40.270 as necessary to provide tree branch clearances over the street as set forth in Title 17.

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#### **20.40.050 City Forester.**

There shall be a City Forester position within the Bureau of Parks and Recreation. The position shall be filled by a qualified arborist. The duties of the City Forester are:

- A.** To manage the Forestry Division.
- B.** To assist the Superintendent of Parks and Recreation in responsibilities specified in 20.40.045.
- C.** To provide administrative staff services to the Urban Forestry Commission.
- D.** To develop and periodically update specifications for planting, pruning, removing and maintaining trees in accordance with proper arboricultural practices.
- E.** To prepare and submit the annual budget request for the operation of the Forestry Division.
- F.** To provide all supervision of tree maintenance services including cutting, pruning, spraying, planting and tree removal required by or performed by the City bureaus, subject to the annual budget provided for by the City Council for such services and subject to City bureaus' contracting to have such services provided by private contractors as may be engaged by City bureaus pursuant to the City's normal contracting procedures through the City's Bureau of Purchases and Stores.
- G.** To prepare a monthly report on Urban Forestry activities for Commission review.
- H.** To carry out the other duties specified in this Chapter.

#### **20.40.070 Planting of Trees.**

(Amended by Ordinance Nos. 163739, 173534 and 176955, effective October 9, 2002.)

- A.** The Forester may plant or cause trees to be planted in the streets, parks and other property of the City. In addition to using his/her own personnel, he/she may hire independent contractors consistent with City Code provisions.
- B.** The owner of any property upon which there is new residential or commercial construction or improvements to existing development, which exceed \$25,000 in value, as determined by the Bureau of Development Services, shall be required to plant street trees, in accordance with the requirements of this Chapter. The Forester may waive any or all of the requirements of this Subsection if, in the Forester's judgment, compliance is not practicable. The Forester may impose conditions at the Forester's discretion upon such waiver, including, without limitation, requiring the planting of trees on the owner's private property.

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- C.** It shall be unlawful for any person to plant or set out any tree or authorize or cause or procure any person to set out any tree in or upon any part of any street, park or public area without first obtaining from the Forester a written permit to do so and complying in all respects with the conditions set forth in such written permit and with the provisions of this Chapter. Such permit shall be receipted for in writing. All applications for such permit shall describe the work to be done and the variety, size and precise location of each tree to be planted. If the Forester has found that the proposed planting is in accord with the Plan or that trees proposed to be planted have a reasonable likelihood of prospering and such permit specifies the location, variety and grade of each tree and method of planting, including among other things the supplying of suitable soil, then he/she may grant a permit. The permit shall be valid only during the period of time stated in the permit.
- D.** Any owner of property whose construction or improvements necessitate street tree planting under Section 20.40.070 B. shall obtain from the Forester a permit for such planting as provided in Section 20.40.070 C. The Bureau of Development Services shall have authority to enforce the requirements of this Section 20.40.070 B., and shall not issue any approval of final inspection until this planting required by the Forester under that Section has been accomplished. Whenever tree planting is required for any land division under Section 20.40.110, the Bureau of Development Services shall have the authority to issue and enforce, through its own permitting and enforcement processes, permits required by this Section. When issuing and enforcing such permits, the Bureau of Development Services shall require that plantings conform to the tree species and layout plan designated by the Forester at the time of, and required by, the land division.
- E.** Every person planting any tree under this Chapter shall conform to the City's Tree Standards as established by the Forester,
- F.** The Council may establish, by ordinance, inspection fees as part of the tree permit process.
- G.** All trees required by this Section must be planted prior to the issuance of a certificate of occupancy. If the applicant files security with the City, which ensures that the trees will be installed, the trees may be deferred during the summer months and planted during the dormant period, in the discretion of the Forester. Any security filed under this Subsection must comply with the regulations for performance guarantees established in Title 33.
- H.** The Forester may require any property owner subject to this Section to identify street trees on the property deed, and to note on such deed that the trees are subject to the regulations of this Chapter.

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- I.** The Forester shall submit for review all tentative planting proposals in streets to the City Engineer for the purpose of protecting existing utilities and sewer branches. The City Engineer shall issue an appropriate permit for planting, barring any conflict with any known facility.

**20.40.080 Maintenance of Trees.**

- A.** The Forester may prune, control insects and disease and maintain or cause to be pruned, sprayed and maintained, all of the trees in the streets, parks and other public areas and those other trees on private property which the Forester determines it is in the public interest to maintain to control infestations of insects or disease or to maintain public safety.
- B.** It is the duty of every owner of property adjacent to which or in front of which any tree is standing on any street and of every owner of property upon which any tree is standing which projects into the street to maintain and prune such tree using proper arboricultural procedures, according to the requirements for tree branch clearance over street and sidewalk areas and signs as set forth in Titles 16 and 17 of the Code of the City of Portland. The Forester shall give, with each permit printed, standards for proper arboricultural procedures.
- C.** Every property owner shall be liable to any person who is injured or otherwise suffers damage by reason of the property owner's failure to maintain or prune trees as required by Titles 16, 17 and 20 of the Code of the City of Portland. Furthermore, every property owner shall be liable to the City of Portland for all expenses, including attorney fees, incurred by the City in defense of or paid by the City in settlement or satisfaction of any claim, demand, action or suit brought by reason of that property owner's failure to satisfy the obligations imposed by Titles 16, 17, 20 and 33 of the Code of the City of Portland.
- D.** Whenever the owner or owners, lessees, occupants or persons in charge of private grounds shall neglect or refuse to prune any tree as provided in this Section, the Forester may prune or treat or cause to be pruned or treated such tree. The person remedying the condition shall be authorized to enter the premises for that purpose.
- E.** Pruning for or by a utility. Upon obtaining a written permit from the Forester, a utility maintaining its utility system in a street may prune or cause to be pruned, using proper arboricultural practices in accordance with said permit, any tree located in or overhanging the street which interferes with any light, pole, wire, cable, appliance or apparatus used in connection with or as a part of the utility system; but no tree shall be pruned without the consent of the abutting owner until the utility shall have given a written or printed notice to the owner or occupant of the premises. The owner or occupant has one month after receipt of notice to have said trees pruned by a qualified line clearance contractor, at the owner's or

occupant's expense, and in accordance with the terms of the permit. If the owner or occupant fails, neglects or refuses to have such tree pruned as required by the notice and permit, the utility may prune or cause to be pruned, the tree at its expense in accordance with the conditions of the permit. The Forester, at his/her discretion, may waive the notification and single tree permit process if the utility adequately demonstrates the ability to meet the performance requirements of this Section and to apply consistently proper arboricultural practices to the pruning of trees.

- F.** Nothing in this Chapter shall be deemed to impose any liability upon any member of the City Council or the City, or any of its officers or employees nor to relieve the owner of any private property from the duty to prune trees in accordance with Titles 16, 17 and 20 of the Code of the City of Portland.
- G.** The City may accept gifts which are specifically designated for the purpose of planting or maintaining trees within said City.

**20.40.090      Removal of Trees.**

- A.** Diseased trees. When any tree located on a street or on private property is diseased or infested with insects or is, in the opinion of the Forester, infectious and may spread such disease or insects to other trees in the City, the Forester may summarily abate or remove or treat the tree or cause same to be removed or treated at the property owner's expense.
- B.** Regulations regarding root interference with sewers and damage to curbs and sidewalks are set forth in Title 17, Public Improvements, of the Code of the City of Portland.
- C.** The Forester may abate or remove or cause to be abated or removed any tree located in the street area or which encroaches from private property into the street area because of age, disease or other debilitating cause, death, insecure root system or any other condition which, in the opinion of the Forester, causes its continued existence to be detrimental to the public interest. The Forester may require that the removed tree be replaced with a new tree at the expense of the property owner.
- D.** It shall be unlawful for any person, without a prior written permit from the Forester, to remove, destroy, cut, break, or injure any tree, or to remove, except as provided in this Chapter, any tree that is planted or growing in or upon any street, park or public area or cause or authorize or procure any person to do so; or injure, misuse or remove any device set for the protection of any tree in or upon any street.

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- E.** The approval of a tree removal by the Forester may be conditioned on replacement with a new tree of approved variety if the Forester finds the replacement necessary to maintain an ornamental tree system on the street, block or portion thereof.
- If approval by the Forester is so conditioned the tree removal permit shall contain such condition. Cost of replacement is the responsibility of the property owner. If the tree is not replaced in a timely manner, the Forester may plant or cause to be planted the approved tree or trees and assess the costs to the permittee and/or the property owner responsible for maintaining the tree under Section 20.40.080 of the Code of the City of Portland.

#### **20.40.100 Permit Requirements and Conditions.**

- A.** Any person desiring for any purpose to plant, remove, destroy, cut, prune or treat any tree in or upon any street, shall make application to the Forester on forms furnished by the City. Such application must state the number and kind of tree to be planted, removed, pruned or treated, the name of permittee and/or contractor, and the time by which the proposed work is to be done and such other information as may be required by the Forester. Any work done under such written permit must be performed in strict accordance with the terms and provisions of this Chapter. In issuing or denying a permit, the Forester shall apply all the standards as set forth in this Chapter and the objectives of the Street Tree Plan.
- B.** If the Forester refuses to issue any permit as required by this Chapter, he/she shall at once so notify the applicant, who may appeal to the Commission in writing within 10 days thereafter. The Commission shall proceed to hear and determine the appeal, calling upon the Forester to give his/her reasons. If a permit is again denied, the applicant may appeal to the City Council.
- C.** In case of emergency caused by a tree being in a hazardous and dangerous condition, such tree may be removed by permission of any member of the Police or Fire Department. In the course of performing unexpected or emergency road or sewer maintenance activities, representatives of the City Engineer and/or City Traffic Engineer may trim and/or prune a tree as required for the performance of the immediate work.

#### **20.40.105 Major Improvements.**

When the City Engineer undertakes to plan or design major capital improvements to the road system, the Urban Forestry Commission shall be consulted through the Superintendent. The purpose of these consultations shall be to ensure that the beautification policies of the Arterial Streets Classification Policy are implemented to the maximum extent feasible.



**20.40.110 New Land Division.**

(Amended by Ordinance No. 173534, effective July 31, 1999.) The Forester shall require the planting of street trees within the planting strips of any new land division in conformity with the Urban Forestry Master Plan. All such planting shall be done in accordance with the planting specifications governing the planting of trees in planting strips as provided by the Forester.

**20.40.120 Protection.**

- A.** It shall be unlawful for any person to attach or keep attached to any tree in or upon any public street, or to the guard or stake intended for the protection of such tree, any ropes, wires, chains or other device whatsoever, except that the same may be attached to any tree as support or protection thereof.
- B.** During the erection, repair, alteration or removal of any building or structure, it shall be unlawful for any tree to be injured or for any person in charge of such erection, repair, alteration or removal to leave any tree in or upon any street in the vicinity of such building or structure without a good and sufficient guard or protector as shall prevent injury to such tree arising out of or by reason of such erection, repair, alteration or removal.

**20.40.130 New Streets.**

Any proposed change in width in a public street right-of-way or any proposed street improvement shall, where feasible, include allowances for tree and landscape planting. Plans and specifications for planting such areas shall be integrated into the general plan of improvements and it shall be the duty of the City Engineer to coordinate the design of such improvements with the Forester and Planning Bureau prior to completion of final overall plans.

**20.40.140 Liabilities and Responsibility for Costs.**

Nothing in this Chapter shall be deemed to impose any liability upon any member of City Council or the City or any of its officers or employees nor to relieve the owner or occupant of any private property from the duty to keep his/her private property, sidewalks, planting strip and trees in front of such private property in a safe condition so as not to be hazardous to public travel nor to relieve said property owner of the obligation to pay the cost of planting, removal and replanting of street trees in the planting strip adjacent to the property of said property owner or to relieve said property owner of liability to persons injured or otherwise damaged by reason of the property owner's failure to keep his/her private property, sidewalks, planting strips and trees fronting such private property in a safe condition so as not to be hazardous to public travel, as required by Titles 16, 17 and 20 of the Code of the City of Portland. Furthermore, every property owner shall be liable to the City of Portland for all expenses, including attorney fees,

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incurred by the City in defense of or paid by the City in settlement or satisfaction of any claim, demand, action or suit brought by reason of that property owner's failure to satisfy the obligations imposed by Title 16, 17, 20 and 33 of the Code of the City of Portland.

#### **20.40.150 Heritage Trees.**

(New section substituted by Ord. No. 165530, amended by 166542, May 19, 1993.)

- A.** The Forester shall prepare or cause to be prepared as soon as possible after passage of this Section and annually thereafter, a list of trees within the City which, because of their age, size, type, historical association or horticultural value, are of special importance to the City. Upon recommendation of the Urban Forestry Commission, the Council may designate such a tree a "Heritage Tree", provided that the tree's health aerial space and open ground area for the root system have been certified as sufficient by a qualified arboriculturist. No tree standing on private property shall be designated a "Heritage Tree" without the consent of the property owner; however, the consent of a property owner shall bind all successors, heirs and assigns. Upon unanimous recommendation of the Urban Forestry Commission, the Council may remove the designation of any tree as a Heritage tree if it finds that such designation no longer is appropriate.
- B.** When a tree is designated as a Heritage Tree, a plaque so signifying may be placed near the tree. The Forester shall maintain all Heritage Trees located on City property or on public rights of way within the City. Subject to the requirements and limitations of subsections C and D of this section, it shall be the duty of every owner of property upon which a Heritage Tree is standing to maintain that tree. The Forester may give advice and assistance to property owners regarding proper maintenance of Heritage Trees. If, in the judgment of the Forester, a Heritage Tree, whether standing on public or private property, has become a hazard, the Forester shall have the authority to effect its removal, subject to the requirements of Subsection D of this Section.
- C.** It shall be unlawful for any person, without a prior written permit from the Forester, to remove, destroy, cut, prune, break, or injure any Heritage Tree, to injure, misuse or remove any device set for the protection of any Heritage Tree, or to cause or authorize or procure any person to do so. The Forester shall report to the Urban Forestry Commission all such permits issued.
- D.** No Heritage Tree shall be removed without the consent of the Urban Forestry Commission after a public hearing.

#### **20.40.160 Disposition of Wood from Trees.**

All wood removed from trees located in either public rights-of-way or public areas shall be disposed of at the discretion of the Forester who has complete authority for the disposal of said wood and debris. In the event that the wood is given to the adjoining

property owner, the property owner shall sign an agreement holding the City harmless. If the Forester determines that the cost of storage or sale of the wood is not commercially feasible, he/she may cause such surplus wood to be donated to such groups or organizations as may be designated from time to time by the Superintendent of Parks. It shall be unlawful to possess or dispose of any wood from any tree that has been cut or pruned in violation of the provisions of this Chapter. Publicly financed and privately financed street improvements under permit from the City Engineer are excluded from this Section.

**20.40.170      Nuisances - Abatement Procedure.**

(Amended by Ordinance No. 178215, effective February 25, 2004.)

- A. Any condition of any tree upon, abutting or fronting private property which is in violation of any of the provisions of this Chapter or any other applicable Chapter of the City Code, is hereby declared to be a nuisance. Except for those conditions which this Chapter authorized the Forester to summarily abate, whenever the Forester has knowledge that such nuisance exists, he/she shall post upon the property liable for the abatement of the nuisance a notice directing the removal of the nuisance. The notice shall be substantially in the following form:

NUISANCE ABATEMENT

Notice To Abate Nuisance

To the owner, agent of owner and occupant of the following described real property:

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in the City of Portland, Oregon.

You are hereby notified to remove and abate the nuisance existing on the above-described property within 15 days of the date of this notice, or show the Bureau of Parks and Recreation of the City of Portland that no nuisance exists as provided in Section 20.40.180 of the Code of the City of Portland. The nuisance consists of:

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In the case of failure to remove the nuisance within the time set forth above, the City of Portland will cause the nuisance to be abated and charge the cost of abatement, Auditor's fee, County Recorder's fee, plus any overhead costs incurred and a civil penalty in the amount of \$300 against the property described above.

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The owner of the above-described property shall be personally liable for the costs of abatement, Auditor's fee, County Recorder's fee plus any overhead and civil penalties.

Before planting, removing, destroying, cutting, pruning or treating any tree in or upon any street, you must obtain a permit from the City Forester.

Date: \_\_\_\_\_

\_\_\_\_\_  
City Forester for the Director of Parks

- B.** When summary abatement is authorized, notice to the owner, agent or occupant of the property prior to abatement is not required. Following summary abatement, the Bureau of Parks and Recreation shall post upon the property liable for the abatement a notice describing the action taken to abate the nuisance.
- C.** “Summary abatement” as used in this Chapter means abatement of the nuisance by the City, or a contractor employed by the City, by removal, repair or other acts necessary to abate the nuisance and without notice to the owner, agent or occupant of the property except for the notice required by this Section.
- D.** Upon posting of the notice described in Subsections A and B of this Section, the Director or the Forester as his/her designee shall cause a copy of the notice so posted to be mailed with the postage prepaid to the owner or agent of the owner or real property, directed to his/her last known address or, if that address is unknown, to the owner or agent at the address of the property.  
An error in the name of the owner or agent or the use of a name other than that of the true owner or agent of the property shall not render the notice void, but in such case, the posted notice shall be deemed sufficient.

**20.40.180 Abatement by Owner, Administrative Review, Appeal to the Code Hearings Officer.**

(Amended by Ordinance No. 178215, effective February 25, 2004.)

- A.** Within 15 days after the posting and mailing of a notice to remove the nuisance, the owner, agent of the owner or occupant of the affected property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing may be made by filing a written statement that no nuisance exists, with the City Forester. Upon receipt of the statement, the City Forester shall schedule the matter for administrative review as set out in 20.40.185 of this Title. Notice of the time and place of administrative review shall be given to the person filing the statement not less than 5 days prior to the time set for the review.

- B.** Any person aggrieved by the determination of the administrative review may appeal such determination to the Code Hearings Officer as set out in Chapter 22.10 of this Code.

**20.40.185 Administrative Review.**

(Amended by Ordinance No. 178215, effective February 25, 2004.)

- A.** Upon the request of the person filing the statement described in Section 20.40.180 of this Code, or, if a nuisance has already been abated by the City, upon referral from the Auditor, pursuant to Section 20.40.195, the Forester shall review his/her actions and decisions concerning the alleged nuisance.
- B.** The owner, agent of the owner or occupant of the subject property shall be given the opportunity to present evidence to the Forester in the course of said review.
- C.** In those instances where the nuisance has been abated by the City, the City Forester shall have discretion to waive the cost of abating a nuisance, in whole or in part, if, in the course of its review of its decision, the Bureau finds that any of the following did not conform to the provisions of this Code:
  - 1.** The notice to remove the nuisance;
  - 2.** The work performed in abating the nuisance;
  - 3.** The computation of charges.

**20.40.190 Abatement by the City.**

(Amended by Ordinance No. 178215, effective February 25, 2004.)

- A.** If within the time fixed in this Chapter, the nuisance described in the notice has not been abated, or cause shown as specified in Section 20.40.180 why such nuisance should not be removed or abated, or where summary abatement is authorized, the City Forester may cause the nuisance to be removed and abated.
- B.** Except as set forth in Section 20.40.205 whenever a nuisance is abated by the City, the City Forester shall keep an accurate account of all expenses incurred, including cost of abatement, Auditor's fees, County Recorder's charges and a civil penalty of \$300 for each nuisance abated.
- C.** When the City has abated a nuisance maintained by any owner of real property, for each subsequent nuisance which is abated by the City within 2 consecutive calendar years concerning real property owned by the same person, an additional civil penalty of 50 percent (minimum of \$50) of the cost of abatement shall be added to the costs, charges and civil penalties provided for in Subsection B of this

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Section. The civil penalty shall be imposed without regard to whether the nuisances abated by the City involve the same real property or are of the same character.

- D.** The City Forester shall, after completing the removal and abatement, file a statement of costs with the Auditor.

#### **20.40.195 Notice of Assessment.**

(Replaced by Ordinance No. 178215, effective February 25, 2004.)

- A.** Whenever a nuisance is abated by the City, the City Forester shall keep an accurate account of all expenses incurred, including a civil penalty of \$300.00 plus overhead charges of contractor's costs and County Recorder's fees for each nuisance abated.
- B.** When a property meets the conditions for costs or penalties as described in this section, the Bureau of Parks and Recreation shall file a statement of such costs or penalties with the Auditor. Upon receipt of the statement, the Auditor shall mail a notice to the property owner, stating the City's intent to assess the property in question the amount due plus charges to cover the administrative costs of the City Auditor. In the event the amount due set forth in the notice is not paid in full within 30 days of the date of the notice, the Auditor shall enter that amount or the amount of the unpaid balance, plus charges to cover the administrative costs of the City Auditor in the docket of City liens which shall thereafter constitute a lien against the property.
- C.** A determination issued pursuant to Subsection 20.40.195 A. may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of the City Code. The Auditor shall not enter any amount on the lien document under Subsection 20.40.195 B. as to any charge which has been appealed to the Code Hearings Officer under this subsection, until the appeal has been decided and the period for seeking judicial review has passed, or any judicial review has become final.

#### **20.40.200 Personal Liability of Owner.**

The person who is the owner of the property at the time at which the notice required under Section 20.40.170 of this Code is posted shall be personally liable for the amount of the assessment including all interest, civil penalties and other charges.

**20.40.205 Cost of Abatement; Low Income, Elderly Persons.**

(Amended by Ordinance. No. 168234, effective October 26, 1994.)

- A.** Notwithstanding the other provisions of this Chapter, the cost of abating a nuisance shall be waived for low income, elderly persons if upon application it appears to the Superintendent that the conditions set forth in Subsection B are met.
- B.** Persons eligible for a waiver of nuisance abatement costs shall be over 62 years of age, and:

  - 1.** A person living alone, whose total income for the preceding calendar year did not exceed 1-1/2 times the maximum amount a Social Security recipient at age 65 may have earned in that year without having any benefits withheld; or the head of a household which household received a total income for the preceding calendar year that did not exceed 2-1/4 times the maximum amount a Social Security recipient at age 65 may have earned in that year without having any benefits withheld; and
  - 2.** Must furnish proof of the age and income requirements set forth in Subsection B 1 of this Section in a manner and form acceptable to the Superintendent; and
  - 3.** Must own, or be in the process of purchasing the property from which the nuisance is abated; and
  - 4.** Be living on the property from which the nuisance is abated.
- C.** The removal of the nuisance in question must have been required by the Superintendent and the person requesting the waiver of costs must have been officially notified by the Superintendent to remove the nuisance.
- D.** Applications for waiver of nuisance abatement costs shall be filed with the Superintendent, on forms supplied by the City, within 10 days after receipt of a notice to remove nuisance or a work order notice unless the Superintendent extends that time on good cause shown. All information required to be given on such form shall be supplied and verified by the applicant. An application for waiver of nuisance assessment costs must be submitted for each removal notice sent to the applicant.
- E.** The maximum amount which may be waived under this Section for any one parcel of real property or any one person shall be \$750 per calendar year.

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- F.** No overhead charge or civil penalty shall be imposed for any real property for which a waiver, pursuant to this Section, shall have been approved.

**20.40.210 Criminal Penalty.**

Any person, firm or corporation violating any provision of this Chapter shall, upon conviction, be fined a sum not exceeding \$1,000 or shall be imprisoned for a term not exceeding 6 months or shall be punished by both such fine and imprisonment.

**20.40.220 Civil Remedies.**

In addition to the remedies provided by any other provision of this Chapter, the City shall have the right to obtain, in any court of competent jurisdiction, a judgment against any person removing or causing damage to any tree in violation of this Chapter. In any such action, the measure of damages shall be the actual replacement value of the damaged or destroyed tree(s).

**20.40.230 Institution of Legal Proceedings.**

In addition to any other remedy provided in this Chapter, the City Attorney, acting in the name of the City, may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Chapter.

**20.40.235 Notification to Planning Commission.**

(Added by Ordinance No. 163739, effective Dec. 26, 1990.) Prior to the adoption of any amendments to Chapter 20.40, the Forester will submit a copy of the proposed amendments to the Planning Commission for its review and comments.

**20.40.240 Severability.**

In any provision of this Chapter, or its application to any person or circumstances, is held to be invalid, the remainder of this Chapter, or the application of the provision to other persons or circumstances, shall not be affected.

**Chapter 20.42**

**TREE CUTTING**

(Replaced by Ordinance No. 170775,  
effective Jan. 10, 1997.)

**Sections:**

- 20.42.010 Purpose.  
20.42.020 Definitions.  
20.42.030 Applicability.



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20.42.040	Tree Cutting Without Permits Prohibited.
20.42.050	Tree Cutting on Unregulated Property.
20.42.060	Application for Permits.
20.42.070	Fees.
20.42.080	Review of Applications.
20.42.090	Criteria for Issuance of Permits.
20.42.100	Mitigation Requirement.
20.42.110	Notice of Tree Cutting Permit.
20.42.120	Appeal.
20.42.130	Evidence of Violation.
20.42.140	Criminal Penalties.
20.42.150	Civil Penalties.
20.42.160	Nuisances.
20.42.170	Institution of Legal Proceedings.
20.42.180	Remedies Cumulative.
20.42.190	Severability.

**20.42.010 Purpose.**

The purpose of this is to regulate the cutting of trees in order to help preserve the wooded character of the City of Portland and protect the urban forest. It is not the intent of this Chapter to regulate the cutting of trees on any single-family lot, which cannot further be divided, upon which a single-family residence already exists. Further, it is not the intent of this Chapter to require a permit for tree cutting in situations where the same activity is already regulated and reviewed by other provisions of the City Code.

**20.42.020 Definitions.**

- A. “Cutting”** means felling or removal of a tree, or any procedure in which the natural result will lead to the death or substantial destruction of a tree. Such acts include but are not limited to the severe cutting back of limbs to stubs larger than three inches in diameter; and damage inflicted upon the root system of the tree. “Cutting” does not include normal pruning within the bounds of accepted arboricultural practices.
- B. “DBH”** means diameter-at-breast-height, a tree trunk diameter measured in inches 4.5 feet above the ground.
- C. “Development”** means all site improvements, including buildings, structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.
- D. “Land Use Review”** means an approval procedure for a specific use or development required under Title 33 or 34.

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- E.** “**Person**” means any individual or legal entity.
- F.** “**Regulated property**” means all property where tree cutting is not otherwise regulated under Title 33 or 34, where trees have not be considered through a previous land use review, and which;
- 1.** Does not have a single-family dwelling on it; or
  - 2.** Can be further subdivided pursuant to the Portland Zoning or Land Division Codes, whether there is a structure on the property or the property is vacant; or
  - 3.** Is not located in a single-family residential zone pursuant to City of Portland Zoning Maps; or
  - 4.** Is not solely used as a single-family residence.
- G.** “**Tree**” means any woody plant having at least a 12” DBH or any tree planted as a mitigation requirement of PCC 20.42.100. “Tree” does not include any plant on the Nuisance Plant List or the Prohibited Plant List of the Portland Plant List adopted by Ordinance 164838 and amended by Ordinance 166572 and 168154.
- H.** “**Urban Forester**” means the Urban Forestry Manager or the Manager’s designee.
- I.** “**Unregulated property**” means a lot or parcel which:
- 1.** Is located in a residential zone pursuant to the City of Portland Zoning Maps;
  - 2.** Is occupied by a single-family dwelling;
  - 3.** Is solely used as a single-family residence; and
  - 4.** Cannot be further subdivided or partitioned pursuant to the Portland Zoning or Land Division Codes.

**20.42.030 Applicability.**

- A.** These regulations are not land use regulations and are being adopted under the City’s police power to regulate to protect the public health, safety and welfare.

- B.** The requirements of this Chapter do not apply to tree cutting which is reviewed pursuant to any other provision of City Code with the exception of Chapter 24.70, Clearing, Grading, and Erosion Control, particularly PCC 24.70.020. On parcels subject to PCC 24.70.020, a permit is required under both that Section and under this Chapter.
- C.** The requirements of this Chapter do not apply to tree cutting on any parcel for which a building or development permit has been approved through land use review.

**20.42.040 Tree Cutting Without Permits Prohibited.**

- A.** No person shall cut a tree on regulated property without first obtaining a tree cutting permit from the City pursuant to this Chapter.
- B.** No person shall cut a tree on unregulated property without a permit if a permit is required by PCC 20.42.050.
- C.** In any action under this Chapter or to enforce the provisions of this Chapter, the property owner has the burden to prove that the criteria for granting a permit are satisfied or that cutting is allowed without a permit.

**20.42.050 Tree Cutting on Unregulated Property.**

- A.** Trees may be cut on unregulated property without a permit except where the tree proposed to be cut:
  - 1.** Has been expressly protected through an applicable land use regulation or required to be preserved as a condition of approval; or
  - 2.** Is located within a parcel that has received a Historic Landmark Designation pursuant to PCC Chapter 33.845; or
  - 3.** Has been designated a Heritage Tree under the provisions of Section 20.40.150 of this Code.
- B.** If a permit is required under Subsection A. of this Section, a person must seek such a permit through the process for reviewing or modifying land use regulations or approvals, Historic Landmark Designations or Heritage Tree designations, as applicable, and not through this Chapter.

**20.42.060 Application for Permits.**

An application for a tree cutting permit shall be made upon forms prescribed by the City. The application shall contain:

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- A.** A statement of the reason for cutting or removal;
- B.** The number, size and species of the trees to be cut;
- C.** The street address and legal description of the property upon which the trees to be cut are located;
- D.** The time and method of cutting or removal;
- E.** If mitigation is required pursuant to PCC 20.42.090 information concerning the proposed planting of new trees to replace the trees to be cut;
- F.** Any other information reasonably required by the City;
- G.** The applicant's name, address and phone number;
- H.** The property owner's name, address and phone number, if different from the applicant's.

**20.42.070 Fees.**

The application shall be accompanied by a filing fee in the amount of \$35.00.

**20.42.080 Review of Applications.**

- A.** The Urban Forester shall review applications for conformance to the provisions of this chapter and either accept as complete and in conformance, return for revisions, or deny the application.
- B.** If the application is accepted as being complete and in conformance, the Urban Forester shall not issue the permit until notice has been posted according to Section 20.42.110 of this Code and all appeals have been settled in favor of the applicant.
- C.** The issuance of the Tree Cutting Permit shall constitute conformance to the provisions of these regulations and approval for the tree removal.
- D.** Notwithstanding subsection A of this Section, if the tree proposed to be cut has been required to be preserved or protected as a condition of approval of a land use action pursuant to the City of Portland Zoning Code, the tree cutting application shall be processed as an amendment to that land use action and shall be reviewed and approved by the body responsible for reviewing such land use actions.

**20.42.090      Criteria for Issuance of Permits.**

The tree to be removed must meet one of the following criteria in order for a tree cutting application to be approved:

- A.**     Dead, Dying and Dangerous Trees: A tree cutting permit shall be issued if the Urban Forester determines that a tree is dead, dying or dangerous, except as provided by subsection 2 of this section.
  - 1.**     For the purposes of this section:
    - a.**     “Dead” means the tree is lifeless.
    - b.**     “Dying” means the tree is in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees.
    - c.**     “Dangerous” means the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
  - 2.**     The Urban Forester may require the retention of dead or dying trees located in wetlands, natural areas, stream corridors, parks or open space areas, in order to provide for wildlife habitat and natural processes, unless the tree presents a potential hazard to persons or property.
- B.**     Trees that are not dead, dying or dangerous: A tree cutting permit shall be issued for a tree that is not dead, dying or dangerous if the Urban Forester determines that the following criteria are met:
  - 1.**     Removal of the tree will not have a significant negative impact on the following:
    - a.**     erosion, soil stability, soil structure, flow of surface waters, water quality, health of adjacent trees and understory plants, or existing windbreaks; and
    - b.**     the character, aesthetics, property values or property uses of the neighborhood.

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- 2.** The city shall require an adequate mitigation plan be submitted according to the requirements of Section 20.42.100 as a condition of approval for the permit, including requiring the submission of a drainage plan if appropriate. This mitigation plan may be considered when determining the impacts in subsections B 1 of this Section.
- 3.** Forest Health Reasons: A tree cutting permit shall be issued for a tree that is not dead, dying or dangerous if the Urban Forester determines that the removal of select trees from a forested plot will promote the health of the overall forested plot and meets the requirements of PCC 20.42.090 B 1. Mitigation is not required for any tree permitted to be cut under this subsection.
- 4.** Emergency Permits:
  - a.** The Urban Forester shall issue an emergency tree cutting permit without formal application or payment of a fee if the condition of a tree presents an immediate danger of collapse and if such potential collapse represents a clear and present hazard to persons or property. For purposes of this subsection, “immediate danger of collapse” means that the tree will topple or otherwise fail and cause damage before a tree cutting permit could be obtained through the non-emergency process. “Immediate danger of collapse” does not include hazardous conditions that can be alleviated by pruning or treatment.
  - b.** If an emergency situation arises at a time when the Urban Forester is unavailable, and a significant likelihood exists that the tree will topple or otherwise fail before such officials become available, the tree owner may proceed with removal of the tree to the extent necessary to avoid the immediate hazard. Within seven days after such removal, the tree owner shall apply for a retroactive emergency tree cutting permit. If the evidence and information presented by the tree owner does not justify the emergency tree cutting standards set forth in PCC 20.42.090B the application shall be denied and the tree owner shall be subject to the penalties and to the mitigation requirements of this Chapter.

- c. In the event that the City Engineer or the Urban Forester determines that an emergency exists and that the safety of the traveling public or the integrity of a public street and associated improvements may be at imminent risk from any tree on private property, the City Engineer and the Urban Forester may order or effect the removal of the tree without a permit. An emergency for the purpose of this Subsection is an unplanned or non-routine event which, by its nature, requires prompt or immediate action to reduce the risk of injury to persons using public streets, damage to public transportation facilities or loss or use of public transportation facilities. The decision that an emergency exists is not reviewable.

**20.42.100 Mitigation Requirement.**

- A. Mitigation is required as a condition of a permit issued under PCC Section 20.42.090 B, or if a tree is cut in violation of this Chapter. The mitigation plan shall be submitted at the time of application and shall provide for the following:

  - 1. Tree replacement shall be determined according to the DBH of the tree to be removed. The total DBH of the replanted trees shall equal the DBH of the tree to be removed. The DBH of the replacement trees must be the largest reasonable available by local nurseries.
  - 2. The location of the replacement trees shall meet one or more of the following at the discretion of the Urban Forester:

    - a. In the public right-of-way adjoining the property where the tree to be removed is located, in accordance with PCC 20.40.070. The Urban Forester shall consult with the City Engineer to avoid conflict with current and future utilities.
    - b. On the property where the tree to be removed is located. Site characteristics shall be taken into consideration.
    - c. If no suitable place exists on the property where the tree to be removed is located or in the adjoining right-of-way, the applicant may plant trees on another property in the neighborhood with the permission of the property owner.
    - d. If no suitable place exists on the property where the tree to be removed is located, the applicant may, in lieu of planting, pay a mitigation fee into the City's tree fund in accordance with fees set by the Urban Forester.

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- B.** When the Urban Forester determines that the above mitigation requirements create an unreasonable burden to a property owner, the Urban Forester may adjust the mitigation requirements. Mitigation shall not be reduced if it is determined that an intentional violation exists.
- C.** If any replacement tree dies within three years of the planting, the property owner shall replace the tree. No replacement tree shall be cut without a permit under this Chapter.
- D.** Any person who fails to enter into a mitigation plan as required by this subsection or who fails to comply with any condition of that agreement, or with any condition of any permit issued under PCC 20.42.090 B, shall be subject to the penalties provided for violation of the Chapter.

**20.42.110 Notice of Tree Cutting Permit.**

- A.** An applicant for a tree cutting permit shall post notice on the property in a location clearly visible from the street nearest the tree. The notice shall state that a tree cutting permit is pending for trees on the property marked by a yellow plastic tagging tape, shall include the date of posting, and shall state that the tree cutting permits can be appealed within 14 days of the date of posting by filing a written notice of intent to appeal with the Urban Forester. The applicant shall mark each tree proposed to be cut by tying or attaching yellow plastic tagging tape around the trunk of the tree at 4.5 feet above ground level. The applicant shall file an affidavit of posting and marking once the property has been posted and the trees have been marked pursuant to this section. The tree cutting permit shall not be issued for fourteen days from the date of filing of the affidavit of marking to allow for appeal. The applicant shall maintain the posting and marking for the full fourteen days.
- B.** The Urban Forester will send a copy of the affidavit of posting and marking to the office of the affected Neighborhood Coalition.

**20.42.120 Appeal.**

- A.** Any person may appeal a decision to approve a tree cutting permit by filing a written notice of intent to appeal, along with the applicable appeal fee established by the City Council, within fourteen days of the filing of the affidavit of posting pursuant to PCC 20.42.070. Failure to file within the fourteen-day appeal period shall preclude appeal. If no appeal of a decision to approve a tree cutting permit is filed within the fourteen-day appeal period, the decision is final and the applicant may cut trees in accordance with the approval, subject to any conditions thereof.



- B.** An applicant for a tree cutting permit may appeal denial of the permit by filing a written notice of intent to appeal, along with a filing fee in the amount of \$100.00, within fourteen days of the date of denial.
- C.** The appeal shall be heard by the Urban Forestry Commission (UFC), who shall hold a public hearing on the appeal. The City shall send written notice of the hearing to the applicant, the appellant if different from the applicant, and to the recognized Neighborhood Coalition for the area in which the subject property is located, at least ten days in advance of the hearing. Appeal hearings may be scheduled as part of the UFC's regular meeting agenda, or at any special meeting called by the UFC for that purpose. Appeals may be heard either by the full Commission or by a subcommittee delegated by the full Commission. Appeals shall be heard not later than the first regular monthly meeting of the UFC after the expiration of the ten days required for notice to the Neighborhood Coalition, and in no event later than sixty days after the filing of the notice of intent to appeal, except that the applicant may request a hearing at a later time.

**20.42.130 Evidence of Violation.**

- A.** If a tree is removed without a tree cutting permit, a violation shall be determined by measuring the stump. A stump that is 38" or more in circumference shall be considered prima facie evidence of a violation of this chapter.
- B.** Removal of the stump of a tree cut without a tree cutting permit prior to the determination provided in subsection 1 of this section is a violation of this chapter.
- C.** Proof of violation of this chapter shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the violation was committed. Prosecution of or failure to prosecute the owner shall not be deemed to relieve any other responsible person.
- D.** As soon as a violation is determined, the Urban Forester shall notify the property owner in writing regarding the mitigation requirements of Section 20.42.100 of this code. Within thirty (30) days of the date of mailing of this notice, the property owner shall submit a tree cutting application in accordance with Section 20.42.060 and enter into a mitigation plan approved by the Urban Forester. The application fee will be \$70.00.

**20.42.140 Criminal Penalties.**

Any person violating any provision of this Chapter shall, upon conviction, be fined a sum not exceeding \$1,000.00 or shall be imprisoned for a term not exceeding 6 months, or shall be punished by both such fine and imprisonment.

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**20.42.150 Civil Penalties.**

Any person who cuts any tree in violation of this chapter, or who breaches any condition of a permit granted under this chapter, or who violates any other provision of this chapter shall be subject to a civil penalty of \$1,000 for any such violation. The unlawful cutting of each individual tree shall be a separate violation hereunder. Failure to comply with a condition of approval or of a mitigation plan shall be a separate violation each day the failure to comply continues.

**20.42.160 Nuisances.**

Cutting a tree in violation of this chapter is hereby declared to be a public nuisance, and may be abated by appropriate proceedings.

**20.42.170 Institution of Legal Proceedings.**

Upon request of the Urban Forester, or direction from Council, the City Attorney, acting in the name of the City, may institute and maintain an action in any court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this Chapter.

**20.42.180 Remedies Cumulative.**

The rights, remedies and penalties provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law.

**20.42.190 Severability.**

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

**Chapter 20.44**

**NONRESIDENT PARTICIPATION  
FEES**

(Added by Ord. No. 141732; repealed  
by 158454, May 1, 1986.)

**Chapter 20.48**

**ST. JOHNS RACQUET CENTER**

(Repealed by Ord. No. 164427; passed  
and effective July 10, 1991.)

**Chapter 20.50**

**COLUMBIA SOUTH SHORE  
SLOUGH TRAIL**

(Added by Ord. No. 166785  
July 21, 1993.)

**20.50.10 Prohibited Activities.**

It shall be unlawful to ride a bicycle or to have domestic animals leased or unleashed on the Columbia South Shore Slough Trail. The trail area is defined by Title 33, Map 515-2. This provision does not apply to police officers who may have the need for the use of horses or bicycles during their official performance of duties.

