

**ORDINANCE NO. 183597**

Revise regulations of Floating Structures to improve safety and the permitting process  
(Ordinance; amend Code Title 28)

The City of Portland ordains:

Section 1. The Council finds:

1. Portland City Code 3.30.010 gives the Bureau of Development Services responsibility for the administration and enforcement of Portland City Code Title 28 Floating Structures.
2. Title 28 contains the City requirements for the construction, alteration and maintenance of new and existing floating structures within the City.
3. The provisions of Title 28 were originally adopted in 1990. A significant rewrite of Title 28 was adopted December 21, 2007.
4. Revisions to Title 28 affect and support the City goals of improving and maintaining the livability of the City and providing for the safety of the occupants and users of floating structures constructed or located in the City.
5. The Floating Structures Community is an important part of the City and that Floating Structures by their nature are a Water Dependent Activity.
6. The River Community Advisory Committee is a group of private citizens who share a vested interest in the design, construction, operation and use of floating structures. The Committee is directed per Title 28 to provide input to the Director on the application, interpretation and establishment of policies and procedures relative to Title 28 by:
  - a. Providing leadership and expertise on issues affecting floating structures;
  - b. Providing feedback to the Director on the impact of potential regulations and administrative rules on floating structures, taking into consideration the full range of City goals and objectives;
  - c. Providing recommendations for regulatory, code, and administrative rule changes affecting floating structures;
  - d. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's goals;
  - e. Recommending customer service, permitting, process, and compliance improvements to the Director; and

- f. Serving as an advisory board to the Director on processes and procedures under Title 28.
7. The River Community Advisory Committee met eight times during the past 12 months beginning in February of 2009. The Committee performed a comprehensive review of Title 28 in consideration of the 2007 amendments and received input from various members of the River Community and the Floating Structures Code Board of Appeals. The Committee hereby recommends revisions to Title 28.
  8. The River Community Advisory Committee's proposed revisions provide for improved safety of floating structures and for the occupants of those structures
  9. Furthermore, the River Community Advisory Committee proposed revisions provide for more user friendly permitting of floating structures and support the goal of maintaining a vibrant, integrated and diverse neighborhood mix within the City while supporting the diverse needs of river related activities.
  10. City staff has analyzed the recommended amendments to Title 28. Staff believes that the amendments will contribute to more efficient and effective administration of Title 28.

NOW, THEREFORE, the council Directs:

Amend Section 28.01.020, Scope, as follows:

**28.01.020 Scope.**

~~The Director may issue permits for~~ Permits may be required for, among other activities, the construction, reconstruction, relocation, alteration, repair, maintenance and siting of floating structures and related structures located within the City of Portland as provided by Title 28 and limited thereto.

Amend Subsection 28.02.020 J. Certified Floating Structure Inspector (Professional) as follows:

- J. **Certified Floating Structure Inspector—(Professional):** An individual, who through training and experience, is knowledgeable about the design, construction and maintenance of floating structures and moorage facilities. BDS shall be responsible for certifying such inspectors through a process established by BDS in consultation with the River Community Advisory Committee. Such inspectors shall be approved to inspect floats and walkways for floating structures and their connections, as defined in Title 28this code, within the jurisdiction of the City of Portland. Such inspector ~~shall have the following qualifications~~ must either possess all qualifications set forth in Subsections 1. and 2. below or possess all of the qualifications of Subsection 1. and successfully complete an approved training program for the inspections of floats and walkways for floating structures and their connections:

1. At least 10 years of verifiable experience in the construction industry, of which at least 5 years of verifiable experience may be from any combination of the following:
  - a. Experience as a hands-on craftsman doing building construction or repair
  - b. Experience as a supervisor for building construction or repair
  - c. Experience as a design professional (architect, structural or civil engineer) for building construction
  - d. Experience as an inspector for building construction.
  
2. ~~Such inspector shall demonstrate a~~ At least 5 years of verifiable experience in the design, construction, inspection, maintenance and repair of floating structures including:
  - a. Log float construction, including stringers
  - b. Piling systems
  - c. Utility systems
  - d. Floating structure construction
  
3. ~~Such inspector shall be either a contractor licensed through the State of Oregon Construction Contractors Board or shall be a State of Oregon licensed architect or engineer.~~
  - a. ~~Contractors shall be bonded and insured in compliance with State Contractors Board requirements.~~

Amend Section 28.03.010 Responsibility as follows:

**28.030.010 Responsibility.**

The Director shall administer and enforce the provisions of Title 28 except that the Harbor Master shall have the responsibility for the initial and periodic inspection of existing moorages as well as the permitting, testing and inspection of standpipes. In the event that the Harbor Master determines a violation of Title 28 has occurred at a moorage within the jurisdiction of the Harbor Master, such violation shall be reported to the Director who will then have the enforcement authority thereof. The Director may authorize the Harbor Master to enforce the provisions of Title 28 on behalf of the Director. The Director may render interpretations of Title 28 and adopt policies and procedures in conformance with the intent and purpose of this Title. The Director shall

seek the advice and opinions of members of the River Community as represented by the ~~Floating Structures Appeal Group~~ River Community Advisory Committee during this process, but the Director shall have the final authority for rendering interpretations and adopting policies and procedures.

Remainder of section is unchanged.

Amend Subsection 28.03.015 B. Membership as follows:

**B. Membership.**

The River Community Advisory Committee shall consist of 6 members. The members shall be appointed by the Commissioner-in-Charge of the Bureau of Development Services and confirmed by the City Council. The members shall be selected to provide representation of those persons with knowledge or expertise on the unique construction conditions or the nautical history and traditions associated with floating structures. Members shall include, ~~but not be limited to,~~ a representatives from any of the following categories: floating home resident, a-marina operator, a-floating structures contractor, a floating structures design professional, a-yacht club member, and ~~an~~ on the water business owner.

Amend Subsection 28.03.020 C. as follows:

- C. Permits and inspections are not required for the following:
1. The new construction of structures regulated by Title 28 that will not be moored or occupied within the jurisdiction of the City. Substantiating documentation shall be provided to verify compliance with this Section.
  2. Repairs to a floating structure as specified in Section 28.05.020.
  23. Replacement of piles as specified in Section 28.05.020.
  34. Construction, alteration or repair of individual swim or ski floats.
  45. The repair or reattachment of flexible water and sewer connections to individual floating homes, combo-structures, tender houses and boathouses, made in compliance with plumbing code requirements.
  56. Construction, alteration or reconstruction of any portion of tender houses not greater than 200 square feet in area and with a height of not more than seventy-five percent (75%) of the width of the float or fifteen (15) feet from the level of the float deck, whichever is less, to the highest point of the structure ~~and which are not meant or used for living purposes.~~
  67. Relocation of boathouses or tender houses within a moorage or between separate moorages within the City as long as the unit moved is in good repair. The distance between units relocated within a moorage shall not

be: less than the distance between units that pre-existed prior to the move if that distance is less than 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection; or less than 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection if the pre-existing distances are greater than or equal to 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection. The distance between units when the relocation is to another moorage within the City shall either comply with the separation distance required by Section 28.05.010 B.4. or shall be the separation distance as determined acceptable by consultation with the Harbor Master in compliance with Section 28.05.010 B.4.

**Exception:** Electrical permits are required for the connection of a relocated boathouse or tender house structure to electrical service at the new location.

The owner/operator of the moorage shall provide an updated moorage map as required by Section 28.05.010 reflecting the new location of the relocated boathouse and the distance between the boathouse and adjacent structures and shall send a notice of the relocation, including separation distances after the relocation, to the Director.

- 78.** Temporary relocation of an existing floating structure from its normal mooring site for dredging or other maintenance work to the moorage or to facilitate the permitted move of other floating structures, provided the floating structure is returned to its normal mooring site and provide the final distance between floating structures is the same as previously existed prior to the temporary move.

**Exception:** Electrical permits are required for the reconnection of floating structures moved under the provisions of this paragraph.

- 89.** Other work as exempted by the Specialty Codes.

Amend Subsection 28.05.020 B. 3. as follows:

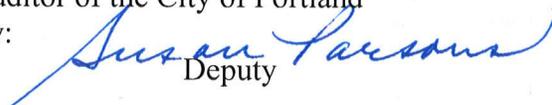
3. Walks and walkways and their supporting structure: The following repairs of existing walks and walkways are allowed within any 12 month period without permit or inspection:
- a. Replacement of the decking, stringers and floatation logs or other floatation material with like or better materials in a like manner. Substantiating data may be required to determine compliance with this Section.
  - b. Repair or replacement of less than fifty percent (50%) of the concrete portions of an individual concrete float with like or better materials in a like manner. Substantiating data may be required to

determine compliance with this Section.

Amend Subsection 28.06.070 E. as follows:

- E. All floating homes, boathouses, and ~~combo-structures and tender houses that have provision for sleeping~~ shall have a state issued identifying number plate displayed in a location that is readily visible from the walkway providing access to the structure.

Passed by Council, **MAR 10 2010**  
Commissioner Randy Leonard  
Jim Nicks, BDS  
March 3, 2010

LaVonne Griffin-Valade  
Auditor of the City of Portland  
By:   
Deputy

288335

✓140

Agenda No.  
**ORDINANCE NO. 183597**  
Title

✓ Revise City's regulations of Floating Structures to improve safety and the permitting process (Ordinance; amend Code Title 28)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Randy Leonard</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard <i>Randy Leonard</i></p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Development Services Bureau Head: Paul L. Scarlett <i>P. Scarlett</i></p> <p>Prepared by: Leanne Torgerson Date Prepared: 2/25/10</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date <b>3/3/10</b></p> <p>✓ <b>City Attorney Approval</b> <i>Benjamin Ables</i></p>	<p>CLERK USE: DATE FILED <u>FEB 26 2010</u></p> <p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p><b>ACTION TAKEN:</b></p> <p><b>MAR 03 2010 PASSED TO SECOND READING MAR 10 2010 9:30 A.M.</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p><b>Start time:</b></p> <p><b>Total amount of time needed:</b> (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓ 1. Fritz	
2. Fish	✓ 2. Fish	
3. Saltzman	✓ 3. Saltzman	
4. Leonard	_____ 4. Leonard	
Adams	✓ Adams	