

ORDINANCE NO. 130882

An Ordinance amending various sections of Ordinance No. 130672, Code of the City of Portland, Oregon, to include on the effective date of said code the revisions to prior codes, fixing a special effective date, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that during the printing and assembly of the recodification of City codes into a single code, revisions were made to the various codes being recodified as necessity arose; that said revisions could not be printed and included in the text of the recodification due to the time lag necessary for such printing and assembly; that therefore the recodified single code of the City should be amended to include such interim revisions of prior codes; now, therefore, Ordinance No. 130672, the Code of the City of Portland, Oregon, entitled, "An Ordinance enacting the "Code of the City of Portland, Oregon," so as to comprise within one code: regulations and prohibitions relating to the public peace, health, safety or general welfare; matters relating to rates, fees, licenses, assessments or taxes; provisions fixing fees or charges for city services or commodities; administrative organization, procedures or regulations; city election matters; fiscal regulations; and other rules, regulations, requirements or prohibitions of general and continuing applicability; prescribing penalties, repealing prior codes but preserving the same for certain purposes, and fixing an effective date of May 15, 1970.", passed by the Council, April 2, 1970, hereby is amended by amending various sections as set forth below. The Council further finds that the revisions contained in this ordinance should take effect simultaneously with the effectiveness of the Code of the City of Portland, Oregon, in order to effectuate the intent of prior revisions; now, therefore, this Ordinance shall be effective on and after May 15, 1970.

Section 2. Title 1, General Provisions, of Ordinance No. 130672, is hereby amended by insertion of a new chapter to be numbered,

Chapter 1.06

OFFICIAL CITY FLAG

Section:

1.06.010 Description.

1.06.010 Description. There hereby is designated an official flag for the city of Portland to be known as the city flag and described as follows:

(1) The standard size measures five feet in length by two feet ten inches in height, overall. The front face has the staff or hanging side on the left, and the "canton" in the upper left corner. The design components are in multiples of one inch units, and the following description refers to the units within the basic design as viewed from the front side. Any variation in flag size must be based on the diagonal proportions of the basic design; i.e., when a length is selected, the height is determined by the intersection of the vertical at one end of the length, with the diagonal

projection of the original design. The flag size is then divided into units similar to the original design. The official design consists of off-center, counter-changed, intersecting bands of blue, yellow and white on a green background with the seal of the city on the front of the canton. The seal is to be yellow or gold on a dark blue background.

(2) The following is a description of the component parts of the flag:

The center point of the white star formed at the intersection of the counter-changed center band of the intersection is twenty inches (units) from the left (staff) side, and seventeen inches (units) from the top. The star is four inches (units) high and wide, with four concave sides, and is formed by two inch (unit) radii drawn from the corners of a four inch (unit) square.

(3) The sizes of the background sections are as follows:

A. Canton (upper left hand section) fourteen inches (units) wide and thirteen inches (units) high,

B. Upper right hand section is thirty-six inches (units) wide and eleven inches (units) high,

C. Lower right hand section is thirty-four inches (units) wide and thirteen inches (units) high,

D. Lower left hand section is sixteen inches (units) wide and eleven inches (units) high.

(4) The intersection is formed by a center band of blue, flanked by bands of white, which are flanked by bands of yellow, which are flanked by bands of white. The multi-colored bands forming the arms are identical in width.

A. The center band of blue is two inches (units) wide,

B. The flanking bands of white are one inch (unit) wide,

C. The yellow bands flanking the white are 2 inches (units) wide, and the outer bands of white flanking the yellow are one inch (unit) wide,

D. The total width of the arms is 10 inches (units).

(5) All cloth colors are to be standard colors used for the fabrication of flags, and meeting the U.S. Flag Specifications for cotton and nylon. Colors are:

Dark Blue: Old Glory or U.S. Flag Blue

White: White

Blue: U. N. Blue

Yellow: Golden Yellow

Green: Kelly or Irish Green

On printed or painted flags the colors shall match the following colors of the "Ameritone" color key system of the Ameritone Color Key Corporation, 18414 South Santa Fe Avenue, Compton, California 90221. All colors are in Color Key Group #1.

Dark Blue - No. 117A - Alexandria Blue

White - No. 144H - Antique White

Blue - No. 118B - Gaiety

Yellow - No. 136A - Basket of Gold

Green - No. 123A - Hacienda

Section 3. Title 3, Administration, of Ordinance No. 130672, is hereby amended by substitution of the following, in lieu of Section 3.12.020, to read:

3.12.020 Bureau of city engineer. The bureau of city engineer shall be supervised directly by the assistant city engineer, which bureau shall be responsible for the office work of the city engineer which does not come within the scope of the work of the city engineer's bureaus herein-after provided for, such as permits requiring special investigation and processing, special assignments, sidewalk information and complaints, and the supervision and operation of the Stanton Yards. The bureaus shall be made up of the following divisions, each supervised by a competent person assigned by the city engineer, subject to the approval of the commissioner in charge:

- (1) Maintenance service division;
- (2) Special assignments division;
- (3) Blueprint and photographic division.

Section 4. Title 3, Administration, of Ordinance No. 130672, is hereby amended by substitution of the following, in lieu of Section 3.12.040, to read:

3.12.040 Bureau of construction. The bureau of construction shall be supervised by an engineering bureau chief, which bureau shall be responsible for the construction of public improvements such as sidewalks, streets, sewers, bridges, and structures, and shall be in control of and be responsible for the functions of the physical laboratory division.

Section 5. Title 3, Administration, of Ordinance No. 130672, is amended by substitution of the following in lieu of Section 3.14.070, to read:

3.14.070 Alternate, temporary or protem judge practicing as attorney before court. An alternate, temporary or protem municipal judge shall not practice as an attorney before the municipal court during the time for which he has been appointed by the council.

Section 6. Title 3, Administration, of Ordinance No. 130672, is hereby amended by repealing Chapter 3.58, entitled, HUMAN RELATIONS COMMISSION.

Section 7. Title 4, Personnel, of Ordinance No. 130672, is hereby amended by adding a new section thereto to be numbered, entitled and to read as follows:

4.08.120 Shift Differentials. (a) All employees assigned to work an eight hour swing shift or graveyard shift are entitled to a shift differential as follows: (1) Swing shift - fifteen cents per hour, (2) Graveyard shift - twenty cents per hour.

(b) As used in this section, a "swing shift" is any work shift that begins between noon and 6:59 p.m., inclusive, and a "graveyard shift" is any work shift that begins between 7 p.m. and 5:59 a.m., inclusive.

(c) The hourly premium authorized by this section does not apply during hours when earning overtime, or when on vacation, sick leave or any other paid leave of absence.

(d) This section does not apply to sworn personnel in the bureau of fire and bureau of police, to employees in the recreation division of the bureau of parks, to seasonal employees, or to persons temporarily employed for a period of six months or less.

Section 8. Title 4, Personnel of Ordinance No. 130672, is hereby amended by substituting the following chapter in lieu of the present Chapter 4.12, to be numbered, entitled and to read:

Chapter 4.12

HOURS OF WORK AND OVERTIME

Sections:

- 4.12.010 Definitions.
- 4.12.020 Hours of work.
- 4.12.030 Days off.
- 4.12.040 Approval of overtime.
- 4.12.050 Overtime for firemen.
- 4.12.060 Compensation for overtime.
- 4.12.070 Compensation for call back.
- 4.12.080 Rescheduling of work days.
- 4.12.090 Cost Accounting for overtime.

4.12.010 Definitions. As used in this title:

(1) "Call back" means an order to return to work immediately, or before the employee's next work day, delivered to a full-time employee after he has left work at the end of this last shift.

(2) "Commissioner in charge" means the mayor or a city commissioner, as to employment in his department, or the city auditor, as to employment in his office.

(3) "Employee" means any temporary or permanent employee other than members of the bureau of fire assigned to a fifty-six hour week.

(4) "Overtime" means time worked in excess of eight hours in a work day, or forty hours in a work week, including time on duty, compensatory time off, a holiday off with pay, leave for which full salary is paid, and leave for injury in the line of duty compensated from the State Accident Insurance Fund or from the fire and police disability and retirement fund. Time worked on a call shift in the bureau of fire is not overtime.

(5) "Payroll week" means a seven-day period which begins at twelve-one a.m. each Thursday and ends at midnight on the following Wednesday.

(6) "Work day" means a full work shift not exceeding eight hours scheduled to be completed in a nine-hour period within a calendar day. The calendar day in which an employee starts his work day will be the date for crediting his time. For timekeeping purposes a regular full work shift shall be counted as an eight hour work shift.

(7) "Work week" means any combination of five work days assigned to an employee for work within a period of seven consecutive days. The beginning of the work week is the first day following an employee's two consecutive scheduled days off. For employee having nonconsecutive days off, the payroll week will be considered the work week.

4.12.020 Hours of work. The city maintains the right to alter an employee's work day or work week, and to require an employee to work overtime and on a weekend or holiday. The normal business hours for the transaction of city business and the working time of city employees shall be forty hours in five days during each payroll week. The commissioner in charge with the approval of the council may establish not less than seven hours as the work day to be worked by any employee or group of employees in any bureau in his department. Commissioners in charge shall keep their respective offices open for the transaction of business from eight a.m. until five p.m. on Mondays through Fridays, inclusive. The city hall and other offices shall be closed all day Saturday and Sunday. The chief of the fire bureau may authorize a forty-hour work week to employees under his supervision who are not at the time performing fire-fighting duties.

4.12.030 Days off. Days off for employees working a forty-hour week normally will be Saturday and Sunday. Other days off may be authorized by the commissioner in charge where necessary for efficient operation of his department. All employees are entitled to two consecutive days off in each work week. When an employee is assigned nonconsecutive days off, the time worked on the last scheduled day of his work week shall be compensated at time and one half.

4.12.040 Approval of overtime. Employees receiving compensation at pay range 44 or higher are not entitled to overtime. All overtime work shall be authorized by the commissioner in charge. If an emergency does not permit prior authorization, the commissioner in charge shall be notified of the overtime within forty-eight hours. Overtime shall be reported on the bi-weekly time report to the nearest tenth of an hour.

4.12.050 Overtime for firemen. Off-duty firemen, other than the chief of the bureau of fire, regardless of their pay range, when responding to a callback for a greater alarm or other emergency shall be compensated at their base rate for six hours duty or for one and one half times actual duty, whichever is highest.

4.12.060 Compensation for overtime. Overtime for an employee shall be computed at one and one half times his regular rate of pay. Overtime normally will be compensated by cash payment. If budgeted funds are insufficient to permit a cash payment for overtime, an employee will be compensated by one and one half hours time off at his regular rate of pay for each hour of overtime earned. No employee may be permitted to accrue more than sixty hours of compensatory time off for overtime in a calendar year. Compensatory time off shall be taken at the mutual convenience of the employee and the department.

4.12.070 Compensation for callback. An employee responding to a callback shall be compensated for actual time on the job at the overtime rate. When actual time on the job is less than one and three-tenths hours, it shall be reported as one and three-tenths hours at time and one half. If the callback occurs on a holiday, the employee is entitled to pay for eight hours at his regular rate in addition to overtime for actual time on the job.

4.12.080 Rescheduling of work days. An employee normally shall be given adequate advance notice of any change in his regular hours of work. If that notice is given less than eight hours before he is to begin work under the changed schedule, he shall be compensated at the overtime rate for those hours that are earlier, later or different than the hours he last worked in a work day. Compensation under this section shall not exceed eight hours at the overtime rate. An employee is not entitled to compensation at the overtime rate under this section if he is otherwise entitled to overtime for the same hours of work.

4.12.090 Cost accounting for overtime. For cost accounting purposes only, time worked before or after the employee's normal work day or after his normal work week, which results in overtime, shall be considered the overtime period.

Section 9. Title 4, Personnel, of Ordinance No. 130672, is hereby amended by repealing Section 4.16.020 and substituting new section in lieu thereof to be numbered, entitled and to read as follows:

4.16.020 Basis for computing vacations. (a) Annual vacation leave for employees shall be computed on the basis of time actually served during each calendar year. The rate that annual vacation leave accrues shall depend upon the number of years of total service for the city, whether or not the total service was broken. Except for employees in the bureau of fire assigned a fifty-six hour week, if in a calendar year an employee will have attained the following number of years of total service, then on January 1 of that year his annual vacation leave shall accrue at the following rate:

<u>Total Years Of Service</u>	<u>Accrual Rate Per Month Served</u>	<u>Vacation Leave Per Year</u>
0 through 4	6 $\frac{2}{3}$ hours	80 hours
5 through 9	8 $\frac{1}{3}$ hours	100 hours
10 through 14	10 hours	120 hours
15 through 19	11 $\frac{2}{3}$ hours	140 hours
20 through 24	13 $\frac{1}{3}$ hours	160 hours
25 through 29	15 hours	180 hours
30 and over	16 $\frac{2}{3}$ hours	200 hours

In the bureau of fire, if in a calendar year an employee assigned a fifty-six hour week will have reached the following number of years of total service, then on January 1 of that year his annual vacation leave shall accrue at the following rate:

<u>Total Years Of Service</u>	<u>Accrual Rate Per Month Served</u>	<u>Vacation Leave Per Year</u>
0 through 4	16 hours	192 hours
5 through 9	18 hours	216 hours
10 through 14	20 hours	240 hours
15 through 19	22 hours	264 hours
20 through 24	24 hours	288 hours
25 through 29	26 hours	312 hours
30 and over	28 hours	336 hours

(b) When an employee has served less than a full year, he shall accrue a proportional part of the annual vacation leave, computed to the nearest hour, and based upon the amount of time he actually served.

(c) In the year in which an employee is separated from city service, notwithstanding subsection (a) of this section his annual vacation leave shall only accrue at a rate based upon his total years of service to the date of separation.

(d) As used in this section, total service:

(1) Includes time taken while on leave of absence without pay for military service;

(2) Includes time under temporary appointment in city service, and employment by the Dock Commission, the Exposition-Recreation Commission, and the Portland Development Commission;

(3) Includes the first twelve months of continuous absence because of injury in line of duty and, in the bureau of fire and bureau of police, because of an occupational or service-connected disability approved by the fire and police disability and retirement fund board, if after that absence the employee returns to his duties on a full time basis for a continuous period of at least thirty days; and

(4) Except as provided in paragraph (3) of this subsection, excludes time in city service for which an employee receives pension benefits.

(e) As used in this section, broken service includes:

(1) Except for bureau of fire employees assigned a fifty-six hour week, hours absent without pay in excess of ninety-six hours during the first year of service, and hours absent without pay in excess of one hundred sixty-eight hours after the first year of service;

(2) For bureau of fire employees assigned a fifty-six hour week, hours absent without pay in excess of one hundred forty-four hours during the first year of service, and hours absent without pay in excess of two hundred forty hours after the first year of service; and

(3) For all employees in the calendar year they separate from service, hours absent without pay in excess of twelve hours per month of service in that year.

Section 10. Title 4, Personnel, of Ordinance No. 130672, is hereby amended by repealing Section 4.16.040 and substituting a new section in lieu thereof to be numbered, entitled and to read as follows:

4.16.040 Time annual vacation to be taken. (a) Except as otherwise provided in this section, annual vacation leave is forfeited if not taken during the calendar year following the year in which it was earned and at the time designated by the commissioner in charge, or by the city auditor as to his department.

(b) With approval of the commissioner in charge, or of the city auditor as to his department, vacation leave not used in a current year may be carried forward to the next year, but the number of hours carried forward cannot exceed the number of hours of vacation leave earned by the employee in the preceding year of his service. After the 1970 calendar year, approval to carry accrued vacation forward to the next year may be given only upon an administrative finding that the work demands of the city prevented the employee from taking his vacation leave in the calendar year following the year in which it was earned.

Section 11. Title 4, Personnel, of Ordinance No. 130672, is hereby amended by repealing Section 4.16.080 and substituting a new section in lieu thereof to read as follows:

4.16.080 Holidays. (a) "Holiday" means any day between Monday and Friday, inclusive, that is designated by state law to be a legal holiday. Every full-time employee is entitled to a day off with pay on a holiday, if he has pay status for the entire scheduled work day preceding and following that holiday. If an employee's scheduled day off falls on a holiday he is entitled to a postponed holiday with pay, to be taken at the mutual convenience of that employee and the department.

(b) Firemen assigned to a fifty-six hour week, consultants, temporary and seasonal employees appointed less than two weeks before a holiday, and persons employed at an hourly rate, are not entitled to a holiday.

Section 12. Title 4, Personnel, of Ordinance No. 130672, is hereby amended by the addition of Section 4.16.090 to be entitled and to read as follows:

4.16.090 Compensation for work on holidays. (a) An employee entitled to a holiday who is assigned to work on that day is entitled to compensatory time off equivalent to one and one half times the number of hours worked on the holiday, excluding overtime.

(b) Compensatory time off shall be taken at the mutual convenience of the employee and the department. However, an employee shall not be permitted to carry over more than sixty hours of compensatory time off because of holidays from one calendar year to the next.

(c) In lieu of compensatory time off, a commissioner in charge may authorize premium compensation in cash to an employee who worked on a holiday. Cash compensation shall be at the rate of one and one half times the employee's regular rate of pay for the number of hours worked on the holiday, excluding overtime.

(d) Compensation under this section is in addition to any other compensation to which an employee may be entitled.

Section 13. Title 4, Personnel, of Ordinance No. 130672, is hereby amended by substitution of the following in lieu of Section 4.40.010, to read:

4.40.010 Definitions. As used in this Chapter, the following words and phrases shall have the meanings ascribed to them in this section:

(1) "Bargaining agent" means a labor organization recognized by the council, or certified by the State Board, as the exclusive representative of all employees in a bargaining unit for purposes of collective bargaining;

(2) "Bargaining unit" means a distinct and homogenous group of city employees recognized by the council, or designated by the State Board, as appropriate for representation by a labor organization for the purpose of collective bargaining. The group may include all city employees, city employees in a particular department, bureau or office, or city employees in a particular trade, craft or occupation, whether for the city as a whole or any part thereof;

(3) "City employee" means any full-time employee appointed under Section 11-201 of the Charter and any permanent employee in the classified city service, excluding:

A. Employees in the city auditor's office whose assignment includes custody of, or control over, confidential information on city employees,

B. Supervisory personnel having authority, in the exercise of their independent judgment, to effectively recommend the employment, transfer, suspension, lay off, promotion, demotion, discharge or assignment of other employees,

C. Employees on a non-pay status on the regular city payroll,

D. Personnel in the offices of the mayor (including the budget and employee relations offices), city commissioners, city attorney and civil service board;

(4) "Collective bargaining" means a process whereby city and bargaining agent representatives meet at reasonable times and confer in good faith to determine employment relations or the negotiation of an agreement or understanding, or any question arising thereunder. The mayor and the commissioner or commissioners whose departments include all or part of the bargaining unit involved, or representatives they designate, shall represent the city in collective bargaining;

(5) "Employment relations" includes monetary benefits, hours of employment, vacations, sick leave, grievance procedures and other conditions of employment;

(6) "Labor organization" means any organization that includes city employees and has as one of its primary purposes the representation of those employees in their employment relations with the city;

(7) "State Board" includes the Bureau of Labor of Oregon, the Commissioner of Labor, the Public Employee Relations Board, the State Conciliation Service, and any ad hoc committee of persons appointed by the Commissioner of Labor or the Public Employee Relations Board who are knowledgeable in labor relations.

Section 14. Title 4, Personnel, of Ordinance No. 130672, is hereby amended by substitution of the following in lieu of Section 4.40.060, to read:

4.40.060 Council hearing on objections to report. If the report of the employee relations officer under Section 4.40.050 states that the petition described all or part of a bargaining unit proposed by another petition for recognition not finally acted upon by the council or the State Board, the city auditor shall schedule on the council calendar as a matter to be considered the second Thursday after the report is filed, a hearing on the report and any objections thereto. As a result of this hearing, the council may modify the report or accept it as filed and may transmit the same to the State Board for determination as provided in this chapter. Unless modified by the State Board under section 4.40.110 of this chapter, the numerical figure and list of city employees contained in the report thereafter shall apply to the petition in all proceedings.

Section 15. Title 4, Personnel, of Ordinance No. 130672 is hereby amended by substitution of the following in lieu of Section 4.40.080, to read:

4.40.080 Recognition of bargaining units by council. In the hearing under section 4.40.070, if the petition proposes a bargaining unit not theretofore recognized by the council or designated by the State Board, the council first shall consider whether the proposed bargaining unit is appropriate. The council may either recognize the proposed bargaining unit as being appropriate or direct the city auditor to transmit the matter to the State Board for determination. However, no recognition may be given a proposed bargaining unit under this section when:

- (1) An objection to the proposed bargaining unit is made by a city employee in that unit or by an officer of a labor organization that represents two or more city employees in that unit, whether the objection is in writing, signed and filed with the city auditor prior to the hearing or is submitted to the council orally or in writing at the hearing; or
- (2) A petition for recognition is filed under section 4.40.040 by another labor organization and the petition describes a bargaining unit that would include all or part of the proposed bargaining unit being considered by the council.

Section 16. Title 4, Personnel, of Ordinance No. 130672, is hereby amended by substitution of the following in lieu of Sections 4.40.090, 4.40.100, 4.40.110, and 4.40.120, to read:

4.40.090 Recognition of bargaining agents by council. In the hearing under Section 4.40.070, if the petition describes an existing bargaining unit, or if the council has found the proposed bargaining unit to be appropriate under Section 4.40.080, the council shall consider whether the petitioner should be recognized as bargaining agent for that unit. The council may either recognize the petitioner as bargaining agent for that unit or direct the city auditor to transmit the matter to the State Board for determination. However, no recognition of the petitioner as bargaining agent may be given by the council if:

- (1) The council finds evidence that at the time of hearing the petitioner does not represent more than half of the city employees in the bargaining unit; or
- (2) The council is recognizing another labor organization as bargaining agent for the same unit; or
- (3) An intervening petition has been filed by another labor organization seeking recognition as bargaining agent for the same unit. The intervening petition shall comply with the provisions of Section 4.40.040, but shall include a showing of interest of not less than ten percent of the city employees in the bargaining unit.

4.40.100 Transmitting petition to the State Board. When the city auditor is directed under section 4.40.080 or 4.40.090 to transmit to the State Board the matter of a petition for recognition, he shall within fourteen days deliver to that Board:

- (1) The petition for recognition;
- (2) The report of the employee relations officer on the petition;
- (3) Any written objection to the petition which was filed or submitted under section 4.40.080;
- (4) Any intervening or other petition that describes all or part of the same bargaining unit and the report of the employee relations officer thereon; and
- (5) A transcript of the council hearing on the petition.

4.40.110 Authority of the State Board. When the matter of a petition for recognition is transmitted to the State Board under section 4.40.100, the Board is by this section requested to take one or more of the following actions:

(1) Accept or modify any report of the employee relations officer on a petition;

(2) Reject a petition if it does not contain a sufficient showing of city employee interest;

(3) Subject to the provisions of section 4.40.120, designate an appropriate bargaining unit or units;

(4) Schedule and conduct an election or elections to determine by secret ballot whether a majority of city employees voting desire to be included in any proposed bargaining unit, or desire representation by a petitioner or no representation, and certify the result of any representation election or elections to the council. In scheduling and conducting elections, the State Board is further requested to follow those rules and procedures which are followed in scheduling and conducting elections at the request of other governmental employers.

4.40.120 Designation of appropriate bargaining units. (a) When the matter of a petition for recognition is transmitted to the State Board under section 4.40.080, the Board is by this section requested to conduct a hearing on whether a proposed bargaining unit is appropriate. The hearing should be held only after written notice of the date, time and place thereof is given by the Board to the city auditor, and after that notice has been transmitted by the city auditor to the council; to city employees in the bargaining unit described in the petition, either by mail or by posting at their place of employment; to the petitioner or petitioners; and to any other labor organization that has requested it.

(b) In determining whether a proposed bargaining unit is appropriate, the State Board may consider evidence presented by any petitioner or other labor organization, by any city employee in a proposed bargaining unit, and by persons authorized to speak on behalf of the council, as to the community of interest of city employees in a proposed unit, including compensation, similarity of job duties, common supervision and common skills, educational requirements, job location, and bargaining history. In addition, the Board may conduct elections under section 4.40.110 (4) to determine the desire of employees in any proposed bargaining unit, and may hear and determine any objections to the report of the employee relations officer relating to a petition for recognition.

Section 17. Title 4, Personnel, of Ordinance No. 130672, is hereby amended by substitution of the following in lieu of Section 4.40.140, to read:

4.40.140 Continuation of bargaining agent recognition. A bargaining agent recognized by the council under section 4.40.090 or certified by the State Board under section 4.40.110 shall continue to be recognized for a period of not less than one year from the date of recognition. If a petition for recognition has been acted upon under this chapter and the council has

recognized the petitioner, or the State Board has conducted a representation election, the city auditor shall not, for a period of one year from the date of that recognition or election, accept for filing any other petition describing all or part of the same bargaining unit as in the petition acted upon.

Section 18. Title 4, Personnel of Ordinance No. 130672, is hereby amended by substitution of the following in lieu of Section 4.40.160, to read:

4.40.160 Withdrawal of recognition. Subject to Section 4.40.140, recognition of a bargaining agent is withdrawn when:

(1) Another labor organization subsequently is recognized as bargaining agent for all or part of the same bargaining unit, provided, where the subsequent recognition involves only part of the same bargaining unit, the previously recognized bargaining agent shall continue to represent the remainder of that bargaining unit;

(2) A petition for withdrawal of recognition of a bargaining agent is adopted by the council or the bargaining agent is decertified by the State Board.

Section 19. Title 4, Personnel, of Ordinance No. 130672, is hereby amended by substitution of the following in lieu of Section 4.40.180, to read:

4.40.180 Cooperation in administration. (a) City officials and supervisors shall, upon request, give assistance to personnel of the city and of the State Board in administering the provisions of this chapter.

(b) Where it is possible without disruption of public service, supervisors shall permit city employees an opportunity to participate at hearings and in elections provided for in this chapter.

Section 20. Section 5.04.020, Sundry trusts fund, of Title 5, Revenue and Finance, Ordinance No. 130672, is hereby amended by the repeal of subdivision (7), and enactment of a new subdivision in lieu thereof, to read as follows:

5.04.020 Sundry trusts fund.

* * * *

(7) Oaks Pioneer Park museum account. This account shall be administered in accordance as hereinafter provided.

All monies received from charges arising out of the operation of the Oaks Pioneer Park museum, under contract or otherwise, shall be deposited with the Treasurer of the city. The treasurer shall hold all such funds so received in the Oaks Pioneer Park museum account. Disbursements shall be made in accordance with budgetary procedures upon requisition approved by the commissioner in charge of the bureau of parks and shall be limited

to maintenance, operational costs, and improvement of the Oaks Pioneer Park museum. The mayor and auditor are authorized to draw warrants on this account when requisitions are presented and approved by the commissioner in charge of the bureau of parks.

Section 21. Section 5.04.020, Sundry trusts fund of Title 5, Revenue and Finance, Ordinance No. 130672, is hereby amended by the addition of subdivisions (8), (9), (10), (11) and (12), to read as follows:

5.04.020 Sundry trusts fund.

* * * *

(8) Drake property account. Until such time as the Council may determine, this account shall receive all rentals and related revenues derived from the property on the east side of the Willamette River and north of the Sellwood Bridge known as the Drake Property which was purchased by the city under Ordinance No. 128587 passed February 20, 1969 for the Willamette Parkway System. Expenditures from this account other than those required in connection with rentals derived from the property, shall be limited to the improvement and expansion of said property. This account shall be administered by the commissioner in charge of the bureau of parks;

(9) Portland Shipbuilding property account. Until such time as the council may determine, this account shall receive all rentals and related revenues derived from the property on the west side of the Willamette River at the foot of S.W. Nebraska Street known as the Portland Shipbuilding property, which was purchased by the city under Ordinance 128623 passed February 26, 1969. Expenditures from this account other than those required in connection with rentals derived from the property shall be limited to the improvement and expansion of the property. This account shall be administered by the commissioner in charge of the bureau of parks;

(10) Officer Friendly account. This account shall receive the grants from the Sears-Roebuck Foundation for the "Officer Friendly" program of said foundation to be conducted by the bureau of police in the Portland public schools. This account shall be administered by the commissioner in charge of the bureau of police;

(11) Willamette Oaks Park account. Until such time as the council may determine, this account shall receive all rentals and related revenues derived from the property in Willamette Oaks Park purchased by the city from Leonard and Ruth Steele under authority of Ordinance No. 130097 passed November 19, 1969 for the Willamette Parkway System (Lots 1, 2 and 42 Willamette Oaks Park Addition). Expenditures from this account other than those required in connection with rentals derived from the property, shall be limited to the improvement and expansion of said property. This account shall be administered by the commissioner in charge of the bureau of parks;

(12) Portland Zoo hospitalization and research account. This account shall receive the contribution of the Chiawana Zoological Society, Pasco, Washington for hospitalization and research at the Portland Zoo, and contributions in the future from other donors for this same purpose. Expenditures shall be limited to the stated purpose. This account shall be administered by the commissioner in charge of the bureau of parks.

Section 22. Title 5, Revenue and Finance, of Ordinance No. 130672, is hereby amended by substitution of the following Section 5.08.050 in lieu of the present section, to read:

5.08.050 Allowance for use of private automobiles. City officers and employees using their privately owned automobiles in city business, when and as authorized either by the council, by a commissioner or by the city auditor, shall be paid additional compensation over and above their salary for the use of such automobile at the rate per mile fixed and established from time to time by the council with a maximum allowance of one thousand miles per month; provided, however, that before such additional compensation shall be allowed, the officer or employee shall file with the auditor a monthly statement upon a form to be provided by the auditor showing the daily meter readings and the mileage run of the automobiles so used in city business. Such monthly statements shall be filed by the fifth day of the month following the month of use of the private automobile and shall be payable by the tenth of the month.

The commissioner of finance and administration shall obtain a public liability insurance policy protecting the city, its officers, agents, and employees but not the owner-driver, from damages arising out of the use of employees' vehicles for city business, said policy to have limits of not less than fifty thousand dollars for one person, one hundred thousand dollars for all persons in one accident and ten thousand dollars for property damage. Such policy must be approved as to form by the city attorney.

Section 23. Title 5, Revenue and Finance, of Ordinance No. 130672, is hereby amended by substitution of the following for Section 5.08.140:

5.08.140 Salary deductions and charges. Salary and wage deductions, other than assignments or garnishments, prescribed by law or authorized by an employee shall be made by the auditor on the bi-weekly payrolls. Only the employee may authorize voluntary deductions, or changes in exemptions for tax withholding purposes. Each authorization bearing the signature of the employee shall be kept on file by the auditor. A six cent service charge shall be made for each such voluntary deduction from each officer's or employee's salary. The charge shall be collected from the organization in favor of whom the deduction is made. If the total amount of such charges for bi-weekly payroll does not equal ten dollars, the minimum fee for deductions on that payroll shall be ten dollars. For voluntary deductions, the auditor shall give first priority to deductions for medical insurance.

Payroll deductions are authorized as listed below. The herein mentioned fees shall apply only as indicated:

(1) Fee required.

Fire and police insurance association,
Kaiser foundation,
Oregon state council of local unions,
Oregon physicians' service,
Blue Cross plan,
City of Portland employees credit union,
Portland association of city employees;

(2) No fee required.

Fire and police disability and retirement fund,
Public employees retirement system,
Federal income and withholding tax,
Emergency warrants - City treasurer,
Savings bonds - City treasurer,
State income and withholding tax,
Federal old age and survivors insurance,
Payment to state industrial accident commission,
United fund,
Rent for living quarters,
City treasurer trustee fund for benefit of Portland police contributions committee,
Portland firefighters, local 43,
Operating engineers, local 87,
Painters, local 10,
Electrical workers, local 49,
Electrical workers, local 125,
Electrical workers, local 48,
Portland Oregon police Assn., local 456,
Building service employees, local 49,
Auto mechanics - Mt. Hood lodge #1005,
Machinists - District lodge #24,
Plumbers, local 51,
Municipal employees, local 483,
City of Portland Engr. Employees Assn.,
Oregon public employees council #75.

Section 24. Title 5, Revenue and Finance, or Ordinance No. 130672, is hereby amended by substitution of the following for Section 5.32.010:

5.32.010 Jurisdiction of city purchasing agent. The city purchasing agent shall, except in case of emergencies, purchase all supplies, materials, equipment, labor and contractual services for the city, provided that he shall have no jurisdiction with respect to: (1) Contracts under the local improvement code; (2) Contracts for the performance of professional, technical or expert services; or (3) Transfers and investments of city funds.

The city purchasing agent, subject to the approval of the commissioner of finance and administration, is hereby authorized to bind the city for payment of any sums not exceeding two thousand five hundred dollars for purchases within his jurisdiction with or without a contract in writing specifically authorized by the council when such purchases are made in accordance with this chapter.

The city purchasing agent, at the request of any commissioner or the auditor and with the exceptions of capital improvement items, is hereby authorized to advertise for bids for purchase of all supplies, materials, equipment, labor and contractual services for the city in excess of two thousand, five hundred dollars without specific council authorization when such purchase is included within the current fiscal budget.

Section **25**. Section 5.32.040 of Title 5, Revenue and Finance, of Ordinance No. 130672, is hereby amended by substitution of subdivision (1), to read as follows:

5.32.040 Procedure for obtaining goods and services through purchasing agent.

* * * *

(1) Except as otherwise provided in subdivision (10) of this section, a requisition shall be prepared in triplicate and signed by the bureau head or other employee of the bureau duly authorized by the bureau head to sign requisitions. Copies of the authorization shall be filed with both the purchasing agent and the auditor.

Section **26**. Section 5.32.040 of Title 5, Revenue and Finance, of Ordinance No. 130672, is hereby amended by addition of subdivision (10), to read as follows:

5.32.040 Procedure for obtaining goods and services through purchasing agent.

* * * *

(10) It will not be necessary for preparation of requisitions as are required in subdivision (1) if such requisition is for supplies and services of a recurring nature. In such instances, monthly purchase orders will be prepared in the office of the purchasing agent from card file records. Keeping the card file records current shall be the responsibility of the various bureaus for whom supplies or services are obtained in this matter.

Section **27**. Section 5.36.010 of Title 5, Revenue and Finance, of Ordinance No. 130672, is hereby amended by substitution of the following for subsection (c):

5.36.010 Surplus personal property.

* * * *

(c) Surplus personal property which is not usable by the city as determined by a survey board appointed by the commissioner of finance and administration shall be disposed of by the city property control director upon approval by the council. Nonsalable property shall be disposed of at either the city dump or sunshine division. Salable property shall be

sold by the purchasing agent. Sales of surplus personal property may be by public auction, sales bid, negotiated sale, trade, or exchange, whichever is most in the public interest as determined by the purchasing agent and approved by the commissioner of finance and administration.

Section 28. Section 5.48.030 Accounting procedure of Title 5, Revenue and Finance, Ordinance No. 130672, is hereby amended by the substitution of the following in lieu of subdivision (1):

5.48.030 Accounting procedure.

* * * *

(1) Labor shall be the actual time of city employees performing the service at payroll cost plus fifteen percent to take into consideration vacations, sick leave and holidays.

Section 29. Section 5.48.030 Accounting procedure of Title 5, Revenue and Finance, Ordinance No. 130672, is hereby amended by the substitution of the following in lieu of subdivision (6):

5.48.030 Accounting procedure.

* * * *

(6) Payroll taxes and employee insurance shall be sixteen and one-half percent of the city's labor charge in subdivisions (1) and (3) above to cover the cost of retirement, social security, workmen's compensation and employee insurance paid for by the city. Omit this sixteen and one-half percent charge for payroll taxes on subdivision (3) if the service from the other city bureau either is stated at a rate which includes payroll taxes and other costs in a composite rate or is on a flat rate basis where the labor cost cannot be separately determined.

Section 30. Section 5.52.010 (a) of Title 5, Revenue and Finance, of Ordinance No. 130672, is hereby amended by substitution of the following:

5.52.010 Petty cash accounts. (a) Various offices of the city government shall have petty cash accounts as listed below and in the amounts shown. The petty cash accounts shall be for incidental expenditures unless otherwise stated below or limited in the later subsections of this section:

GENERAL FUND

Office of Mayor	
Mayor's office	\$ 100.00
Options (see also subsection (b))	200.00
Emergency Account of Council (see also subsection (c))	1,000.00
Budget Office	100.00
Commissioner of Public Safety	50.00

Commissioner of Public Utilities	\$ 25.00
Commissioner of Public Works	200.00
City Attorney	75.00
City Treasurer	
Postage Due	10.00
Postage Stamp	5,500.00
Civil Service Board	25.00
Communications & Electronics Bureau	40.00
Fire Bureau	
Chief's Office	300.00
Fire Marshal's Office	50.00
Model Cities - Administration Office	80.00
Municipal Court	
Refunds	1,000.00
Change Cash	1,000.00
Chief Clerk's Office	50.00
Filing Fees, Drivers' License Suspensions	1,500.00
Park Bureau	
Office	350.00
Pittock Mansion, Change Cash	50.00
Zoological Gardens, Change Cash	1,500.00
Portland Civic Stadium, Change Cash	1,000.00
Portland Civic Stadium, Temporary Payroll	
Imprest Fund	2,500.00
Police Bureau	
Chief of Police - Office, Fugitive Fund	
Advance Cash	5,000.00
Chief of Police - Office	100.00
Women's Protective Division	25.00
Purchasing Bureau	
Municipal Store	50.00
Purchasing Agent, Change Cash	50.00
Refuse Disposal Division	
Office	30.00
Change Cash	50.00
Shops Bureau	200.00
Golf Fund (Park Bureau)	
Eastmoreland Golf Course, Change Cash	200.00
Hoyt Park Pitch & Putt Course, Change Cash	40.00
Progress Downs Golf Course, Change Cash	150.00
Parking Meter Fund	
Traffic Engineering	35.00
Permits, Change Cash	25.00
Meter Maid Division	70.00
Traffic Safety Commission	25.00
Civic Auditorium Fund	
Auditorium Office	100.00
Auditorium Office, Change Cash - Concessions	300.00
Auditorium Office, Change Cash - Ticket Sales	500.00
Sewage Disposal Fund	
Columbia Blvd. Treatment Plant	50.00
Tryon Creek Treatment Plant	50.00
Water Cashiers, Sewer User Refund	300.00
Water Fund - (Water Bureau)	
Water Cashiers, Change Cash	700.00

Water Cashiers, Revenue Refunds	\$1,000.00
Water Cashiers, Meter & Construction	
Deposit Refunds	1,000.00
Water Superintendent's Office	200.00
Water Operations Superintendent's Office	300.00

Section 31. Title 5, Revenue and Finance, of Ordinance No. 130672, is hereby amended by the addition of a chapter to be numbered, entitled and to read as follows:

Chapter 5.68

FEES FOR COURT APPOINTED COUNSEL FOR INDIGENTS

Sections:

- 5.68.010 Court appointment of counsel.
- 5.68.020 Fees for legal services of appointed counsel.
- 5.68.030 Procedure for payment.

5.68.010 Court appointment of counsel. (a) Suitable counsel for a defendant shall be appointed by a municipal judge if:

(1) The defendant is before the court charged with a violation of a city ordinance or a state misdemeanor, or is charged with a violation of a probation or parole granted by a municipal judge; and

(2) The defendant requests aid of counsel; and

(3) The defendant makes a verified financial statement and provides other information in writing under oath showing his lack of ability to obtain counsel and provides any other information required by the court as to his inability to obtain counsel; and

(4) It appears to the court that the defendant is without means and is unable to obtain counsel.

(b) Unless otherwise ordered by the court, appointment of counsel under this section shall continue through all proceedings before the municipal court and the circuit court on appeal.

5.68.020 Fees for legal services of appointed counsel. Counsel appointed by the municipal judge pursuant to Section 5.68.010 shall be paid for his services to the indigent person accused of violation of city ordinance in accordance with the following schedule:

(1) When the accused pleads "guilty", twenty-five dollars;

(2) When the accused pleads "not guilty", fifty dollars per day of trial but not exceeding one hundred dollars in any one case, including any appeal of the same case to the circuit court.

5.68.030 Procedure for payment. Upon completion of his legal services, the court appointed counsel shall submit his bill for the services rendered in accordance with the foregoing schedule set forth in Section 5.68.020 to the municipal judge appointing him or the presiding municipal judge. Upon approval of the municipal judge and in the event of appeal to the circuit court upon the approval of the city attorney by his deputy who has handled the case in the circuit court, and upon the approval of the commissioner in charge of the municipal court, the mayor and auditor hereby are authorized and directed to draw and deliver warrants in accordance with the foregoing schedule set forth in this chapter payable to said court appointed counsel.

Section 32. Title 7, Business Licenses and Regulations, of Ordinance No. 130672, is hereby amended by repeal of Section 7.14.010 and substituting the following in lieu thereof to read:

7.14.010 Who permitted optional method. Any licensee who is required to pay a license fee pursuant to any of the chapters set out below in this section may compute said fee by optional net income method:

- (1) Chapter 7.20, Meat Handling Establishments
- (2) Chapter 7.118, Professional Team
- (3) Chapter 7.164, Motor Vehicle Fuel Business
- (4) Chapter 7.114, Miniature Motor Vehicle Arenas
- (5) Chapter 7.144, Special Police Officers and Watchmen
- (6) Chapter 7.32, Cleaning, Dyeing and Pressing Establishments
- (7) Chapter 7.18, Food or Beverage Processing
- (8) Chapter 7.140, Advertising Agencies
- (9) Chapter 7.106, Golf Courses
- (10) Chapter 7.26, Hotels, Rooming Houses and Lodging Houses
- (11) Chapter 7.34, Laundries
- (12) Chapter 7.134, Manufacturing
- (13) Chapter 7.148, Masseurs and Massage Businesses
- (14) Chapter 7.16, Miscellaneous Businesses and Licenses
- (15) Chapter 7.132, Retail Merchants
- (16) Chapter 7.86, Booking Agencies
- (17) Chapter 7.130, Wholesale Merchants
- (18) Chapter 7.180, Grain Dealers
- (19) Chapter 7.150, Service Businesses
- (20) Chapter 7.146, Barbers

Section 33. Section 7.14.030 of Title 7, Business Licenses and Regulations, Ordinance No. 130672, is hereby amended by substitution of Subsection (c), to read as follows:

7.14.030 Allowable deductions.

* * * *

(c) In those cases where a licensee pays a license fee measured by net income and a portion of said net income is derived from sources exempted by Section 7.04.120(e), or otherwise exempt, such licensee may deduct from the amount of net income of the business, occupation or activity being licensed, an amount determined by multiplying the net income from the entire business, including exempt sources, by the ratio which "gross sales or receipts" from all exempt sources bear to total "gross sales or receipts" from all sources.

Section 34. Section 7.14.030 of Title 7, Business Licenses and Regulations, Ordinance No. 130672, is hereby amended by substitution of Subsection (f), to read as follows:

7.14.030 Allowable deductions.

* * * *

(f) Any person taking an allowable deduction pursuant to subsection (a) or (b) of this section shall take such deduction prior to applying the deduction ratio provided for in subsections (c), (d) and (e) of this section.

Section 35. Title 7, Business Licenses and Regulations, of Ordinance No. 130672, is hereby amended by the addition of subsection (d) to Section 7.14.040, to read as follows:

7.14.040 Limitation on option.

* * * *

(d) Whenever it shall appear necessary to avoid distortion of the net income used as the measure of the license fee by application of a ratio of exempt income determined as provided in Section 7.14.030 the director of the bureau of licenses shall permit or require a licensee to compute the ratio of exempt income by substituting "adjusted gross income", derived by deducting cost of goods sold from "gross sales or receipts", in lieu of "~~gross sales or receipts~~" in calculating the applicable ratio.

Section 36. Title 7, Business Licenses and Regulations, of Ordinance No. 130672, is hereby amended by substitution of subdivision (3) of Section 7.52.020, to read as follows:

7.52.020 Definitions.

* * * *

(3) "Secondhand dealer" means any person who buys, sells or otherwise deals in secondhand wearing apparel, tools, goods, wares, or merchandise or other articles and things usually found in a secondhand store, except books, or any person who goes from house to house, or place to place, within the city, purchasing or soliciting the purchase of gold, silver, or other precious metals or jewelry. A secondhand dealer shall also include a person who wrecks, demolishes or razes a building, or parts thereof, and who offers for sale or sells any used materials or merchandise therefrom at a location other than the site of the building wrecked. A secondhand dealer shall also include the owner or occupant of any premises where a sale of secondhand or used merchandise commonly known as a "garage sale" or "basement sale" is conducted, except such sales as satisfy all of the requirements of a "garage sale", "basement sale" or "occasional sale" as defined in Title 33, Planning and Zoning of this Code.

Section 37. Title 7, Business Licenses and Regulations, of Ordinance No. 130672, is hereby amended by the substitution of subdivision (3) of 7.74.010, to read as follows:

7.74.010 Definitions.

* * * *

(3) "Person" means any individual, organization, firm, co-partnership, corporation, company, association, joint stock association, society, organization, league, church or religious organization, and includes any trustee, receiver, assignee, agent or similar representative thereof;

Section 38. Title 7, Business Licenses and Regulations, of Ordinance No. 130672, is hereby amended by substituting the following section in lieu of Section 7.84.010, to read:

7.84.010 Fees. The license fee for theaters shall be:

(1) Drive-in theaters, fifty cents per annum for each speaker provided for a vehicle while the occupants of the vehicle view the entertainment provided by the theater;

(2) All other theaters, twenty five cents per annum for each space provided for seating one individual while such individual views the entertainment provided by the theater.

The license fee for theaters may be paid in equal quarterly installments, and, in the event a theater is not open for the full license period, the fee may be prorated on a quarterly basis.

The license for any theater may be transferred to a new owner of that theater for the balance of the period for which the original license was issued upon making application therefor and paying a transfer fee of two dollars.

Section 39. Title 7, Business Licenses and Regulations, of Ordinance No. 130672, is hereby amended by substituting the following in lieu of Section 7.104.010 to read:

7.104.010 Fees. The license fees for merry-go-round and similar amusement devices, pony and other animal rides is twenty-five dollars monthly.

If the merry-go-round and similar devices, pony and other animal rides are those designed normally to carry children, and seven or less of such rides are operated on the premises of a regularly licensed business during its business hours only for the purpose of attracting the public to the premises of such regularly licensed business, then the license fee is, annually, for each location:

- | | |
|--|----------|
| (1) For three or less devices or rides | \$100.00 |
| (2) For each device or ride in excess of three,
an additional | 50.00 |

Section 40. Chapter 7.128 Refuse Collections, Title 7, Business Licenses and Regulations, of Ordinance No. 130672, is hereby amended by substituting the following Sections in lieu of the present Sections 7.128.010, 7.128.020, 7.128.030, 7.128.040 and 7.128.050, to read:

7.128.010 Fees - Nontransferable - Expiration. The license fee for those hauling rubbish and refuse entirely from within the boundaries of the city, except drop box trucks, annually in advance, per vehicle according to the following schedule:

Size of Box	Yearly License Fee Per Truck
20-Yard or Less	\$1,100
Over 20-Yard up to 25-Yard	1,400
Over 25-Yard up to 30-Yard	1,700
Over 30-Yard up to 35-Yard	2,000
Over 35-Yard	2,300

For those hauling from outside the boundaries of the city, or partially from inside and partially from outside the boundaries of the city, annually in advance, in addition to the above schedule, per vehicle three hundred dollars.

In the event a licensed vehicle is replaced by another vehicle of a larger capacity, the director shall prorate the fee on a monthly basis and charge an additional fee for the extra capacity for the balance of the license period.

Issuance of a license to a truck shall entitle said truck to two hundred sixty loads per year. For the period from July 1, 1969 to December 31, 1969, the number of loads shall be one hundred thirty. Loads over the above stated amount shall be paid at the rate of twenty cents per yard based on the rated capacity of the box.

For those hauling rubbish and refuse either from within or without the city by the use of drop box trucks, the annual fee per vehicle shall be fifty dollars, plus a yardage disposal fee of twenty cents per cubic yard based on the rated capacity of such drop box for each load delivered to the city refuse disposal facility.

Each container or pickup box shall have plainly marked on the sides thereof the cubic capacity of such container service or pickup box.

For the period beginning July 1, 1969 and continuing through December 31, 1969, the license fee shall be one half of the above.

The license shall not be transferable from one vehicle to another except in an emergency and then only with the approval of the engineer-manager of the bureau of sewage and refuse disposal.

All licenses issued under this Chapter shall expire December 31 of each year.

7.128.020 Issuance - Transfer. Licenses for regular refuse collectors shall be issued only for the full annual rate, and shall be conditioned upon compliance with the specific regulations of the health and sanitation code pertaining to such business, besides all other ordinances and regulations of the city. Provided further, any license issued hereunder may be transferred by the bureau of licenses from the holder thereof, upon the sale of the business of said holder to the purchaser thereof, upon application being made by said purchaser for a transfer of such license, such application to be accompanied by satisfactory evidence of such sale and purchase, together with written approval of the applicant by the engineer-manager of the bureau of sewage and refuse disposal and the payment of a transfer fee of five dollars.

7.128.030 Approval. The engineer-manager of the bureau of sewage and refuse disposal must approve each applicant. If the applicant has not had a license before, he shall submit a list of customers who shall have agreed to give him their business, which list shall contain sufficient names to satisfy the engineer-manager of the bureau of sewage and refuse disposal of the necessity of approving a license.

7.128.040 Number to be attached to vehicle. Immediately upon the issuance of a license by the bureau of licenses, the number of the license shall be affixed upon the left-hand and on the outside of the cab of the licensed vehicle, this to be done by or under the supervision of an employee of the bureau of licenses. The numbers shall be made up of digits not less than four inches in height, and shall be maintained in place on the vehicle during the time that such license is in effect. The bureau of sewage and refuse disposal shall provide the digits without cost to the bureau of licenses.

7.128.050 Expiration - Failure to renew. Upon expiration or failure to renew a refuse collection vehicle license number, the same shall be removed immediately from the vehicle; and any failure so to do shall be deemed a violation of this chapter.

Section 41. In order to delete asterisk (*) following title, and footnote "*For optional fee, filing of reports and partial refunds, see Chapter 7.14", Section 7.156.010 of Title 7, Business Licenses and Regulations is hereby amended to read as follows:

7.156.010 Fees. Any person engaged in any of the professions or any professional business designated in Section 7.156.020 shall pay an annual license fee of eighteen dollars.

Any corporation engaged in any of the professions or professional businesses designated in Section 7.156.020 shall pay an annual license fee of eighteen dollars.

In addition to the above basic fees, all licensees hereunder shall pay 0.17 percent of gross sales or gross receipts of such professions or professional businesses in excess of ten thousand seven hundred dollars during the calendar year preceding the year for which the license is issued. Provided further that no license shall be issued for less than the full amount.

Section 42. Chapter 7.158, Professional Bondsman of Title 7, Business Licenses and Regulations, of Ordinance No. 130672, is hereby amended by substitution of the following for Section 7.158.080, to read:

7.158.080 Advertising. It is unlawful for any person licensed under the provisions of this chapter to advertise in any manner except in the name under which the license from the city is held; provided, however, an individual acting as bona fide agent of such licensee may advertise as such agent and in so doing shall name his principal. It is unlawful for any licensee to advertise in the name of any firm or corporation or under an assumed business name unless such advertisement includes the name of the licensee holding a license from the city, and unless such corporation is an Oregon corporation or such assumed business name shall have been properly recorded.

Section 43. Title 14, Public Peace, Safety and Morals, of Ordinance No. 130672, is hereby amended by the substitution of the following Section 14.04.020, to read:

14.04.020 Dangerous or deadly weapon. As used in this title, "dangerous or deadly weapon" includes any revolver, pistol or other firearm, metal knuckles, a straight razor, any instrument or weapon of the kind commonly known as a blackjack or sap, or any type of knife other than an ordinary pocket knife with a blade not longer than three and one-half inches. When carried with intent to use the same unlawfully against another, "dangerous or deadly weapon" also includes any instrument or device capable of inflicting injury to the person or property of another.

Section 44. Title 14, Public Peace, Safety and Morals, of Ordinance No. 130672, is hereby amended by repeal of Section 14.08.010 and enactment of a new section in lieu thereof to be numbered, entitled, and to read as follows:

14.08.010 Penalty for violation. Violation of any provision of this title is punishable, upon conviction, by a fine of not more than five hundred dollars, or by imprisonment not exceeding six months, or both. However, no greater penalty shall be imposed than the penalty prescribed by Oregon statute for the same act or omission.

Section 45. Chapter 14.16, Nuisances - Abatement Procedure, of Title 14, Public Peace, Safety and Morals, of Ordinance No. 130672, is hereby amended by addition of a new section to be numbered and to read as follows:

14.16.035 Exclusion from abatement procedure. The provisions of this chapter do not apply to nuisances declared under Section 14.48.020.

Section 46. Section 14.32.020, subsection (b) of Title 14, Public Peace, Safety and Morals, Ordinance No. 130672, is hereby amended to read as follows:

14.32.020 Unauthorized carrying or discharge of firearms.

* * * *

(b) It is unlawful for any person on a public street or in a public place to carry any firearm upon his person, or in a vehicle under his control or in which he is an occupant, unless:

(1) All ammunition has been removed from the chamber and from the cylinder, clip or magazine; and

(2) The bolt, cylinder or firing mechanism has been disassembled from the remainder of the firearm.

Section 47. Chapter 14.44, Prostitution, of Title 14, Public Peace, Safety and Morals, of Ordinance No. 130672, is hereby amended by substitution of the following in lieu of Sections 14.44.020 and 14.44.030, to read:

14.44.020 Prostitution prohibited. (a) It is unlawful for any person to offer himself or herself or to offer another person, or permit himself or herself to be offered, for the purpose of committing any act or prostitution.

(b) It is unlawful for any person to loiter in or near any street or public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are that the person is a known prostitute or panderer, who repeatedly beckons to, stops or attempts to stop, or engages male passersby in conversation, or who repeatedly stops or attempts to stop motor vehicle operators by hailing them or gesturing to them. No arrests shall be made for a violation of this subsection unless the arresting officer first affords the suspected person an opportunity to explain his or her conduct, and no one shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.

14.44.030 Aiding prostitution prohibited. (a) It is unlawful for any person knowingly to own, maintain or operate a house or place where prostitution is committed.

(b) It is unlawful for any person knowingly to live in or frequent a house or place where prostitution is committed.

(c) It is unlawful for any person to solicit or procure another to engage in prostitution.

(d) It is unlawful for any person knowingly to bring together, offer to bring together, or directly or indirectly aid in bringing together, two or more other persons for the purpose of prostitution.

(e) It is unlawful for any person knowingly to transport another person into or within the city with the purpose of promoting an act of prostitution by that person, or procuring or paying for transportation for that purpose.

Section 48. Title 14, Public Peace, Safety and Morals, of Ordinance No. 130672, is hereby amended by the addition of a new section to be numbered, entitled and to read as follows:

14.44.050 Known prostitute or panderer defined. For the purpose of Section 14.44.020, a "known prostitute or panderer" is any person who, within one year prior to the date of arrest for violation of that section, has within the knowledge of the arresting officer been convicted of violating any law defining and punishing acts of soliciting, committing, or offering or agreeing to commit prostitution.

Section 49. Chapter 14.48, Obscene Material, of Title 14, Public Peace, Safety and Morals, Ordinance No. 130672, is hereby repealed and a new chapter inserted in lieu thereof, to be numbered, entitled and to read as follows:

Chapter 14.48

OBSCENE MATERIAL

Sections:

- 14.48.010 Definitions.
- 14.48.020 Places declared a nuisance.
- 14.48.030 Abatement of nuisance.

14.48.010 Definitions. As used in this Chapter, the following definitions shall apply:

(1) "Material" includes any book, magazine, pamphlet, circular, advertisement, paper, card, writing, printed matter, or copy thereof, and any still or motion picture, photograph, or negative thereof, photocopy, drawing, engraving, sound recording, figure, cast, image, instrument or article.

(2) Material is obscene if, considered as a whole, its predominant theme appeals to prurient interest and if it is patently offensive and goes substantially beyond the customary limits of candor in describing or representing such matter with reference to ordinary persons.

14.48.020 Places declared a nuisance. Exhibiting obscene material to the public for a fee, or offering to the public the sale, rental, loan or distribution of obscene material, is declared to be a public nuisance, regardless of whether such nuisance has existed, but has temporarily ceased, if there is good and sufficient cause to believe that such nuisance will be maintained in the future.

14.48.030 Abatement of nuisance. When it appears to the city attorney that a public nuisance exists under Section 14.48.020, the city attorney is authorized to institute a suit in equity in the circuit court, in the name of the city, to abate and temporarily and permanently to enjoin such nuisance.

Section 50. Section 14.92.085, Use of obusive, loud, obscene and profane language in telephone calls, of Title 14, Public Peace, Safety & Morals, Ordinance No. 130672, is hereby repealed and a new section substituted in lieu thereof, to be numbered, entitled and to read as follows:

14.92.085 Unlawful telephone calls. (a) It is unlawful for any person to communicate by telephone, or knowingly to permit a telephone under his control to be used by another, for any of the following purposes:

(1) To make any comment, request, suggestion or proposal that is abusive, lewd or obscene;

(2) To make a telephone call, whether or not conversation ensues, with or without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number;

(3) To make repeated telephone calls solely to annoy or harass any person at the called number.

(b) Any violation of this section committed by use of the telephone may be deemed to be committed either at the place from which the telephone call was made or at the place where the telephone call was received.

Section 51. Chapter 14.28, Disorderly Conduct, of Title 14, Public Peace, Safety and Morals, Ordinance No. 130672, is hereby amended by the addition of Section 14.28.330, to be entitled and to read as follows:

14.28.330 Molesting persons on streets. It is unlawful for any person by words or conduct wilfully to obstruct, molest or threaten physical harm to another person who is lawfully and peaceably using a public street or place.

Section 52 Title 14, Public Peace Safety and Morals, of Ordinance No. 130672, is hereby amended by the addition of Section 14.92.335, to be numbered, entitled and to read as follows:

14.92.335 Willful failure to appear in municipal court. If an arrested person has been issued a citation under Chapter 244, 1969 Oregon Laws, in lieu of being taken into custody, and if a complaint is filed in the municipal court alleging a violation which resulted in that arrest, it is unlawful for that person willfully to fail to appear in the municipal court at the time set in the citation or at the subsequent time to which the case has been continued by court order.

Section 53. Chapter 16.02, Definitions, of Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby amended by the addition of Section 16.02.117, to be entitled, numbered, and to read as follows:

16.02.117 House trailer. (a) "House trailer" means a trailer that is:

- (1) Of a type designed to be used upon the streets; and
- (2) Capable of being used for human habitation or of being used for business purposes; and
- (3) Twelve feet or more in overall length from the foremost point of the trailer hitch to the rear extremity of the trailer body and six feet or more in height from floor to ceiling.

(b) "House trailer" does not include a trailer that has substantially lost its identity as a vehicle by virtue of being permanently fixed in a location upon the land by foundation, attached structures and fixed pipe connections with sewer, water or other utilities. (ORS 481.022)

Section 54. Chapter 16.02, Definitions, of Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby amended by substitution of the following for Section 16.02.120, to read:

16.02.120 Implement of husbandry. "Implement of husbandry" means every vehicle designed exclusively for use in agricultural operations, excluding vehicles designed exclusively for the transportation of persons or property. (ORS 483.012 (1))

Section 55. Title 16, Vehicles and Traffic of Ordinance No. 130672, is hereby amended by repeal of Section 16.04.020 and enactment of the following in lieu thereof, to be numbered, entitled, and to read:

16.04.020 Towing of vehicles. Any vehicle found on a street, alley, lane, sidewalk, parking strip, city owned or city operated property, or a public park or other public place may be towed to the police garage or other garage or storage area designated by the traffic division of the bureau of police or the council, when:

- (1) The vehicle is parked in violation of a temporary or permanent parking restriction;
- (2) The vehicle is parked unlawfully or in a manner that may be hazardous to traffic;
- (3) The vehicle is parked on city owned or city operated property without express city permission;
- (4) The vehicle was used in committing a traffic or parking violation for which an unserved warrant or citation is on file with the clerk of the municipal court;
- (5) The vehicle has been reported stolen;
- (6) The vehicle or its contents is to be used as evidence in traffic or criminal prosecutions or in the prosecution for violations of the city's ordinances;

(7) The vehicle was in the possession of a person taken into custody by a law enforcement agency.

Section 56. Title 16, Vehicles and Traffic of Ordinance No. 130672, is hereby amended by repeal of Section 16.04.040 and enactment of the following in lieu thereof to be numbered, entitled and to read:

16.04.040 Towing and storage charges. The towing and storage charge to be paid before release of a vehicle towed away under this chapter, if towed away by a private company, shall be the charge fixed by city contract for private towing and storage, and if towed away by city tow equipment, shall be according to a schedule for towing charges and storage approved by the commissioner in charge of the bureau of police.

Section 57. Title 16, Vehicles and Traffic of Ordinance No. 130672, is hereby amended by repeal of Section 16.04.060 and enactment of the following in lieu thereof to be numbered, entitled and to read:

16.04.060 Notice to owner of towed vehicle. If the vehicle is not claimed within seven days after it is towed and placed in storage under the provisions of this chapter, the bureau of police shall mail a notice to the person whose name and address is registered with the state licensing authority as owner of the vehicle. The notice shall inform the owner of record as follows:

(1) The location of the vehicle and that it may be recovered only upon evidence that the claimant is the owner or person entitled to possession;

(2) The address and telephone number of the person, bureau or facility, or any combination thereof that may be contacted for information as to the bail and charges that must be paid or deposited before the vehicle will be released;

(3) The vehicle, if not claimed within thirty days after the first day of storage, will be subject to sale by the city or by the tow and storage facility where the vehicle is located.

Section 58 Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby amended by substitution of the following in lieu of Section 16.04.070, to read:

16.04.070 Right to sell abandoned or impounded motor vehicles and bicycles. (a) Whenever any automobile, motorcycle, or other vehicle, bicycle or part thereof, shall be taken into custody of the bureau of police or by the bureau of nuisance abatement, by reason of seizure, abandonment, by being declared a public nuisance, or for any other reason, the same shall be held at the expense and risk of the owner or person lawfully entitled to possession thereof.

(b) At any time within thirty days after any such motor vehicle, bicycle or part shall have been taken into possession by the bureau of police or by the bureau of nuisance abatement, the owner or person law-

fully entitled to possession may reclaim the same on application to the chief of police or upon application to the chief of the bureau of nuisance abatement, and satisfactory proof of ownership or right to possession, and upon payment of charges and expenses, if any, incurred in the preservation and custody of the same.

(c) On January 1 and July 1 of each year, or oftener if in his judgment it shall be necessary, the chief of police, or the chief nuisance inspector, shall transmit to the purchasing agent of the city a list of all unclaimed motor vehicles, bicycles, or parts which have been in his possession for thirty days or more, except such as are being held as evidence in any civil or criminal proceeding, together with a description thereof sufficient for identification, and the purchasing agent shall forthwith proceed to sell the same at public auction, except those vehicles having an appraised value of one hundred dollars or less which may be sold by the purchasing by negotiated sale or in accordance with the terms of any existing contract. Notice of the time and place of such auction sale shall be given by publication in the official paper of the city for a period of at least ten days prior to the date of such sale, and such property shall be sold to the highest and best bidder for cash. The proceeds of such sale shall be first applied to payment of the cost of such sale and expense incurred in the preservation and custody of such motor vehicles, bicycles or parts, and the balance, if any, shall be paid to the treasurer of the city, to be credited to the general fund.

(d) At the time of payment of the purchase price of a vehicle purchased at auction the purchasing agent shall execute a certificate of sale in duplicate, the original of which shall be delivered to the purchaser, and the copy thereof filed with the bureau of police, or the bureau of nuisance abatement, which certificate of sale shall be in substantially the following form:

"CERTIFICATE OF SALE

This is to certify that under the provisions of the Regulations of the City and pursuant to due notice of time and place of sale I did on the ____ day of _____, 19__, sell at public auction to _____ for the sum of \$_____, cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(Brief description of property)

and in consideration of the payment of said sum of \$_____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this ____ day of _____, 19__

Purchasing Agent

NOTE: The City of Portland assumes no responsibility as to condition or title of the above described property. In case this sale shall for any reason be invalid the liability of the City is limited to return of the purchase price."

(e) As often as is necessary, but not more often than once a week, the chief of police or the chief nuisance inspector shall transmit to the purchasing agent a list of all unclaimed vehicles of an appraised value of one hundred dollars or less, which have been towed and stored by or for the city and have been in storage for thirty days or longer; the purchasing agent shall, as soon as convenient, sell such vehicles in accordance with the provisions of any contract authorized by the council and pertaining thereto. If there is no such contract, the purchasing agent shall sell such vehicles at auction as above provided for.

In the event a vehicle is sold in accordance with the provisions of a contract, the purchasing agent shall at the time of the sale issue to the purchaser a certificate of sale in substantially the following form:

"CERTIFICATE OF SALE

This is to certify that under the provisions of the Traffic Regulations of the City, I did on the ____ day of _____, 19__, sell to _____ of _____ for the consideration of _____ Dollars (\$_____) the following described personal property:

(Brief description of property)

Dated this ____ day of _____ 19__

Purchasing Agent

NOTE: The City of Portland assumes no responsibility as to condition or title of the above described property. In case this sale shall for any reason be invalid, the liability of the City is limited to return of the purchase price."

(f) At any time within two years after either such sale, the owner of any property sold as herein provided shall be entitled to have the balance of the proceeds of such sale paid to him out of the general fund upon making application therefor to the council and presenting satisfactory proof of ownership.

(g) This title shall apply to all motor vehicles, bicycles and parts thereof now in possession of the bureau of police or the bureau of nuisance abatement as well as to all such as may hereafter be taken into possession.

Section 59. Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby amended by substitution of the following for Section 16.10.010, to read:

16.10.010 Authority to erect and maintain. Subject to such authority as may be vested in the State Highway Commission, the bureau of traffic engineering shall cause appropriate signs to be erected and maintained designating business and residence districts and railway or interurban railway grade crossings and such other signs, markings and traffic control signals as may be deemed necessary to direct and regulate traffic and to carry out the provisions of this title, and such additional signs as may be appropriate to give notice of local parking, and other special regulations. The erection and maintenance of such signs, markings and signals within the city by the bureau of traffic engineering, or by the traffic division of the bureau of police under direction of the traffic engineer, shall be deemed an administrative act to be performed under the authority granted by the laws of the state and the provisions of this title.

Section 60. Chapter 16.12 of Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby amended by substitution of Sections 16.12.010 and 16.12.020, to be numbered, entitled and to read as follows:

16.12.010 Driving while under the influence of liquor or drugs.

(a) It is unlawful for any person, while being under the influence of intoxicating liquor, dangerous drugs or narcotic drugs, to drive any vehicle upon any street. A person who violates this section shall be punished, upon conviction, by imprisonment in the city jail for not more than six months, or by a fine of not more than five hundred dollars, or both.

(b) As used in subsection (a) of this section, "dangerous drugs" means any drug designated a dangerous drug by the Drug Advisory Council under section 689.660, Oregon Revised Statutes. (ORS 483.992(2) and (3))

16.12.020 Reckless driving. It is unlawful for any person to drive any vehicle upon a street carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others. Any person who violates this section is guilty of reckless driving and shall be punished:

(1) Upon conviction, by imprisonment in the city jail for not more than ninety days, or by a fine of not more than five hundred dollars or both;

(2) Upon a second or subsequent conviction, by imprisonment for not more than six months, or by a fine of not more than five hundred dollars, or both.

Section 61. Title 16, Vehicles and Traffic of Ordinance No. 130672, is hereby amended by enactment of a new section to be entitled, numbered and to read as follows:

16.12.110 Driving in careless manner. (a) It is unlawful for any

person to operate a vehicle on a street in a careless manner. As used in this section, "a careless manner" means a manner that endangers or would be likely to endanger any person or property.

(b) A police officer may arrest or issue a citation to a person for violation of subsection (a) of this section only if the offense was committed in his presence.

(c) A person convicted of violating subsection (a) of this section shall be punished, upon conviction, by imprisonment in the city jail for not more than sixty days or by a fine of not more than two hundred fifty dollars, or both. (ORS 483.343)

Section 62. Section 16.16.070, of Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby amended by repeal of subsection (c) and enactment of a new subsection in lieu thereof to read as follows:

Section 16.16.070 Speed limits of solid tired vehicles of specified tire widths. * * *

(c) Motor trucks, when equipped with pneumatic tires, shall be subject to the provisions of Section 16.16.010 of this title; but the maximum speed for such trucks on any street shall be fifty miles per hour, except that on an interstate highway on which a speed, greater than the speed designated by subdivision (3) of Section 16.16.020 of this title has been designated under Sections 483.106 or 483.108, Oregon Revised Statutes, the maximum speed for such trucks shall be sixty miles per hour. As used in this subsection, "interstate highway" means a highway that is part of the National system of Interstate and Defense Highways established pursuant to Section 103(d), title 23, United States Code. This subsection does not apply to ambulances or hearses.

Section 63. Section 16.18.030, of Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby repealed and a new section enacted in lieu thereof to be numbered, entitled and to read as follows:

16.18.030 Turning around prohibited. The driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction:

- (1) Upon any curve or upon the approach to or near the crest of a grade;
- (2) Upon any street between intersections;
- (3) Where by the placing of markers, buttons or signs reverse turns have been prohibited by the bureau of traffic engineering acting in behalf of the city;
- (4) At an intersection within the metropolitan traffic district;
- (5) At an intersection where by sign or signal traffic in any direction is required to stop; or
- (6) At any place upon a street where the view of such vehicle is obstructed, in either direction, within a distance of five hundred feet along the street. (ORS 483.318)

Section 64. Section 16.24.050 of Title 16, Vehicles and Traffic of Ordinance No. 130672, is hereby repealed and a new section enacted in lieu thereof to be numbered, entitled and to read as follows:

16.24.050 Limitations on privilege of overtaking and passing.

(a) The driver of a vehicle shall not drive to the left side of the center line of a street in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without impeding the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

(b) The driver of a vehicle shall not in any event drive to the left side of the center line of a street:

(1) When approaching the crest of a grade or upon a curve in the street where the driver's view along the highway is obstructed within such a distance as to constitute a hazard if another vehicle should approach from the opposite direction; or

(2) Upon any street of sufficient width for four or more lanes of moving traffic unless more than two of such four lanes are at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(c) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any railway or interurban railway grade crossing or at any intersection of streets, unless such movement can be made in safety. (ORS 483.308)

Section 65. Chapter 16.24 Rules of the Road of Title 16, Vehicles and Traffic, Ordinance No. 130672, is hereby amended by repeal of Sections 16.24.120, 16.24.130 and enactment of new sections in lieu thereof to be numbered, entitled and to read as follows:

16.24.120 Right-of-way at intersections. (a) The driver of a vehicle entering a freeway or other arterial street where an acceleration or merging lane is provided for his use shall look out for and give right of way to vehicles on the freeway or other arterial street.

(b) Drivers, when approaching other uncontrolled street intersections, shall look out for and give right of way to vehicles on the right, simultaneously approaching a given point, whether such vehicle first enters and reaches the intersection or not.

(c) Subsections (a) and (b) of this section do not apply to any intersection where and when traffic is controlled by traffic control signals, signs or police officers. Any driver entering an intersection at an unlawful speed shall forfeit any right of way he would otherwise have under subsection (a) or (b) of this section.

(d) The driver of any vehicle who has stopped or who has yielded the right of way as required by an official traffic sign at the entrance to a through street shall yield to the other vehicles within the intersection or approaching so closely on the through street as to constitute an immediate hazard. Having so yielded, such driver may proceed, and other vehicles approaching the intersection on the through street shall yield to the vehicle so proceeding into or across the through street.

(e) The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. Having so yielded, such driver may proceed, and other vehicles approaching the intersection on the through street shall yield to the vehicle so proceeding into or across the through street.

16.24.130 Entering street from private road. (a) Having properly signaled as required by Section 16.18.020 of this title, the driver of a vehicle making a left turn to enter a private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard.

(b) The driver of a vehicle entering a street from a private road or drive shall stop and yield the right-of-way to all vehicles approaching on such street.

(c) This section does not apply where traffic control signals or other traffic control devices required, authorized or installed by public authority indicate that the driver may proceed without stopping.

Section 66. Title 16, Vehicles and Traffic of Ordinance No. 130672, is hereby amended by repeal of Section 16.26.120 and enactment in lieu thereof of a new section to be numbered, entitled and to read as follows:

16.26.120 Obstructing operation of a vehicle. (a) No driver shall operate a vehicle:

(1) Which is so loaded as to obstruct his view to the front or sides or to interfere with his control or with the driving mechanism of the vehicle.

(2) When he has in his lap or in his embrace another person, baggage or encumbrance which prevents the free and unhampered operation of such motor vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's or operator's view ahead or to the sides, or to interfere with the driver's or operator's control of the driving mechanism of the vehicle.

(c) No person shall operate a vehicle on a highway while towing a house trailer, as defined by Section 16.02.117 of this title, containing a passenger.

Section 67. Subsection (a) of Section 16.28.150, Title 16, Vehicles and Traffic, Ordinance No. 130672, by substitution of the following to read:

16.28.150 Warning Lights. (a) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing and, when so equipped, may display such warning in addition to any other warning signals required by this title, subject to the following:

(1) The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights. These warning lights shall be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night. Such warning lamps shall not be used in lieu of flares as required by Section 16.28.240.

(2) In lieu of the lamps described in subdivision (1) of this subsection, a vehicle operated by the state, or any county, city, district or other political subdivision of the state, and used for the construction, improvement, repair, maintenance, operation or patrol of a public highway, road or street, may be equipped with a lamp that flashes an amber light, either of a revolving beam or a stationary type, visible from a distance of not less than five hundred feet under normal atmospheric conditions at night. The lamp may be used during the day or at night.

(3) In lieu of the lamps described by subdivisions (1) or (2) of this subsection, a vehicle that is operated by any state, county or city police officer and used for law enforcement may, when equipped with warning lamps, be equipped with one or more blue revolving or stationary type flashing lamps visible from a distance of not less than one thousand feet under normal atmospheric conditions at night. The lamps may be used during the day or at night. Except as provided by this subdivision, a blue warning lamp shall not be displayed on any vehicle.

Section 68. Subsection (b) of Section 16.28.240, Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby amended to read as follows:

16.28.240 Flares and other warnings for trucks and busses.

* * *

(b) Whenever any motor truck, motor bus or truck trailer is disabled during the period when lighted lamps must be displayed on vehicles and such vehicle cannot immediately be removed from the main-traveled portion of a street outside of a business or residence district, the driver or other person in charge of the vehicle shall cause such flares, lanterns or other signals to be lighted and placed upon the highway where they are clearly visible to the drivers of approaching vehicles for a distance of five hundred feet, one at a distance of not less than one hundred feet or more than three hundred feet in advance of such vehicle, one at a distance of not less than one hundred feet or more than three hundred feet to the rear of the vehicle, and the third upon the roadway side of the vehicle. However, every such vehicle transporting inflammable liquid in bulk, whether loaded or empty, and every such vehicle transporting compressed inflammable gases, shall place three red electric lanterns in lieu of such other signals, and no open burning flare shall be placed adjacent to any such vehicle.

Section 69. Subsection (h) of Section 16.28.300 of Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby amended to read as follows:

16.28.300 Coupling devices.

* * *

(h) it is unlawful to use or attempt to use any coupling device determined to be inadequate by the Oregon Workmen's Compensation Board pursuant to ORS 483.508(8).

Section 70. Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby amended by addition of a new section to be numbered, entitled and to read as follows:

16.28.305 Air pollution control devices. It is unlawful for any person to disconnect or permit to be disconnected a factory-installed motor vehicle air pollution control device, or to knowingly and wilfully permit such device to become or remain inoperative. (ORS 449.845)

Section 71. Section 16.28.360, of Title 16, Vehicles and Traffic, Ordinance No. 130672, is hereby amended by adding subsection (d) to read as follows:

16.28.360 Emblems on slow moving vehicles.

* * *

(d) It is unlawful for any person to use a slow moving vehicle emblem except in conformity with this section. (ORS 483.457)

Section 72. Chapter 16.28 Equipment, of Title 16, Vehicles and Traffic, Ordinance No. 130672, is hereby amended by adding thereto a new section to be numbered, entitled and to read as follows:

16.28.370 Tampering with odometers. (a) It is unlawful for any person to advertise for sale, sell, use or install on any part of a motor vehicle or on any odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this subsection the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's design tolerance.

(b) It is unlawful for any person, with intent to defraud, to operate a motor vehicle on any street knowing that the odometer of such vehicle is disconnected or nonfunctional.

(c) It is unlawful for any person to replace, disconnect, turn back or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge.

(d) This section does not apply to the disconnecting of the odometer of a new motor vehicle being driven from the premises of the manufacturer, distributor or dealer to the premises of another manufacturer, distributor or dealer, incident to the sale of the motor vehicle. (ORS 646.860)

Section 73. Subdivision (2) of Section 16.30.060, Title 16, Vehicles and Traffic, Ordinance No. 130672, is hereby amended to read as follows:

16.30.060 Maximum axle, wheel and gross weights.

* * *

(2) Subject to the limitations of subdivision (1) and 16.30.060 (3) E. of this section, no vehicle or combination of vehicles used to transport logs, poles or piling shall have a gross weight exceeding:

- A. 9,500 pounds on any individual wheel,
- B. 20,000 pounds on any axle, except on any part of the Federal Interstate Highway System, the weight shall not exceed 19,000 pounds,
- C. 34,000 pounds on any tandem axles,
- D. 37,000 pounds on any group of axles consisting of the rear single axle of a truck tractor and the single axle of a pole trailer or semitrailer or consisting of the rear single axle of a motor truck and the front axle of a trailer.
- E. 50,000 pounds on any group of axles consisting of the rear single axle of a truck tractor and the tandem axles of a pole trailer or semitrailer, or consisting of the rear tandem axles of a truck tractor and the single axle of a pole trailer or semitrailer or consisting of the rear tandem axles of a motor truck and the front axle of a trailer.

Section 74. Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby amended by repeal of Section 16.30.070 and enactment in lieu thereof of a new section to read as follows:

16.30.070 Sifting or leaking loads. (a) Except as provided in subsection (b) of this section, it is unlawful to drive or move any vehicle upon a street unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

(b) Upon receipt of an application, the commissioner in charge of the bureau of traffic engineering, acting on behalf of the city council, shall grant a written permit for the operation over streets within the city of vehicles transporting food processing plant by-products to be used for livestock feed from which there is fluid leakage. Such permits shall be issued for a maximum period of sixty days and shall be revocable if it is found by the commissioner in charge that the amount or character of the fluid leakage is such that it constitutes a danger to other vehicles. Revocation of a permit issued under this subsection may be appealed to the city council. This subsection shall have no effect after December 31, 1972. (ORS 483.510)

Section 75. Section 16.34.010 of Title 16, Vehicles and Traffic, of Ordinance No. 130672, is hereby amended by repealing subsection (e) and enacting a new subsection in lieu thereof, to read as follows:

16.34.010 Right-of-way.

* * *

(e) Every pedestrian crossing a street at any place other than a marked or unmarked crosswalk shall yield the right of way to vehicles upon the street. However, it is unlawful for a pedestrian to cross a street, other than in a marked or unmarked crosswalk, if the street is between controlled intersections described in Section 16.34.020, or if there is a marked or unmarked crosswalk within a distance of one hundred fifty feet. Notwithstanding Section 16.02.060, where a crosswalk is marked specifically as a school crossing on one side of an intersection, a pedestrian may use an unmarked crosswalk on the opposite side of the intersection.

Section 76. Title 17, Public Improvements, of Ordinance No. 130672, is hereby amended by substitution of the following for Section 17.08.050, to read:

17.08.050 Committee on proposed improvements. The committee on proposed improvements shall consist of the commissioner of public works, commissioner of public affairs, city auditor and city treasurer. It shall review proposed local improvements when the delinquency in taxes or city liens in the local district is ten percent or more; or when the signers of the petition for the proposed improvement represent less than sixty percent by area of the property; or when the cost will exceed the bonding ability. The committee shall consider the necessity of the improvement as well as the ability of the property owners to pay therefor. Upon completion of its review, the committee shall submit its recommendations to the council.

Section 77. Title 17, Public Improvements, of Ordinance No. 130672, is hereby amended by substitution of the following for Section 17.24.020, to be numbered and to read:

17.24.020 Fees. If a larger fee is required elsewhere in this title for any class of permit, the following fees shall apply, otherwise the following fees shall be paid for permits unless the council by ordinance or resolution has granted a specific permit for a different fee.

- | | |
|--|---------|
| (1) Any permit, minimum charge | \$ 1.00 |
| (2) Sidewalk, curb, driveway permit, minimum charge | 2.50 |
| (3) Concrete curb construction or replacement, per lineal ft. | .07 |
| (4) Sidewalk construction, per square foot | .04 |
| (5) Sidewalk repair, per square foot | .02 |
| (6) Driveway construction within street area, per sq. ft. | .05 |
| (7) Driveway repair within street area, per sq. ft. | .03 |
| (8) Sewer connections (less than 100 feet of pipe) | 5.00 |
| (Sewer connections involving more than 100 feet of pipe shall be deemed an improvement under permit) | |
| (9) Parking lot painted strip, barricade or fence | 1.00 |
| (10) Public utility manhole structures less than 5 ft. by 5 ft. | 5.00 |
| Larger than 5 ft. by 5 ft. | 20.00 |
| Other utility underground construction | 5.00 |
| (This shall not apply to pipe lines, conduits, cables or services, the construction of which is authorized by franchise) | |
| (11) Moving buildings, minimum charge | 20.00 |
| One story buildings, per sq. ft. of outside dimension building area | .03 |
| plus .01 per sq. ft. per mile or fraction thereof that the building is actually to be moved. | |

Two story buildings, per sq. ft. of outside dimension building area on 1st floor	\$.04
plus .02 per sq. ft. per mile or fraction thereof of the two story building is actually to be moved.	
Three story buildings, per sq. ft. of outside dimension area of first floor of building	.05
plus .03 per sq. ft. per mile or fraction thereof that the three story building is actually to be moved.	
Buildings over three stories, per sq. ft. of outside dimension of first floor	.12½
plus the amount required under engineer's estimate of cost to city of issuing permit, investigating and supervising the move.	

If work is commenced on a project requiring a permit under this title without first securing such permit, the fee shall be double the fee established above, unless the city engineer determines that it was not reasonably possible to obtain the permit before commencing such work. Payment of the fee, however, shall in no way relieve or excuse any person from penalties imposed for violation of this title.

Section 78. Title 17, Public Improvements, of Ordinance No. 130672, is hereby amended by substitution of the following Section 17.28.140 to be numbered and to read:

17.28.140 City charges for construction or repair of sidewalks, curbs and driveways. The charge to be made for city construction, reconstruction or repair of sidewalks, curbs and driveways, shall be determined as follows:

- (1) Sidewalk
 - First 18 square feet or less, flat rate \$30
 - Next 90 square feet, per square foot \$1.10
 - Next 108 square feet, per square foot \$1.00
 - All additional square footage, per square foot 90¢
- (2) Driveway
 - First 12 square feet or less, flat rate \$30
 - Next 60 square feet, per square foot \$1.65
 - Next 72 square feet, per square foot \$1.50
 - All additional square footage, per square foot \$1.35
- (3) Curb
 - First seven linear feet or less, flat rate \$30
 - Next 29 linear feet, per foot \$2.75
 - Next 54 linear feet, per foot \$2.50
 - All additional linear footage, per foot \$2.25
- (4) Combination Jobs

When a job includes any combination of the above types of work, the basic charge set forth above shall apply to the type with the greatest amount of work, and the other type of work in the combination shall be charged on a unit basis as follows:

Sidewalk

First 81 square feet or less, per square foot \$1.10
 Next 108 square feet, per square foot \$1
 All additional square footage, per square foot 90¢

Driveway

First 54 square feet or less, per square foot \$1.65
 Next 72 square feet, per square foot \$1.50
 All additional square footage, per square foot \$1.35

Curb

First 27 linear feet or less, per foot \$2.75
 Next 54 linear feet per foot \$2.50
 All additional linear footage, per foot \$2.25

- (5) Removal of Tree Roots, Measured by Ground Area Disturbed
 First 99 square feet, per square foot 35¢
 All additional square footage, per square foot 30¢
- (6) Special Excavation Charge
 Per cubic yard \$10
- (7) Special Fill Material Charge
 per cubic yard \$3
- (8) Special Structural Jobs shall be charged as provided for in Title 5.
 Determination of whether a job is of special structural type shall
 be solely within the discretion of the city engineer.

Section 79. Chapter 17.68, Street Lights, of Title 17, Public Improvements, Ordinance No. 130672, is hereby amended by repeal of subsection (c) of Section 17.68.020 and enactment of a new subsection in lieu thereof to read as follows:

17.68.020 Private.

* * *

(c) Private street lights shall be separated by not less than forty feet on the same side of any street unless a lesser distance is approved by the bureau of lighting, utility rates and use and by the city engineer because of particular design and environmental requirements. The height above the street grade and the exact location must be approved by the bureau of lighting, utility rates and use and by the city engineer before issue of the permit.

Section 80. Title 20, Parks and Recreation, of Ordinance No. 130672, is hereby amended by repeal of Section 2-.12.340 and enactment of a new section in lieu thereof to read as follows:

20.12.340 Trespassing on golf links. It is unlawful for any person, other than an officer on lawful business, a park employee, or a 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 shall be 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 forebear trespassing on the golf links, archery course, lands or premises, shall be held and deemed to be sufficient prima facie evidence of notice.

Section **81.** Chapter 20.16, Civic Auditorium Rental Charges, of Title 20, Parks and Recreation, is hereby amended by addition of a section to be numbered, entitled and to read as follows:

20.16.040 Services of ticket seller. The manager of the civic auditorium is hereby authorized to provide services of a ticket seller, together with facilities necessary for advance ticket sales, at such times as may be requested by renters of the civic auditorium. Charges for such services shall equal three percent of the total value of the tickets sold by the auditorium ticket seller for each performance, but shall, in no event, be less than forty-five dollars nor more than three hundred dollars for each performance. All monies received by the ticket seller of the civic auditorium for the sale of tickets shall be deposited each day in a special bank account to be opened by the city treasurer in the name of the city of Portland, civic auditorium. Upon the conclusion of the ticket sale for each attraction, an accounting of tickets sold by the ticket seller of the civic auditorium shall be presented to the renter of the auditorium facilities, together with a check, drawn on the special bank account, in the total amount of monies deposited in his behalf according to such accounting. Disbursements from the special bank account shall be by check signed by the city treasurer or deputy city treasurer or such other person designated by the city treasurer. Charges for the services of a ticket seller shall be presented to the renter and paid in the same manner as provided for other charges in 20.16.030. An accounting, in detail, of the deposits to and the checks issued upon the special bank account shall be prepared and forwarded to the city treasurer.

Section **82.** Chapter 20.28 Oaks Pioneer Park Museum, of Title 20, Parks and Recreation, of Ordinance No. 130672, is hereby repealed and a new Chapter enacted in lieu thereof to be numbered, entitled and to read as follows:

Chapter 20.28
CIVIC STADIUM RENTAL CHARGES

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. (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 ten 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:

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.

(c) CLASS II For events sponsored solely by a non-profit, religious, charitable or educational organization where admissions are collected through memberships, season tickets, or otherwise and where all profits are used solely for a charitable cause, no rent shall be charged but sponsor shall reimburse for the direct expenses of the event incurred by the city to include but not 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 For 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: one thousand dollars for the first day plus seven hundred fifty dollars for each additional day, plus reimbursement for the direct expenses of the event incurred by the city to include but not 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.

(4) CLASS IV For events free and open to the public which are sponsored solely by a non-profit, religious, charitable, political or education organization, and at which no collections are taken in the stadium or any portion thereof in any form or manner, no rent will be charged but the sponsor shall reimburse for the direct expenses of the event incurred by the city to include but not limited to the following:

A. Wages and payroll expenses of 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.

(b) Basic rental charges set forth above for each CLASS I, CLASS II, CLASS III and CLASS IV 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) Unless the commissioner in charge or the council take action otherwise, the manager of the stadium is authorized to issue permits for the use of the stadium subject to the 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 one hundred thousand dollars for personal injury to each person, three hundred thousand dollars for each accident or occurrence, and fifty thousand dollars for property damage; such insurance shall be without prejudice to coverage otherwise existing and shall name as additional insureds the city, its officers, agents and employees. Evidence of such insurance shall be furnished the auditor of the city prior to the event and 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 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 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 the 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 or 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, or by direction of the council, 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 undue interruption of the availability of the facility for 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 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.

Section 83. Title 24, Building Regulations, is hereby amended by enactment of a new chapter to be numbered, entitled and to read as follows:

Chapter 24.100
GLASS AND GLAZING

Sections:

- 24.100.010 Scope of Chapter.
- 24.100.020 Identification.
- 24.100.030 Area Limitations.
- 24.100.040 Glazing.
- 24.100.050 Louvered windows.
- 24.100.060 Human Impact

24.100.010 Scope of chapter. (a) General. The provisions of this chapter shall apply to:

- (1) Exterior glass and glazing in all occupancies except Groups H, I and J not over three stories in heights; and
- (2) Interior and exterior glass and glazing in all occupancies subject to human impact as specified in Section 24.100.060.
- (b) Standards. Standards for materials shall be as specified in this chapter and U.B.C. Standard No. 54-1-67.
- (c) Other provisions. See Part V of this title for additional glass requirements where openings are required to be fire protected and Section 24.100.040 for openings glazed with plastics.

24.100.020 Identification. Each light shall bear the manufacturer's label designating the type and thickness of glass. Each light with special performance characteristics such as laminated, heat-strengthened, fully tempered, or insulated shall bear the manufacturer's identification showing the special characteristic and thickness by etching or other permanent identification that shall be visible after the glass is installed.

EXCEPTION: When approved by the building inspections director, labels may be omitted from other than special performance glass provided an affidavit is furnished by the glazing contractor certifying that each light is glazed in accordance with approved plans and specifications.

24.100.030 Area limitations. Exterior glass and glazing shall be capable of safely withstanding the loads set forth in Section 24.46.070 (b) acting inward or outward. The area of individual lights shall be not more than set forth in Table No. 54-A or as adjusted by Table No. 54-B.

24.100.040 Glazing. Glass firmly supported on all four edges shall be glazed with minimum laps and edge clearances set forth in Table No. 54-C. For glass not firmly supported on all four edges, design shall be submitted to building inspections director for approval. Glass supports shall be considered firm when deflection of the support at design load does not exceed one, one hundred seventy-fifth of the span.

24.100.050 Louvered windows. Regular plate, sheet, or patterned glass in jalousies and louvered windows shall be no thinner than nominal seven thirty seconds inch and no longer than forty-eight inches. When other glass types are used, design shall be submitted to the building inspections director for approval. Exposed glass edges shall be smooth. Wired glass with wire exposed on longitudinal edges shall not be used in jalousies or louvered windows.

24.100.060 Human impact. Glazing in locations which may be subject to human impact such as frameless glass doors, glass entrance and exit doors, fixed glass panels, sliding glass doors, shower doors, and tub enclosures shall meet the requirements set forth in Table No. 54-D or No. 54-E.

- EXCEPTIONS:
- (1) Glass lights located not less than eighteen inches above the adjacent finished floor walking surface;
 - (2) Glass lights when the least dimension is no greater than eighteen inches;
 - (3) Glass lights when by comparative tests are proven to produce equivalent performance as those set forth in Tables No. 54-D and No. 54-E.